

Federal Communications Commission

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

In the Matter of)	
)	
Cablevision Systems Westchester Corporation)	
PSID 007341)	File No. EB-08-NY-0252
)	
Yonkers, New York)	NOV No. V200832380044
)	

NOTICE OF VIOLATION

Released: July 28, 2008

By the District Director, New York Office, Northeast Region, Enforcement Bureau:

1. This is a Notice of Violation (“Notice”) issued pursuant to Section 1.89 of the Commission’s Rules¹ to Cablevision Systems Westchester Corporation (“Cablevision”), operator of a cable system in Yonkers, New York (Physical System ID 007341).
2. On July 10, 2008, an agent of the Commission’s New York Office inspected Cablevision’s cable system serving Yonkers, New York, and observed following violations:
 - a. 47 C.F.R. § 11.61(b): “Entries [of EAS tests] shall be made in EAS Participant records as specified in §§ 11.35(a) and 11.54(b)(13). § 11.35(a) states “EAS Participants must determine the cause of any failure to receive the required tests or activations specified in § 11.61(a)(1) and (a)(2). Appropriate entries indicating reasons why any tests were not received must be made in . . . cable system records as specified in Sec. Sec. 76.1700, 76.1708, and 76.1711 of this chapter.” During the inspection, the agent observed that for the months of April and June 2008, there were no entries in the EAS logs nor any EAS printouts of Required Monthly Tests received from station WFAS, one of Cablevision’s two monitoring sources. There were no log entries indicating the reasons why these tests were not received.
 - b. 47 C.F.R. § 76.1702(a): “Every employment unit with six or more full-time employees shall maintain for public inspection a file containing copies of all EEO program annual reports filed with the Commission pursuant to Section 76.77 and the equal employment opportunity program information described in paragraph (b) of this section. These materials shall be placed in the unit's public inspection file annually by the date that the unit's EEO program annual report is due to be filed and shall be retained for a period of five years. The file shall be maintained at the central office and at every location with six or more full-time employees. . .” At the time of the inspection, the agent observed that

¹ 47 C.F.R. § 1.89.

Federal Communications Commission

Cablevision's public inspection file did not contain EEO program annual reports (Form 396-C) for the years 2005, 2006 and 2007.

3. Pursuant to Section 403 of the Communications Act of 1934, as amended,² and Section 1.89 of the Commission's Rules, Cablevision must submit a written statement concerning this matter within twenty (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 Cablevision. 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
New York Office
201 Varick Street, Suite 1151
New York, NY 10014

4. This Notice shall be sent to Cablevision at its address of record.
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

Daniel W. Noel
District Director
New York District Office
Northeast Region
Enforcement Bureau

² 47 U.S.C. § 403.

³ P.L. 93-579, 5 U.S.C. § 552a(e)(3).

⁴ 18 U.S.C. § 1001 *et seq.*