

Federal Communications Commission

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

In the Matter of)	
Butler Broadcasting Company, LLC)	
KREB and WQCU699)	Case No. EB-10-OR-0062
ASR # 1058573)	NOV No. V201032620004
Bentonville, Arkansas)	
36°23'18.0''N)	
94°11'35.0''W)	
ASR # 1040271)	
Fayetteville, Arkansas)	
36°04'29.0''N)	
094°11'1.0''W)	

NOTICE OF VIOLATION

Released: September 8, 2010

By the District Director, New Orleans, 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 Butler Broadcasting Company, LLC (“Butler Broadcasting”), owner of antenna structure #1058573 in Bentonville, Arkansas and antenna structure #1040271 in Fayetteville, Arkansas.
2. On August 10, 2010, agents of the Commission’s New Orleans Office inspected antenna structures #1058573 and #1040271 and observed the following violations:

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 antenna structure registration for structures #1058573 and #1040271 indicates the towers require painting and lighting in accordance with FAA Circular Number 70/7460-1K, FAA Chapters 1, 3, 11, and 21. Chapter 3 requires painting with alternate bands of aviation orange and white for daytime visibility. During the inspection, agents observed the structure paint was faded on both towers and did not meet FAA requirements.

¹47 C.F.R. § 1.89.

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Section 17.57 of the Rules states that the "owner [of an antenna structure] must also immediately notify the Commission using FCC Form 854 upon any change in ... structure ownership information." Although now owned by Butler Broadcasting, the FCC Antenna Structure Registration database states that antenna structure #1040271 is owned by Cumulus Licensing Corporation, the previous owner.

3. Pursuant to Section 403 of the Communications Act of 1934, as amended,² and Section 1.89 of the Commission's Rules, Butler Broadcasting, LLC 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 taken to correct each violation and preclude recurrence, and should include a time line for completion of pending corrective action. 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
New Orleans Office
2424 Edenborn Ave.
Suite 460
Metairie, La. 70001

4. This Notice shall be sent to Butler Broadcasting Company, LLC 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

Walter Gernon
District Director
New Orleans Office
South Central 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.*