

**Federal Communications Commission**

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

In the Matter of	)	
	)	
Public Service Electric and Gas Company	)	File No. EB-10-NY-0321
ASR # 1044536	)	
Edison, New Jersey	)	NOV No. V201032380031

**NOTICE OF VIOLATION**

**Released: August 2, 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 Rules<sup>1</sup> to Public Service Electric and Gas Company, owner of antenna structure # 1044536 in Edison, New Jersey.
2. On June 28, 2010, an agent of the Commission’s New York Office inspected antenna structure # 1044536 located at 234 Pierson Avenue, Edison, 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 1044536 requires aviation orange and white paint and red obstruction lighting in accordance with FAA Circular Number 70/7460-1G, Chapters 3, 4, 5, and 9. The antenna structure does not conform to these recommendations, but is equipped with dual lighting with red obstruction lighting at night and medium intensity white flashing lights during the day. In order to come into compliance with the Commission’s rules, Public Service Electric and Gas Company 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 painting the structure in accordance with FAA Circular Number 70/7460-1G, Chapters 3,4, 5, and 9.

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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, Public Service Electric and Gas Company, 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 Public Service Electric and Gas Company. 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 Public Service Electric and Gas Company 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

Daniel W. Noel  
District Director  
New York District 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.*