

**Federal Communications Commission**

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

In the Matter of	)	
	)	
State of Pennsylvania	)	File No. EB-08-PA-0501
Department of Conservation and Natural Resources	)	
Owner of Antenna Structure	)	
Williamsport, Pennsylvania	)	NOV No. V200932400017
	)	
	)	

**NOTICE OF VIOLATION**

**Released: March 16, 2009**

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 the State of Pennsylvania’s Department of Conservation and Natural Resources (“DCNR”), the owner of an unregistered antenna structure located in Williamsport, Pennsylvania.
2. On October 22, 2008, an agent of the Commission’s Philadelphia Office observed an antenna structure along Shaffer’s Path on Bald Eagle Mountain in Williamsport, Pennsylvania (41-12-32 North Latitude 076-57-27 West Longitude) and found the following violation:

47 C.F.R. § 17.4(a): “Effective July 1, 1996, the owner of any proposed or existing antenna structure that requires notice of proposed construction to the Federal Aviation Administration must register the structure with the Commission.” While notices of proposed construction generally are required only for towers that exceed 200 feet, 47 C.F.R. § 17.7(b) specifies circumstances under which notices of proposed construction to the FAA are required for towers less than 200 feet that are near airports. The agent determined that, pursuant to 47 C.F.R. § 17.7(b)(1), the tower required a notification of proposed construction to the FAA and therefore required registration with the FCC.<sup>2</sup> At the time of the inspection, the agent found that DCNR failed to register its antenna structure with the Commission.

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<sup>1</sup> 47 C.F.R. § 1.89.

<sup>2</sup> The antenna structure requires notice of construction to the FAA and registration with the FCC because it fails the 100:1 slope criteria with respect to Williamsport Regional Airport. The agent used a Commission program called TOWAIR, <http://wireless2.fcc.gov/UlsApp/AsrSearch/towairSearch.jsp>, to determine that DCNR’s antenna structure exceeds the 100:1 slope criteria with respect to the Williamsport Regional Airport. This determination was based on the antenna structure’s overall height above ground level of 15.2

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3. Pursuant to Section 403 of the Communications Act of 1934, as amended,<sup>3</sup> and Section 1.89 of the Commission's Rules, DCNR 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 DCNR at its address of record.
5. The Privacy Act of 1974<sup>4</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>5</sup>

FEDERAL COMMUNICATIONS COMMISSION

Gene J. Stanbro  
District Director  
Philadelphia District Office  
Northeast Region  
Enforcement Bureau

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meters, site elevation of 611.4 meters and NAD83 coordinates 41-12-32 North and 076-57-27 W.

<sup>3</sup>47 U.S.C. § 403.

<sup>4</sup>P.L. 93-579, 5 U.S.C. § 552a(e)(3).

<sup>5</sup>18 U.S.C. § 1001 *et seq.*