

Federal Communications Commission

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

In the Matter of)	
)	
Twenty One Sound Communications, Inc.)	File No.: EB-FIELDSCR-14-00017969
Owner of Antenna Structure No. 1003183)	
)	NOV No.: V201532560002
Woodland Lakes, MO)	
)	

NOTICE OF VIOLATION

Released: January 6, 2015

By the District Director, Kansas City 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 Twenty One Sound Communications, Inc., owner of antenna structure number 1003183 in Woodland Lakes, Missouri. 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 December 22, 2014, the Commission received a complaint that the lighting on antenna structure number 1003183 located at Hwy EE at Pea Ridge was inoperable. The contact information for the structure in the Antenna Structure Registration (ASR) database was inaccurate. Because the owner of the structure could not be reached, the Commission contacted the Federal Aviation Administration, which issued a Notice to Airmen (NOTAM) for the structure, and the Enforcement Bureau’s Kansas City Office (Kansas City Office) initiated an investigation.

3. On December 24, 2014, an agent with the Kansas City Office found the following violations:

- a. 47 C.F.R. § 17.47(a): “... the owner of any antenna structure which is registered with the Commission and assigned lighting specifications... 1) Shall make an observation of the antenna structures lights at least once each 24 hours either visually or by observing an automatic properly maintained indicator designed to register any failure of such lights... 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.”

¹ 47 C.F.R. § 1.89.

² 47 C.F.R. § 1.89(a).

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According to Twenty One Sound Communications, Inc., the last known date when lighting on the structure was observed to be operational was on or about November 29, 2014. Twenty One Sound Communications, Inc. was unaware of the light outage when informed of the complaint by the agent on December 22, 2014.

- b. 47 C.F.R. § 17.57: “The owner of an antenna structure for which an Antenna Structure Registration Number has been obtained must notify the Commission within 24 hours of completion of construction... and/or dismantlement... The owner must also immediately notify the Commission using FCC Form 854 upon any change in structure height or change in ownership information.” On December 22, 2014, the ownership information for antenna structure number 1003183 in the ASR database was incorrect.

4. 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, Twenty One Sound Communications, 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 The response must also describe the steps taken to ensure that the information for all antenna structures owned by Twenty One Sound Communications in the ASR and FCC Registration Number (FRN) databases is correct and complete and provide a list of any updated information. Finally, the response must specify the FRN associated with antenna structure number 1003183.

5. In accordance with Section 1.16 of the Rules, we direct Twenty One Sound Communications, 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 Twenty One Sound Communications, Inc. with personal knowledge of the representations provided in Twenty One Sound Communications, 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 Twenty One Sound Communications, Inc. possession, custody, control, or knowledge has been produced. To knowingly and willfully make any false statement

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.

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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

6. 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
Kansas City Office
520 NE Colbern Rd., 2nd Floor
Lees Summit, MO 64086

7. This Notice shall be sent to Twenty One Sound Communications, Inc. at its address of record.

8. 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

Ronald D. Ramage
District Director
Kansas City Office
South Central Region
Enforcement Bureau

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

⁷ P.L. 93-579, 5 U.S.C. § 552a(e)(3).