

Federal Communications Commission

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

In the Matter of)	
)	
New Generation Properties LLC)	File No.: EB-FIELDWR-23-00034841
Owner of Antenna Structure 1022906)	
)	
Lincoln, Nebraska)	
)	
)	
)	

NOTICE OF VIOLATION

Released: July 19, 2023

By the Regional Director, Region Three, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to section 1.89 of the Commission’s rules¹ to New Generation Properties LLC (New Generation Properties), owner of antenna structure number 1022906 in Lincoln, Nebraska. Pursuant to section 1.89(a) of the Commission’s 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.²

2. On April 24, 2023, an agent of the Enforcement Bureau’s Denver Office inspected antenna structure number 1022906 located at 40° 51’ 10.0” N, 096° 40’ 37” W, and observed the following violations:

- a. 47 CFR § 17.4(b): “Except as provided in paragraph (e) of this section, each owner of an antenna structure described in paragraph (a) of this section must electronically file FCC Form 854 with the Commission. Additionally, each owner of a proposed structure referred to in paragraph (a) of this section must submit 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 FCC Form 854 is received by the Commission. The height of the structure will be the highest point of the structure including any obstruction lighting or lightning arrester. If an antenna structure is not required to be registered under paragraph (a) of this section and it is voluntarily registered with the Commission after October 24, 2014, the registrant must note on FCC Form 854 that the registration is voluntary. Voluntarily registered antenna structures are not subject to the lighting and marking requirements contained in this part.” The Commission has no record of a Form 854 filed by New Generation Properties.
- b. 47 CFR § 17.4(g): “Except as described in paragraph (h) of this section, the Antenna Structure Registration Number must be displayed so that it is conspicuously visible and legible from the publicly accessible area nearest the base of the antenna structure along the publicly accessible roadway or path. Where an antenna structure is surrounded by a perimeter fence, or where the point of access includes an access gate, the Antenna

¹ 47 CFR § 1.89.

² 47 CFR § 1.89(a).

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Structure Registration Number should be posted on the perimeter fence or access gate. Where multiple antenna structures having separate Antenna Structure Registration Numbers are located within a single fenced area, the Antenna Structure Registration Numbers must be posted both on the perimeter fence or access gate and near the base of each antenna structure. If the base of the antenna structure has more than one point of access, the Antenna Structure Registration Number must be posted so that it is visible at the publicly accessible area nearest each such point of access. Materials used to display the Antenna Structure Registration Number must be weather-resistant and of sufficient size to be easily seen where posted.” The agent conducted an inspection of the site in its entirety and found no ASR posted.

3. Pursuant to section 403 of the Communications Act of 1934, as amended (Act), and section 1.89 of the Commission’s rules, we seek additional information concerning the violations and any remedial actions taken.³ Therefore, New Generation Properties 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 Commission’s rules, we direct New Generation Properties to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of New Generation Properties with personal knowledge of the representations provided in New Generation Properties’s response, verifying the truth and accuracy of the information therein, 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.⁵ 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 Number, specified above, and mailed to the following address:

Federal Communications Commission
Los Angeles Regional Office
11331 183rd Street, PMB #365
Cerritos, CA 90703

6. This Notice shall be sent to New Generation Properties at their 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

³ 47 U.S.C. § 403; 47 CFR § 1.89.

⁴ 47 CFR § 1.89(c).

⁵ Section 1.16 of the Commission’s 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.

⁶ 18 U.S.C. §§ 1001, *et seq.*; *see also* 47 CFR § 1.17.

⁷ 5 U.S.C. § 552a(e)(3).

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what, if any, enforcement action is required to ensure compliance.

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Lark Hadley
Regional Director, Region Three
Enforcement Bureau