

**Federal Communications Commission**

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

In the Matter of	)	
	)	File No.: EB-FIELDSCR-17-00024749
East Arkansas Broadcasters, Inc.	)	
Owner of Antenna Structure No. 1038728	)	
	)	
Jonesboro, Arkansas	)	

**NOTICE OF VIOLATION**

**Released: November 14, 2017**

By the Regional Director, Region Two, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission's rules (Rules)<sup>1</sup> to East Arkansas Broadcasters, Inc., owner of antenna structure number 1038728 in Jonesboro, Arkansas. 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 noted herein.<sup>2</sup>

2. The Federal Communications Commission's (FCC's or Commission's) Enforcement Bureau's (Bureau's) New Orleans Office received acknowledgement from Bobby Caldwell, president of East Arkansas Broadcasters, Inc., that the lighting system for antenna structure number 1038728 is currently in a nonworking status. Based on evidence gathered through the Notice to Airmen (NOTAM) database, East Arkansas Broadcasters, Inc., is in violation of the following rule:

- a. 47 C.F.R. § 17.56: "Replacing or repairing of lights, automatic indicators or automatic control or alarm systems shall be accomplished as soon as practicable." The NOTAM database indicate four NOTAMs have been issued for antenna structure number 1038728 since February 2, 2017. NOTAM JBR 02/067 was issued on February 2, 2017 and expired on March 2, 2017. NOTAM JBR 05/240 was issued on May 18, 2017 and expired on July 14, 2017. NOTAM JBR 06/338 was issued on June 29, 2017 and expired on September 29, 2017. NOTAM JBR 10/008 was issued on October 2, 2017 and expires on December 31, 2017. The Commission has received no information indicating the lights have been repaired since

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<sup>1</sup> 47 C.F.R. § 1.89.

<sup>2</sup> 47 C.F.R. § 1.89(a).

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issuance of the first NOTAM, and therefore, assumes the lights has been in a nonworking status since at least February 2, 2017. Unless reasons provided by East Arkansas Broadcasters, Inc., prove otherwise, a duration greater than seven months is beyond the bounds of “as soon as practicable.”

3. Pursuant to Section 403 of the Communications Act of 1934, as amended,<sup>3</sup> and Section 1.89 of the Rules, we seek additional information concerning the violations and any remedial actions taken. Therefore, East Arkansas Broadcasters, 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.<sup>4</sup>

4. In accordance with Section 1.16 of the Rules, we direct East Arkansas Broadcasters, 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 East Arkansas Broadcasters, Inc. with personal knowledge of the representations provided in East Arkansas Broadcasters, Inc.’s response, verifying the truth and accuracy of the information therein,<sup>5</sup> and confirming that all of the information requested by this Notice which is in the East Arkansas Broadcasters, 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.<sup>6</sup>

5. All replies and documentation sent in response to this Notice should be marked with the File No. specified above, and mailed to the following address:

Federal Communications Commission  
Atlanta Regional Office  
3600 Hiram Lithia Springs Rd SW  
Powder Springs, GA 30127

6. This Notice shall be sent to East Arkansas Broadcasters, Inc. at its address of record.

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<sup>3</sup> 47 U.S.C. § 403.

<sup>4</sup> 47 C.F.R. § 1.89(c).

<sup>5</sup> 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.

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

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7. The Privacy Act of 1974<sup>7</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.

FEDERAL COMMUNICATIONS COMMISSION

Ronald Ramage  
Regional Director  
Region Two  
Enforcement Bureau

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<sup>7</sup> P.L. 93-579, 5 U.S.C. § 552a(e)(3).