



Agenda Date: 4/12/06
Agenda Item: IIIA

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 SERVICE ELECTRIC CABLE)	
T.V. OF HUNTERDON, INC. REQUEST FOR)	
WAIVER, <u>NUNC PRO TUNC</u> , OF THE 30-DAY)	ORDER
NOTICE PERIOD FOR FILING OF AN)	
ALTERATION IN CHANNEL ALLOCATION)	
PURSUANT TO <u>N.J.A.C.</u> 14:18-3.17(A) AND (B))	BPU DOCKET NO. CO06030147

(SERVICE LIST ATTACHED)

BY THE BOARD:

By letter dated March 1, 2006, Service Electric Cable T.V. of Hunterdon, Inc. (SECTV or Petitioner), sought a nunc pro tunc Board waiver of the thirty (30) day notice period for the filing of an Alteration in Channel Allocation pursuant to N.J.A.C. 14:18-3.17(a) and (b).

SECTV claims the waiver request is necessary because it was not given sufficient time to comply with the 30-day notice requirement. According to SECTV, it was notified on February 18, 2006 by its programming contractor, National Cable Television Cooperative, Inc. (NCTC) that Showtime Networks, the Sundance programming provider, would discontinue providing the Sundance Channel, a Digital tier channel located on channel 140, effective February 28, 2006 because the NCTC/Sundance Channel contract expired on that date and it did not wish to renew the current contract.

SECTV asserted that it had no choice in this matter since the decision to delete the programming was made by Showtime Networks. SECTV claimed it did not receive the deletion notice in sufficient time to alert the Office of Cable Television (OCTV), its customers and municipal officials within the prescribed 30-day notice period.

SECTV asserts that subscribers and municipal officials were notified of the change on or about February 24, 2006. On the same date, it notified OCTV of the channel deletion.

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for the relaxation of the time for providing notification when the programming service has been discontinued or withdrawn by the provider in such a manner as to leave the cable television operator without sufficient time to comply.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 nunc pro tunc, 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 taking effect.


The deletion of the Sundance channel will have no effect on any service rate to current SECTV subscribers.


Having reviewed this matter, the Board HEREBY FINDS that the waiver is appropriate under the present circumstances. SECTV was notified of the deletion by the programming supplier with insufficient time to comply with the required 30 days, but acted to inform the Board of the impending deletion of service at the earliest date possible. Therefore, the Board HEREBY APPROVES, nunc pro tunc, Petitioner's request for a waiver of the Alteration in Channel Allocation filing requirements as hereinabove described.

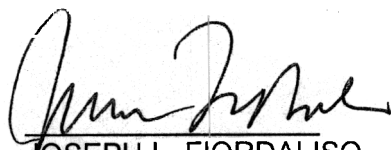
DATED: 4/13/06

BOARD OF PUBLIC UTILITIES
BY:


JEANNE M. FOX
PRESIDENT


FREDERICK F. BUTLER
COMMISSIONER


CONNIE O. HUGHES
COMMISSIONER

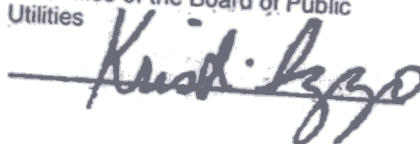

JOSEPH L. FIORDALISO
COMMISSIONER


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



**SERVICE ELECTRIC CABLE T.V. OF HUNTERDON, INC.
REQUEST FOR WAIVER, NUNC PRO TUNC, 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 CO06030147**

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