

**Federal Communications Commission**

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

In the Matter of	)	
	)	
City of Philadelphia	)	EB-FIELDNER-12-00000883
	)	
Registrant of Antenna Structure	)	NOV No. V201232400029
ASR # 1202731	)	
Philadelphia, Pennsylvania	)	
	)	

**NOTICE OF VIOLATION**

**Released: February 14, 2012**

By the 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 City of Philadelphia, the owner of antenna structure # 1202731 in Philadelphia, Pennsylvania.
2. On January 31, 2012 and February 1, 2012, agents of the Commission’s Philadelphia Office inspected antenna structure # 1202731 located at Ivans and Horner Streets, Philadelphia, Pennsylvania 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.” During the inspection at 6:49 p.m. on January 31, 2012, the agent observed the antenna structure’s top-level red obstruction lighting was extinguished.
  - b. 47 C.F.R. § 17.47(a)(1): “The owner of any antenna structure which is registered with the Commission and has been assigned lighting specifications referenced in this part: Shall make an observation of the antenna structure’s lights at least once each 24 hours either visually or by observing an automatic properly maintained indicator designed to register failure of the lights to insure all lights are functioning properly as required; ...” The City of Philadelphia was not unaware that the top-level obstruction lighting was extinguished and does not make observations of the obstruction lighting every 24 hours.
  - c. 47 C.F.R. § 17.50: “Antenna structures requiring painting under this part shall be cleaned or repainted as often as necessary to maintain

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<sup>1</sup>47 C.F.R. § 1.89.

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good visibility.” During the inspection, agents noted that the paint on the antenna structure was faded and chipped.

- d. 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 of the antenna structure.” At the time of inspection, the agents observed that there was no registration number posted at or near the base of the antenna structure.
3. Pursuant to Section 403 of the Communications Act of 1934, as amended,<sup>2</sup> and Section 1.89 of the Commission’s Rules, City of Philadelphia 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 the tower owner. 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  
Philadelphia Office  
One Oxford Valley Building, Suite 404  
2300 East Lincoln Highway  
Langhorne, Pennsylvania 19047

4. This Notice shall be sent to City of Philadelphia at its address of record.
5. The Privacy Act of 1974<sup>3</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>4</sup>

FEDERAL COMMUNICATIONS COMMISSION

David C. Dombrowski  
Acting District Director  
Philadelphia District Office

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<sup>2</sup>47 U.S.C. § 403.

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

<sup>4</sup>18 U.S.C. § 1001 *et seq.*

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Enforcement Bureau