

Federal Communications Commission

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

In the Matter of)	
)	
Time Warner New York Cable, Inc.)	File No. EB-08-NY-0272
Physical System ID # 003599)	
Mount Vernon, New York)	NOV No. V200832380048
)	

NOTICE OF VIOLATION

Released: August 12, 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 Time Warner New York Cable, Inc. (“Time Warner”), operator of a cable system in Mount Vernon, New York.
2. On July 30, 2008, an agent of the Commission’s New York Office inspected Time Warner in Mount Vernon, NY, and observed the following violation:

47 C.F.R. §11.61(b): "Entries shall be made in EAS Participant records, as specified in Sections 11.35(a) and 11.54(b)(13)." At the time of inspection, there were no entries of transmitted Required Monthly or transmitted Required Weekly Tests in Time Warner EAS logs since November of 2006. No system record entries were found indicating the reasons why any tests had not been transmitted.
3. Pursuant to Section 403 of the Communications Act of 1934, as amended,² and Section 1.89 of the Commission's Rules, Time Warner, 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 Time Warner. 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:

¹47 C.F.R. § 1.89.

²47 U.S.C. § 403.

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New York Office
201 Varick Street, Suite 1151
New York, NY 10014

4. This Notice shall be sent to Time Warner New York Cable Inc. 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

³P.L. 93-579, 5 U.S.C. § 552a(e)(3).

⁴18 U.S.C. § 1001 *et seq.*