

Federal Communications Commission

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

In the Matter of)	
)	
Warren County New Jersey)	File No. EB-11-NY-0329
ASR # 1215296)	
Hackettstown, New Jersey)	NOV No. V201232380010
)	
)	

NOTICE OF VIOLATION

Released: November 22, 2011

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 Warren County New Jersey, owner of antenna structure # 1215296 in Hackettstown, New Jersey.
2. On November 3, 2011, an agent of the Commission's New York Office inspected antenna structure # 1215296 located at Upper Pohatcong Mountain Hackettstown, New Jersey 07840, and observed the following violations:
 - 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'." The FCC's Antenna Structure Registration ("ASR") database currently indicates that antenna structure number 1215296 requires aviation orange and white paint and red obstruction lighting in accordance with FAA Circular Number 70/7460-1K, Chapters 3, 4, 5, and 12. 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, and therefore is in violation of 47 C.F.R. § 17.23. In order to come into compliance with the Commission's rules, Warren County New Jersey 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

¹ 47 C.F.R. § 1.89.

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structure in accordance with FAA Circular Number 70/7460-1K, Chapters 3,4, 5, and 12.

- b. 47 C.F.R. § 17.57: “The owner of an antenna structure for which an Antenna Structure Registration Number has been obtained must notify the Commission within 24 hours of completion of construction (FCC Form 854-R) and/or dismantlement (FCC Form 854).” During the inspection, the agent observed that construction of antenna structure number 1215296 had been completed; the FCC’s antenna structure registration database, however, still showed the structure’s status as “granted.”
3. Pursuant to section 308(b) of the Communications Act of 1934, as amended,² and section 1.89 of the Commission's rules, Warren County New Jersey must submit a written statement concerning this matter within 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 Warren County New Jersey. 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 by Certified Mail/Return Receipt Requested and regular mail to Warren County New Jersey 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

² 47 U.S.C. § 308(b).

³ P.L. 93-579, 5 U.S.C. § 552a(e)(3).

⁴ 18 U.S.C. § 1001 *et seq.*

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