

**Federal Communications Commission**

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

In the Matter of	)	
	)	
Equity Communications, L.P.	)	File No. EB-10-PA-0062
Registrant of Antenna Structure	)	
ASR # 1046225	)	
Atlantic City, New Jersey	)	NOV No. V201032400035
	)	
	)	

**NOTICE OF VIOLATION**

**Released: April 7, 2010**

By the District Director, Philadelphia 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 Equity Communications, L.P., the owner of antenna structure # 1046225 in Atlantic City, New Jersey.
2. On March 5, 2010, agents of the Commission’s Philadelphia Office inspected antenna structure # 1046225 located in Atlantic City, New Jersey, and observed the following violations:
  - a. 47 C.F.R. § 17.50(a): “Antenna structures requiring painting under this part shall be cleaned or repainted as often as necessary to maintain good visibility.” At the time of inspection, the agent observed that the paint on the antenna structure was faded and chipped.
  - b. 47 C.F.R. § 73.49: “Antenna towers having radio frequency potential at the base (series fed, folded unipole, and insulated base antennas) must be enclosed with effective locked fences or other enclosures. Ready access must be provided to each antenna tower base for meter reading and maintenance purposes at all times. However, individual tower fences need not be installed if the towers are contained within a protective property fence” The agents observed that the tower was enclosed by a fence that had an entrance gate with a working lock. At the time of inspection, however, the entrance gate was open allowing access to the tower base.

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<sup>1</sup>47 C.F.R. § 1.89.

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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, Equity Communications, L.P. 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 actions. 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  
Philadelphia Office  
One Oxford Valley Building, Suite 404  
2300 East Lincoln Highway  
Langhorne, Pennsylvania 19047

4. This Notice shall be sent to Equity Communications, L.P. 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

Gene J. Stanbro  
District Director  
Philadelphia Office  
Northeast Region  
Enforcement Bureau

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<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.*