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

In the Matter of	)	
	)	
NexHorizon of Colorado, Inc.	)	File No. EB-09-DV-0103
Physical System ID # 010105	)	
Cheyenne Wells, Colorado	)	NOV No. V201032800003
	)	

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,[1] to NexHorizon of Colorado, Inc. ("NexHorizon"), operator of a cable system in Cheyenne Wells, Colorado.

2.	On November 5, 2009, an agent of the Enforcement Bureau's Denver Office inspected the NexHorizon cable system located at Cheyenne Wells, Colorado, and observed the following violations:

   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 127.2625 MHz at the following locations:

   1)	In alley on South 1st Street West between West 6th Street South and West 7th Street South					189 µV/m
   2)	Alley in back of 290 West 4th Street North			479 µV/m

   b.	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:

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[1] 47 C.F.R. § 1.89.

Channel 14 (A)	Measured 121.2560 MHz, Authorized 121.2625 MHz
Channel 16 (C)	Measured 133.3209 MHz, Authorized 133.2625 MHz
Channel 26 (M)	Measured 235.2357 MHz, Authorized 235.2625 MHz
Channel 31 (R)	Measured 265.2833 MHz, Authorized 265.2625 MHz
Channel 34 (U)	Measured 283.2722 MHz, Authorized 283.2625 MHz

3.   Pursuant to Section 403 of the Communications Act of 1934, as amended,[2] and Section 1.89 of the Commission's Rules, NexHorizon 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 a principal or officer of NexHorizon. 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 NexHorizon of Colorado, Inc., at its address of record.

5.   The Privacy Act of 1974[3] 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

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

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[2] 47 U.S.C. § 403.

[3] P.L. 93-579, 5 U.S.C. § 552a(e)(3).

[4] 18 U.S.C. § 1001 *et seq.*