

Federal Communications Commission

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

In the Matter of)	
)	
Husky Tower Company)	File No. EB-FIELDSCR-15-00018344
)	
Owner of Antenna Structure No. 1053860)	NOV No. V201532540002
)	
Tilden, TX)	
)	

NOTICE OF VIOLATION

Released: April 30, 2015

By the Resident Agent, Houston 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 Husky Tower Company, owner of Antenna Structure number 1053860 in Tilden, Texas. 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 February 9, 2015, while conducting an investigation of a complaint of radio frequency interference, an agent of the Enforcement Bureau’s Houston Office, inspected Antenna Structure number 1053860 and observed the following violation(s):

- a. 47 C.F.R § 17.50: “Antenna Structures requiring painting under this part shall be cleaned or repainted as often as necessary to maintain good visibility. Evaluation of the current paint status shall be made by using the FAA’s In-Service Aviation Orange Tolerance Chart. This chart is based on the color requirements contained in the National Bureau of Standards Report NBSIR 75-663, Color Requirements for the Marking of Obstructions.” At the time of inspection, the paint on the tower had faded well beyond the grayish limit of the paint chart and there were large patches of the structure where the paint had chipped off of the structure completely exposing the metal surface. It was concluded that the paint no longer provided good visibility. If your plan is to install strobes lights on this structure in lieu of painting, you must first obtain a new FAA Determination of No Hazard authorizing strobe lights and then

¹ 47 C.F.R. § 1.89.

² 47 C.F.R. § 1.89(a).

Federal Communications Commission

modify the FCC's Antenna Structure Database to reflect the new Determination of No Hazard.

- 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 5 days of completion of construction (FCC Form 854-R) and/or dismantlement(FCC Form 854). The owner must also immediately notify the Commission within 5 days of any change in structure height or change in ownership information (FCC Form 854)." The ownership contact information, specifically the telephone number, in the FCC Antenna Structure database is not correct and needs to be updated.

3. Pursuant to Section 403 of the Communications Act of 1934, as amended,³ and Section 1.89 of the Rules, Husky Tower Company must submit a written statement concerning this matter within 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 Husky Tower Company.⁴

4. In accordance with Section 1.16 of the Rules, we direct Husky Tower 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 Husky Tower Company with personal knowledge of the representations provided in its 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:

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)'.⁷" 47 C.F.R. § 1.16.

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

Federal Communications Commission

Federal Communications Commission
9597 Jones Road, #362
Houston, Texas 77065

6. This Notice shall be sent to Husky Tower 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

Stephen P. Lee
Resident Agent
Houston Office
South Central Region
Enforcement Bureau

⁷ P.L. 93-579, 5 U.S.C. § 552a(e)(3).