

Federal Communications Commission

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

In the Matter of)	
)	
M&M Tower Management Corp)	File No. EB-10-NY-0304
ASR # 1066153)	
Marlboro, New Jersey)	NOV No. V201032380023

NOTICE OF VIOLATION

Released: June 21, 2010

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 Rules¹ to M&M Tower Management Corp, owner of antenna structure # 1066153 in Marlboro, New Jersey.
2. On June 9, 2010, an agent of the Commission’s New York Office inspected antenna structure # 1066153 located at Route 34 & Reside Hill Road, Marlboro, New Jersey, and observed the following violation:

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’.” The FCC’s Antenna Structure Registration (“ASR”) database currently indicates that antenna structure number 1066153 requires 24-hour medium intensity white flashing lights in accordance with FAA Circular Number 70/7460-1K, Chapters 4, 6, and 12. The antenna structure does not conform to these recommendations, but is equipped with aviation orange and white paint and only red obstruction lighting, and therefore is in violation of 47 C.F.R. § 17.23. In order to come into compliance with the Commission’s rules, M&M Tower Management Corp must: (1) obtain a new FAA “no hazard” determination indicating that the current system is permitted and then submit a modified antenna structure registration to reflect the new “no hazard” determination, (2) submit a modified registration if a new FAA “no hazard” determination already has been obtained or (3) come into compliance with the current ASR by adding medium white obstruction lighting in accordance with FAA Circular Number 70/7460-1K, Chapters 4, 6, and 12.

¹47 C.F.R. § 1.89.

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3. Pursuant to Section 403 of the Communications Act of 1934, as amended,² and Section 1.89 of the Commission's Rules, M&M Tower Management Corp, 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 M&M Tower Management Corp. 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
New York Office
201 Varick Street, Suite 1151
New York, NY 10014

4. This Notice shall be sent to M&M Tower Management Corp 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

Daniel W. Noel
District Director
New York District Office
Northeast Region
Enforcement Bureau

²47 U.S.C. § 403.

³P.L. 93-579, 5 U.S.C. § 552a(e)(3).

⁴18 U.S.C. § 1001 *et seq.*