



Agenda Date: 10/23/08
Agenda Item: IIIB

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) ORDER
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. CO08080569

(SERVICE LIST ATTACHED)

BY THE BOARD:

By letter dated August 14, 2008, Comcast Cable Communications, LLC, (Comcast or Petitioner), sought 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).

Previously on July 28, 2008, Comcast had filed a notice of alteration in channel allocation for a channel change in its Long Beach Island (LBI) system. Specifically, sports overflow programming carried on channel 29 would be moved to channel 851, with channel 29 going off air effective August 28, 2008.

In the beginning of August, Comcast was advised of the opportunity to provide additional Olympics coverage and decided to add the additional NBC Olympics programming to all of its New Jersey systems. Channel lineups needed to be adjusted to allow subscribers to have greater access to these Olympics events.

To facilitate this access in the LBI system, Comcast was required to accelerate the planned channel change from August 28, 2008 to August 8, 2008, which was the beginning of the 2008 Olympics Broadcast coverage.

Comcast asserts that in order to introduce the Olympics programming via the sports overflow programming on channel 851, it was necessary to utilize the bandwidth associated with channel 29. Channel 29 had to be unprogrammed in order for this to happen. 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 channel 29 effective August 8, 2008, 20 days earlier than originally planned.

Comcast states that the Office of Cable Television was notified by phone on August 5, 2008, municipal officials were notified of the change by mail on or about August 14, 2008, and subscribers were notified on or about August 14, 2008 via on-screen notices, followed by bill messages.

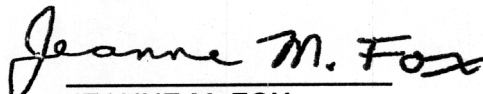
N.J.A.C. 14:18-3.17 (a) and (b) require each cable company to notify the OCTV, subscribers and municipalities of any channel deletions at least 30 days prior to the effective date of the deletion. N.J.A.C. 14:18-3.17 (c) (4) provides for the relaxation of the time for providing notification when a substantial benefit to customers would be irretrievably lost. 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 early deletion of the sports overflow programming from channel 29 was a benefit to subscribers as the relocation of service to channel 851 allowed subscribers to view significantly more Olympics programming coverage than would otherwise have been the case had Comcast not been able to use the additional bandwidth otherwise allocated to channel 29.

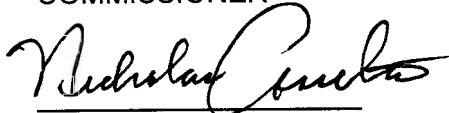
Having reviewed this matter, the Board HEREBY FINDS that the waiver is appropriate under the present circumstances. Comcast has notified the Board, subscribers and affected municipalities of the deletion of service at the earliest date possible. Therefore, the Board HEREBY APPROVES, as within time, Petitioner's request for a waiver of the alteration in channel allocation filing requirements as permitted under N.J.A.C. 14:18-3.17(c) (4).

DATED: 10/23/08


BOARD OF PUBLIC UTILITIES
BY:


JEANNE M. FOX
PRESIDENT


FREDERICK F. BUTLER
COMMISSIONER


NICHOLAS ASSELTA
COMMISSIONER

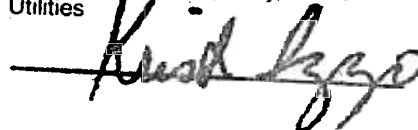

JOSEPH L. FIORDALISO
COMMISSIONER


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



COMCAST CABLE CORPORATIONS, LLC
REQUEST FOR A WAIVER AS WITHIN TIME, OF THE 30-DA 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. CO08080569

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