

Federal Communications Commission

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Ponderosa Cablevision Inc.)	File No. EB-11-SF-0269
Cable System Operator)	
Community Unit ID # CA1467)	NOV No. V201232960022
North Fork, California)	
)	

NOTICE OF VIOLATION

Released: December 28, 2011

By the District Director, San Francisco Office, Western Region, Enforcement Bureau:

1. This is a Notice of Violation ("Notice") issued pursuant to Section 1.89 of the Commission's Rules,¹ to Ponderosa Cablevision Inc. ("Ponderosa"), operator of a cable system in North Fork, California. This Notice may be combined with a further action, if further action is warranted.²

2. On September 28 and 29, 2011, agents of the Enforcement Bureau's San Francisco Office inspected Ponderosa's cable system located in North Fork, California, and observed the following violations:

- a. 47 C.F.R. § 11.61(a): "EAS Participants shall conduct tests at regular intervals, as specified in paragraphs (a)(1) and (a)(2) of this section. Additional tests may be performed anytime. EAS activations and special tests may be performed in lieu of required tests as specified in paragraph (a)(4) of this section. All tests will conform with the procedures in the EAS Operating Handbook." During the inspection on September 29, 2011, agents determined, based on records provided by Ponderosa, that its tests did not conform with the procedures in the EAS Operating Handbook.
- b. 47 C.F.R. § 76.605(a)(12): "As an exception to the general provision requiring measurements to be made at subscriber terminals, and without regard to the type of signals carried by the cable television system, signal leakage from a cable television system shall be measured in accordance with the procedures outlined in 76.609(h) and shall be limited as follows: Over 54 MHz up to and including 216 MHz - 20 micro-volts per meter, measured at 3 meters." At the time of the inspection on September 28, 2011, agents

¹ 47 C.F.R. § 1.89.

² 47 C.F.R. § 1.89(a).

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measured signal leakage in excess of 20 $\mu\text{V}/\text{m}$ on the frequency of 133.2625 MHz at the following locations:

- | | |
|--|----------------------------|
| 1) 56358 Road 226 | 280 $\mu\text{V}/\text{m}$ |
| 2) Entrance Gate of 56346 & 56351 Road 226 | 441 $\mu\text{V}/\text{m}$ |
| 3) Pole terminal box near 33608 & 33586 Road 224 | 177 $\mu\text{V}/\text{m}$ |

- c. 47 C.F.R. § 76.1705: “The operator of each cable television system shall maintain at its local office a current listing of the cable television channels which that system delivers to its subscribers.” A channel list was not available at the time of inspection.
- d. 47 C.F.R. § 76.1716: “The operator of a cable television system shall make the system, its public inspection file, and its records of subscribers available for inspection upon request by an authorized representative of the Commission at any reasonable hour.” At the time of the inspection, employees of Ponderosa were unable to provide a cable drop to the agents in order to make the channel offset frequency measurements.

3. As the nation’s emergency warning system, the Emergency Alert System is critical to public safety, and we recognize the vital role that cable operators play in ensuring its success. The Commission takes seriously any violations of the Rules implementing the EAS and expects full compliance from its regulatees. We also must investigate violations of other rules that apply to cable operators. Pursuant to Section 403 of the Communications Act of 1934, as amended,³ and Section 1.89 of the Commission’s Rules, we seek additional information concerning the violations and any remedial actions the station may have taken. Therefore, Ponderosa must submit a written statement concerning this matter within twenty (20) days of release of this Notice. The response (i) must fully explain each violation, including all relevant surrounding facts and circumstances, (ii) must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and (iii) must include a time line for completion of any pending corrective action(s). The response must be complete in itself and must not be abbreviated by reference to other communications or answers to other notices.⁴

4. In accordance with Section 1.16 of the Commission’s Rules, we direct Ponderosa to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of Ponderosa with personal knowledge of the representations provided in Ponderosa response, verifying the truth and accuracy of the information therein,⁵ and confirming that all

³47 U.S.C. § 403.

⁴47 C.F.R. § 1.89(c).

⁵Section 1.16 of the Commission’s Rules provides that “[a]ny document to be filed with the Federal Communications Commission and which is required by any law, rule or other regulation of the United States to be supported, evidenced, established or proved by a written sworn declaration, verification, certificate, statement, oath or affidavit by the person making the same, may be supported, evidenced, established or proved by the unsworn declaration, certification, verification, or statement in writing of such person Such declaration shall be subscribed by the declarant as true under penalty of perjury, and dated, in substantially the following form . . . : ‘I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on

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of the information requested by this Notice which is in the licensee's possession, custody, control, or knowledge has been produced. To knowingly and willfully make any false statement or conceal any material fact in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.⁶

5. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

Federal Communications Commission
San Francisco Office
5653 Stoneridge Drive, Suite 105
Pleasanton, CA 94558-8543

6. This Notice shall be sent to Ponderosa Cablevision Inc. at its address of record.

7. The Privacy Act of 1974⁷ requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance.

FEDERAL COMMUNICATIONS COMMISSION

Thomas N. Van Stavern
District Director
San Francisco District Office
Western Region
Enforcement Bureau

(date). (Signature)'." 47 C.F.R. § 1.16.

⁶18 U.S.C. § 1001 *et seq.* See also 47 C.F.R. § 1.17.

⁷ P.L. 93-579, 5 U.S.C. § 552a(e)(3).