

**Federal Communications Commission**

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

In the Matter of	)	
	)	
The Estate of John C. Aegerter	)	File No. EB-FIELDNER-12-00003225
Antenna Structure Registrant	)	
ASR # 1033541	)	NOV No. V201232320008
Delafield, Wisconsin	)	

**NOTICE OF VIOLATION**

**Released: September 4, 2012**

By the District Director, Chicago District 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 the Estate of John C. Aegerter. John C. Aegerter, now deceased, was the registrant of antenna structure #1033541 in Delafield, Wisconsin.
2. On July 9, 2012, an agent, in response to a complaint that the top beacon was extinguished, inspected antenna structure #1033541 located adjacent to 486 Cedar Valley Court, Delafield, Wisconsin, and observed the following violation:
  - a. 47 C.F.R. § 17.51(a): “All red obstruction lighting shall be exhibited from sunset to sunrise unless otherwise specified.” The antenna structure registration for antenna structure #1033541 requires a top flashing beacon and at least two steady burning lights at approximately two-thirds and one-third levels. At the time of the inspection, the agent observed extinguishment of the top flashing beacon.
  - 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). The owner must also immediately notify the Commission using FCC Form 854 upon any change in structure height or change in ownership information.” The Antenna Structure Registration (ASR) database still identifies John C. Aegerter as the registrant of antenna structure #1033541. The Estate of Mr. Aegerter must file an FCC Form 854 in order to update the ownership information in the ASR database.

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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, the Estate of John C. Aegerter 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 any pending corrective action(s). The response must be complete in itself and signed by a principal or officer of the tower. 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  
Chicago Office  
1550 North Northwest Highway, Room 306  
Park Ridge, IL 60068

4. This Notice shall be sent to the Estate of John C. Aegerter 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

James M. Roop  
District Director  
Chicago 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.*