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**Federal Communications Commission**

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

In the Matter of	)	
	)	
Fort Randall Cable Systems, Inc.	)	File No. EB-11-DV-0176
Cable System Operator	)	
Community Unit ID # SD0181	)	
	)	NOV No. V201132800017
Tyndall, South Dakota	)	
	)	

**NOTICE OF VIOLATION**

Released: July 28, 2011

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,<sup>1</sup> to Fort Randall Cable Systems, Inc. ("Fort Randall"), operator of a cable system in Tyndall, South Dakota.

2. On June 20, 2011, an agent of the Enforcement Bureau's Denver Office inspected the Fort Randall cable system located at Tyndall, South Dakota, and observed the following violations:

- a. 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 time of the inspection, the agent observed the following channels were operating outside the allowable frequency tolerance:

Channel 14 (A)	Measured 121.250 MHz, Authorized 121.2625 MHz
Channel 34 (U)	Measured 283.250 MHz, Authorized 283.2625 MHz

- b. 47 C.F.R. § 76.1610: "The Operator shall inform the Commission on FCC Form 324 whenever there is a change of cable television system operator; change of legal name, change of the operator's mailing address or FCC Registration Number (FRN); or change in the operational status of a cable television system. Notification must be done within 30 days from the date the change occurs..." At the time of the inspection, Fort Randall had

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<sup>1</sup> 47 C.F.R. § 1.89.

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acquired ownership of the cable system, apparently in 2004, but had not notified the Commission as required.

- c. 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  $10^{-4}$  watts at any point in the cable distribution system on any new 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, Fort Randall was using aeronautical frequencies in both the 108 – 137 MHz and 225 – 400 MHz bands 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, Fort Randall 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 Fort Randall. 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, Colorado 80226

4. This Notice shall be sent to Fort Randall Cable Systems, 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 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>

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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).

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

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FEDERAL COMMUNICATIONS COMMISSION

Nikki P. Shears  
District Director  
Denver District Office  
Western Region  
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