



STATE OF NEW JERSEY
Board of Public Utilities
Two Gateway Center
Newark, NJ 07102
www.nj.gov/bpu/

CABLE TELEVISION

IN THE MATTER OF CABLEVISION – SCRIPPS
NETWORK IMPASSE RESULTING IN THE LOSS
OF HGTV AND THE FOOD NETWORK CHANNELS

ORDER DENYING WAIVER
REQUEST

DOCKET NO. CO10010017

Adam E. Falk, Vice President of Government and Regulatory Affairs, for Cablevision Systems Corporation

BY THE BOARD:

By letter dated January 5, 2010 and filed with the Board of Public Utilities ("Board"), Cablevision Systems Corporation ("Cablevision") requested a waiver, as within time, of the 30-day period for the filing of advance notice of an alteration in channel allocation, as required under N.J.A.C. 14:18-3.17(a) and (b). The letter also served to notify the Office of Cable Television ("OCTV") and the affected municipalities of the elimination of HGTV and Food Network from Cablevision's channel line up.

Cablevision requests a waiver, pursuant to N.J.A.C. 14:18-3.17(c), of the requirement for 30 day advance notice to the OCTV, subscribers and affected municipalities on the grounds that Scripps Network's ("Scripps") decision on December 31, 2009 to remove the HGTV and Food Network channels left Cablevision with insufficient time to comply with the 30-day advance notice requirement. Cablevision argues that prior to the expiration of its carriage agreement with Scripps on December 31, 2009; Cablevision and Scripps continued negotiating a new carriage agreement for these channels. However, Cablevision and Scripps were not able to negotiate a new agreement before the expiration date and no extension was granted by Scripps. Cablevision further argues that it has taken steps to inform its customers of the change in programming through on-air messages, through its Web site, in the media and through its customer service representatives.

Accordingly, Cablevision asserts that a waiver of the 30-day notice requirement is justified under N.J.A.C. 14:18-3.17(c) because it is providing notice at the earliest possible date and because the withdrawal of the channels by Scripps on or about January 1, 2010 left Cablevision without sufficient time to comply. Cablevision also argues that it contacted OCTV on the morning of January 1, 2010 to advise OCTV of the discontinuation of these channels.

Having fully reviewed this matter, the Board HEREBY FINDS that Cablevision's argument that a waiver is proper under N.J.A.C. 14:18-3.17 (c) is without merit because Cablevision has failed to show that it provided the required notice at the earliest possible date; that timely compliance was impossible due to unforeseeable actions of third parties beyond Cablevision's control; and that the Food Network and HGTV had been discontinued or withdrawn by Scripps in a manner that left Cablevision without sufficient time to comply. Cablevision was aware of the ongoing dispute and the risk that the channels might be pulled by Scripps. Cablevision at no time informed OCTV, customers or the municipalities of this risk. Accordingly, Cablevision did not provide notice at the earliest possible date. Therefore, the Board HEREBY DENIES Cablevision's request for a waiver of the 30-day advance notice requirements.

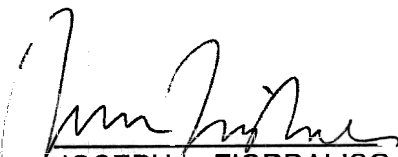
DATED: 1/27/10

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I HEREBY CERTIFY that the within
document is a true copy of the original
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