

---

**Federal Communications Commission**

---

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

In the Matter of	)	
	)	
Pastoral Communications	)	File No.: EB-FIELDNER-20-00030496
Antenna Structure Registrant	)	
ASR# 1207937	)	FRN: 0006144307
	)	
Brooklyn, New York	)	
	)	

**NOTICE OF VIOLATION**

**Released: February 12, 2020**

By the Regional Director, Region One, 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 Pastoral Communications, registrant of antenna structure 1207937 in Brooklyn, New York. 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.<sup>2</sup>

2. On January 13, 2020, an Agent of the Enforcement Bureau's New York Office observed the following violations:

- a. 47 CFR § 17.23: "[E]ach antenna structure must be painted and lighted in accordance with any painting and lighting requirements prescribed on the antenna structure's registration, or in accordance with any other specifications provided by the Commission." The FCC's Antenna Structure Registration (ASR) database currently indicates that antenna structure 1207937 requires painting and red obstruction lighting during the nighttime that includes a top-level beacon and two mid-level steady burning side markers<sup>3</sup> in accordance with FCC Paragraphs 1, 3, 11, 21. At the time of inspection, which was after sunset and before dawn, the Agent observed that the top-level beacon was extinguished on Antenna Structure 1207937.

---

<sup>1</sup> 47 CFR § 1.89.

<sup>2</sup> 47 CFR § 1.89(a).

<sup>3</sup> Certain existing structures have been assigned "FCC Paragraphs," instead of chapters from FAA Advisory Circulars. For these structures, the assigned FCC Paragraphs (which outline specific painting and lighting requirements) will be printed directly on the Registration. See FCC Paragraphs at <https://www.fcc.gov/wireless/bureau-divisions/competition-infrastructure-policy-division/antenna-painting-lighting#block-menu-block-4> (Antenna Painting and Lighting Specifications).

---

**Federal Communications Commission**

---

- b. 47 CFR § 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 ...[s]hall 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...” At the time of the inspection, Pastoral Communications did not know that the obstruction lighting was extinguished, nor had they reported the obstruction light outages to the FAA.<sup>4</sup>

3. Pursuant to section 308(b) of the Communications Act of 1934, as amended,<sup>5</sup> section 403 of the Communications Act of 1934, as amended,<sup>6</sup> and section 1.89 of the Rules, we seek additional information concerning the violations and any remedial actions taken. Therefore, Pastoral Communications must submit a written statement concerning these matters 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>7</sup>

4. In accordance with section 1.16 of the Rules, we direct Pastoral Communications to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of Pastoral Communications with personal knowledge of the representations provided in Pastoral Communications’ response, verifying the truth and accuracy of the information therein,<sup>8</sup> and confirming that all of the information requested by this Notice which is in the company’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>9</sup>

5. All replies and documentation sent in response to this Notice should be marked with the File No. specified above, and mailed to the following address:

---

<sup>4</sup> On January 14, 2020, the Agent contacted the Federal Aviation Administration (FAA) to notify them of the lighting outage and to request that a Notice of Airman (NOTAM) be issued. The FAA issued NOTAM # JRB 01/107.

<sup>5</sup> 47 U.S.C. § 308(b).

<sup>6</sup> 47 U.S.C. § 403.

<sup>7</sup> 47 CFR § 1.89(c).

<sup>8</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 CFR § 1.16.

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

---

**Federal Communications Commission**

---

Federal Communications Commission  
EB Columbia Regional Office  
9050 Junction Drive  
Annapolis Junction, Maryland 20701  
FIELD@FCC.GOV

This Notice shall be sent to Pastoral Communications, ATTN: Bob Sharp, 1712 10<sup>th</sup> Avenue, Brooklyn, New York 11215.

6. The Privacy Act of 1974<sup>10</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

David C. Dombrowski  
Regional Director, Region One  
Enforcement Bureau

---

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