

**Federal Communications Commission**

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

In the Matter of	)	
	)	
NPG Cable, LLC	)	File No.: EB-FIELDWR-13-00008351
Cable System Operator	)	NOV No.: V201332940010
	)	
Lake Havasu City, Arizona	)	Physical System ID: 006616

**NOTICE OF VIOLATION**

**Released: May 9, 2013**

By the District Director, San Diego 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 NPG Cable, LLC, operator of a cable system in Lake Havasu City, Arizona. 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 violation noted herein.<sup>2</sup>

2. On April 11, an agent of the Enforcement Bureau’s San Diego Office inspected a cable system located at Lake Havasu City, Arizona, and observed the following violation:

- a. 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 inspection, the agent observed signal leakage in the 800 MHz band at several locations: 3240 Iroquois Drive, 2701 S.Kiowa Boulevard, 2717 Tradewind Drive, 2963 Palo Verde Drive, 2482 S. Cisco Drive, 2560 S. Cisco Drive and 183 Viscount Lane, Lake Havasu City. The signal was characterized as continuous digital video signals, each 6 MHz in bandwidth, operating between 824 MHz to 849 MHz that was causing harmful interference to AT&T Wireless.

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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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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, NPG Cable, LLC, 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 NPG Cable, LLC, to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of NPG Cable, LLC, with personal knowledge of the representations provided in NPG Cable'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 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.<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:

Federal Communications Commission  
San Diego Office  
4542 Ruffner Street, Suite 370  
San Diego, CA 92111

6. This Notice shall be sent to NPG Cable, LLC, at its address of record.

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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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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

James T. Lyon  
District Director  
San Diego Office  
Western Region  
Enforcement Bureau

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