

Federal Communications Commission

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

In the Matter of)	
)	
Cox Communications Louisiana LLC)	File No.: EB-11-OR-0074
)	
Cable System Operator)	
Physical System ID No. LA0003)	
Baton Rouge, LA)	NOV No.: V201232620003
)	

NOTICE OF VIOLATION

Released: July 17, 2012

By the District Director, New Orleans Office, South Central Region, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission's rules,¹ to Cox Communications Louisiana LLC dba Cox Communications (Cox), operator of a cable system in Baton Rouge, LA. This Notice may be combined with a further action, if further action is warranted.²

2. On July 20, 2011, agents of the Enforcement Bureau's New Orleans Office inspected the cable system at 7401 Florida Blvd., Baton Rouge and observed the following violation:

47 C.F.R. § 76.1703: "Cable operators airing children's programming must maintain records sufficient to verify compliance with § 76.225 and make such records available to the public. Such records must be maintained for a period sufficient to cover the limitations period specified in 47 U.S.C. 503(b)(6)(B)." Such records must be placed in the cable system's public file no later than the tenth day of the quarter following the quarter in which the covered programming aired and must be maintained for a period sufficient to cover the limitations period specified in 47 U.S.C. 503(b)(6)(B) (one year). *See Children's Television Programming, Memorandum Opinion and Order*, 6 FCC Rcd 5093, para. 23 (1991).

At the time of inspection, agents found that Cox's public inspection file was missing the children's programming records for the second quarter of 2011. Such records should have been placed in the public inspection file no later than July 11, 2011.³

¹47 C.F.R. § 1.89.

²47 C.F.R. § 1.89(a).

³The tenth day of the third quarter of 2011 fell on a Sunday. In accordance with Section 1.4(j) of the Commission's rules (47 C.F.R. § 1.4(j)), the required records should have been placed in the file no later than the following day, Monday, July 11, 2011.

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3. Pursuant to Section 403 of the Communications Act of 1934, as amended,⁴ and Section 1.89 of the Commission's rules, we seek additional information concerning the violation and any remedial actions the system may have taken. Therefore, Cox must submit a written statement concerning this matter within twenty (20) days of release of this Notice. The response (i) must fully explain each violation, including all relevant surrounding facts and circumstances, (ii) must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and (iii) must include a time line for completion of any pending corrective action(s). The response must be complete in itself and must not be abbreviated by reference to other communications or answers to other notices.⁵

4. In accordance with Section 1.16 of the Commission's rules, we direct Cox to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of Cox with personal knowledge of the representations provided in Cox's response, verifying the truth and accuracy of the information therein,⁶ and confirming that all of the information requested by this Notice which is in the licensee's possession, custody, control, or knowledge has been produced. To knowingly and willfully make any false statement or conceal any material fact in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.⁷

5. 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
New Orleans Office
2424 Edenborn Avenue, Suite 460
New Orleans, LA 70001

6. This Notice shall be sent to Cox Communications at its address of record.

⁴47 U.S.C. § 403.

⁵47 C.F.R. § 1.89(c).

⁶Section 1.16 of the Commission's rules provides that "[a]ny document to be filed with the Federal Communications Commission and which is required by any law, rule or other regulation of the United States to be supported, evidenced, established or proved by a written sworn declaration, verification, certificate, statement, oath or affidavit by the person making the same, may be supported, evidenced, established or proved by the unsworn declaration, certification, verification, or statement in writing of such person Such declaration shall be subscribed by the declarant as true under penalty of perjury, and dated, in substantially the following form . . . : 'I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)'.⁷ 47 C.F.R. § 1.16.

⁷18 U.S.C. § 1001 *et seq.* See also 47 C.F.R. § 1.17.

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7. The Privacy Act of 1974⁸ 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.

FEDERAL COMMUNICATIONS COMMISSION

Walter Gernon
District Director
New Orleans District Office
South Central Region
Enforcement Bureau

⁸P.L. 93-579, 5 U.S.C. § 552a(e)(3).