



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 OF CENTRAL NEW)
JERSEY II, LLC REQUEST FOR WAIVER, AS WITHIN) ORDER
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. CO10030190

Dennis C. Linken, Esq., Stryker, Tams & Dill, Newark, New Jersey, for Petitioner

BY THE BOARD¹:

By letter dated March 12, 2010 and filed with the Board of Public Utilities ("Board" or "BPU"), Comcast of Central New Jersey II, 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).

Comcast maintains that the waiver request is necessary, because Petitioner did not have sufficient time to comply with the 30-day notice requirement. According to Comcast, on March 6, 2010, Herring Broadcasting, one of its programming suppliers, unilaterally and without warning ceased providing The Wealth TV channel programming, previously carried on channel 170 on Comcast's Digital Service Tier. Consequently, Comcast was unable to provide notice 30 days in advance, in accordance with N.J.A.C. 14:18-3.17 (a) to the Office of Cable Television ("OCTV"). Nor was Comcast able to provide notice to affected municipalities and subscribers at least 30 days prior to the effective date of the change, as required under N.J.A.C. 14:18-3.17 (b).

Comcast asserts that immediately thereafter notice was provided to the Board and subscribers were notified of the program deletion via on-screen notices and subsequently by bill messages. Municipal officials were notified of the change by mail on or about March 8, 2010. The deletion of The Wealth TV channel was not accompanied by a rate change in any service provided to current Comcast subscribers.

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.

¹ Commissioner Elizabeth Randall did not participate in this matter.

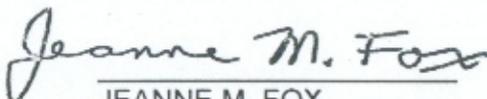
N.J.A.C. 14:18-3.17 (c) (3) provides for the relaxation of the time for providing notification when the programming service has been discontinued or withdrawn by the provider in such a manner as to leave the cable television operator without sufficient time to comply. Additionally, the cable television operator must "provide the required notice at the earliest possible date."

Having reviewed this matter, the Board HEREBY FINDS that the waiver is appropriate under the present circumstances. Comcast was notified of the deletion by the programming supplier with insufficient time to comply with the required 30 days prior notice, but informed 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 previously described.

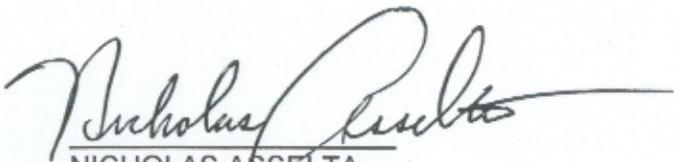
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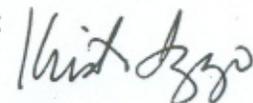
BOARD OF PUBLIC UTILITIES
BY:


LEE A. SOLOMON
PRESIDENT

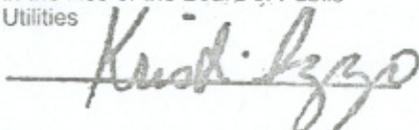

JEANNE M. FOX
COMMISSIONER


JOSEPH L. FIORDALISO
COMMISSIONER


NICHOLAS ASSELTA
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 OF CENTRAL NEW JERSEY II, 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. CO10030190

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