

**Federal Communications Commission**

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

In the Matter of	)	
	)	
Jack Queen Construction, Inc.	)	File No.: EB-FIELDSCR-12-00003121
Owner of Antenna Structure No. 1210697	)	NOV No.: V201232600009
	)	
Immokalee, FL	)	
	)	

**NOTICE OF VIOLATION**

**Released: July 11, 2012**

By the Resident Agent, Miami Office, South Central 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 Jack Queen Construction, Inc., owner of antenna structure number 1210697 in Immokalee, Florida.
  
2. On June 28, 2012, an agent of the Enforcement Bureau’s Miami Office inspected antenna structure number 1210697 located in Immokalee, Florida, and observed the following violations:
  - a. 47 C.F.R. § 17.4(g): “The Antenna Structure Registration Number must be displayed in a conspicuous place so that it is readily visible near the base of the antenna structure. Materials used to display the Antenna Structure Registration Number must be weather-resistant and of sufficient size to be easily seen at the base of the antenna structure.” At the time of inspection, the Antenna Structure Registration Number was not posted at or near the base of antenna structure number 1210697.
  
  - b. 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 Federal Aviation Administration’s (“FAA’s”) painting and lighting recommendations set forth on the structure’s FAA determination of “no hazard,” as referenced in the . . . FAA Advisory Circulars.” The FCC’s Antenna Structure Registration (ASR) database currently indicates that the antenna structure requires a dual lighting system, with a medium intensity white strobe for daytime visibility, and red lights at night, in accordance with FAA Circular Number 70/7460-1J, Chapters 4, 8, and 13. According to the FAA Circular, for structures

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<sup>1</sup> 47 C.F.R. § 1.89.

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over 150 feet in height, the red lighting system shall include a top-mounted flashing red beacon and two or more steady burning red lights at the midpoint of the structure. The antenna structure does not conform to these recommendations. The agent observed only two top-mounted steady burning red lights installed on the structure and it is therefore in violation of 47 C.F.R. § 17.23. In order to come into compliance with the Commission's rules, Jack Queen Construction, Inc. must do one of the following: (1) obtain a new FAA "no hazard" determination indicating that the current lighting 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 requirements by installing the dual lighting system.

- c. 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). The owner must also immediately notify the Commission using FCC Form 854 upon any change in structure height or change in ownership information." The Commission's Antenna Structure Registration database currently shows the status of antenna structure number 1210697 as "granted." Since the tower has been built, the status must be changed to "constructed."

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, Jack Queen Construction, Inc. 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 Jack Queen Construction, Inc. 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  
Miami Office  
P.O. Box 520617  
Miami, FL 33152

4. This Notice shall be sent to by Certified Mail, Return Receipt Requested, and First Class Mail to Jack Queen Construction, Inc. at its address of record.

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<sup>2</sup> 47 U.S.C. § 403.

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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

Steven DeSena  
Resident Agent  
Miami Office  
South Central Region  
Enforcement Bureau

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<sup>3</sup> P.L. 93-579, 5 U.S.C. § 552a(e)(3).

<sup>4</sup> 18 U.S.C. § 1001 *et seq.*