

Federal Communications Commission

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

In the Matter of)	
)	
Puerto Rico Telephone Company Inc.)	File No.: EB-FIELDSCR-13-00008491
)	
Owner of Antenna Structure No.: 1011469)	NOV No.: V201332680004
)	
Rio Grande, Puerto Rico)	
)	

NOTICE OF VIOLATION

Released: June 7, 2013

By the Resident Agent, San Juan 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 (Rules)¹ to Puerto Rico Telephone Company Inc., owner of antenna structure number 1011469 in El Yunque, Rio Grande, Puerto Rico. Pursuant to Section 1.89(a) of the Rules, issuance of this Notice does not preclude the Enforcement Bureau from further action if warranted, including issuing a Notice of Apparent Liability for Forfeiture for the violation(s) noted herein.²

2. On May 6 and 8, 2013, an agent of the Enforcement Bureau's San Juan Office inspected antenna structure number 1011469, and observed the following violations:

- a. 47 C.F.R. § 17.51(a): "All red obstruction lighting shall be exhibited from sunset to sunrise unless otherwise specified." The agent observed on both evenings that the lights on antenna structure number 1011469 were not lit. On May 10, 2013, the agent confirmed with the Federal Aviation Administration that it had not been notified of the outage. On May 10, 2013, the agent contacted Puerto Rico Telephone Company Inc. about the lighting outage. At that time, Puerto Rico Telephone Company Inc. was unaware of the outage. On May 20, 2013, Puerto Rico Telephone Company Inc. informed the San Juan Office that the structure's lights were repaired on May 13, 2013 and that there had been a problem with the automatic light monitoring system.

¹ 47 C.F.R. § 1.89.

² 47 C.F.R. § 1.89(a).

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- b. 47 C.F.R. § 17.47(a)(2): “The owner of any antenna structure which is registered with the Commission... (2) Shall provide and properly maintain an automatic alarm system designed to detect any failure of such lights and to provide indication of such failure to the owner.”

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, Puerto Rico Telephone Company 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 describe Puerto Rico Telephone Company’s maintenance and inspection procedures for its automatic light monitoring system, when it discovered the problem with its system, and why its system failed. 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 Puerto Rico Telephone Company 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 Puerto Rico Telephone Company Inc. with personal knowledge of the representations provided in Puerto Rico Telephone Company 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 Puerto Rico Telephone Company 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

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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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
San Juan Office
US Federal Building Room 762
San Juan, PR 00918-1731

6. This Notice shall be sent to Puerto Rico Telephone Company 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

William Berry
Resident Agent
San Juan Office
South Central Region
Enforcement Bureau

⁷ P.L. 93-579, 5 U.S.C. § 552a(e)(3).