

Federal Communications Commission

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

In the Matter of)	
)	
Charter Communications)	File No. EB-04-PO-047
Physical ID# 002924)	
Astoria, Oregon)	NOV No. V20043292006

NOTICE OF VIOLATION

Released: April 27, 2004

By the Resident Agent, Portland Office, Enforcement Bureau:

1. This is a Notice of Violation ("Notice") issued pursuant to Section 1.89 of the Commission's Rules,¹ to Charter Communications, operator of the cable television system serving Astoria, Oregon.

2. On April 8, 2004, an agent of the Commission's Portland Office inspected Charter Communications' cable television system in Astoria, Oregon and observed the following violation:

- a. 47 C.F.R. § 76.605 (a)(12): "As an exception to the general provisions requiring measurements to be made at subscriber terminals, and without regard to the type of signals carriers 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, and less than and including 216MHz - 20 microvolts per meter measured at 3 meters."

On April 8, 2004, the FCC agent observed the following signal leakage on the frequency of 121.2625 MHz:

- | | |
|--|----------|
| 1. Near 1350 Exchange Street, Astoria, OR | 108 µV/m |
| 2. Pole 088010 near Irving Avenue and 20 th Street, Astoria, OR | 120 µV/m |
| 3. Near Irving Avenue and 14 th Street, Astoria, OR | 90 µV/m |

3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,² and Section 1.89 of the Commission's Rules, Charter Communications, must submit a written statement

¹ 47 C.F.R. § 1.89.

² 47 U.S.C. § 308(b).

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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 taken to correct each violation and preclude recurrence, and should include a time line for completion of pending corrective action. The response must be complete in itself and signed by a principal or officer of the licensee with personal knowledge of the matter. 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
Portland Office
P.O. Box 61469
Vancouver, Washington 98666-1469

4. This Notice shall be sent to Charter Communications, 1241 Duane, Astoria, Oregon 97103.

5. The Privacy Act of 1974³ 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. 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.⁴

FEDERAL COMMUNICATIONS COMMISSION

Binh Nguyen
Resident Agent
Portland Office

³ P.L. 93-579, 5 U.S.C. § 552a(e)(3).

⁴ 18 U.S.C. § 1001 *et seq.*