

Federal Communications Commission

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

In the Matter of)	
)	File No. EB-04-NY-257
Cumulus Broadcasting, LLC)	
)	
ASR # 1045228)	
Located in Hartsdale, NY)	NOV No. V20053238006
)	
Atlanta, GA)	
)	

NOTICE OF VIOLATION

Released: October 27, 2004

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 Rules,¹ to Cumulus Broadcasting, LLC, owner of antenna structure 1045228.

2. On October 20, 2004, an agent of the Commission's New York Office inspected the antenna structures, ASR # 1045228, located at 365 Secor Road, Hartsdale, New York 10530, and observed the following violation:

- a. 47 C.F.R. § 17.57: "...The owner must also immediately notify the Commission using FCC Form 854 upon any change in structure height or change in ownership information." Cumulus Broadcasting, LLC is the current owner of antenna structures 1045228. However, the Antenna Structure Registration for the tower still lists the owner as Aurora of Westchester, LLC.

3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,² and Section 1.89 of the Commission's Rules, Cumulus Broadcasting, LLC must submit a written statement 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(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 the licensee with personal knowledge of the matter. All replies and documentation sent in response to this Notice should be marked with the File

¹ 47 C.F.R. § 1.89.

² 47 U.S.C. § 308(b).

Federal Communications Commission

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 Cumulus Broadcasting LLC, 14 Piedmont, 3535 Piedmont Road, Suite 1400, Atlanta, GA 30305, Attn: Legal Department.

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 Office

³ P.L. 93-579, 5 U.S.C. § 552a(e)(3).

⁴ 18 U.S.C. § 1001 *et seq.*