

**Federal Communications Commission**

---

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

In the Matter of	)	
	)	
Delaware Division of Communications	)	File No: EB-FIELDNER-12-00002309
Antenna Structure Registrant	)	
ASR # 1254011	)	NOV No: V201232400038
Wilmington, Delaware	)	
	)	
	)	
	)	

**NOTICE OF VIOLATION**

**Released: May 21, 2012**

By the Acting District Director, Philadelphia Office, Northeast 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 Delaware Division of Communications, registrant of antenna structure number 1254011 (Antenna Structure) in Wilmington, Delaware.
  
2. On March 27, 2012, agents of the Commission's Philadelphia Office inspected the Antenna Structure located in Wilmington, Delaware, and observed the following violation:

47 C.F.R. §: 17.51(b): "All high intensity and medium intensity obstruction lighting shall be exhibited continuously unless otherwise specified." At the time of inspection, the top-level flashing white obstruction lighting was extinguished on the Antenna Structure.<sup>2</sup>
  
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, Delaware Division of Communications must submit a written statement concerning this matter within twenty (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 Delaware Division of Communications. 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:

---

<sup>1</sup>47 C.F.R. § 1.89.

<sup>2</sup> The antenna structure registration for antenna structure # 1254011 requires that the obstruction lighting comply with the FAA circular 70/7460-1K paragraphs 4, 8, and 12, which require the antenna structures to utilize red obstruction lighting at night and white obstruction lighting during daytime and twilight hours.

<sup>3</sup>47 U.S.C. § 308(b).

**Federal Communications Commission**

---

Federal Communications Commission  
Philadelphia Office  
One Oxford Valley Building, Suite 404  
2300 East Lincoln Highway  
Langhorne, Pennsylvania 19047

4. This Notice shall be sent to Delaware Division of Communications 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**

Kevin Doyle  
Acting District Director  
Philadelphia District Office  
Northeast Region  
Enforcement Bureau

---

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

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