



Agenda Date: 5/12/10
Agenda Item: IIID

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 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))

ORDER

DOCKET NO. CO10030174

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

BY THE BOARD¹:

By letter dated March 8, 2010 and filed with the Board of Public Utilities ("Board"), 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).

Cablevision maintains that the waiver request is necessary, because Petitioner did not have sufficient time to comply with the 30-day notice requirement. According to Cablevision, on March 2, 2010 and March 5, 2010, the Walt Disney Company ("Disney") notified Cablevision that, effective March 7, 2010 it would cease delivering certain Disney programming if a new contractual agreement was not reached with Cablevision. Cablevision asserts that it did request Disney to continue to provide access to the programming at issue in the event that a contractual agreement was not reached by the parties before March 7, 2010.

However, on March 7, 2010 at 12:01 am, Disney withdrew from Cablevision's systems WABC-TV, WABC-TV HD, Eyewitness News Now and LiveWell HD from all Cablevision systems, WPVI-TV from Cablevision's Hamilton, Monmouth, Millstone, Seaside, Freehold and Wall systems and WPVI-TV HD from Cablevision's Hamilton system. The programming was restored at approximately 8:45 p.m. on the same day.

Cablevision notified the Board and affected municipalities on March 2, 2010 and March 5, 2010 of the potential for the deletion of the programming. Cablevision notified subscribers of the possible channel deletions via on-screen notices and Cablevision's website.

¹ Commissioner Elizabeth Randall did not participate in this matter.

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.

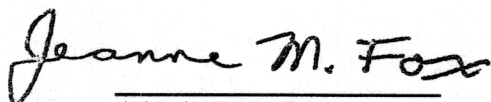
The temporary deletion of the ABC Broadcast television network was not accompanied by a rate change in any service provided to Cablevision subscribers.

Having reviewed this matter, the Board HEREBY FINDS that the waiver is appropriate under the present circumstances. Cablevision was notified of the deletion by the programming supplier with insufficient time to comply with the required 30 days prior notice, but informed the Board, subscribers and affected municipalities of the impending 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 previously described.

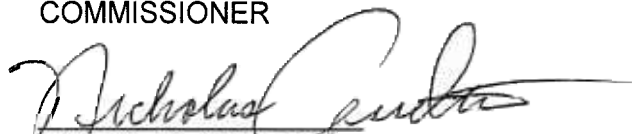
DATED: 5/12/10

BOARD OF PUBLIC UTILITIES
BY:



LEE A. SOLOMON
PRESIDENT


JEANNE M. FOX
COMMISSIONER

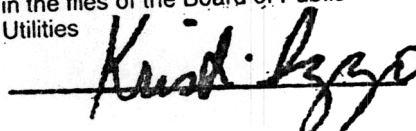

JOSEPH L. FIORDALISO
COMMISSIONER


NICHOLAS ASSELTA
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. CO10030174

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