

Federal Communications Commission

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

In the Matter of)	
)	
Atlantic Broadband Penn, LLC.)	File No. EB-10-PA-0037
Physical System ID # 003560)	NOV No. V201032400025
Altoona, Pennsylvania.)	
)	
)	

NOTICE OF VIOLATION

Released: February 8, 2010

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

1. This is a Notice of Violation ("Notice") issued pursuant to Section 1.89 of the Commission's Rules,¹ to Atlantic Broadband Penn, LLC ("Atlantic"), operator of a cable system in Altoona, Pennsylvania.

2. On January 26, 2010, agents of the Enforcement Bureau's Philadelphia Office inspected the Atlantic cable system located in Altoona, Pennsylvania and observed the following violation:

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, agents observed signal leakage at the following locations:

Date	Frequency (MHz)	Field Intensity (µV/m)	Location
01/26/2010	121.2625	121.23	1 st Street between 5 th & 6 th Avenue, Altoona, PA
01/26/2010	121.2625	288.34	7 th Street between 3 rd & 4 th Avenue, Altoona, PA

¹ 47 C.F.R. § 1.89.

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3. Pursuant to Section 403 of the Communications Act of 1934, as amended,² and Section 1.89 of the Commission's Rules, Atlantic 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 Atlantic. 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
Philadelphia District Office
One Oxford Valley Building, Suite 404
2300 East Lincoln Highway
Langhorne, Pennsylvania 19047

4. This Notice shall be sent by Certified Mail/Return Receipt Requested and regular mail to Atlantic Broadband Penn, LLC. 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

Gene J. Stanbro
District Director
Philadelphia District Office
Northeast 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.*