



Agenda Date: 3/22/07
Agenda Item: III D

State of New Jersey
Board of Public Utilities
Two Gateway Center
Newark, NJ 07102
www.bpu.state.nj.us

CABLE TELEVISION

IN THE MATTER OF COMCAST OF SOUTHEAST)	
PENNSYLVANIA, LLC (HOPEWELL AND LAMBERT-)	
VILLE SYSTEM), REQUEST FOR WAIVER, AS WITHIN)	ORDER
TIME, OF THE 30-DAY NOTICE PERIOD FOR FILING)	
OF AN ALTERATION IN CHANNEL ALLOCATION)	
PURSUANT TO <u>N.J.A.C. 14:18-3.17(A) AND (B)</u>)	BPU DOCKET NO. CO07010017

(SERVICE LIST ATTACHED)

BY THE BOARD

By letter dated January 8, 2007, Comcast of Southeast Pennsylvania, LLC (Hopewell and Lambertville System) (Comcast or Petitioner), filed a request for waiver with the Board of Public Utilities (Board, BPU), 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).

Comcast maintains that the waiver is necessary because Petitioner did not have sufficient time to comply with the 30-day notice requirement. Comcast asserts that its systems in New Jersey, including the Hopewell and Lambertville system, have begun migrating out-of-market duplicate feeds of networks, where they exist, from the analog to the digital tier. This has occurred with respect to NBC and CW affiliates. On December 29, 2006, Comcast notified subscribers, the OCTV and the municipalities it serves of the proposed transfer of the duplicate CW feed in that system to the digital tier effective January 31, 2007.

Four of the municipalities in Comcast's territory are located within the New York Designated Market Area (DMA), while the remaining municipality (Hopewell Township) is located within the Philadelphia DMA. Comcast split the Hopewell/Lambertville system such that Hopewell Township will receive the "Philadelphia" line-up, and the remaining municipalities will receive the "New York" line-up. In doing so, the New York feed of CW (*i.e.*, WPIX-CW Channel 11), which is the duplicate feed in Hopewell Township, will be moved to channel 254. In the remaining municipalities, the Philadelphia feed of CW (WPSG-CW Channel 57) will be moved to channel 254.

The newspaper notice published on December 30, 2006 to advise subscribers of the proposed changes was correct in all respects. However, with respect to the notice provided to Hopewell Township and to the OCTV, the notice incorrectly stated that WPSG-CW Channel 57 would move from the Limited Basic level of service on Cable Channel 25 to the Limited Basic digital level of service on Cable Channel 254. The statement should actually have referred to WPIX-CW Channel 11.

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) (1) provides for the relaxation of the time for providing notice when the cable television operator reasonably believes that timely compliance with this subsection might subject the cable television operator to penalties under State, Federal or local law. 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 and the Township of Hopewell of the channel migration after an error was discovered within its initial alteration in channel allocation filing.

The migration of WPIX-CW Channel 11 from the Limited Basic tier to the Limited Basic Digital tier does not affect existing regulated Limited Basic tier rates. Those Limited Basic tier customers who choose to view WPIX -CW Channel 11 on the Limited Basic Digital tier, will be provided with a digital converter box at a reduced rate for the first year of service.

Having reviewed this matter, the Board HEREBY FINDS that the waiver is appropriate under the present circumstances. Comcast has expeditiously advised the Township of Hopewell by telephone of the migration of service, and has revised its initial Channel Alteration Form with the OCTV. 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: 3/22/07


BOARD OF PUBLIC UTILITIES
BY:


JEANNE M. FOX
PRESIDENT


FREDERICK F. BUTLER
COMMISSIONER


CONNIE O. HUGHES
COMMISSIONER

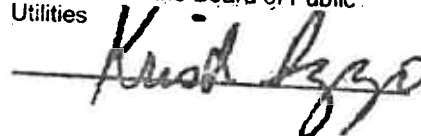

JOSEPH L. FIORDALISO
COMMISSIONER


CHRISTINE V. BATOR
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



**COMCAST OF SOUTHEAST PENNSYLVANIA, LLC (HOPEWELL AND LAMBERTVILLE
SYSTEM)
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 CO07010017**

SERVICE LIST

Dennis C. Linken
Stryker, tams & Dill, LLP
Two Penn Plaza East
Suite 1500
Newark, NJ 07105

Nueva D. Elma, Chief
Bureau of Accounts
Office of Cable Television
Board of Public Utilities
Two Gateway Center
Newark, NJ 07102

Celeste M. Fasone, Director
Office of Cable Television
Bard of Public Utilities
Two Gateway Center
Newark, NJ 07102

William H. Furlong, Chief
Bureau of Inspection
& Enforcement
Office of Cable Television
Board of Public Utilities
Two Gateway Center
Newark, NJ 07102

Charles A. Russell, Esq.
Deputy Director
Office of Cable Television
Board of Public utilities
Two Gateway Center
Newark, NJ 07102

Seema M. Singh, Esq.
Director,
Division of Rate Counsel
31 Clinton Street
Newark, NJ 07102

Babette Tenzer, Esq.
Deputy Attorney General
State of New Jersey
Division of Law
124 Halsey Street
Newark, NJ 07102

Lawanda Gilbert, Esq.
Legal Specialist
Board of Public Utilities
Two Gateway Center
Newark, NJ 07102