

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

In the Matter of)	
)	
Gois Broadcasting of Connecticut, LLC)	File No.: EB-FIELDNER-18-00027560
)	
Licensee of Radio Station W269DE)	
Facility ID No. 143539)	
)	
Antenna Structure Registrant)	
ASR Nos. 1239619, 1005556, 105558, and 1005559)	
)	
Farmington, Connecticut)	

NOTICE OF VIOLATION

Released: February 5, 2019

By the Regional Director, Region One, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission's rules (Rules)¹ to Gois Broadcasting of Connecticut, LLC (Gois Broadcasting), licensee of the FM translator station W269DE and owner of antenna structures 1239619, 1005556, 105558, and 1005559 in Farmington, Connecticut. Pursuant to Section 1.89(a) of the Rules, issuance of this Notice does not preclude the Enforcement Bureau from further action if warranted, including issuing a Notice of Apparent Liability for Forfeiture for the violations noted herein.²

2. On October 10, 2018 and November 13, 2018, Agents of the Enforcement Bureau's Region One inspected FM translator station W269DE and the four-tower array of AM Station WLAT which is comprised of Antenna Structures 1239619, 1005556, 105558, and 1005559. During the inspections, the agents observed the following violations:

- a. 47 CFR § 74.3(a): "The licensee of a station authorized under this part must make the station available for inspection by representatives of the FCC during the station's business hours, or at any time it is in operation." On October 10, 2018 during regular business hours as the station was broadcasting, Gois Broadcasting failed to provide the Agents access to the transmitter for an inspection.

- b. 47 CFR § 74.1235(e): "A station authorized under this subpart for a TPO that is less than its transmitter certificated rating shall determine its TPO in accordance

¹ 47 CFR § 1.89.

² 47 CFR § 1.89(a).

with §73.267 of this chapter and its TPO shall not be more than 105 percent of the authorized TPO.” Based on field strength measurements conducted on October 10, 2018 and November 13, 2018 and a November 13, 2018 observation of the Transmitter Power Output (TPO) meter on the W269DE transmitter, Agents determined that on October 10, 2018 Station W269DE was operating with a Transmitter Power Output (TPO) of 740 watts. This exceeded the authorized TPO of 33 watts by approximately 14 dB and 2142%.

- c. 47. C.F.R. § 17.48: “Unless otherwise specified by the Commission, each new or altered antenna structure must conform to the FAA's painting and lighting specifications set forth in the FAA's final determination of ‘no hazard’ and the associated FAA study for that particular structure.” The WLAT Antenna Structures are subject to the Antenna Structure Registration (ASR) Nos 1239619, 1005556, 105558, and 1005559, which apply painting and lighting requirements from Chapters 3, 4, 5, and 12 of FAA Circular Number 70/7460-1K. Chapter 3 of FAA Circular Number 70/7460-1K indicates that the antenna structures must be painted for daytime marking and Chapter 5 indicates that the antenna structures must display red obstruction lighting during the nighttime.³ At the time of the inspection, the agent observed that all red obstruction lighting on Antenna Structure 1239619 was extinguished, the top-level flashing red beacon and one of the steady burning side markers at the 1/3 level were extinguished on Antenna Structure 105559, and all steady burning side markers at the 1/3 and 2/3 levels were extinguished on Antenna Structure 105556. The contract engineer confirmed at the time of the inspection that the obstruction lighting had been extinguished.
- d. 47 C.F.R. § 17.48: “The owner of any antenna structure which is registered with the Commission and has been assigned lighting specifications referenced in this part: (a) Shall report immediately to the FAA, by means acceptable to the FAA, any observed or otherwise known extinguishment or improper functioning of any top steady burning light or any flashing obstruction light, regardless of its position on the antenna structure, not corrected within 30 minutes. If the lights cannot be repaired within the FAA's Notices to Airmen (NOTAM) period, the owner shall notify the FAA to extend the outage date and report a return-to-service date.” At the time of the inspection on November 13, 2018, the top-level flashing red beacons on Antenna Structures 1239619 and 105559 were extinguished. The contract engineer indicated that the obstruction lighting had been extinguished for an extended period. However, Gois Broadcasting did not immediately notify the FAA.

3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,⁴ Section 403 of the Communications Act of 1934, as amended,⁵ and Section 1.89 of the Rules, we seek additional

³ See Federal Aviation Administration, Advisory Circular: Obstruction Marking and Lighting, FAA AC 70/7460-1L (1992), available at <http://wireless.fcc.gov/antenna/documentation/faadocs/7460-1K.pdf> (FAA Obstruction Marking and Lighting Circular).

⁴ 47 U.S.C. § 308(b).

⁵ 47 U.S.C. § 403.

information concerning the violation and any remedial actions taken. Therefore, Gois Broadcasting must submit a written statement concerning this matter within twenty (20) days of release of this Notice. The response (i) must fully explain each violation, including all relevant surrounding facts and circumstances, (ii) must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and (iii) must include a time line for completion of any pending corrective action(s). The response must be complete in itself and must not be abbreviated by reference to other communications or answers to other notices.⁶

4. In accordance with Section 1.16 of the Rules, we direct Gois Broadcasting to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of Gois Broadcasting with personal knowledge of the representations provided in Gois Broadcasting's response, verifying the truth and accuracy of the information therein,⁷ and confirming that all of the information requested by this Notice which is in Gois Broadcasting's possession, custody, control, or knowledge has been produced. To knowingly and willfully make any false statement or conceal any material fact in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.⁸

5. All replies and documentation sent in response to this Notice should be marked with the File No. specified above, and emailed and mailed to the following address:

Federal Communications Commission
EB Columbia Regional Office
9050 Junction Drive
Annapolis Junction, Maryland 20701
FIELD@FCC.GOV

6. This Notice shall be sent to Gois Broadcasting of Connecticut, LLC, 135 Burnside Avenue, East Hartford, Connecticut 06108 and its counsel Lee Petro, Pillsbury, 1200 17th Street, NW, Washington, DC 20036. The Privacy Act of 1974⁹ requires that we advise you that the Commission will

⁶ 47 CFR § 1.89(c).

⁷ Section 1.16 of the Rules provides that "[a]ny document to be filed with the Federal Communications Commission and which is required by any law, rule or other regulation of the United States to be supported, evidenced, established or proved by a written sworn declaration, verification, certificate, statement, oath or affidavit by the person making the same, may be supported, evidenced, established or proved by the unsworn declaration, certification, verification, or statement in writing of such person Such declaration shall be subscribed by the declarant as true under penalty of perjury, and dated, in substantially the following form . . . : 'I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)'." 47 CFR § 1.16.

⁸ 18 U.S.C. § 1001 *et seq.* See also 47 CFR § 1.17.

⁹ P.L. 93-579, 5 U.S.C. § 552a(e)(3).

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.

FEDERAL COMMUNICATIONS COMMISSION

David C. Dombrowski
Regional Director
Region One
Enforcement Bureau