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**Federal Communications Commission**

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

In the Matter of	)	
	)	
COMCAST OF CALIFORNIA III INC.	)	File No. EB-FIELDWR-13-00005859
Physical System ID: 001963	)	
Community Unit ID: CA0245	)	
San Francisco, California	)	NOV No. V201332960013
	)	

**NOTICE OF VIOLATION**

**Released: February 21, 2013**

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

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission's rules (Rules),<sup>1</sup> to Comcast of California III, Inc. (Comcast), operator of a cable system in San Francisco, California. Pursuant to Section 1.89(a) of the Rules, issuance of this Notice does not preclude the Enforcement Bureau from further action if warranted, including issuing a Notice of Apparent Liability for Forfeiture for the violations noted herein.<sup>2</sup>

2. On December 18, 2012, an agent of the Enforcement Bureau's San Francisco Office inspected Comcast's cable system located in San Francisco, 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, the agent measured signal leakage in excess of 20  $\mu$ V/m on the frequency of 133.2625 MHz at the following locations:

1) 910 Cole St. Pole 110051644	60 $\mu$ V/m
2) 910 Cole St. Pole 110051645	40 $\mu$ V/m

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<sup>1</sup> 47 C.F.R. § 1.89.

<sup>2</sup> 47 C.F.R. § 1.89(a).

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- b. 47 C.F.R. § 76.613: “(a) Harmful interference is any emission, radiation or induction which ... seriously degrades, obstructs or repeatedly interrupts a radio communication service operating in accordance with this chapter. (b) [A multi-channel video programming distributor] that causes harmful interference shall promptly take appropriate measures to eliminate the harmful interference.” At the time of the investigation, the agent observed signal leakage from the location of 910 Cole St., San Francisco, California, which interfered with licensed operations in the 850 MHz cellular band.

3. Pursuant to Section 403 of the Communications Act of 1934, as amended,<sup>3</sup> and Section 1.89 of the Rules, we seek additional information concerning the violations and any remedial actions taken. Therefore, Comcast 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.<sup>4</sup>

4. In accordance with Section 1.16 of the Rules, we direct Comcast to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of Comcast with personal knowledge of the representations provided in Comcast’s response, verifying the truth and accuracy of the information therein,<sup>5</sup> and confirming that all of the information requested by this Notice which is in the regulatee’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.<sup>6</sup>

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:

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<sup>3</sup> 47 U.S.C. § 403.

<sup>4</sup> 47 C.F.R. § 1.89(c).

<sup>5</sup> Section 1.16 of the 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)’.” 47 C.F.R. § 1.16.

<sup>6</sup> 18 U.S.C. § 1001 *et seq.* See also 47 C.F.R. § 1.17.

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San Francisco Office  
5653 Stoneridge Drive, Suite 105  
Pleasanton, CA 94588-8543

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

7. The Privacy Act of 1974<sup>7</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.

FEDERAL COMMUNICATIONS COMMISSION

David K. Hartshorn  
District Director  
San Francisco Office  
Western Region  
Enforcement Bureau

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<sup>7</sup> P.L. 93-579, 5 U.S.C. § 552a(e)(3).