



STATE OF NEW JERSEY
Board of Public Utilities
44 South Clinton Avenue, 9th Floor
Post Office Box 350
Trenton, New Jersey 08625-0350
www.nj.gov/bpu/

CABLE TELEVISION

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)	
IN THE MATTER OF VERIZON NEW JERSEY REQUEST)	ORDER
FOR WAIVER, AS WITHIN TIME, OF THE 30-DAY)	
NOTICE PERIOD FOR FILING OF AN ALTERATION IN)	
CHANNEL ALLOCATION PURSUANT TO <u>N.J.A.C.</u>)	DOCKET NO. CO11090535
14:18-3.17 (A) AND (B))	

Ava Marie–Madeam, Vice President- State Government Relations, for Petitioner

BY THE BOARD:

By letter dated September 6, 2011 and filed with the Board of Public Utilities (“Board” or “BPU”), Verizon New Jersey Inc. (“Verizon” 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).

Verizon maintains that the waiver request is necessary because it did not have sufficient time to comply with the 30-day notice requirement. According to Verizon, on September 3, 2011, Verizon’s contract with the Tennis Channel expired and Verizon was unable to reach an agreement for renewal prior to expiration of the contract. As a result, the Tennis Channel pulled its content that was previously carried on channels 303 and 592HD as a part of Verizon’s sports package. Consequently, Verizon was unable to provide notice 30 days in advance of the program deletion to the Office of Cable Television (“OCTV”), in accordance with N.J.A.C. 14:18-3.17(a). Nor was Verizon able to provide notice to affected municipalities and subscribers at least 30 days prior to the effective date of the change, as required under N.J.A.C. 14:18-3.17(b).

Verizon states that immediately thereafter, notice was provided to the Board and that on September 3, 2011, subscribers were notified of the program deletion via on-screen notices and subsequently by bill messages. Municipal officials were notified of the change by mail on or about September 6, 2011. The deletion of the Tennis Channel was not accompanied by a rate change in any service provided to Verizon’s subscribers.

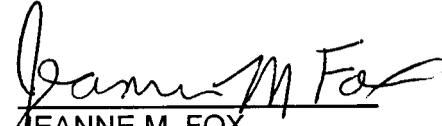
N.J.A.C. 14:18-3.17(a) and (b) require each cable company to notify the OCTV, subscribers and municipalities of any channel deletions at least 30 days prior to the effective date of the deletion. Also, N.J.A.C. 14:18-3.17(c)(3) provides for the relaxation of the time for providing notification when the 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. Additionally, the cable television operator must have "acted to provide the required notice at the earliest possible date." N.J.A.C. 14:18-3.17(c).

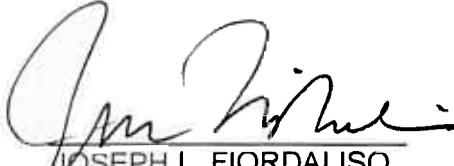
Having reviewed this matter, the Board HEREBY FINDS that the waiver is appropriate under the present circumstances. Verizon was notified of the deletion by the programming supplier with insufficient time to comply with the required 30 days prior notice, but Verizon informed the Board, subscribers, and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

DATED: 11/30/11

BOARD OF PUBLIC UTILITIES
BY:

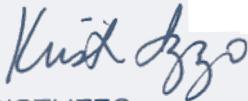

LEE A. SOLOMON
PRESIDENT


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 VERIZON NEW JERSEY INC. 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. CO11090535

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