

**Federal Communications Commission**

---

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

In the Matter of	)	
	)	
Brazos Electric Power Cooperative, Inc.	)	File No. EB-FIELDSCR-12-00001818
Owner of Antenna Structure No. 1247947	)	NOV No. V20123250017
	)	
Forestburg, Texas	)	
	)	

**NOTICE OF VIOLATION**

**Released: May 21, 2012**

By the District Director, Dallas 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 Brazos Electric Power Cooperative, Inc., owner of antenna structure number 1247947, in Forestburg, Texas.

2. On April 4, 2012, agents of the Enforcement Bureau's Dallas Office inspected antenna structure number 1247947 located in Forestburg, Texas, and observed the following violation(s):

- a. 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's) painting and lighting recommendations set forth on the structure's FAA determination of "no hazard," as referenced in the . . . FAA Advisory Circulars." The FCC's Antenna Structure Registration (ASR) database currently indicates that the antenna structure requires aviation orange and white paint and red obstruction lighting in accordance with FAA Circular Number 70/7460-1J, Chapters 3, 4, 5, and 13. At the time of the inspection, the antenna structure did not conform to these recommendations. The structure paint was equipped with medium intensity flashing white obstruction lighting. In order to come into compliance with the Commission's rules, Brazos Electric Power Cooperative, Inc must obtain an FAA "no hazard" determination indicating that the current lighting system is permitted<sup>2</sup> and submit a modified antenna structure registration to reflect the new "no hazard" requirements.

---

<sup>1</sup> 47 C.F.R. § 1.89.

<sup>2</sup> Brazos Electric Power Cooperative, Inc. did obtain a "no hazard" study from the FAA, Study 2007-2007-ASW-175-OE, which allows the use of medium intensity flashing white strobe lights. If this study is still valid, Brazos Electric Power Cooperative, Inc. may use the latest study to update its Antenna Structure Registration.

**Federal Communications Commission**

---

- b. 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.” The antenna structure is surrounded by a perimeter property fence. The Antenna Structure Registration Number was not posted at the gate of the perimeter property fence and any signage at the base of the antenna structure was not visible from the perimeter fence gate.

3. Pursuant to Section 403 of the Communications Act of 1934, as amended,<sup>3</sup> and Section 1.89 of the Commission’s Rules, Brazos Electric Power Cooperative, Inc., 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, to 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 the Brazos Electric Power Cooperative, Inc. 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

4. This Notice shall be sent to by Certified Mail/Return Receipt Requested and regular mail to Brazos Electric Power Cooperative, Inc. at its address of record.

5. The Privacy Act of 1974<sup>4</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>5</sup>

FEDERAL COMMUNICATIONS COMMISSION

James D. Wells  
District Director  
Dallas District Office  
South Central Region

---

<sup>3</sup> 47 U.S.C. § 403.

<sup>4</sup> P.L. 93-579, 5 U.S.C. § 552a(e)(3).

<sup>5</sup> 18 U.S.C. § 1001 *et seq.*

**Federal Communications Commission**

---

Enforcement Bureau