

Federal Communications Commission

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

In the Matter of)	
)	
Cable Montana, LLC)	File No. EB-FIELDWR-12-00004015
Cable System Operator)	
Physical System ID # 021581)	
South Fork, Colorado)	NOV No. V201232800061
)	

NOTICE OF VIOLATION

Released: September 13, 2012

By the District Director, Denver 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 Cable Montana, LLC (Cable Montana), operator of a cable system in South Fork, Colorado. Pursuant to Section 1.89(a) of the Commission's Rules, issuance of this NOV does not preclude the Enforcement Bureau from further action if warranted, including issuing a Notice of Apparent Liability for Forfeiture for the violations noted herein.²

2. On August 25, 2012, an agent of the Enforcement Bureau's Denver Office inspected the cable system located at South Fork, Colorado, and observed the following violations:

- a. 47 C.F.R. § 76.612(a)(1): "All cable television systems which operate in the frequency bands 108-137 and 225-400 MHz shall comply with the following frequency separation standards: All such cable carriers or signal components shall be offset by 12.5 kHz with a frequency tolerance of +/- 5kHz." At the time of the inspection, an agent observed the following channels were operating outside the allowable frequency tolerance:

Channel 15 (B)	Measured 127.2353 MHz, Authorized 127.2625 MHz
Channel 26 (M)	Measured 235.2504 MHz, Authorized 235.2626 MHz
Channel 36 (W)	Measured 295.2402 MHz, Authorized 295.2625 MHz

- 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

¹ 47 C.F.R. § 1.89.

² 47 C.F.R. § 1.89(a).

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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, the agent observed leakage on the frequency of 133.2625 MHz at the following location:

Pole in back of 8200 Sports, 30923 US Highway 160: 548 uV/m

3. 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 taken. Therefore, Cable Montana 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 Cable Montana to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of Cable Montana with personal knowledge of the representations provided in Cable Montana’s response, verifying the truth and accuracy of the information therein,⁵ 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.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:

³ 47 U.S.C. § 403.

⁴ 47 C.F.R. § 1.89(c).

⁵ Section 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.

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

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Denver District Office
215 S. Wadsworth Blvd., Suite 303
Lakewood, CO 80226

6. This Notice shall be sent to Cable Montana, LLC, 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

Nikki P. Shears
District Director
Denver District Office
Western Region
Enforcement Bureau

⁷ P.L. 93-579, 5 U.S.C. § 552a(e)(3).