



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

CABLE TELEVISION

IN THE MATTER OF VERIZON NEW JERSEY INC.'S )  
NOTIFICATION OF AN ALTERATION IN CHANNEL ) ORDER  
ALLOCATION PURSUANT TO N.J.A.C. 14:18-3.17 )  
 ) DOCKET NO. CW15091093

**Party of Record:**

**Ava Marie Madeam, Vice President-State Government Relations**, on behalf of Verizon

BY THE BOARD:<sup>1</sup>

By letter dated September 15, 2015, Verizon New Jersey Inc. ("Verizon") filed a letter providing notification of a channel deletion. Pursuant to the circumstances under which Verizon claims it learned of the channel deletion, Verizon claims to be in compliance with N.J.A.C. 14:18-3.17.

In the letter, Verizon explains the particular channel affected is the WTXF Mundo Fox Channel, a digital tier program provided by RCN TV Group and carried on channel 482 on Verizon's FIOS network. Verizon states that it was informed by RCN TV Group that, effective October 2, 2015 WTXF Mundo Fox programming would be deleted. Verizon states that the decision made by the RCN TV Group to delete WTXF Mundo Fox programming required Verizon to delete WTXF Mundo Fox programming from its FiOS network. Verizon claims to be in compliance, pursuant to N.J.A.C. 14:18-3.17(d)(3), of the Board's notice requirements with respect to the deletion of the WTXF Mundo Fox channel effective October 2, 2015. Alternatively, should the Office of Cable Television ("OCTV") determine that Verizon does not satisfy N.J.A.C. 14:18-3.17(d)(3), Verizon requests that the Board grant a waiver of the notice requirements of N.J.A.C. 14:18-3.17.

By way of additional information, Verizon advised that it learned of the channel deletion from RCN TV Group on September 14, 2015. Verizon further stated that its subscribers were initially notified of the deletion of service by on screen message on September 15, 2015 and by bill insert beginning September 15, 2015. Municipal officials were notified of the deletion of service on September 15, 2015, by fax, and OCTV was notified by mail on September 15, 2015.

N.J.A.C. 14:18-3.17(a), (b), and (c) 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

<sup>1</sup> Commissioner Upendra J. Chivukula recused himself due to a potential conflict of interest and as such took no part in the discussion or deliberation of this matter. Commissioner Joseph L. Fiordaliso was not present at the December 16, 2015 agenda meeting.

deletion. N.J.A.C. 14:18-3.17(d)(3) provides that for alterations in channel allocations for deletions or cutbacks not within the exclusive control of the cable television operator, OCTV shall consider the cable television operator in compliance with the notice obligations upon a showing by the cable television operator that there is good cause and measures were taken to notify customers as soon as practical. As Verizon was constrained by the decision made by the program provider to remove content, it was unable to comply in sufficient time to provide adequate notice to OCTV, subscribers and municipal officials, and Verizon did provide such notice immediately upon becoming aware of the change in content, Staff recommends a finding of compliance with the Rule under N.J.A.C. 14:18-3.17(d)(3).

Having reviewed this matter, the Board **FINDS** that Verizon has shown good cause, as this was a channel deletion not within Verizon's exclusive control, and Verizon notified the OCTV subscribers and affected municipalities of the deletion of service at the earliest time possible. As such, pursuant to N.J.A.C. 14:18-3.17(d)(3), the Board **HEREBY DEEMS** Verizon is in compliance with the notice obligations of N.J.A.C. 14:18-3.17. Because the Board finds Verizon has complied with N.J.A.C. 14:18-3.17, a waiver of the notice requirements is not necessary.

This Order shall be effective on December 26, 2015.

DATED: 12/16/15

BOARD OF PUBLIC UTILITIES  
BY:



RICHARD S. MROZ  
PRESIDENT



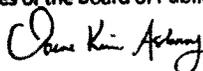
MARY-ANNA HOLDEN  
COMMISSIONER



DIANNE SOLOMON  
COMMISSIONER

ATTEST:   
IRENE KIM ASBURY  
SECRETARY

I HEREBY CERTIFY that the within document is a true copy of the original in the files of the Board of Public Utilities



**IN THE MATTER OF VERIZON NEW JERSEY INC.'S NOTIFICATION OF AN ALTERATION IN  
CHANNEL ALLOCATION PURSUANT TO N.J.A.C. 14:18-3.17 - DOCKET NO. CW15091093**

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