

**Federal Communications Commission**

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

In the Matter of	)	
	)	
Citicasters Co.	)	File No. EB-FIELDWR-12-00005177
Antenna Structure Registrant	)	
ASR # 1034535	)	NOV No. V201332800031
Wellington, Colorado	)	
	)	

**NOTICE OF VIOLATION**

**Released:** December 20, 2012

By the District Director, Denver Office, Western Region, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission's rules (Rules),<sup>1</sup> to Citicasters Co. (Citicasters), registrant of Antenna Structure # 1034535 in Wellington, Colorado. Pursuant to Section 1.89(a) of the Rules, issuance of this Notice does not preclude the Enforcement Bureau from further action if warranted, including issuing a Notice of Apparent Liability for Forfeiture for the violations noted herein.<sup>2</sup>

2. On October 30, 2012, an agent of the Enforcement Bureau's Denver District Office inspected Antenna Structure # 1034535 located in Wellington, Colorado, and observed the following violations:

- a. 47 C.F.R. § 17.4(g): "Except as described in paragraph (h) of this section, 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 the inspection, the agent observed that no Antenna Structure Registration Number was displayed.
  
- 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 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 Antenna Structure Registration (ASR)

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<sup>1</sup> 47 C.F.R. § 1.89.

<sup>2</sup> 47 C.F.R. § 1.89(a).

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for antenna structure # 1034535 requires that it be lit in accordance with Chapters 3, 4, 5 and 13 of FAA Circular Number 70/7460-1J. Chapter 5 requires one flashing beacon at the top of structure and two flashing beacons at the ½ level of the tower. In addition, three sidelights shall be installed at the ¼ and ¾ levels of the tower. During the inspection on October 30, 2012, the agent observed that one flashing beacon was installed at the top of the tower and two sidelights at the one-third and two-thirds levels of the tower.

3. Pursuant to Section 403 of the Communications Act of 1934, as amended,<sup>3</sup> and Section 1.89 of the Rules, we seek additional information concerning the violations and any remedial actions taken. Therefore, Citicasters must submit a written statement concerning this matter within twenty (20) days of release of this Notice. The response (i) must fully explain each violation, including all relevant surrounding facts and circumstances, (ii) must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and (iii) must include a time line for completion of any pending corrective action(s). The response must be complete in itself and must not be abbreviated by reference to other communications or answers to other notices.<sup>4</sup>

4. In accordance with Section 1.16 of the Rules, we direct Citicasters to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of Citicasters with personal knowledge of the representations provided in Citicasters' response, verifying the truth and accuracy of the information therein,<sup>5</sup> and confirming that all of the information requested by this Notice which is in the regulatee's possession, custody, control, or knowledge has been produced. To knowingly and willfully make any false statement or conceal any material fact in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.<sup>6</sup>

5. 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:

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<sup>3</sup> 47 U.S.C. § 403.

<sup>4</sup> 47 C.F.R. § 1.89(c).

<sup>5</sup> Section 1.16 of the Rules provides that “[a]ny document to be filed with the Federal Communications Commission and which is required by any law, rule or other regulation of the United States to be supported, evidenced, established or proved by a written sworn declaration, verification, certificate, statement, oath or affidavit by the person making the same, may be supported, evidenced, established or proved by the unsworn declaration, certification, verification, or statement in writing of such person . . . . Such declaration shall be subscribed by the declarant as true under penalty of perjury, and dated, in substantially the following form . . . : ‘I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)’.” 47 C.F.R. § 1.16.

<sup>6</sup> 18 U.S.C. § 1001 *et seq.* See also 47 C.F.R. § 1.17.

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Federal Communications Commission  
Denver District Office  
215 S. Wadsworth Blvd., Suite 303  
Lakewood, CO 80226

6. This Notice shall be sent to Citicasters Co., at its address of record.

7. The Privacy Act of 1974<sup>7</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.

FEDERAL COMMUNICATIONS COMMISSION

Nikki P. Shears  
District Director  
Denver Office  
Western Region  
Enforcement Bureau

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<sup>7</sup> P.L. 93-579, 5 U.S.C. § 552a(e)(3).