

Federal Communications Commission

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

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| In the Matter of |) | |
| |) | |
| Pueblo West Metropolitan District |) | File No.: EB-FIELDWR-13-00012901 |
| Owner of Antenna Structure No. 1019418 |) | |
| |) | NOV No.: V201432800031 |
| Pueblo, CO |) | |

NOTICE OF VIOLATION

Released: April 24, 2014

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)¹ to Pueblo West Metropolitan District (PWMD), registrant of antenna structure # 1019418 by Pueblo, CO. 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, an agent of the Enforcement Bureau's Denver Office inspected antenna structure # 1019418 located at the coordinates of 38° 18' 56.0" north latitude and 104° 44' 27.0" west longitude, and observed the following violation:

- 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'" The FAA recommended that antenna structure # 1019418 be painted and lit in accordance with Chapters 3, 4, 5, and 13 of FAA Circular 70/7460-1J. Chapter 3 specifies that the structure be painted. The agent observed black coaxial cabling running vertically along the outside of the tower which obscured the bands of aviation orange and white paint on the underlying structure. Chapter 5 specifies a red light at the top plus red lights at the mid-level of the structure. At the time of the inspection, the agent observed a white flashing light atop the structure and that no other lights were installed.

¹ 47 C.F.R. § 1.89.

² 47 C.F.R. § 1.89(a).

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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, PWMD 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 PWMD to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of PWMD with personal knowledge of the representations provided in PWMD'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
Denver Office
P.O. Box 25446
One Denver Federal Center – Building 1A
Lakewood, CO 80225

6. This Notice shall be sent to Pueblo West Metropolitan District 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

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

⁷ P.L. 93-579, 5 U.S.C. § 552a(e)(3).