

**Federal Communications Commission**

---

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

In the Matter of	)	
	)	
Time Warner NY Cable LLC	)	File No. EB-09-BF-0013
	)	
West Seneca, New York	)	NOV No. V200932280001

**NOTICE OF VIOLATION**

**Released: April 16, 2009**

By the Resident Agent, Buffalo Office, Northeast Region, 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 Time Warner NY Cable LLC (Time Warner), operator of a cable system serving West Seneca, New York.

2. On April 7, 2009, an agent of the Commission’s Buffalo Office conducted an inspection of Time Warner’s cable systems located in West Seneca, New York, and observed the following violations:

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 carried 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 up to and including 216 MHz. . . . . 20 micro-volts per meter, measured at 3 meters." At the time of the inspection, the agent measured signal leakage in excess of 20 µV/m on the frequency of 133.2625 MHz at the following locations:

Date	Frequency (MHz)	Signal Strength (µV/m)	Location
4/7/2009	133.2625	180	Potter elementary school, 674 Potter Road
4/7/2009	133.2625	305	60 Shirley Street
4/7/2009	133.2625	150	444 Indian Church Road, Pole # 53

---

<sup>1</sup>47 C.F.R. § 1.89.

**Federal Communications Commission**

---

3. Pursuant to Section 403 of the Communications Act of 1934, as amended,<sup>2</sup> 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:

Federal Communications Commission  
6400 Sheridan Drive  
Suite 140  
Williamsville, New York 14221

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

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

David A. Viglione  
Resident Agent  
Buffalo Office  
Northeast Region  
Enforcement Bureau

---

<sup>2</sup>47 U.S.C. § 403.

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

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