

Federal Communications Commission

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

In the Matter of)	
)	
Fritz Broadcasting Company, Inc.)	File No.: EB-FIELDSCR-16-00022002
Owner of ASR # 1238215)	
)	
Stonewall, Texas)	NOV No.: V201632540002

NOTICE OF VIOLATION

Released: June 24, 2016

By the Regional Director, Houston 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)¹ to Fritz Broadcasting Company, Inc. (Fritz Broadcasting), owner of antenna structure # 1238215 in Stonewall, 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.²

2. On June 11, 2016, the FCC Houston Office contacted Fritz Broadcasting in response to a complaint of inoperable obstruction lighting on Antenna Structure Registration Number (ASR) 1238215. Fritz Broadcasting was informed of the requirement to have a Notice to Airmen (NOTAM) issued by the Federal Aviation Administration (FAA) until the lighting was repaired. On June 14, 2016, a check of the FAA NOTAM database revealed there was not a current NOTAM for ASR 1238215. An agent with the FCC Houston office contacted Mr. Fritz of Fritz Broadcasting. Mr. Fritz was informed of the importance of maintaining a NOTAM for ASR 1238215 until the lighting was repaired. Mr. Fritz stated he would have a NOTAM issued. On June 17, 2016, a check of the FAA NOTAM database revealed there was not a current NOTAM for ASR 1238215. An agent with the FCC Houston office called in a NOTAM for ASR 1238215. On June 20, 2016, an agent with the FCC Houston Office contacted Fritz Broadcasting to again inform them of the need to keep a NOTAM issued on ASR 1238215 until the lighting is repaired. At this time Fritz Broadcasting verified the obstruction lighting for ASR 1238215 was still inoperable.

47 C.F.R. § 17.48: The owner of any antenna structure which is registered with the Commission and has been assigned lighting specifications

¹ 47 C.F.R. § 1.89.

² 47 C.F.R. § 1.89(a).

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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 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. On June 11, 2016, Fritz Broadcasting was informed of the light outage on ASR 1238215. On June 20, 2016, Fritz Broadcasting confirmed that obstruction lighting was still inoperable on ASR 1238215. As of June 17, 2016, Fritz Broadcasting did not have a NOTAM issued for ASR 1238215.

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 Fritz Broadcasting, 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 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." Include in your response your plan for repairing the obstruction lighting for ASR 1238215 along with an estimated date of completion.

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

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.

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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
Houston Office
9597 Jones Road, #362
Houston, Texas 77065

6. This Notice shall be sent to Fritz Broadcasting Company, Inc., 210 Woodcrest Street, PMB 311, Fredericksburg, TX 78624.

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

Ronald Ramage
Regional Director
Region 2
Enforcement Bureau

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

⁷ P.L. 93-579, 5 U.S.C. § 552a(e)(3).