



Agenda Date: 6/14/07
Agenda Item: III A

**State of New Jersey
Board of Public Utilities**

Two Gateway Center
Newark, NJ 07102
www.bpu.state.nj.us

CABLE TELEVISION

IN THE MATTER OF TIME WARNER CABLE)
REQUEST FOR WAIVER, AS WITHIN TIME, OF THE) ORDER
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)) BPU DOCKET NO. CO07050307

(SERVICE LIST ATTACHED)

BY THE BOARD

By letter dated April 27, 2007, Time Warner Cable (TWC or Petitioner), filed a request with the Board for a waiver, as within time, of the thirty (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).

TWC claims that the waiver is necessary because it was not given sufficient time to comply with the 30-day notice requirement. According to TWC, it was notified at or around April 27, 2007 by its programming contractor, the Black Family Channel, a Digital tier program carried on channel 152, that it would cease broadcasting effective May 1, 2007.

The decision to delete the programming, TWC maintains, was made by the Black Family Channel, and was therefore beyond its control. Thus, TWC also claims that it did not receive the service discontinuance notice in sufficient time to alert the Office of Cable Television (OCTV) and its customers and municipal officials within the prescribed 30-day notice period.

According to TWC, on April 30, 2007, subscribers were notified via on-screen notices, and municipal officials were notified by certified mail of the change. Petitioner notified the OCTV of the channel deletion via correspondence dated April 27, 2007.

N.J.A.C. 14:18-3.17 (a) and (b) require each cable company to notify the OCTV and subscribers of any channel deletions at least 30 days prior to the effective date of the deletion.

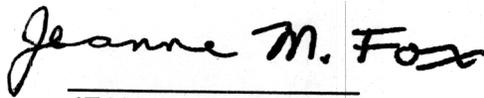
N.J.A.C. 14:18-3.17 (c) (3) provides for the relaxation of the time for providing notification when the programming service has been discontinued or withdrawn by the provider in such a manner as to leave the cable television operator without sufficient time to comply. In addition to this requirement, 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 and subscribers prior to the deletion.

The deletion of the Black Family Channel will have no effect on any service rate to current TWC subscribers.

Having reviewed this matter, the Board HEREBY FINDS that the waiver is appropriate under the present circumstances. TWC 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, affected municipalities and subscribers of the impending deletion of services 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: 6/20/07

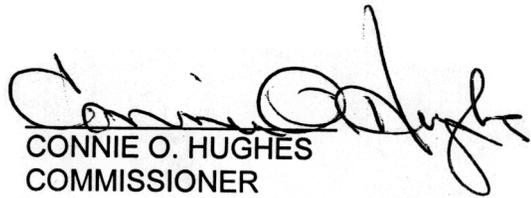
BOARD OF PUBLIC UTILITIES
BY:



JEANNE M. FOX
PRESIDENT



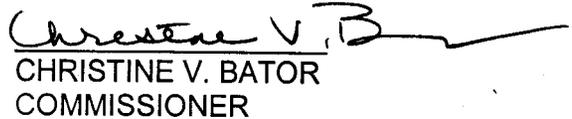
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JOSEPH L. FIORDALISO
COMMISSIONER



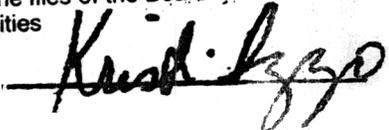
CHRISTINE V. BATOR
COMMISSIONER

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 CO07050307**

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