



STATE OF NEW JERSEY
Board of Public Utilities
Two Gateway Center
Newark, NJ 07102
www.nj.gov/bpu/

CABLE TELEVISION

IN THE MATTER OF VERIZON NJ, 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. CO09010043

(SERVICE LIST ATTACHED)

BY THE BOARD¹:

By letter dated January 15, 2009, Verizon NJ, ("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).

The particular channel affected is the VARSITY TV CHANNEL, a Digital Tier program provided by Varsity Media Group, Inc. and carried on channel 260 in all of Verizon's service areas. Verizon asserts that Varsity Media Group, Inc. abruptly shut down the Varsity TV channel without notice to Verizon NJ.

Verizon respectfully seeks a waiver pursuant to N.J.A.C. 14:18-3.17(c) of the Board's 30-day notice requirement with respect to the deletion of the Varsity TV channel effective January 12, 2009.

Verizon states that municipal officials were notified of the change by mail on January 15, 2009, and subscribers were notified on or about January 15, 2009 via on screen messages.

N.J.A.C. 14:18-3.17 (a) and (b) require each cable company to notify the Office of Cable Television, 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for the relaxation of the time for providing notification when the programming service has been discontinued or withdrawn by the provider in such a way as to leave the cable operator without sufficient time to comply. In

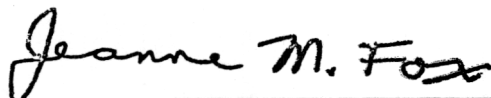
¹ Commissioner Frederick Butler did not participate in this matter.

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 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 due to the untimely notice provided by the program provider.

Having reviewed this matter, the Board HEREBY FINDS that the waiver is appropriate under the present circumstances, based upon actions outside the control of the cable company. Verizon NJ has notified 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 permitted under N.J.A.C. 14:18-3.17(c) (3).

DATED: 4/27/09

BOARD OF PUBLIC UTILITIES
BY:

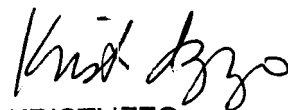

JEANNE M. FOX
PRESIDENT


JOSEPH L. FIORDALISO
COMMISSIONER

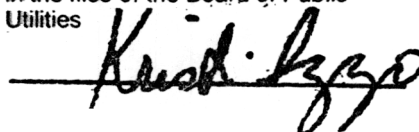

NICHOLAS ASSELTA
COMMISSIONER


ELIZABETH RANDALL
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 NJ, 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. CO9010043

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