

Federal Communications Commission

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

In the Matter of)	
)	
William & Paul Lorenzen d/b/a East River Plaza)	File No.: EB-FIELDNER-15-00020343
Antenna Structure Owner)	
)	NOV No.: V201632360001
Oregon, Ohio)	
)	

NOTICE OF VIOLATION

Released: January 14, 2016

By the District Director, Detroit 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 William & Paul Lorenzen d/b/a East River Plaza, owner of a non-registered antenna structure number in Oregon, Ohio. 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(s) noted herein.²

2. On November 2, 2015, an agent of the Commission’s Detroit Office found the following violations:

- a. 47 C.F.R. § 17.4(a)(1): “Antenna structure registration. Effective July 1, 1996, the owner of any proposed or existing antenna structure that requires notice of proposed construction to the Federal Aviation Administration must register the structure with the Commission. This includes those structures used as part of stations licensed by the Commission for the transmission of radio energy, or to be used as part of a cable television head end system. If a Federal Government antenna structure is to be used by a Commission licensee, the structure must be registered with the Commission. For a proposed antenna structure, or alteration of an existing antenna structure, the owner must register the structure prior to construction or alteration.” At the time of inspection, the antenna structure was not registered with the Commission. You must file FCC Form 854 with the Commission and include a valid FAA determination of “no hazard.” In order to be considered valid by the Commission, the FAA determination of no hazard must not have expired prior to the date on which the FCC Form 854 is received by the Commission.

¹ 47 C.F.R. § 1.89.

² 47 C.F.R. § 1.89(a).

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- b. 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 5 days of completion of construction (FCC Form 854-R) and/or dismantlement (FCC Form 854). The owner must also notify the Commission within 5 days of any change in structure height or change in ownership information (FCC Form 854).” At the time of inspection, the agent found that William & Paul Lorenzen d/b/a East River Plaza had dismantled the previous antenna structure located at the site, assigned ASRN 1057454, but had never notified the Commission of the dismantlement.

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, William & Paul Lorenzen d/b/a East River Plaza 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 William & Paul Lorenzen d/b/a East River Plaza to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of William & Paul Lorenzen d/b/a East River Plaza with personal knowledge of the representations provided in William & Paul Lorenzen d/b/a East River Plaza’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 William & Paul Lorenzen d/b/a East River Plaza’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:

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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Detroit Office
24897 Hathaway Street
Farmington Hills, Michigan 48335

6. This Notice shall be sent to William & Paul Lorenzen d/b/a East River Plaza 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

James A. Bridgewater
District Director
Detroit Office
Northeast Region
Enforcement Bureau

⁷ P.L. 93-579, 5 U.S.C. § 552a(e)(3).