

**Federal Communications Commission**

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

In the Matter of	)	
	)	
Cortaro Broadcasting Corporation	)	
	)	
Owner of Antenna Structure No. 1242681	)	File Nos.: EB-FIELDWR-17-00023752
Owner of Antenna Structure No. 1242682	)	EB-FIELDWR-17-00024078
	)	
Coolidge, Arizona	)	
	)	

**NOTICE OF VIOLATION**

Released: May 1, 2017

By the Regional Director, Region Three, 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 Cortaro Broadcasting Corporation (Cortaro), owner of Antenna Structure Nos. 1242681 and 1242682 in Coolidge, Arizona. 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.<sup>2</sup>

2. On March 28, 2017 and March 29, 2017, agents of the Enforcement Bureau's Los Angeles Office inspected Antenna Structure Nos. 1242681 and 1242682 in Coolidge, Arizona, and observed violations of the following rules:

- a. 47 CFR § 17.6. "The antenna structure owner is responsible for maintaining the painting and lighting in accordance with this part." At the time of the inspections, which was after sunset and before dawn, the agents observed that the required nighttime obstruction lighting was not illuminated.
- b. 47 CFR § 17.47(a)(1),(2): "The owner of any antenna structure which is registered with the Commission and has been assigned lighting specifications in this part [s]hall 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 any failure of such lights, to insure that all such lights are functioning properly as required; or

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<sup>1</sup> 47 CFR § 1.89.

<sup>2</sup> 47 CFR § 1.89(a).

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alternatively [s]hall 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.” During an interview with the registrant’s representative, the representative stated that he was unaware of the requirement to observe the lights on a daily basis.

- c. 47 CFR § 17.48(a): “The owner of any antenna structure which is registered with the Commission and has been assigned lighting specifications referenced in this part [s]hall report immediately by telephone or telegraph to the nearest Flight Service Station or office of the Federal Aviation Administration any observed or otherwise known extinguishment or improper functioning of any top steady burning light or any flashing obstruction light, regardless of its position on the antenna structure, not corrected within 30 minutes. Such reports shall set forth the condition of the light or lights, the circumstances which caused the failure, the probable date for restoration of service, the FCC Antenna Structure Registration Number, the height of the structure (AGL and AMSL if known) and the name, title, address, and telephone number of the person making the report.” At the time of the inspections, the Commission’s Operations Center had previously learned that the lighting outages had not been reported, and separately contacted the FAA. The antenna structure owner, who stated that he was unaware of the requirement to observe the lights and report outages, had failed to report the obstruction light outages to the FAA.

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, Cortaro 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 Cortaro to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of Cortaro with personal knowledge of the representations provided in Cortaro’s response, verifying the truth and accuracy of the information therein,<sup>5</sup> and confirming that all of the information

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<sup>3</sup> 47 U.S.C. § 403.

<sup>4</sup> 47 CFR § 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,

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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.<sup>6</sup>

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  
Los Angeles Office  
18000 Studebaker Rd. #660  
Cerritos, CA 90703

6. This Notice shall be sent to Cortaro Broadcasting Corporation at its address of record.

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

Lark Hadley  
Regional Director, Region Three  
Enforcement Bureau  
Federal Communications Commission

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verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)'." 47 CFR § 1.16.

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

<sup>7</sup> See 5 U.S.C. § 552a(e)(3).