



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

IN THE MATTER OF CABLEVISION OF HAMILTON) ORDER
REQUEST FOR WAIVER, OF THE 30-DAY NOTICE)
PERIOD FOR FILING OF AN ALTERATION IN)
CHANNEL ALLOCATION, PURSUANT TO N.J.A.C.)
14:18-3.17) DOCKET NO. CO15070842

Party of Record:

Thurman Barnes, Area Director Government and Public Affairs on behalf of Cablevision

BY THE BOARD:¹

By letter dated June 26, 2015, Cablevision of Hamilton (Cablevision), requested a Board of Public Utilities ("Board") waiver of the 30-day notice period for the filing of an alteration in channel allocation, pursuant to N.J.A.C. 14:18-3.17.

The particular channel affected is Tango Traffic SD, a broadcast basic tier program provided by Gracenote and carried on channel 117 in the Cablevision of Hamilton service area. Cablevision states that Gracenote deleted Tango Traffic SD and replaced it with Mummers Parade SD effective June 26, 2015 without notice to Cablevision, which learned of the deletion of channel content on June 26, 2015 from a Cablevision subscriber.

Cablevision seeks a waiver of the Board's 30-day notice requirement with respect to the deletion of the Tango Traffic SD channel effective June 26, 2015.

Cablevision states its subscribers were initially notified of the deletion of service by on screen message on June 26, 2015 and by bill insert beginning July 1, 2015. Municipal officials were notified of the deletion of service on June 26, 2015 by fax. The OCTV was notified by mail on June 26, 2015.

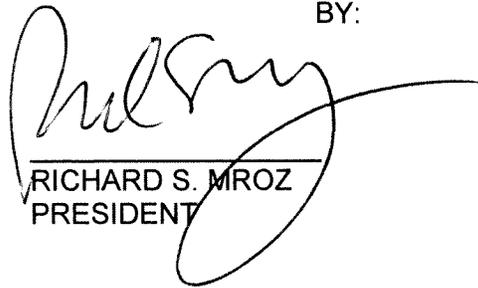
¹ Commissioner Upendra J. Chivukula recuses himself due to a potential conflict of interest and as such took no part in the discussion or deliberation of this matter.

N.J.A.C. 14:18-3.17(a) – (c) 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(d)(3) provides that, for alterations in channel allocations for deletions or cutbacks not within the exclusive control of the cable television operator, OCTV shall consider the cable television operator in compliance with the notice obligations upon a showing by the cable television operator that there is good cause and measures taken to notify customers as soon as practical. As Cablevision was uninformed of the channel content provider change with sufficient time to provide adequate notice to OCTV, subscribers and municipal officials and Cablevision did provide such notice immediately upon becoming aware of the change in content, Staff recommends there is good cause shown to grant the waiver.

Having reviewed this matter, the Board **FINDS** that the waiver is appropriate under the present circumstances, based upon actions outside the control of the cable company. Cablevision has notified the OCTV, subscribers and affected municipalities of the deletion of service at the earliest time possible. Therefore, the Board **HEREBY APPROVES**, as within time, Cablevision's request for a waiver of the alteration in channel allocation filing requirements as permitted under N.J.A.C. 14 :18-3.17(d)(3).

DATED: 9-11-15

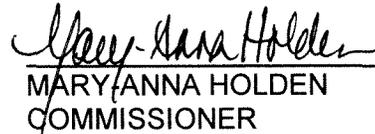
BOARD OF PUBLIC UTILITIES
BY:



RICHARD S. MROZ
PRESIDENT



JOSEPH L. FIORDALISO
COMMISSIONER

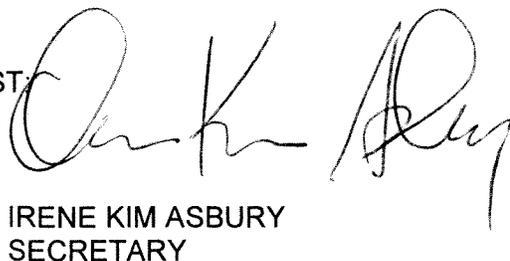


MARYANNA HOLDEN
COMMISSIONER



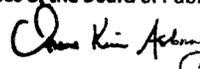
DIANNE SOLOMON
COMMISSIONER

ATTEST:



IRENE KIM ASBURY
SECRETARY

I HEREBY CERTIFY that the within document is a true copy of the original in the files of the Board of Public Utilities



IN THE MATTER OF CABLEVISION OF HAMILTON REQUEST FOR WAIVER, OF THE 30-DAY NOTICE PERIOD FOR FILING OF AN ALTERATION IN CHANNEL ALLOCATION, PURSUANT TO N.J.A.C. 14:18-3.17 - DOCKET NO. CO15070842

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