

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

In the Matter of)	
)	
Pentecostal Temple Development Corporation)	File Nos.: EB-FIELDNER-16-00020416
Licensee of AM Station WGBN)	EB-FIELDNER-16-00020418
Owner of Antenna Structure Nos. 1026648,)	
1026650, and 1026028)	
)	
McKeesport, Pennsylvania)	NOV No.: V201632400001
)	

NOTICE OF VIOLATION

Released: February 9, 2016

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 Pentecostal Temple Development Corporation (Pentecostal), licensee of AM Station WGBN serving McKeesport, Pennsylvania and owner of antenna structure nos. 1026648, 1026650, and 1026028 (Antenna Structures).² 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.³

2. On November 4, 2015, an agent of the Enforcement Bureau’s Philadelphia Office inspected antenna structure no. 1026028 and on January 5, 2016 the agent inspected antenna structure nos. 1026648 and 1026650. During the inspections, the agent observed the following violations:

- a. 47 CFR § 17.51 (a): “All red obstruction lighting shall be exhibited from sunset to sunrise unless otherwise specified.” Antenna structure no. 1026028 must have marking and lighting that conforms to FCC Paragraphs 1, 3, 11, 21. These paragraphs specify that the antenna structure be painted and have

¹ 47 CFR § 1.89.

² AM Station WGBN’s daytime transmission facility is located 7.8 miles from its nighttime transmission facility. Antenna structures nos. 1026648 and 1026650 are part of a four-tower directional antenna array for the station’s nighttime transmission facilities and are located off West Calhone Street in Lincoln Borough, Pennsylvania. Antenna structure no. 1026028 is part of the non-directional antenna system for the station’s daytime transmission facility and is located off Broadview Drive in Pittsburgh, Pennsylvania.

³ 47 CFR § 1.89(a).

a red obstruction lighting system that includes a top-level beacon and at least two mid-level steady burning lamps at mid-level. During an inspection on November 4, 2015 at the WGBN daytime site, the agent observed that all of the obstruction lighting at the mid-level of antenna structure no. 1026028 was extinguished. Antenna structures nos. 1026648 and 1026650 must be painted and lit in accordance with FCC Paragraphs 1, 3, 12, and 21. These paragraphs specify that the antenna structures be painted and have a red obstruction lighting system that includes a top-level beacon and at least two steady burning lamps at the 1/3 and 2/3 levels. During the inspection on January 6, 2016 at the WGBN nighttime site, the agent observed that the top-level beacon on antenna structure no. 1026648 was extinguished. The agent also observed that one of the two steady burning lamps at the 2/3 level on antenna structure no. 1026650 was extinguished.

- b. 47 CFR § 17.50: “Antenna structures requiring painting under this part shall be cleaned or repainted as often as necessary to maintain good visibility.” During the January 5, 2016 inspection at the WGBN nighttime site, the agent observed that the paint on antenna structure nos. 1026648 and 1026650 was so severely faded and chipped that it no longer provided good visibility.
- c. 47 CFR § 17.48: The owner of any antenna structure which is registered with the Commission and has been assigned lighting specifications referenced in this part: (a) Shall report immediately to the FAA, by means acceptable to the FAA, 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. If the lights cannot be repaired within the FAA's Notices to Airmen (NOTAM) period, the owner shall notify the FAA to extend the outage date and report a return-to-service date. The owner shall repeat this process until the lights are repaired. Such reports shall set forth the condition of the light or lights, the circumstances which caused the failure, the probable date for restoration of service, the FCC Antenna Structure Registration Number, the height of the structure (AGL and AMSL if known) and the name, title, address, and telephone number of the person making the report. Further notification to the FAA by means acceptable to the FAA shall be given immediately upon resumption of normal operation of the light or lights.” On January 4, 2016, Pentecostal failed to extend the outage date for NOTAM 12/027.⁴

3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,⁵ Section 403 of the Communications Act of 1934, as amended,⁶ and Section 1.89 of the Rules, we seek additional information concerning the violations and any remedial actions taken. Therefore, Pentecostal must

⁴ According to FAA records, a representative of WGBN notified the FAA on December 3, 2015 about the outage on antenna structure no. 1026648. In response, the FAA issued NOTAM #12/027 which was valid for only 30 days and automatically expired on January 4, 2016. On January 5, 2016, the agent inspected antenna structure no. 1026648 and found that the top-level beacon was still extinguished. The agent reported the outage and the FAA issued NOTAM # 01/035 which is valid until February 6, 2016. Pentecostal must contact the FAA to extend NOTAM 01/035 if the outage is not repaired by February 6, 2016.

⁵ 47 U.S.C. § 308(b).

⁶ 47 U.S.C. § 403.

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.⁷

4. In accordance with Section 1.16 of the Rules, we direct Pentecostal to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of Pentecostal with personal knowledge of the representations provided in Pentecostal's response, verifying the truth and accuracy of the information therein,⁸ and confirming that all of the information requested by this Notice which is in Pentecostal'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.⁹

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

6. This Notice shall be sent to Pentecostal Temple Development Corporation at its address of record.

7. The Privacy Act of 1974¹⁰ 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

⁷ 47 CFR § 1.89(c).

⁸ 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 CFR § 1.16.

⁹ 18 U.S.C. § 1001 *et seq.* See also 47 CFR § 1.17.

¹⁰ P.L. 93-579, 5 U.S.C. § 552a(e)(3).

David C. Dombrowski
District Director
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