

Federal Communications Commission

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

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|------------------------|---|-----------------------|
| In the Matter of |) | |
| |) | |
| American Towers, Inc. |) | File No. EB-04-PO-015 |
| ASR# 1217535 |) | |
| Rockaway Beach, Oregon |) | NOV No. V20043292002 |

NOTICE OF VIOLATION

Released: February 4, 2004

By the Resident Agent, Portland Office, Enforcement Bureau:

1. This is a Notice of Violation ("Notice") issued pursuant to Section 1.89 of the Commission's Rules,¹ to American Towers, Inc.

2. On January 23, 2004, the FCC Portland Resident Agent Office received a copy of a Notice To Airmen ("NOTAM") referred from the Federal Aviation Administration in McMinnville, Oregon. The investigation from this Office revealed that since December 13, 2003, the FAA has issued four consecutive NOTAMs (MMV12/036, MMV 12/078, MMV 1/082, and MMV 1/0106) to a registered antenna structure located in Rockaway Beach, Oregon due to problems with the antenna structure's lighting equipment. FCC records show that the referenced antenna structure was registered to American Towers, Inc. under Antenna Structure Registration Number 1217535. The geographic coordinates for this antenna site are N45-40-26, W123-54-15.

Section 17.56(a) of the Commission's Rules, 47 C.F.R. § 17.56(a), states that "Replacing or repairing of lights, automatic indicators or automatic control or alarm systems shall be accomplished as soon as practicable."

3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,² and Section 1.89 of the Commission's Rules, American Towers, Inc. 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 taken to correct the violation and preclude recurrence, and should include a time line for completion of pending corrective action. 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:

¹ 47 C.F.R. § 1.89.

² 47 U.S.C. § 308(b).

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Portland Resident Agent Office
P.O.Box 61469
Vancouver, WA 98666

4. This Notice shall be sent to American Towers, Inc., 6802 S. 220th St., Kent, Washington, 98032.

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

Binh Nguyen
Resident Agent
Portland Office

³ P.L. 93-579, 5 U.S.C. § 552a(e)(3).

⁴ 18 U.S.C. § 1001 *et seq.*