

Federal Communications Commission

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

In the Matter of)	
)	
Pennsylvania Turnpike Commission)	File No.: EB-FIELDNER-14-00012989
)	
Owner of Antenna Structure No. 1217017)	NOV No.: V201432400011
)	
New Cumberland, Pennsylvania)	
)	

NOTICE OF VIOLATION

Released: January 16, 2014

By the District Director, Philadelphia Office, Northeast 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 the Pennsylvania Turnpike Commission (PTC), owner of antenna structure number 1217017 in New Cumberland, Pennsylvania. 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 December 20, 2013, agents of the Enforcement Bureau’s Philadelphia Office inspected antenna structure number 1217017 located at the Harrisburg West Interchange of the Pennsylvania Turnpike in New Cumberland, Pennsylvania 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,”....” Antenna structure 1217017 is required to have paint and red obstruction lighting in accordance with Chapters 3, 4, 5, and 13 of FAA Circular 70/7460-1J. The agents observed that the antenna structure was not painted and that there were no obstruction lights installed on the antenna structure.

- b. 47 C.F.R. § 17.57: “The owner of an antenna structure for which an Antenna Structure Registration Number has been obtained must ... immediately notify the Commission using FCC Form 854 upon any change in structure height or change in ownership information.” The PTC failed to notify the Commission of a change in overall height above ground level of antenna structure

¹ 47 C.F.R. § 1.89.

² 47 C.F.R. § 1.89(a).

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1217017. The Antenna Structure Registration specifies that the overall height of antenna structure 1217017 is 13.7 meters (44.9 feet) above ground level. During the inspection, agents determined that the overall height of the antenna structure is currently 10.6 meters (35 feet).

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, PTC 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 the PTC to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of the PTC with personal knowledge of the representations provided in PTC'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 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.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
Philadelphia Office
One Oxford Valley Building, Suite 404
2300 East Lincoln Highway
Langhorne, Pennsylvania 19047

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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6. This Notice shall be sent to the Pennsylvania Turnpike Commission at its address of record.

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

David C. Dombrowski
District Director
Philadelphia Office
Northeast Region
Enforcement Bureau

⁷ P.L. 93-579, 5 U.S.C. § 552a(e)(3).