

**Federal Communications Commission**

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

In the Matter of	)	
	)	
The State of Rhode Island	)	File No. EB-FIELDNER-14-00015015
	)	
Registrant of ASR # 1245978	)	NOV No. V201432260004
Johnston, Rhode Island	)	
	)	
	)	
	)	

**NOTICE OF VIOLATION**

**Released: April 22, 2014**

By the District Director, Boston 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)<sup>1</sup> to the State of Rhode Island, owner of antenna structure number 1245978 (Antenna Structure) in Johnston, Rhode Island. 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 April 3, 2014, an agent of the Enforcement Bureau’s Boston Office inspected the Antenna Structure located at 1516 Atwood Avenue, Johnston, Rhode Island, 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.” At the time of inspection, there was no antenna structure registration number visible near the base of the antenna structure.
- b. 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 #1245978 requires a top flashing beacon and at least two steady burning lights at the mid-level. At the time of the inspection, the agent observed that the top flashing beacon and one of the two steady burning lights at the mid-level were extinguished.

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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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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, the State of Rhode Island 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 the State of Rhode Island 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 State of Rhode Island with personal knowledge of the representations provided in the State of Rhode Island 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 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.<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:

Federal Communications Commission  
Boston Office  
1 Batterymarch Park Ste 102  
Quincy, MA, 02169

6. This Notice shall be sent to the State of Rhode Island at its address of record.

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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 Commission's 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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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

Dennis Loria  
District Director  
Boston District Office  
Northeast Region  
Enforcement Bureau

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