

**STATE OF NEW JERSEY**  
**Board of Public Utilities**  
44 South Clinton Avenue, 9<sup>th</sup> Floor  
Post Office Box 350  
Trenton, New Jersey 08625-0350  
[www.nj.gov/bpu/](http://www.nj.gov/bpu/)

CABLE TELEVISION

IN THE MATTER OF VERIZON NEW JERSEY 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  
DOCKET NO. CO12010034

**Ava Marie–Madeam, Vice President- State Government Relations**, for Petitioner

BY THE BOARD:

By letter dated December 8, 2011 and filed with the Board of Public Utilities (“Board” or “BPU”), Verizon New Jersey, Inc. (“Verizon” or “Petitioner”) sought a Board waiver, 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).

Verizon maintains that the waiver request is necessary because it did not have sufficient time to comply with the 30-day notice requirement. According to Verizon, on December 7, 2011, it was informed by WNBC that effective January 1, 2012 it would no longer provide programming for the Universal Sports Channel. As a result, the Universal Sports Channel content that was previously carried on channel 464 ceased airing on January 1, 2012. Consequently, Verizon was unable to provide notice 30 days in advance of the program deletion to the Office of Cable Television (“OCTV”), in accordance with N.J.A.C. 14:18-3.17(a). Nor was Verizon able to provide notice to affected municipalities and subscribers at least 30 days prior to the effective date of the change, as required under N.J.A.C. 14:18-3.17(b).

Verizon states that immediately thereafter, notice was provided to the Board and that on December 8, 2011, subscribers were notified of the program deletion via on-screen notices and subsequently by bill messages. Municipal officials were notified of the change by mail on or about December 8, 2011. The deletion of the Universal Sports Channel was not accompanied by a rate change in any service provided to Verizon’s subscribers.

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. Also, 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notification when the programming service has been discontinued or withdrawn by the provider in such a manner as to leave the cable television operator without sufficient time to comply.

Additionally, the cable television operator must have "acted to provide the required notice at the earliest possible date." N.J.A.C. 14:18-3.17(c).

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

DATED: 4/13/12

BOARD OF PUBLIC UTILITIES  
BY:

  
ROBERT M. HANNA  
PRESIDENT

  
JEANNE M. FOX  
COMMISSIONER

  
JOSEPH L. FIORDALISO  
COMMISSIONER

  
NICHOLAS ASSELYA  
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MARY-ANNA HOLDEN  
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 LIST**

**IN THE MATTER OF VERIZON NEW JERSEY 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. CO12010034

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