

Federal Communications Commission

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

In the Matter of)	
)	File No.: EB-10-PA-0013
Holiday Inn)	
)	Citation No.: C201032400002
Monroeville, Pennsylvania)	

CITATION

Released: February 3, 2010

By the District Director, Philadelphia Office, Northeast Region, Enforcement Bureau:

1. This is an Official Citation issued pursuant to Section 503(b)(5) of the Communications Act of 1934, as amended (“Act”),¹ to the Holiday Inn for violation of Sections 76.605(a)(12) and 76.1804 of the Commission’s Rules (“Rules”).²

2. Investigation by the Enforcement Bureau’s Philadelphia Office revealed that on January 19, 2010, the Holiday Inn utilized a non-cable, multichannel video programming distributor (“MVPD”) system located at 2750 Mosside Boulevard, Monroeville, Pennsylvania 15146.

3. The Commission’s Rules provide that cable and non-cable MVPD's that transmit carriers with certain characteristics within frequency bands of 108-137 MHz and 225-400 MHz must comply with specific technical requirements delineated in the rules in order to avoid interference to other licensed operations, including aeronautical systems operating in these frequency ranges. Attached are excerpts of many of the relevant rules applicable to such MVPD systems. In particular, Section 76.610 of the Rules provides that all MVPDs (cable and non-cable) transmitting carriers or other signal components at an average power level equal to or greater than 10^{-4} watts across a 25 kHz bandwidth in any 160 microsecond period, at any point in the cable distribution system in the frequency bands 108-137 and 225-400 MHz for any purpose must comply with, among others, Sections 76.605(a)(12) and 76.1804.³ At the time of inspection, the Holiday Inn was required to comply with these rules because its MVPD system at its hotel property in Monroeville, Pennsylvania, transmitted carriers at an average power level equal to or greater than 10^{-4} watts across a 25 kHz bandwidth in any 160 microsecond period and carries signals in the 108-137 MHz aeronautical band.

¹ 47 U.S.C. § 503(b)(5).

² 47 C.F.R. §§ 76.605(a)(12), 76.1804.

³ 47 C.F.R. § 76.610; *see* attached “Excerpts from 47 C.F.R. Part 76 related to Multichannel Video Programming Distributors.”

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4. Section 76.605(a)(12) of the Rules provides that “[a]s 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.”⁴ At the time of inspection, an FCC agent conducted field strength measurements on the frequency 133.2625 MHz in the rear of the Holiday Inn and measured an emission of 100 microvolts per meter, which exceeds the field strength allowed on that frequency by the Rules.

5. Section 76.1804 of the Rules requires that an “MVPD shall notify the Commission before transmitting any carrier or other signal component with an average power level across a 25 kHz bandwidth in any 160 microsecond time period equal to or greater than 10^{-4} watts at any point in the cable distribution system on any frequency or frequencies in the aeronautical radio frequency bands (108-137 and 225-400 MHz). The notification shall be made on FCC Form 321.”⁵ The Holiday Inn was using the frequencies 121.2625 MHz, 127.2625 MHz and 133.2625 MHz, aeronautical frequencies, but had not notified the Commission using FCC Form 321.

6. Violations of the Act or the Commission’s Rules may subject the violator to substantial monetary forfeitures,⁶ seizure of equipment through *in rem* forfeiture action, and criminal sanctions, including imprisonment.⁷

7. Holiday Inn may request an interview at the closest FCC Office, which is Federal Communications Commission, One Oxford Valley Building Suite 404, 2300 East Lincoln Highway, Langhorne, PA 19047.⁸ You may contact this office by telephone, (XXX) XXXX-XXXX to schedule this interview, which must take place within 14 days of this Citation. Holiday Inn may also submit a written statement to the above address within 14 days of the date of this Citation. Any written statements should specify what actions have been taken to correct the violations outlined above. Please reference file number EB-10-PA-0013 when corresponding with the Commission.

8. Any statement or information provided by you may be used by the Commission to determine if further enforcement action is required.⁹ Any knowingly or willfully false statement made in reply to this Citation is punishable by fine or imprisonment.¹⁰

⁴ 47 C.F.R. § 76.605(a)(12).

⁵ 47 C.F.R. § 76.1804.

⁶ 47 C.F.R. § 1.80(b)(3).

⁷ 47 U.S.C. §§ 401, 501, 503, 510.

⁸ 47 U.S.C. § 503(b)(5).

⁹ See Privacy Act of 1974, 5 U.S.C. § 552a(e)(3).

¹⁰ See 18 U.S.C. § 1001 *et seq.*

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9. **IT IS ORDERED** that copies of this Citation shall be sent by First Class U.S. Mail and Certified Mail, Return Receipt Requested to the Holiday Inn at its address of record.

FEDERAL COMMUNICATIONS COMMISSION

Gene J. Stanbro
District Director
Philadelphia District Office
Northeast Region
Enforcement Bureau

Attachment