

Federal Communications Commission

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

In the Matter of)	
)	
DirecTV, Inc.)	File No. EB-11-LA-0176
)	
Digital Broadcast Service Provider)	NOV No. V201232900020
)	
El Segundo, California)	
)	
)	
)	

NOTICE OF VIOLATION

Released: July 17, 2012

By the Acting District Director, Los Angeles 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 DirecTV, Inc. (DirecTV), operator of a Satellite Direct Broadcast system in El Segundo, California. This Notice may be combined with a further action, if further action is warranted.²

2. On July 26, 2012, an agent of the Enforcement Bureau’s Los Angeles Office inspected DirecTV satellite system located at EL Segundo, CA and observed the following violation:

47 C.F.R § 25.701(e)(3): “DBS providers airing children’s programming must maintain records sufficient to verify compliance with this rule and make such records available to the public. Such records must be maintained for a period sufficient to cover the limitations period specified in 47 U.S.C. 503(b)(6)(B).” Such records must be placed in the DBS’s provider’s public file no later than the tenth day of the quarter following the quarter in which the covered programming aired and must be maintained for a period sufficient to cover the limitations period specified in 47 U.S.C. 503(b)(6)(B) (one year). *See Children’s Television Programming, Memorandum Opinion and Order*, 6 FCC Rcd 5093, para. 23 (1991); *Direct Broadcast Satellite Public Interest Obligations, Second Order on Reconsideration of First Report and Order*, 19 FCC Rcd 5647, para. 48 (2004) (requiring “DBS providers to comply with the rules regarding commercial limits on children’s programming that apply to cable operators”).

¹47 C.F.R. § 1.89.

²47 C.F.R. § 1.89(a).

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At the time of inspection, the agent found that DirecTV's public inspection file was missing the children's programming records for the second quarter of 2011. Such records should have been placed in the public inspection file no later than July 11, 2011.³

3. Pursuant to Section 403 of the Communications Act of 1934, as amended,⁴ and Section 1.89 of the Commission's rules, we seek additional information concerning the violations and any remedial actions the system may have taken. Therefore, DirecTV 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.⁵

4. In accordance with Section 1.16 of the Commission's rules, we direct DirecTV to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of DirecTV with personal knowledge of the representations provided in DirecTV's response, verifying the truth and accuracy of the information therein,⁶ and confirming that all 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.⁷

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:

³The tenth day of the third quarter of 2011 fell on a Sunday. In accordance with Section 1.4(j) of the Commission's rules (47 C.F.R. § 1.4(j)), the required records should have been placed in the file no later than the following day, Monday, July 11, 2011.

⁴47 U.S.C. § 403.

⁵47 C.F.R. § 1.89(c).

⁶Section 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 (date). (Signature)'. " 47 C.F.R. § 1.16.

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

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Los Angeles District Office
18000 Studebaker Road., Suite 660
Cerritos, CA 90703

6. This Notice shall be sent to DirecTV at its address of record.

7. The Privacy Act of 1974⁸ 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

Paul Oei
Acting District Director
Los Angeles Office
Western Region
Enforcement Bureau

⁸P.L. 93-579, 5 U.S.C. § 552a(e)(3).