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

| |) | |
|---|---|------------------------|
| In the Matter of |) | |
| Comcast of Arizona, Inc. |) | |
| Operator of Cable Television System Physical System ID# 008124 |) | File No. EB-09-SD-0037 |
| Tucson, Arizona |) | NOV No. V200932940002 |
| |) | |

NOTICE OF VIOLATION

Released: May 4, 2009

By the District Director, San Diego 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 Comcast of Arizona, Inc. ("Comcast"), operator of a cable television system in Tucson, Arizona.
- 2. On March 25, 2009, an agent of the Enforcement Bureau's San Diego Office inspected Comcast's cable television system in Tucson, Arizona. The San Diego agent requested that Comcast conduct a Required Weekly Test ("RWT") of its emergency alert system ("EAS") equipment during the inspection and observed the following violation:
 - 47 C.F.R. § 11.51(h): "Analog cable and digital cable systems with 10,000 or more subscribers (3) Shall transmit the EAS visual message on all downstream channels." At the time of the inspection, no visual message of the EAS alert was transmitted on any programmed channels during the RWT.
- 3. Pursuant to Section 403 of the Communications Act of 1934, as amended,² and Section 1.89 of the Commission's Rules, Comcast of Arizona, Inc. must submit a written statement concerning this matter within 20 days of release of this Notice. The response must fully explain each violation, must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and should include a time line for completion of pending corrective action(s). The response must be complete in itself and signed by Comcast or a principal or officer of Comcast. 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:

47 C.1 .R. § 1.02

² 47 U.S.C. § 403.

¹ 47 C.F.R. § 1.89.

Federal Communications Commission San Diego Office 4542 Ruffner St., Suite 370 San Diego, CA 92111

- 4. This Notice shall be sent to by Certified Mail/Return Receipt Requested and regular mail to Cox Communications, at its address of record.
- 5. The Privacy Act of 1974³ 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. Any false statement made knowingly and willfully in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.⁴

FEDERAL COMMUNICATIONS COMMISSION

William R. Zears Jr.
District Director
San Diego District Office
Western Region
Enforcement Bureau

³ P.L. 93-579, 5 U.S.C. § 552a(e)(3).

⁴ 18 U.S.C. § 1001 et seg.