



Agenda Date: 3/22/07
Agenda Item: III B

State of New Jersey
Board of Public Utilities
Two Gateway Center
Newark, NJ 07102
www.bpu.state.nj.us

IN THE MATTER OF TIME WARNER CABLE)
REQUEST FOR WAIVER, AS WITHIN TIME, OF THE) CABLE TELEVISION
30-DAY NOTICE PERIOD FOR FILING OF AN)
ALTERATION IN CHANNEL ALLOCATION PURSUANT) ORDER
TO N.J.A.C. 14:18-3.17(a) AND (b)) DOCKET NO. CO07010016

(SERVICE LIST ATTACHED)

BY THE BOARD:

By letter dated January 5, 2007, Time Warner Cable (Time Warner or Petitioner), filed a request with the Board (Board) for a waiver, as within time, of the thirty (30) day notice period for the filing of an alteration in channel allocation pursuant to N.J.A.C. 14:18-3.17(a) and (b).

Time Warner claims the waiver is necessary because it was not given sufficient time to comply with the 30-day notice requirement. According to Time Warner, it was notified on January 4, 2007 by its programming contractor, The Home Shopping Network (HSN) that America's Store, a Digital tier program carried on channel 135, would cease broadcasting effective February 3, 2007.

Time Warner asserts that the decision to delete the programming was made by HSN, and was therefore beyond Petitioner's control. Time Warner also claims that it did not receive the service discontinuance notice in sufficient time to alert the Office of Cable Television (OCTV), its customers and municipal officials within the prescribed 30-day notice period.

Time Warner asserts that on January 5, 2007, subscribers were notified via on-screen notices, and municipal officials were notified by mail of the change. On the same date, Petitioner notified OCTV of the channel deletion.

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for the relaxation of the time for providing notification when the programming service has been discontinued or withdrawn by the provider in such a manner as to leave the cable television operator without sufficient time to comply. In addition to this requirement, 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.

The deletion of the America's Store channel will have no effect on any service rate to current Time Warner subscribers.

Having reviewed this matter, the Board HEREBY FINDS that the waiver is appropriate under the present circumstances. Time Warner was notified of the deletion by the programming supplier with insufficient time to comply with the required 30 days prior notice, but acted to inform the Board, subscribers and affected municipalities of the impending deletion of service at the earliest date possible. Therefore, the Board HEREBY APPROVES, Petitioner's request for a waiver, as within time, of the alteration in channel allocation filing requirements as previously described.

DATED: 3/22/07

BOARD OF PUBLIC UTILITIES
BY:



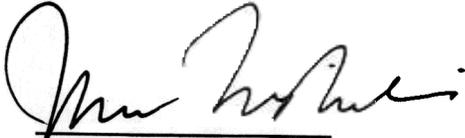
JEANNE M. FOX
PRESIDENT



FREDERICK F. BUTLER
COMMISSIONER



CONNIE O. HUGHES
COMMISSIONER

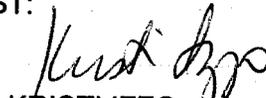


JOSEPH L. FIORDALISO
COMMISSIONER



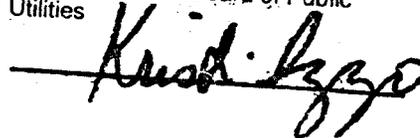
CHRISTINE V. BATOR
COMMISSIONER

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



**TIME WARNER CABLE
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 CO07010016

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