

**Federal Communications Commission**

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

**In the Matter of**

Time Warner Entertainment Company, LP

ASR #1016327  
London, Ohio

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File No. EB-04-DT-370

NOV No. V20043236017

**NOTICE OF VIOLATION**

**Released: September 23, 2004**

By the District Director, Detroit Office, 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 Time Warner Entertainment Company, LP ("Time Warner").

2. On July 20, 2004, this office received information reporting that your antenna tower located in London, Ohio, Antenna Structure Registration ("ASR") #1016327, has strobes operating day and night but should have strobes on during the day and red lights at night. Subsequently, a Letter of Inquiry ("LOI") was sent to Time Warner on July 22, 2004 requesting information about this structure. Based upon your response, you are in violation of the following:

a. 47 C.F.R. § 17.23: "Unless otherwise specified by the Commission, each new or altered antenna structure to be registered on or after January 1, 1996, must conform to the FAA's painting and lighting recommendations set forth on the structure's FAA determination of "no hazard,"... as referenced in the FAA Advisory Circulars..." The specifications for ASR #1016327 are assigned according to FAA Circular 70/7460-1K, chapters 4, 8 and 12. Medium intensity lighting should be used during the daytime and red lighting at nighttime. However, you have installed medium intensity lighting on the tower for daytime and nighttime, FAA Circular 70/7460-1K, chapters 4, 6 and 12. You are not authorized to change the lighting on this structure unless the Federal Aviation Administration ("FAA") approves it. In addition, the FCC must authorize any lighting change.

b. 47 C.F.R. § 17.57: "The owner of an antenna structure for which an Antenna Structure Registration Number as been obtained must notify the Commission within 24 hours of completion of construction..." The information you supplied to the Commission does not correctly indicate the lighting on the antenna structure.

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<sup>1</sup> 47 C.F.R. § 1.89

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3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,<sup>2</sup> and Section 1.89 of the Commission's Rules, Time Warner Entertainment Company, LP, 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  
Detroit Office  
24897 Hathaway Street  
Farmington Hills, MI 48335-1552

4. This Notice shall be sent to Time Warner Entertainment Company, LP, 13241 Woodland Park Road, Herndon, Virginia 20171.

5. The Privacy Act of 1974<sup>3</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 your 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>4</sup>

FEDERAL COMMUNICATIONS COMMISSION

James A. Bridgewater  
District Director  
Detroit Office

Cc: Time Warner Entertainment Company, LP  
1266 Dublin Road  
Columbus, Ohio 43215

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<sup>2</sup> 47 U.S.C. 308(b)

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

<sup>4</sup> 18 U.S.C. § 1001 *et seq*