

**Federal Communications Commission**

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

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|-------------------------------------|---|-----------------------|
| In the Matter of                    | ) |                       |
|                                     | ) |                       |
| Friendship Cable of Texas, Inc.     | ) | File No. EB-04-HU-020 |
| Operator of Cable Television System | ) |                       |
| Porter, Texas                       | ) | NOV No. V20043254001  |

**NOTICE OF VIOLATION**

**Released: September 20, 2004**

By the Resident Agent, Houston Office, Enforcement Bureau:

1. This is a Notice of Violation ("Notice") issued pursuant to Section 1.89 of the Commission's Rules,<sup>1</sup> to Friendship Cable of Texas, Inc. operator of a cable television system in Porter, Texas.

2. On August 16, 2004, the Commission received a Basic Leakage Performance Report, Form 320, signed on June 29, 2004. Report revealed violations of the commission's Rules in the following manner:

- 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 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 216 MHz - 20 micro-volts per meter measured at 3 meters.

The report received identified seventeen leaks observed on May 10, 2004 grossly exceeding the 20 microvolt per meter limit. The report further indicates the leaks were not repaired until sometime after the signing of the report on June 29, 2004. Additionally, an agent from the Commission's Houston Office inspected the cable television system in Porter on September 8, 2004. At the time of inspection signal leakage was observed on the frequency of 121.2625 MHz as follows:

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<sup>1</sup> 47 C.F.R. § 1.89.

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|---------------------|--|
| 92 $\mu\text{V/m}$  | Corner of Woody and Meadow Lanes                 |
| 212 $\mu\text{V/m}$ | Off of Cunningham Drive at the VFW Hall building |
| 377 $\mu\text{V/m}$ | Corner of Yupon and Virginia Lanes               |

- b. 47 C.F.R. § 76.611(a): States in part, no cable television system shall commence or provide service in the frequency bands 108-137 and 225-400 MHz unless such systems are in compliance with one of the following cable television basic performance criteria: (1) prior to carriage of signals in the aeronautical bands and at least once each calendar year, with no more than 12 months between successive tests thereafter, the system operator demonstrates compliance with a cumulative leakage index calculation of less than 64; or (2) demonstrates by measurement in the airspace that at no point does the field strength generated by the cable television system exceed 10 microvolts per meter RMS at an altitude of 450 meters above average terrain of the cable system.

The Basic Leakage Performance Report filed with the Commission states that measurements conducted on May 10, 2004 on your Porter cable television system results in this system having a CLI calculation greater than 64, and the report does not indicate corrective actions were taken at that time.

3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,<sup>2</sup> and Section 1.89 of the Commission's Rules, Friendship Cable of Texas, Inc. must submit a written statement concerning this matter within 30 days of release of this Notice. You must submit leakage repair logs sufficient to show that you have repaired the leaks identified in your Form 320 and the date of each repair. You must also complete a new CLI test and submit the results. Form 320 may be used for this purpose. 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  
Houston Office  
9597 Jones Road, #362  
Houston, Texas 77065

4. This Notice shall be sent to Friendship Cable of Texas, Inc., P. O. Box 9200, Tyler, Texas, 75711.

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<sup>2</sup> 47 U.S.C. § 308(b).

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5. The Privacy Act of 1974<sup>3</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. 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.<sup>4</sup>

FEDERAL COMMUNICATIONS COMMISSION

Stephen P. Lee  
Resident Agent  
Houston Office

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

<sup>4</sup> 18 U.S.C. § 1001 *et seq.*