
Federal Communications Commission

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

In the Matter of)	
)	
NexHorizon of Colorado, Inc.)	File No. EB-09-DV-0104
Physical System ID # 008656)	
Eads, Colorado)	NOV No. V201032800004
)	

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 Eads, Colorado.

2. On November 5, 2009, an agent of the Enforcement Bureau's Denver Office inspected the NexHorizon cable system located at Eads, 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 121.2625 MHz at the following locations:

- | | |
|---|----------|
| 1) Alley in back of 1008 Maine Street | 55 µV/m |
| 2) Alley in back of Twilite Apartments by 15 th Street and Kerr Street | 312 µV/m |

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

¹ 47 C.F.R. § 1.89.

² 47 U.S.C. § 403.

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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 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

Nikki P. Shears
District Director
Denver 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 seq.*