

Federal Communications Commission

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

In the Matter of)	
)	
Prairie View A&M University)	File No. EB-09-HU-0039
Owner of Antenna Structure # 1056336)	NOV No. V200932540009
Prairie View, Texas)	
)	
)	

NOTICE OF VIOLATION

Released: May 4, 2009

By the Resident Agent, Houston Office, South Central Region, Enforcement Bureau:

1. This is a Notice of Violation (“Notice”) issued pursuant to Section 1.89 of the Commission’s Rules¹ to Prairie View A&M University, owner of antenna structure # 1056336 in Prairie View, Texas.
2. On April 28, 2009, an agent of the Commission’s Houston Office of the Enforcement Bureau observed antenna structure # 1056336 located near Prairie View, Texas, and observed the following violation(s):
 - a. 47 C.F.R. § 17.48(a): “The owner of any antenna structure which is registered with the Commission and has been assigned lighting specifications referenced in this part: Shall report immediately by telephone or telegraph to the nearest Flight Service Station or office of the Federal Aviation Administration any observed or otherwise known extinguishment or improper functioning of any top steady burning light or any flashing obstruction light, regardless of its position on the antenna structure, not corrected within 30 minutes.” An investigation by this office has determined that, although you were aware that a mid-level flashing obstruction beacon was not operating and had contacted vendors to replace the light, the Federal Aviation Administration was not notified within 30 minutes of your observation of this light outage.
 - b. 47 C.F.R. § 17.51(a): “All red obstruction lighting shall be exhibited from sunset to sunrise unless otherwise specified.” After local sunset, one of the two mid-level red flashing obstruction beacons was not operating. Additionally, none of the side marker lights at the ¼ level

¹ 47 C.F.R. § 1.89.

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or the ¾ level were operational. The top obstruction light was operating properly.

3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,² and Section 1.89 of the Commission's Rules, Prairie View A&M University, 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 the tower owner. 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 Prairie View A&M University, 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

Stephen P. Lee
Resident Agent
Houston Office
South Central Region
Enforcement Bureau

² 47 U.S.C. § 308(b).

³ P.L. 93-579, 5 U.S.C. § 552a(e)(3).

⁴ 18 U.S.C. § 1001 *et seq.*