



Agenda Date: 2-01-06
Agenda Item: III K

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'S SYSTEMS IN)
NEW JERSEY, REQUEST FOR WAIVER,) DOCKET NO. CO05121023
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))

(SEE ATTACHED SERVICE LIST)

BY THE BOARD:

By letter dated December 6, 2005, Comcast sought, on behalf of its various systems in New Jersey¹ (Petitioner or Comcast), and in lieu of Petition, 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).

Comcast claims that the waiver request is necessary because it was notified by iN DEMAND Networks, a pay-per-view program supplier, that its Sports Barker programming channel, currently carried on channel 499, would no longer be available in all of Comcast's systems as of December 29, 2005. Channel 499 is a pay-per-view event preview channel. Comcast claims that the notice of the deletion did not reach it until the evening of November 30, 2005, thereby making impossible compliance with the requirement to provide the subscribers, municipal officials and the Office of Cable Television (OCTV) at least 30 days notice prior to the December 29, 2005 effective date.

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.

¹ Comcast of Avalon, LLC; Comcast of Burlington County, LLC; Comcast of Central New Jersey, LLC; Comcast of Garden State, L.P.; Comcast of Gloucester County, LLC; Comcast of Jersey City, LLC; Comcast of Long Beach Island, LLC; Comcast of Meadowlands, LLC; Comcast of Mercer County, LLC; Comcast of Hopewell Valley, Inc.; Comcast of Lawrence, LLC; Comcast of Monmouth County, LLC; Comcast of New Jersey, LLC (Toms River); Comcast of New Jersey, II, LLC; Comcast of Northwest New Jersey, LLC; Comcast of Ocean County, LLC; Comcast of Plainfield, LLC; Comcast of Southeast Pennsylvania, LLC (Hopewell and Lambertville Systems); Comcast of South Jersey, LLC (Pleasantville); Comcast of South Jersey, LLC (Vineland); Comcast of Wildwood, LLC (Maple Shade & Gloucester City Systems) and Comcast of Wildwood, LLC (Wildwood System).

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. However, the cable television operator is required to make a showing that they acted to "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 Sports Barker channel will have no effect on any service rate to current Comcast subscribers, and is not considered an irretrievable loss of substantial customer benefits as specified in N.J.A.C. 14:18-3.17 (c) (4).

Comcast asserts that subscribers were notified of the change on or about December 7, 2005 and municipal officials were notified on or about December 5, 2005.

Having reviewed this matter, the Board HEREBY FINDS that the waiver is appropriate under the present circumstances. Comcast was notified of the deletion by the programming supplier in 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. Furthermore, it will not result in an irretrievable loss of customer substantial benefits. 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.

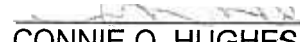
DATED:

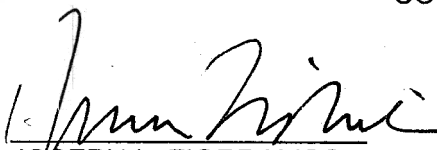
2/2/06

BOARD OF PUBLIC UTILITIES
BY:


JEANNE M. FOX
PRESIDENT


FREDERICK F. BUTLER
COMMISSIONER

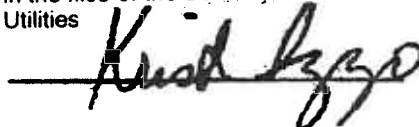

CONNIE O. HUGHES
COMMISSIONER


JOSEPH L. FIORDALISO
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'S SYSTEMS IN NEW JERSEY
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 CO05121023**

SERVICE LIST

Dennis C. Linken, Esq
Stryker, Tams & Dill
Two Penn Plaza
Newark, NJ 07102

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
Board 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 and
Ratepayer Advocate
Division of Ratepayer Advocate
31 Clinton Street
Newark, NJ 07102

Kenneth Sheehan, 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