



STATE OF NEW JERSEY
Board of Public Utilities
Two Gateway Center
Newark, NJ 07102
www.nj.gov/bpu/

CABLE TELEVISION

IN THE MATTER OF COMCAST CABLE)
COMMUNICATIONS, LLC REQUEST FOR WAIVER,) ORDER
AS WITHIN TIME, OF THE 30-DAY NOTICE PERIOD FOR)
FILING OF AN ALTERATION IN CHANNEL ALLOCATION)
PURSUANT TO N.J.A.C. 14:18-3.17(A) AND (B)) DOCKET NO. CO08110983

(SERVICE LIST ATTACHED)

BY THE BOARD:

By letter dated November 12, 2008, Comcast Cable Communications, LLC (Comcast or Petitioner), sought a Board waiver, as within time, of the 30-day notice period for the filing of a notice of an alteration in channel allocation pursuant to N.J.A.C. 14:18-3.17 (a) and (b).

The particular channel affected is the NBA PREVIEW CHANNEL provided by In Demand and carried on channel 750, as part of the Digital Classic programming tier in all systems but the Somerset system, operated by Comcast of Central New Jersey II, LLC, where it is shown on channel 640.

On November 5, 2008, Comcast was notified by In Demand that, effective November 10, 2008, the NBA PREVIEW CHANNEL would be discontinued. In its place, In Demand notified Comcast that it would launch a pay-per-view channel effective November 11, 2008 to be used for the NBA LEAGUE PASS PPV subscription package. This channel is available on channel 760 in all systems except in Somerset, where the channel will be channel 650.

Comcast respectfully seeks a waiver pursuant to N.J.A.C. 14:18-3.17(C) of the Board's 30-day notice requirement with respect to the deletion of the NBA PREVIEW CHANNEL effective November 10, 2008.

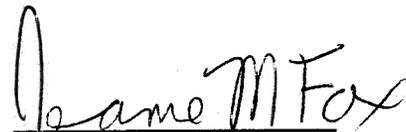
Comcast states that municipal officials were notified of the change by mail on November 7, 2008, and subscribers were notified on or about November 11, 2008 via newspaper notices, and followed by bill messages.

N.J.A.C. 14:18-3.17 (a) and (b) require each cable company to notify the OCTV, subscribers and municipalities of any channel deletions at least 30 days prior to the effective date of the deletion. N.J.A.C. 14:18-3.17 (c) (3) provides for the relaxation of the time for providing notification when the programming service has been discontinued or withdrawn by the provider in such a way as to leave the cable operator without sufficient time to comply. To fall under this relaxation clause, the cable television operator must "provide the required notice at the earliest possible date". Based upon this regulation, Petitioner seeks a waiver, as within time, of the 30-day notice requirements of N.J.A.C. 14:18-3.17 because Petitioner was unable to provide sufficient notice to the OCTV, subscribers and municipalities prior to the deletion based upon the lack of notice provided by the program provider.

Having reviewed this matter, the Board HEREBY FINDS that the waiver is appropriate under the present circumstances, based upon actions outside the control of the cable company. Comcast has notified the Board, subscribers and affected municipalities of the deletion of service at the earliest date possible. Therefore, the Board HEREBY APPROVES, as within time, Petitioner's request for a waiver of the alteration in channel allocation filing requirements as permitted under N.J.A.C. 14:18-3.17(c) (3).

DATED: 2/11/09

BOARD OF PUBLIC UTILITIES
BY:


JEANNE M. FOX
PRESIDENT

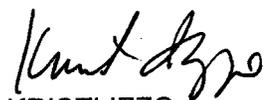

FREDERICK F. BUTLER
COMMISSIONER


JOSEPH L. FIORDALISO
COMMISSIONER

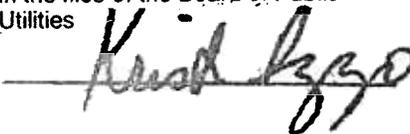

NICHOLAS ASSELTA
COMMISSIONER


ELIZABETH RANDALL
COMMISSIONER

ATTEST:


KRISTI IZZO
SECRETARY

I HEREBY CERTIFY that the within document is a true copy of the original in the files of the Board of Public Utilities



SERVICE LIST

IN THE MATTER OF COMCAST CABLE COMMUNICATIONS, LLC REQUEST FOR WAIVER, AS WITHIN TIME, OF THE 30-DAY NOTICE PERIOD FOR FILING OF AN ALTERATION IN CHANNEL ALLOCATION PURSUANT TO N.J.A.C. 14:18-3.17(A) AND (B)

DOCKET NO. CO08110983

Dennis C. Linken, Esq.
Stryker, Tams & Dill, LLP
Two Penn Plaza East
Newark, NJ 07102

Celeste M. Fasone, Director
Charles A. Russell, Esq., Deputy Director
Office of Cable Television
Board of Public Utilities
Two Gateway Center
Newark, NJ 07102

Jessica Campbell,
Kenneth J. Sheehan
Deputy Attorneys General
State of New Jersey
Division of Law
124 Halsey Street
Newark, NJ 07102

William H. Furlong, Chief
Bureau of Inspection & Enforcement
Office of Cable Television
Board of Public Utilities
Two Gateway Center
Newark, NJ 07102

Lawanda Gilbert, Esq.
Legal Specialist
Board of Public Utilities
Two Gateway Center
Newark, NJ 07102

Nueva D. Elma, Chief
Bureau of Accounts
Office of Cable Television
Board of Public Utilities
Two Gateway Center
Newark, NJ 07102