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**Federal Communications Commission**

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

In the Matter of

GTE Mobilnet of South Texas LP  
Owner of Antenna Structure # 1048901  
Houston, Texas

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File No. EB-09-HU-0041  
NOV No. V200932540011

**NOTICE OF VIOLATION**

**Released: May 13, 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 Rules<sup>1</sup> to GTE Mobilnet of South Texas LP, owner of antenna structure # 1048901 in Houston, Texas.
2. On April 28, 2009, an agent of the Commission’s Houston Office of the Enforcement Bureau observed antenna structure # 1048901 located near Houston, Texas, and observed the following violation(s):
  - a. 47 C.F.R. § 17.23: “Unless otherwise specified by the Commission, each new or altered antenna structure to be registered on or after January 1, 1996, must conform to the FAA’s painting and lighting recommendations set forth on the structure’s FAA determination of “no hazard,” as referenced in the following FAA Advisory Circulars... .” The antenna structure registration for antenna structure number 1048901 specifies that the owner is required to paint and light the structure “in accordance with FAA Circular Number 70/7460-1K.” FAA Circular Number 70/7460-1K requires that medium intensity lights at the top level of a structure be installed at the highest point to provide a 360-degree coverage ensuring an unobstructed view. Additionally, any red flashing obstruction lighting should have a flash rate of between 20 and 40 flashes per

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<sup>1</sup> 47 C.F.R. § 1.89.

minute. It was observed that the top medium intensity strobe light was side mounted at the top of the structure in a manner that did not provide an unobstructed view. Also at night the red obstruction beacon was flashing at a rate of about 120 times per minute.

- b. 47 C.F.R. § 17.47: “The owner of any antenna structure which is registered with the Commission and has been assigned lighting specifications referenced in this part: (a)(1) Shall make an observation of the antenna structure’s lights at least once each 24 hours either visually or by observing an automatic properly maintained indicator designed to register any failure of such lights, to insure that all such lights are functioning properly as required: or alternatively, (2) Shall provide and properly maintain an automatic alarm system designed to detect any failure of such lights and to provide indication of such failure to the owner.” An investigation revealed that the automatic alarm system used for this antenna structure did not detect or provide indication that the red obstruction beacon at the top of the structure was malfunctioning and flashing at a rate grossly exceeding the FAA specification.
3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,<sup>2</sup> and Section 1.89 of the Commission's Rules, GTE Mobilnet of South Texas LP, 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 GTE Mobilnet of South Texas LP, 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

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<sup>2</sup> 47 U.S.C. § 308(b).

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

**Federal Communications Commission**

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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

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

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