

Federal Communications Commission

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

In the Matter of)	
)	
Acme Towers, LLC)	File No. EB-04-DV-119
ASR # 1237165)	
Hoyt, Colorado)	NOV No. V20043280003

NOTICE OF VIOLATION

Released: May 3, 2004

By the District Director, Denver Office, Enforcement Bureau:

1. This is a Notice of Violation ("Notice") issued pursuant to Section 1.89 of the Commission's Rules,¹ to Acme Towers, LLC. ("Acme"), owner of Antenna Structure Registration ("ASR") number 1237165.

2. On April 29, 2004, the FCC Denver Office received a copy of a Notice to Airmen ("NOTAM") referred from the Federal Aviation Administration ("FAA") in Denver, Colorado. The investigation from this Office revealed that since January 8, 2004, the FAA has issued a NOTAM every 15 days to a registered antenna structure located in Hoyt, Colorado, due to problems with the antenna structure's lighting equipment. FCC records show that the referenced antenna structure is registered to Acme, under ASR # 1237165. The geographic coordinates for this antenna site are 39°55'21.8" north latitude and 103°58'20.2" west longitude. The violation is summarized as follows:

- a. 47 C.F.R. § 17.56(a): "Replacing or repairing of lights, automatic indicators or automatic control alarm systems shall be accomplished as soon as practicable."

Because of hazards to air navigation due to the 608 meter height of the tower, Acme must diligently investigate the ongoing problem and resolve the light failure.

3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,² and Section 1.89 of the Commission's Rules, Acme must submit a written statement concerning this matter within 20 days of release of this Notice. The response must fully explain the violation, must contain a

¹ 47 C.F.R. § 1.89.

² 47 U.S.C. § 308(b).

Federal Communications Commission

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. 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
Denver Office
215 S Wadsworth Boulevard, Suite 303
Lakewood, Colorado 80226

4. This Notice shall be sent by Certified Mail/Return Receipt Requested, and regular mail to Acme Towers, LLC, 1032 S. Union Boulevard, Suite 100, Lakewood, Colorado 80228.

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

Nikki P. Shears
District Director
FCC Denver Office

cc: Regular Mail

³ P.L. 93-579, 5 U.S.C. § 552a(e)(3).

⁴ 18 U.S.C. § 1001 *et seq.*