

Federal Communications Commission

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

In the Matter of)	
)	
City of Lafayette)	File No. EB-03-OR-282
Licensee of Radio Station WEG265)	
1314 Walker Road)	NOV No. V20043262001
Lafayette, LA 70502)	
)	
)	

NOTICE OF VIOLATION

Released: November 5, 2003

By the District Director, New Orleans Office, Enforcement Bureau:

1. This is a Notice of Violation ("Notice") issued pursuant to Section 1.89 of the Commission's Rules,¹ to the City of Lafayette, licensee of radio station WEG265.

2. On November 3 2003, agents of the Commission's New Orleans Office inspected an antenna structure associated with radio station WEG265 located at coordinates N 30° 12' 42.7" and W 092° 00' 30.4" , and observed the following violation(s):

- a. 47 C.F.R. § 17.4(a)(2): "For an existing antenna structure that had been assigned painting or lighting requirements prior to June 1, 1996, the owner must register the structure prior to June 1, 1998". This structure is not listed in the Commission's database as having been registered.
- b. 47 C.F.R. § 17.23 "The requirements found in § 17.23 relating to painting and lighting of antenna structures shall not apply to those structures authorized prior to June 1, 1996. Previously authorized structures may retain their present painting and lighting specifications, so long as the overall structure height or site coordinates do not change." The previously assigned specifications for this structure require the top red obstruction light to be positioned to insure unobstructed visibility of at least one of the lights from aircraft at any normal angle of approach. The position of the red obstruction light on this structure does not provided unobstructed visibility.
- c. 47 C.F.R. § 17.50 "Antenna structures requiring painting under this part shall be cleaned and repainted as often as necessary to maintain good

¹ 47 C.F.R. § 1.89.

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visibility. ” This paint on this structure has faded to the point where it no longer provides good visibility.

3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,² and Section 1.89 of the Commission's Rules, the City of Lafayette 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 the licensee with personal knowledge of the matter. 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
New Orleans Office
Room 460
2424 Edenborn Avenue
Metairie, Louisiana 70001

4. This Notice shall be sent to the City of Lafayette, 1314 Walker Road, Lafayette, Louisiana, 70502.

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

James C. Hawkins
District Director
New Orleans Office

² 47 U.S.C. § 308(b).

³ P.L. 93-579, 5 U.S.C. § 552a(e)(3).

⁴ 18 U.S.C. § 1001 *et seq.*