

**Federal Communications Commission**

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

In the Matter of	)	
	)	
WaveDivision VII, LLC	)	File No. EB-11-PO-0024
Cable System Operator	)	
Community ID# OR0445	)	NOV No. V201132920025
Southern Marion County, Oregon	)	

**NOTICE OF VIOLATION**

**Released: July 20, 2011**

By the Resident Agent, Portland Resident Agent Office, Western Region, 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 the WaveDivision VII, LLC, a/k/a Wave Broadband ("Wave Broadband"), operator of a cable system serving Southern Marion County, Oregon.

2. On March 22, 2011, an agent of the Enforcement Bureau's Portland Office inspected the Wave Broadband system serving Southern Marion County, Oregon, and observed the following violation:

47 C.F.R. § 76.1804: A Multichannel Video Programming Distributor ("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<sup>-4</sup> 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. At the time of the inspection, Wave Broadband was using the aeronautical frequencies 121.2625 MHz, 127.2625 MHz, 133.2625 MHz, and 397.2625 MHz but had not notified the Commission as required.

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, Wave Broadband, 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 Wave Broadband. All replies and documentation sent in

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<sup>1</sup> 47 C.F.R. § 1.89.

<sup>2</sup> 47 U.S.C. § 403.

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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  
Portland Resident Agent Office  
P.O. Box 61469  
Vancouver, Washington 98666-1469

4. This Notice shall be sent to Wave Broadband 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 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

Binh Nguyen  
Resident Agent  
Portland Resident Agent Office  
Western Region  
Enforcement Bureau

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

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