

**Federal Communications Commission**

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

In the Matter of	)	
	)	
Montrose Broadcasting Corporation	)	File No. EB-04-PA-135
	)	
Antenna Structure 1000707	)	NOV No. V200432400017
	)	
Danville, Pennsylvania	)	
	)	

**NOTICE OF VIOLATION**

**Released: September 30, 2004**

By the District Director, Philadelphia 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 Montrose Broadcasting Corporation ("Montrose").

2. On September 8, 2004, an agent of the Commission's Philadelphia Office inspected the antenna structure that Montrose owns and utilizes for radio station WPGM(FM). The antenna structure was located at the coordinates 40-59-14 N by 076-32-50 W and assigned the Antenna Structure Registration Number 1000707. During the inspection, the FCC agent found that Montrose was in violation of the following:

- a. 47 C.F.R. § 17.4(g): "Except as described in paragraph (h) of this Section, the Antenna Structure Registration Number must be posted in a conspicuous place so that it is readily visible near the base of the antenna structure. Materials used to display the Antenna Structure Registration Number must be weather-resistant and of sufficient size to be easily seen at the base of the antenna structure." Montrose failed to post the Antenna Structure Registration Number 1000707.
- b. 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 following FAA Advisory Circulars: AC 70/7460-1J, "Obstruction Marking and Lighting," effective January 1, 1996, and AC 150/5345-43E, "Specification for Obstruction Lighting Equipment," dated October 19,

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<sup>1</sup> 47 C.F.R. § 1.89.

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1996.” In 1996, Montrose constructed a new antenna structure for radio station WPGM(FM). However, the FCC agent observed that the marking and lighting on the antenna structure did not conform to FAA painting and lighting recommendations specified on the Antenna Structure Registration. The FAA recommended that Montrose paint the antenna structure for daytime marking and operate red obstruction lighting for nighttime illumination. However, the antenna structure had a dual lighting system and was not painted.

- c. 47 C.F.R. § 73.1350(a): “Each licensee is responsible for maintaining and operating its broadcast station in a manner which complies with technical rules set forth elsewhere in this part and in accordance with the terms of the station authorization.” A discrepancy exists between the antenna structure coordinates and overall height antenna height specified on the license for station WPGM and those specified on the Antenna Structure Registration. Specifically, the license BMLED-19961001KG for station WPGM specifies the coordinates of the antenna structure as 40-59-16 N by 076-32-51 W and an overall height above ground of 73 meters. However, the Antenna Structure Registration specifies the coordinates as 40-59-14 N by 076-32-50 W and the overall height as 74.3 meters.
  
- d. 47 C.F.R. § 17.47(a)(1): “The owner of any antenna structure which is registered with the Commission and has been assigned lighting specifications referenced in this part ... shall make an observation of the antenna structure’s lights at least once each 24 hours either visually or by observing an automatic properly maintained indicator designed to register any failure of such lights, to insure that all such lights are functioning properly as required...” According to the WPGM station logs, Montrose made observations of the obstruction lights once every 24 hours. However, because the antenna structure has a dual lighting system, Montrose should make one daily observation of the white obstruction lighting and one daily observation of the red obstruction lighting.

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, Montrose Broadcasting Corporation 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 actions taken to correct each violation and preclude recurrence, and should include a time line for completion of pending corrective actions. 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:

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<sup>2</sup> 47 U.S.C. § 308(b).

**Federal Communications Commission**

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Federal Communications Commission  
Philadelphia Office  
One Oxford Valley Building, Suite 404  
2300 East Lincoln Highway  
Langhorne, Pennsylvania 19047

4. This Notice shall be sent to Montrose Broadcasting Corporation, 8 East Market Street, Danville, Pennsylvania 17821.

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 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

John E. Rahtes  
District Director  
Philadelphia Office

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

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