

Federal Communications Commission

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

Certified Mail # 7000 0250 0021 4662 8122
Return Receipt Requested

In the Matter of

City of Point Hope

Unregistered Cable Television System
Point Hope, Alaska

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File No: EB-04-AN-006

NOV No: V20043278003

NOTICE OF VIOLATION

Released: April 2, 2004

By the Anchorage Resident Agent Office, Enforcement Bureau:

1. This is a Notice of Violation ("Notice") issued pursuant to Section 1.89 of the Commission's Rules,¹ to the City of Point Hope, Point Hope, Alaska.

2. On March 22, 2004, the Commission's Anchorage Resident Agent Office received a report from FAA engineers that a cable television system was interfering with the FAA RCO aeronautical frequency of 122.250 MHz, in Point Hope, Alaska.

3. Statements by the Acting Mayor of Point Hope and the technician for the cable system admit the cable system does cross public rights-of-way and is carrying signals other/more than local television broadcast stations² as are the definitions under Section 76.5(a)(1) and (2)³ of the Rules and therefore requires the cable system be registered with the Commission. A search of Commission records shows that the cable system in Point Hope, Alaska is not registered and therefore the violation:

47 C.F.R. § 76.1801(a): "A system community unit shall be authorized to commence operation only after filing with the Commission the information required on FCC Form 322." *See also* Sections 76.1801(a)(1) – (7), (b) and (c).^{4,5}

¹ 47 C.F.R. § 1.89.

² 47 C.F.R. §§ 73.606 & 73.622; Table of Allotments for local television stations. There are no television broadcast channel assignments for Point Hope, Alaska.

³ 47 C.F.R. § 76.5(a)(1) and (2).

⁴ 47 C.F.R. § 76.1801(a), (b) and (c) inclusive.

⁵ *See also*, 47 C.F.R. § 76.1802 Equal Employment Opportunity, 47 C.F.R. § 76.1803 Signal Leakage Monitoring,

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4. Regarding the FAA reported interference to their RCO aeronautical frequency in Point Hope. This Office directs the city's principal or officer attention to Section 76.610 of the Commissions Rules.⁶ This Section states, in part, that any operation of any cable system using aeronautical frequencies must comply with the provisions of Sections 76.611, 76.612, 76.613, 76.614, 76.1803, 76.1804 and 76.1706 by reference of the Commissions Rules.⁷ These Sections delineate the requirements for startup of and continued operations of a cable system that utilizes aeronautical frequencies, regular programmed scheduled monitoring of the system for leakage, offset channel standards, and a requirement to act promptly and take appropriate corrective measures to eliminate harmful interference to radio communications involving the safety of life and protection of property and logging of cable leakage monitoring and repairs related to leakage. The aeronautical service is a safety service.

5. In addition, the City of Point Hope cable operation also requires the installation of specific Emergency Alert System (EAS) equipment if not already accomplished. See 47 C.F.R. § 11.1 *et seq.* Waivers are granted on a case-by-case basis upon the filing of a waiver request with the Commission that includes a showing of financial hardship. *Amendment of Part 73, Subpart G, of the Commission's Rules Regarding the Emergency Broadcast System*, Second Report and Order, 12 FCC Rcd 15503, 15513 (1997).

6. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,⁸ and Section 1.89 of the Commission's Rules, the City of Point Hope, Alaska, 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 the City of Point Hope. 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
Enforcement Bureau
Anchorage Resident Agent Office
P.O. Box 221849
Anchorage, Alaska 99522-1849

7. This Notice shall be sent by certified mail; return receipt requested, to City of Point Hope, P.O. Box 169, Point Hope, AK 99766.

8. The Privacy Act of 1974⁹ 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

47 C.F.R. § 76.1804 Aeronautical Frequencies: Leakage Monitoring (CLI); associated FCC Form 321 for operations in the aeronautical bands of 108 – 137 and 225 – 400 MHz and 47 C.F.R. § 11.1 *et seq* for Emergency Alert System equipment, procedures and requirements.

⁶ 47 C.F.R. § 76.610 *et seq*

⁷ 47 C.F.R. §§ 76.611, 76.612, 76.613, 76.614, 76.1803, 76.1804 and 76.1706

⁸ 47 U.S.C. § 308(b).

⁹ P.L. 93-579, 5 U.S.C. § 552a(e)(3).

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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.¹⁰

FEDERAL COMMUNICATIONS COMMISSION

David J. Charlton
Resident Agent
Anchorage Resident Agent Office

¹⁰ 18 U.S.C. § 1001 *et seq.*