
Federal Communications Commission

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

In the Matter of

Comcast of New Mexico, Inc.
Physical System ID # 001111
Socorro, New Mexico

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File No. EB-09-DV-0115

NOV No. V201032800011

NOTICE OF VIOLATION

Released: January 5, 2010

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 Comcast of New Mexico, Inc. ("Comcast"), operator of a cable system in Socorro, New Mexico.

2. On December 1, 2009, an agent of the Enforcement Bureau's Denver Office inspected the Comcast cable system located at Socorro, New Mexico, 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) Power pole in front of 509 Bullock Blvd., near Bee Ct. 108 μ V/m
 - 2) Power pole near 509 E. Newberry Road 494 μ V/m
 - 3) Near Baca Hall Room 108 on the campus of the New Mexico Institute of Mining & Technology ("NMIMT"), near Neel Street by Goad Avenue 55 μ V/m
 - 4) Near "Ben D. Altamirano Student Apartments" Sign on the campus of the NMIMT by Vista Drive and Neel Street 73 μ V/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

¹ 47 C.F.R. § 1.89.

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time of the inspection, an agent observed the following channel was operating outside the allowable frequency tolerance:

Channel 43 (GG) Measured 337.250 MHz, Authorized 337.2625 MHz

3. Pursuant to Section 403 of the Communications Act of 1934, as amended,² and Section 1.89 of the Commission's Rules, Comcast 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 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:

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

4. This Notice shall be sent to Comcast of New Mexico, 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

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.*