



Agenda Date: 2/11/09  
Agenda Item: IIID

**STATE OF NEW JERSEY**  
**Board of Public Utilities**  
**Two Gateway Center**  
**Newark, NJ 07102**  
**[www.nj.gov/bpu/](http://www.nj.gov/bpu/)**

**CABLE TELEVISION**

IN THE MATTER OF CABLEVISION SYSTEMS )  
CORPORATION REQUEST FOR WAIVER, AS WITHIN )  
TIME, OF THE 30-DAY NOTICE PERIOD FOR FILING ) **ORDER**  
OF AN ALTERATION IN CHANNEL ALLOCATION )  
PURSUANT TO N.J.A.C. 14:18-3.17 (A) AND (B) ) **DOCKET NO. CO08121073**

(SERVICE LIST ATTACHED)

**BY THE BOARD:**

By letter dated December 8, 2008, Cablevision Systems Corporation, (Cablevision 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 CN8 CHANNEL provided by Comcast and carried on channel 64, as part of the Family Cable service tier in the Bergen, Elizabeth, Hudson, Oakland, Paterson, Raritan, Freehold, Lakewood/Jackson, Millstone and Wall systems. On December 2, 2008, Comcast informed Cablevision that effective December 31, 2008 CN8 would no longer be available to Cablevision's subscribers.

Cablevision 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 CN8 CHANNEL effective December 31, 2008.

Cablevision states that municipal officials were notified of the change by mail on December 9, 2008, and subscribers were notified on or about December 8, 2008 via guide channel scrawl 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for the relaxation of the time for providing notification when the programming service has been discontinued or withdrawn by the provider in such a way as to leave the cable operator without sufficient time to comply.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. Cablevision 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

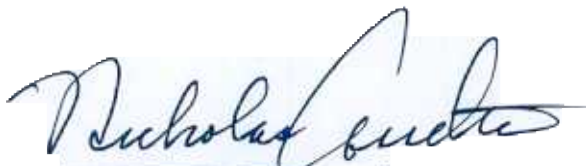
BOARD OF PUBLIC UTILITIES

BY:

  
JEANNE M. FOX  
PRESIDENT

  
FREDERICK F. BUTLER  
COMMISSIONER

  
JOSEPH L. FIORDALISO  
COMMISSIONER

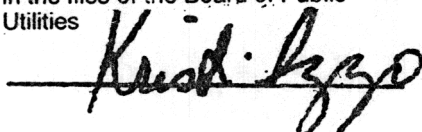
  
NICHOLAS ASSELTA  
COMMISSIONER

  
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 CABLEVISION SYSTEMS CORPORATION 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. CO08121073

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