



Agenda Date: 5/23/07  
Agenda Item: III B

**State of New Jersey**  
**Board of Public Utilities**  
Two Gateway Center  
Newark, NJ 07102  
[www.bpu.state.nj.us](http://www.bpu.state.nj.us)

CABLE TELEVISION

IN THE MATTER OF VERIZON NJ, INC.  
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

BPU DOCKET NO. CO07030176

(SERVICE LIST ATTACHED)

BY THE BOARD<sup>1</sup>

By letter dated March 9, 2007, Verizon NJ, Inc. (Verizon or Petitioner), filed a request with the Board for a waiver, as within time, of the thirty (30) day notice period for the filing of two notices of alterations in channel allocation pursuant to N.J.A.C. 14:18-3.17 (a) and (b).

Verizon claims that the waiver is necessary in these two instances, because it was not given sufficient time to comply with the 30-day notice requirement. According to Verizon, it was notified on January 26, 2007, by its programming contractor, The Lime Channel, that Lime, a Digital tier program carried on channel 142, would cease broadcasting effective February 25, 2007. Additionally, Verizon was notified on March 5, 2007, by Home Shopping Network (HSN), another programming provider, that America's Store, a Digital tier program carried on channel 133, would cease broadcasting effective April 3, 2007.

Verizon asserts that the decision to delete the programming was made by Lime and HSN, and was therefore beyond its control. Verizon also claims that it did not receive the service discontinuance notices in sufficient time to alert the Office of Cable Television (OCTV) and its customers within the prescribed 30-day notice period.

Verizon asserts that on February 23, 2007 and March 6, 2007, subscribers were notified via on-screen notices. On February 6, 2007 and March 6, 2007, Petitioner notified the OCTV of the channel deletions.

N.J.A.C. 14:18-3.17 (a) and (b) require each cable company to notify the OCTV and subscribers 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for the relaxation of the time for providing notification when the programming service has been discontinued or withdrawn by the provider in such a manner as to leave the cable television operator without sufficient time to comply.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, as within time, of the 30-day notice requirements of

<sup>1</sup> Commissioner Frederick F. Butler did not participate in the deliberation of or vote on this matter.

N.J.A.C 14:18-3.17 because Petitioner was unable to provide sufficient notice to the OCTV and subscribers prior to the deletion.

The deletions of the Lime Channel and America's Store Channel will have no effect on any service rate to current Verizon subscribers.


Having reviewed this matter, the Board HEREBY FINDS that the waiver is appropriate under the present circumstances. Verizon was notified of the deletions by the programming suppliers with insufficient time to comply with the required 30 days prior notice but acted to inform the Board and subscribers of the impending deletion of services at the earliest date possible. Therefore, the Board HEREBY APPROVES Petitioner's request for waiver, as within time, of the alteration in channel allocation filing requirements in the instances previously described.

DATED:


5/24/07

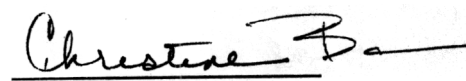
BOARD OF PUBLIC UTILITIES

BY:

  
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PRESIDENT

  
CONNIE O. HUGHES  
COMMISSIONER

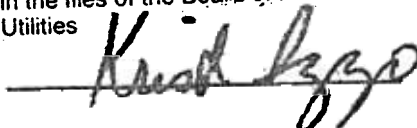
  
JOSEPH L. FIORDALISO  
COMMISSIONER

  
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



**VERIZON NJ, INC.**  
**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 CO07030176**

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