

**Federal Communications Commission**

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

In the Matter of	)	
	)	
Andrews Tower Rental, Inc. / Karen McMillan	)	File No.: EB-FIELDSCR-16-00021155
ASR # 1058250	)	
	)	
Oplin, Texas	)	NOV No.: V201632500005

**NOTICE OF VIOLATION**

**Released: May 20, 2016**

By the Regional Director, Dallas Office, Region 2, 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 Andrews Tower Rental, Inc. (Andrews Tower), owner of antenna structure # 1058250 in Oplin, Texas. 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.<sup>2</sup>

2. On February 24, 2016, the FCC Dallas Office received a complaint that the Antenna Structure Registration (ASR) Number 1058250 had a tower light outage. A Notice to Airmen (NOTAM) was issued by the Federal Aviation Administration (FAA). On February 24, 2016, March 23, 2016, and April 22, 2016, the FAA has issued three consecutive NOTAMs (ABI 02/021, ABI 03/028, and ABI 04/019), to a registered antenna structure located in Oplin, Texas, due to problems with the antenna structure’s lighting system. FCC records show that the referenced antenna structure was registered to Andrews Tower, under ASR Number 1058250. The geographic coordinates for this antenna site are N32-10-16, W99-35-26.

47 C.F.R. § 17.56(a): States that “Replacing or repairing of lights, automatic control or alarm systems shall be accomplished as soon as practicable.” On February 24, 2016, March 7, 2016, March 17, 2016, March 23, 2016, April 1, 2016, April 5, 2016, April 8, 2016, April 15, 2016, May 4, 2016 and May 10, 2016, the Dallas Office asked Andrews Tower for the specific action taken to correct the tower lights and a time line for completion of any pending

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<sup>1</sup> 47 C.F.R. § 1.89.

<sup>2</sup> 47 C.F.R. § 1.89(a).

## Federal Communications Commission

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corrective action. As of May 20, 2016, the Dallas Office has not received the information requested.

3. In addition, your FCC Antenna Structure Registration ownership information for the referenced antenna structure is not updated.

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 24 hours of completion of construction (FCC Form 854-R) and/or dismantlement (FCC Form 854). The owner must also immediately notify the Commission using FCC Form 854 upon any change in structure height or change in ownership information.” As of May 20, 2016, the ASR database shows that the ownership information (contact person, phone number, email and physical address) is not updated.

4. 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 Andrews Tower, 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>

5. In accordance with Section 1.16 of the Rules, we direct Andrews Tower to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of Andrews Tower with personal knowledge of the representations provided in Andrews Tower’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.

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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.

**Federal Communications Commission**

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Code.<sup>6</sup>

6. 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  
Dallas Office  
9330 LBJ Freeway, Suite 1170  
Dallas, Texas 75243

7. This Notice shall be sent to Andrews Tower Rental, Inc. / Karen McMillan, 764 FM 502, Richland Springs, TX 76871-2114.

8. 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

Ronald Ramage  
Regional Director  
Region 2  
Enforcement Bureau

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<sup>6</sup> 18 U.S.C. § 1001 *et seq.* See also 47 C.F.R. § 1.17.

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