

Federal Communications Commission

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

In the Matter of)	
)	
Illinois Central Railroad Company)	FileNo.: EB-FIELDSCR-13-00007366
)	NOV No. V201332620010
Owner of Antenna Structure No. 1023229)	
Laplace, Louisiana)	

NOTICE OF VIOLATION

Released: March 25, 2013

By the Deputy Regional Director, New Orleans Office, SouthCentral Region, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission’s rules (Rules)¹ to Illinois Central Railroad Company, owner of antenna structure number 1023229 in Laplace, Louisiana. Pursuant to Section 1.89(a) of the 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 violation noted herein.²

2. On March 7, 2013, an agent of the Enforcement Bureau’s New Orleans Office inspected antenna structure 1023229 located near the junction of Highway 3217 and River Road in Laplace, Louisiana, and observed the following violations:

47 C.F.R. § 17.4(a): “...the owner of any proposed or existing antenna structure that requires notice of proposed construction to the Federal Aviation Administration must register the structure with the Commission.” All information provided to the Commission must be accurate. At the time of inspection, antenna structure number 1023229 was located several yards away from the coordinates listed in the ASR database.

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. Materials used to display the Antenna Structure Registration number must be weather-resistant and of sufficient size to be easily seen at the base antenna structure.” At the time of inspection, the Antenna Structure Registration number was not posted.

¹ 47 C.F.R. § 1.89.

² 47 C.F.R. § 1.89(a).

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47 C.F.R. § 17.57: “The owner must also immediately notify the Commission using FCC Form 854 upon any change in structure height or change in ownership information.” At the time of inspection, the contact address and telephone number for Illinois Central Railroad Company in the ASR database was incorrect.

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, Illinois Central Railroad Company 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 Illinois Central Railroad Company to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of Illinois Central Railroad Company with personal knowledge of the representations provided in Illinois Central Railroad Company’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 licensee’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:

Federal Communications Commission
New Orleans Office
Room 460, 2424 Edenborn Avenue
Metairie, Louisiana 70001

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.

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6. This Notice shall be sent to Illinois Central Railroad Company 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

Lloyd Perry
Deputy Regional Director
New Orleans District Office
South Central Region
Enforcement Bureau

⁷ P.L. 93-579, 5 U.S.C. § 552a(e)(3).