

Federal Communications Commission

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

In the Matter of)	
)	
3G Development, Inc.)	File No. EB-09-SJ-0007
d/b/a Innovation Wireless Group)	NOV No. V200932680002
Owner of Antenna Structure in)	
Fajardo, PR)	
)	

NOTICE OF VIOLATION

Released: March 17, 2009

By the Resident Agent, San Juan Office, South Central Region, Enforcement Bureau:

1. This is a Notice of Violation (“Notice”) issued pursuant to Section 1.89 of the Commission’s Rules¹ to 3G Development, Inc. d/b/a Innovation Wireless Group (“3G”), owner of the antenna structure located at 18°17’31.3” North latitude and 065°38’38.9” West longitude, in Fajardo, Puerto Rico (“Tower”).
2. On February 9, 2009, an agent of the Commission’s San Juan Office of the Enforcement Bureau inspected the Tower and observed the following violation:
 - a. 47 C.F.R. § 17.4(a)(1): “Effective July 1, 1996, the owner of any proposed or existing antenna structure that requires notice of proposed construction to the Federal Aviation Administration (“FAA”) must register the structure with the Commission. . . . (1) For a proposed antenna structure, the owner must register the structure prior to construction or alteration.” Notification of proposed construction to the FAA was required pursuant to Section 17.7(b)(1) of the Commission’s Rules, 47 C.F.R. § 17.7(b)(1). Therefore, the Tower was required to be registered with the Commission, and 3G failed to do so. Although the FAA was notified of the construction and the Tower was not assigned painting and lighting requirements by the FAA, due to a clerical error, 3G was still required to register the Tower.
3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,² and Section 1.89 of the Commission's Rules, 3G 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

¹47 C.F.R. § 1.89.

²47 U.S.C. § 308(b).

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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
San Juan Office
762 Federal Building
Hato Rey, PR 00918

4. This Notice shall be sent to 3G at its address of record.
5. The Privacy Act of 1974³ 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.⁴

FEDERAL COMMUNICATIONS COMMISSION

William Berry
Resident Agent
San Juan District Office
South Central Region
Enforcement Bureau

³P.L. 93-579, 5 U.S.C. § 552a(e)(3).

⁴18 U.S.C. § 1001 *et seq.*