

**Federal Communications Commission**

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

In the Matter of	)	
	)	
Miccosukee Tribe of Indians of Florida	)	File No. EB-FIELDSCR-12-00001114
Antenna Structure Owner	)	
ASR # 1056908	)	NOV No. V201232600004
Miami-Dade County, FL	)	
	)	

**NOTICE OF VIOLATION**

**Released: April 6, 2012**

By the Resident Agent, Miami Office, South Central Region, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission's rules,<sup>1</sup> to Miccosukee Tribe of Indians of Florida, owner of antenna structure number 1056908 in Miami-Dade County, Florida.

2. On March 1, 2012, an agent of the Enforcement Bureau's Miami Office inspected antenna structure number 1056908 located on US-41 in Miami-Dade County, Florida, and observed the following violations:

- a. 47 C.F.R. § 17.4(g): "The Antenna Structure Registration Number must be displayed in a conspicuous place so that it is readily visible near the base of the antenna structure. Material used to display the Antenna Structure Registration Number must be weather resistant and of sufficient size to be easily seen at the base of the antenna structure." At the time of inspection, the Antenna Structure Registration Number was not posted at or near the base of the antenna structure.
  
- b. 47 C.F.R. § 17.23: "Unless otherwise specified by the Commission, each new or altered antenna structure to be registered on or after January 1, 1996, must conform to the Federal Aviation Administration's (FAA) painting and lighting recommendations set forth on the structure's FAA determination of "no hazard," as referenced in the . . . FAA Advisory Circulars." The structure's FAA determination, FAA Study 98-ASO-5330-OE, requires a dual lighting system for the structure, which includes red lights for nighttime and medium intensity flashing white lights for daytime and twilight use. During the inspection, an agent observed that the structure has a dual lighting system as required by the

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<sup>1</sup> 47 C.F.R. § 1.89.

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FAA study. However, the requirements for the structure in the FCC's Antenna Structure Registration (ASR) include lighting in accordance with Chapters 5 and 6 of FAA Circular Number 70/7460-1J, which are reserved for the use of red lights or medium intensity flashing white lights, respectively, only when not part of a dual lighting system. In order to come into compliance with the Commission's rules, Miccosukee Tribe of Indians of Florida must submit a modified FCC Antenna Structure Registration that does not include the reference to FAA Chapters 5 and 6.

3. Pursuant to Section 403 of the Communications Act of 1934, as amended,<sup>2</sup> and Section 1.89 of the Commission's rules, Miccosukee Tribe of Indians of Florida must submit a written statement concerning this matter within 20 days of release of this Notice. The response must fully explain each violation, must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and should include a time line for completion of pending corrective action(s). The response must be complete in itself and signed by a principal or officer of Miccosukee Tribe of Indians of Florida. 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  
Miami Office  
P.O. Box 520617  
Miami, FL 33152

4. This Notice shall be sent to by Certified Mail, Return Receipt Requested, and regular mail to Miccosukee Tribe of Indians of Florida at its address of record.

5. The Privacy Act of 1974<sup>3</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. Any false statement made knowingly and willfully in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.<sup>4</sup>

FEDERAL COMMUNICATIONS COMMISSION

Steven DeSena  
Resident Agent  
Miami Office  
South Central Region  
Enforcement Bureau

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<sup>2</sup> 47 U.S.C. § 403.

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

<sup>4</sup> 18 U.S.C. § 1001 *et seq.*