

**Federal Communications Commission**

---

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

In the Matter of	)	
	)	
Baja Broadband Operating Company, LLC.	)	File No. EB-09-DV-0106
Physical System ID # 006267	)	
Las Animas, Colorado	)	NOV No. V201032800002
	)	

**NOTICE OF VIOLATION**

**Released:** November 18, 2009

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,<sup>1</sup> to Baja Broadband Operating Company, LLC. ("Baja"), operator of a cable system in Las Animas, Colorado.

2. On November 6, 2009, an agent of the Enforcement Bureau's Denver Office inspected the Baja cable system located at Las Animas, Colorado, and observed the following violation:

- a. 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, an agent observed signal leakage on the frequency of 121.2625 MHz at the following location:

- 1) Alley next to 1140 4<sup>th</sup> Street 82 µV/m
- 2) Alley off 2<sup>nd</sup> Street between Grand Avenue and Maple Avenue 727 µV/m

3. Pursuant to Section 403 of the Communications Act of 1934, as amended,<sup>2</sup> and Section 1.89 of the Commission's Rules, Baja 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

---

<sup>1</sup> 47 C.F.R. § 1.89.

<sup>2</sup> 47 U.S.C. § 403.

**Federal Communications Commission**

---

line for completion of pending corrective action(s). The response must be complete in itself and signed by a principal or officer of Baja. 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  
Denver District Office  
215 S. Wadsworth Blvd., Suite 303  
Lakewood, CO 80226

4. This Notice shall be sent by Certified Mail/Return Receipt Requested and regular mail to Baja Broadcasting Operating Company, LLC., at its address of record.

5. The Privacy Act of 1974<sup>3</sup> 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.<sup>4</sup>

FEDERAL COMMUNICATIONS COMMISSION

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

---

<sup>3</sup> P.L. 93-579, 5 U.S.C. § 552a(e)(3).

<sup>4</sup> 18 U.S.C. § 1001 *et seq.*