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**Federal Communications Commission**

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

In the Matter of

NPG Cable, Inc.  
Physical System ID # 004744  
Mammoth Lakes, California

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File No. EB-10-SF-0196

NOV No. V201132960001

**NOTICE OF VIOLATION**

**Released: October 29, 2010**

By the District Director, San Francisco Office, Enforcement Bureau:

1. This is a Notice of Violation ("Notice") issued pursuant to Section 1.89 of the Commission's Rules,<sup>1</sup> to NPG Cable, Inc., operator of a cable system in Mammoth Lake, California.

2. On August 30, 2010, agents of the Enforcement Bureau's San Francisco Office inspected the NPG Cable, Inc. system located at Mammoth Lake, California, 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 location:

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|---|----------|
| 1) #16 Sierra Manor Apt. (back wall)              | 221 µV/m |
| 2) #20 Villa de los Pinos Apts., Chateaus Rd.     | 72 µV/m  |
| 3) #48 The Woodlands, Chateau Rd. and Azimath Rd. | 66 µV/m  |
| 4) 387 Mono St. (pole # 1687595)                  | 66 µV/m  |
| 5) 29 Lupin St.                                   | 126 µV/m |

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<sup>1</sup> 47 C.F.R. § 1.89.

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- b. 47 C.F.R. § 76.612(a): “In the aeronautical radiocommunication bands 118–137, 225–328.6 and 335.4–400 MHz, the frequency of all carrier signals or signal components carried at an average power level equal to or greater than  $10^{-4}$  watts in a 25 kHz bandwidth in any 160 microsecond period must operate at frequencies offset from certain frequencies which may be used by aeronautical radio services operated by Commission licensees or by the United States Government or its Agencies. The aeronautical frequencies from which offsets must be maintained are those frequencies which are within one of the aeronautical bands defined in this subparagraph, and when expressed in MHz and divided by 0.025 yield an integer.” At the time of the inspection, an agent measured the frequency for Channel 37, as 301.25029 MHz. This channel has not been properly offset. The frequency should be 301.2625 MHz +/- 5 kHz.
- c. 47 C.F.R. § 76.1706: Cable operators shall maintain a log showing the date and location of each leakage source identified pursuant to 76.614, the date on which the leakage was repaired, and the probable cause of the leakage. The log shall be kept on file for a period of two years and shall be made available to authorized representatives of the Commission upon request.” At the time of the inspection, there was no leakage log being maintained at the system since January 2009.

3. Pursuant to Section 403 of the Communications Act of 1934, as amended,<sup>2</sup> and Section 1.89 of the Commission's Rules, NPG Cable, Inc., 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 the licensee. 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  
San Francisco Office  
5653 Stoneridge Dr.  
Pleasanton, CA 94588

4. This Notice shall be sent to NPG Cable, Inc., at its address of record.

5. The Privacy Act of 1974<sup>3</sup> 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

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<sup>2</sup> 47 U.S.C. § 403.

<sup>3</sup> P.L. 93-579, 5 U.S.C. § 552a(e)(3).

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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.<sup>4</sup>

FEDERAL COMMUNICATIONS COMMISSION

Thomas VanStavern  
District Director  
San Francisco Office  
Western Region  
Enforcement Bureau

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<sup>4</sup> 18 U.S.C. § 1001 *et seq.*