

Federal Communications Commission

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

In the Matter of)	
)	
Comcast of New Mexico/Pennsylvania, Inc)	File No.: EB-FIELDNER-14-00015655
)	
Cable System Operator)	NOV No.: V201432400027
)	
Reading, Pennsylvania)	Physical System ID: 003320
)	

NOTICE OF VIOLATION

Released: June 4, 2014

By the District Director, Philadelphia Office, Northeast Region, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission's rules (Rules)¹ to Comcast of New Mexico/Pennsylvania, Inc (Comcast), operator of a cable system in Reading, Pennsylvania. 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.²

2. On May 2, 2014, an agent of the Enforcement Bureau's Philadelphia Office monitored Comcast's cable system located in Reading, Pennsylvania, and observed the following violation:

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 µV/m on the frequency of 133.2625 MHz at the following locations:

¹ 47 C.F.R. § 1.89.

² 47 C.F.R. § 1.89(a).

Federal Communications Commission

Date/Time	Frequency (MHz)	Signal Strength (µv/m)	Location
5/2/14 11:50 AM	133.2625	30.35	Church Street between Walnut and Elm Streets 40° 20'17.0"N / 75° 55'36.1"W
5/2/14 12:25 PM	133.2625	52.14	415 North 5 th Street Connection to residence 40° 20'31.34"N / 75° 55'39.47"W
5/2/14 12:41 PM	133.2625	88.55	Spring and McKnight Streets Pole # 50531-37571 40° 21'2.4"N / 75° 56'11.1"W
5/2/14 12:55 PM	133.2625	81.70	West Douglas and McKnight Streets Southwest Corner 40° 20'51.20"N / 75° 56'11.71"W
5/2/14 1:07 PM	133.2625	104.04	3rd and Oley Street Pole # 50673-37405 40° 20'45.73"N / 75° 55'52.77"W
5/2/14 1:21 PM	133.2625	67.95	Oley Street between 9 th and Moss Streets 40° 20'45.13"N / 75° 55'9.48"W

3. Pursuant to Section 403 of the Communications Act of 1934, as amended,³ 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.⁴

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,⁵ and confirming that all of the information

³ 47 U.S.C. § 403.

⁴ 47 C.F.R. § 1.89(c).

⁵ 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,

Federal Communications Commission

requested by this Notice which is in the company'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.⁶

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
Philadelphia District Office
One Oxford Valley Building, Suite 404
2300 East Lincoln Highway
Langhorne, Pennsylvania 19047

6. This Notice shall be sent to Comcast of New Mexico/Pennsylvania, Inc at its address of record.

7. The Privacy Act of 1974⁷ 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 C. Dombrowski
District Director
Philadelphia District Office
Northeast Region
Enforcement Bureau

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.

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

⁷ P.L. 93-579, 5 U.S.C. § 552a(e)(3).