



**STATE OF NEW JERSEY**  
**Board of Public Utilities**  
44 South Clinton Avenue, 9<sup>th</sup> Floor  
Post Office Box 350  
Trenton, New Jersey 08625-0350  
[www.nj.gov/bpu/](http://www.nj.gov/bpu/)

CABLE TELEVISION

IN THE MATTER OF TIME WARNER CABLE'S 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. CO12010036

**Dennis Linken, Esq. Scarinci & Hollenbeck, LLC, for Petitioner**

BY THE BOARD:

By letters dated December 20, 2011, January 5, 2012 and January 17, 2012, filed with the Board of Public Utilities ("Board" or "BPU") Time Warner Cable ("Time Warner" 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).

Time Warner maintains that the waiver requests are necessary because it did not have sufficient time to comply with the 30-day notice requirement. According to Time Warner, after ongoing negotiations with MSG Media, a division of Madison Square Garden, Inc., which owns programming carried on MSG channels, failed to produce an agreement, certain channels were deleted. On December 16, 2011, MSG Media informed Time Warner that effective December 16, 2011 it would no longer provide programming for the Fuse Network channel 132 and Fuse HD channel 191. As a result of these deletions, on December 20, 2011 Time Warner filed for a waiver.

Again on January 5, 2012 Time Warner filed for a waiver of the notice requirements after it was informed by MSG Media that effective January 1, 2012 it would no longer provide programming for the MSG channel 57, MSG HD channel 757, MSG PLUS channel 80 and the MSG PLUS HD channel 780. On December 31, 2011 WNBC informed Time Warner that effective January 1, 2012 the Universal Sports Network channel would be discontinued. On January 17, 2012 Time Warner filed for a waiver. Consequently, in each instance that these channel deletions occurred, Time Warner 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 Time Warner 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).

Time Warner states that immediately thereafter, notice was provided to the Board and that subscribers were notified of each program deletion via on-screen notices and subsequently by bill messages. Municipal officials were notified immediately of the change by mail at the earliest date possible. The deletion of the affected channels was not accompanied by a rate change in any service provided to Time Warner'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).

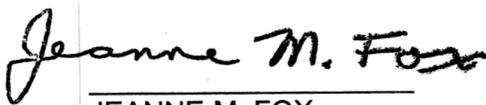
Having reviewed this matter, the Board HEREBY FINDS that the waiver is appropriate under the present circumstances. Time Warner was notified of the deletion by the programming supplier with insufficient time to comply with the required 30 days prior notice, but Time Warner informed the Board, subscribers, and affected municipalities of the deletion of service at the earliest date possible. Therefore, the Board HEREBY APPROVES Petitioner's request for a waiver of the alteration in channel allocation filing requirements as previously described.

This Order shall be effective on April 23, 2012.

DATED: 4/11/12

BOARD OF PUBLIC UTILITIES  
BY:

  
ROBERT M. HANNA  
PRESIDENT

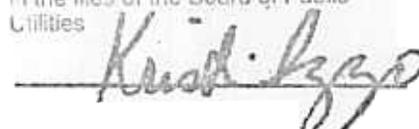
  
JEANNE M. FOX  
COMMISSIONER

  
JOSEPH L. FIORDALISO  
COMMISSIONER

  
NICHOLAS ASSELTA  
COMMISSIONER

  
MARY-ANNA HOLDEN  
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 TIME WARNER CABLE 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. CO12010036

**Lawanda R. Gilbert, Acting Director**  
Office of Cable Television  
Board of Public Utilities  
44 South Clinton Avenue, 9th Floor  
Post Office Box 350  
Trenton, New Jersey 08625-0350

**Geoffrey R. Gersten, Esq.**  
Deputy Attorney General  
Division of Law  
124 Halsey Street  
Newark, NJ 07101

**Dennis Linken, Esq.**  
Scarinci & Hollenbeck, LLC.  
1100 Valley Brook Avenue  
P.O. Box 790  
Lyndhurst, NJ 07071-0790

**William H. Furlong, Chief**  
Bureau of Inspection & Enforcement  
Office of Cable Television  
Board of Public Utilities  
44 South Clinton Avenue, 9th Floor  
Post Office Box 350  
Trenton, New Jersey 08625-0350

**Carol Artale, Esq.**  
Legal Specialist  
Board of Public Utilities  
44 South Clinton Avenue, 9th Floor  
Post Office Box 350  
Trenton, New Jersey 08625-0350

**Nueva D. Elma, Chief**  
Bureau of Accounts  
Office of Cable Television  
Board of Public Utilities  
44 South Clinton Avenue, 9th Floor  
Post Office Box 350  
Trenton, New Jersey 08625-0350