

Federal Communications Commission

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

In the Matter of)	
)	
Homer Electric Association Inc.)	File No. EB-FIELDWR-12-00003262
Antenna Structure Registrant)	
ASR #1201362)	NOV No. V201332780010
Soldotna, Alaska)	
)	

NOTICE OF VIOLATION

Released: February 26, 2013

By the Resident Agent, Anchorage Resident Agent 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),¹ to Homer Electric Association Inc., registrant of antenna structure Homer Electric Association Inc. in Soldotna, Alaska. 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 violation noted herein.²

2. On April 25, 2012, agents of the Enforcement Bureau’s Anchorage Resident Agent Office inspected antenna structure #1201362 located on the South Side of the Sterling Hwy at mile 2.4, ENE, of Soldotna, Alaska. On August 2, 2012, the Anchorage Resident Agent Office issued a Letter of Inquiry (LOI) to Alaska Electric Generation and Transmission Cooperative, Inc., addressing issues involving the overall height of the antenna structure. On August 14, 2012, the Anchorage Resident Agent Office received a reply to the LOI from Homer Electric Association, Inc. (HEA) addressing the antenna structure’s height and advising that Homer Electric Association is the owner of the antenna structure. Based on the LOI reply, HEA is in violation of the following:

- a. 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.” HEA failed to notify the Commission of a change in ownership. Also, the current ASR information shows the AGL as

¹ 47 C.F.R. § 1.89.

² 47 C.F.R. § 1.89(a).

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36.5 meters for both the AGL with and without appurtenances. The LOI reply states the AGL without appurtenances is 37.1 meters and the AGL with appurtenances is 42.6 meters. HEA failed to notify the Commission of a change in the antenna structure's height.

3. Pursuant to Section 403 of the Communications Act of 1934, as amended,³ and Section 1.89 of the Rules, we seek additional information concerning the violations and any remedial actions taken. Therefore, HEA 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.⁴

4. In accordance with Section 1.16 of the Rules, we direct HEA to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of HEA with personal knowledge of the representations provided in HEA's response, verifying the truth and accuracy of the information therein,⁵ and confirming that all of the information requested by this Notice which is in the licensee'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.⁶

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:

Federal Communications Commission
Anchorage Resident Agent Office
P.O. Box 231949
Anchorage, Alaska 99523-1949

6. This Notice shall be sent to Homer Electric Association Inc. at its address of record.

³ 47 U.S.C. §403.

⁴ 47 C.F.R. § 1.89(c).

⁵ 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.

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

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7. The Privacy Act of 1974⁷ 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

Marlene Windel
Resident Agent
Anchorage Resident Agent Office
Western Region
Enforcement Bureau

⁷ P.L. 93-579, 5 U.S.C. § 552a(e)(3).