

**Federal Communications Commission**

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

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| In the Matter of                        | ) |                                 |
|   | ) |                                 |
| The Alaska Wireless Network             | ) | File No. EB-FIELDWR-14-00017246 |
| Owner of Antenna Structure ASR #1022129 | ) |                                 |
|   | ) |                                 |
| Kasilof, Alaska                         | ) | NOV No. V201532780001           |
|   | ) |                                 |

**NOTICE OF VIOLATION**

**Released: October 2, 2014**

By the Resident Agent, Anchorage 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 The Alaska Wireless Network, registrant of antenna structure #1022129 in Kasilof, 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.<sup>2</sup>

2. On August 14, 2014, an agent of the Enforcement Bureau's Anchorage Resident Agent Office inspected antenna structure #1022129 located on off the Sterling Highway, in Kasilof, Alaska, 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," as referenced in the . . . FAA Advisory Circulars . . ." Antenna structure #1022129 requires painting and lighting requirements as specified by FAA Chapters 4, and 8 in accordance with FAA Circular Number 70/7460-1J. Chapter 8 requires the mounting at the top of the antenna structure, a dual lighting system that includes red lights for nighttime and medium intensity flashing white lights for daytime and twilight use. The tower inspection occurred during daylight hours. The agents observed top mounted white obstruction lighting and a red side-

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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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by-side light. The agent did not observe the white obstruction lighting flashing as required.

- b. 47 C.F.R. § Section 17.48(a): “The owner of any antenna structure which is registered with the Commission and has been assigned lighting specifications referenced in this part shall report immediately by telephone or telegraph to the nearest Flight Service Station or office of the Federal Aviation Administration any observed or otherwise known extinguishment or improper functioning of any top steady burning light or any flashing obstruction light, regardless of its position on the antenna structure, not corrected within 30 minutes.” On August 12, 2014, during daylight hours, the agent inspected the tower. The agent did not observe the top mounted light flashing white. The agent attempted to contact The Alaska Wireless Network to advise them of the non-flashing strobe. The agent was unable to make contact and left a voice mail advising of the lighting malfunction of the white strobe light and to notify the FAA and initiate a NOTAM.

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 Alaska Wireless Network, 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 Alaska Wireless Network 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 Alaska Wireless Network with personal knowledge of the representations provided in The Alaska Wireless Network’s 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>

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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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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 Office  
P.O. Box 231949  
Anchorage, Alaska 99523-1949

6. This Notice shall be sent to The Alaska Wireless Network 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

Marlene Windel  
Resident Agent  
Anchorage Office  
Western Region  
Enforcement Bureau

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