

Federal Communications Commission

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

In the Matter of)	
)	
Centerpoint Energy Inc.)	File No. EB-FIELDSCR-12-00003788
Owner of Antenna Structure No. 1281666)	NOV No. V201232540017
Katy, Texas)	
)	

NOTICE OF VIOLATION

Released: September 10, 2012

By the Resident Agent, Houston 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,¹ to Centerpoint Energy Inc., owner of antenna structure number 1281666 in Katy, Texas. Pursuant to Section 1.89(a) of the Commission's Rules (Rules), issuance of this NOV 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 August 20, 2012, an agent of the Enforcement Bureau's Houston Office inspected antenna structure number 1281666 located at 2402 ½ Katy Fort Bend Road, Katy, Texas, and observed the following violation(s):

- a. 47 C.F.R. § 17.48: "The owner of any antenna structure which is registered with the Commission and has been assigned lighting specifications referenced in this part: (a) Shall report immediately by telephone or telegraph to the nearest Flight Service Station or office of the Federal Aviation Administration (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." All obstruction lighting on antenna structure number 1281666 was inoperable at the time of the inspection. At the time of inspection, the agent verified that no one had notified the FAA of the lighting outages on antenna structure number 1281666. The agent notified the FAA

¹ 47 C.F.R. § 1.89.

² 47 C.F.R. § 1.89(a).

Federal Communications Commission

of the lighting outages and the FAA issued a Notice to Airmen (NOTAM) after the inspection.

- b. 47 C.F.R. § 17.51(a): “All red obstruction lighting shall be exhibited from sunset to sunrise unless otherwise specified.” Antenna structure number 1281666 requires red obstruction lighting from sunset to sunrise. On August 20, 2012, the agent observed that antenna structure number 1281666 did not have any operational nighttime obstruction lighting exhibited after sunset.

3. Pursuant to Section 403 of the Communications Act of 1934, as amended,³ and Section 1.89 of the Rules, we seek additional information concerning the violations and any remedial actions taken. Therefore, Centerpoint Energy Inc. 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 Rules, we direct Centerpoint Energy Inc. to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of Centerpoint Energy Inc. with personal knowledge of the representations provided in Centerpoint Energy Inc.’s response, verifying the truth and accuracy of the information therein,⁵ and confirming that all of the information requested by this Notice which is in the Centerpoint Energy Inc.’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.⁶

5. 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:

³ 47 U.S.C. § 403.

⁴ 47 C.F.R. § 1.89(c).

⁵ 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 C.F.R. § 1.16.

⁶ 18 U.S.C. § 1001 *et seq.* See also 47 C.F.R. § 1.17.

Federal Communications Commission

Federal Communications Commission
Houston Office
9597 Jones Road #362
Houston, Texas 77065

6. This Notice shall be sent to Centerpoint Energy Inc. at its 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 what, if any, enforcement action is required to ensure compliance.

FEDERAL COMMUNICATIONS COMMISSION

Lee R. Browning
Resident Agent
Houston Office
South Central Region
Enforcement Bureau

⁷ P.L. 93-579, 5 U.S.C. § 552a(e)(3).