



Photo by Dan Bishop

Tower and RF Exposure Violations

FCC Issues More Tower Violation Fines

By Michael L. Higgs Jr.

The FCC's Enforcement Bureau has been cracking down on tower violations over the past several months, and that continued with two more notices of apparent liability (NALs) released on June 9, both from the Philadelphia field office. Dalrymple Realty was fined \$10,000 for failing to clean or repaint

its antenna structure in Elmira, New York. The 320-foot tower was required by its antenna structure registration (ASR) to conform to the painting and lighting requirements of FAA Advisory Circular 70/7460-1F, FAA Chapters 3, 4, 5 and 9, which require that the structure be painted for daytime visibility and must display red

obstruction lighting at night.

Repair

A few days following the FCC's inspection, Dalrymple repaired the lighting system, installed a remote monitoring system and applied to the FAA for permission to replace its painting obligations with white obstruction

lighting — which was subsequently granted. The lessons to take away from this case are that the monitoring of obstruction lighting needs to be more than casual, and if you are going to change from one method of obstruction marking to another, first obtain permission from the FAA and the FCC.

Northeast Passage

The Enforcement Bureau fined Northeast Passage \$15,000 for several violations of the FCC's antenna structure rules. Northeast Passage was charged with failing to exhibit medium-intensity obstruction lighting on the tower during the daytime, failing to monitor the tower's obstruction lighting, failing to notify the FAA of a known light outage and failing to immediately notify the FCC upon a change in the tower's height.

Wrong Lighting

According to the FCC's antenna structure registration database, the tower should stand 242 feet tall and should have paint for daytime visi-

bility and red obstruction lighting for nighttime visibility. During the inspection, it was determined that the tower had the required red obstruction lighting, but in lieu of the required paint, it had white medium-intensity lighting. However, the agents also observed that one of the two medium-intensity lights at the mid-level and all of the daytime lights at the top level were extinguished. No NOTAM had been issued to warn pilots of the light outage. Also, according to a contractor working on the tower at the time of the inspection, the structure was significantly taller than was listed on its ASR.

2006 Application

According to FAA records, Northeast Passage filed an application in 2006 specifying a new structure height of 382 feet, which required a medium-intensity, dual-lighting system. However, Northeast Passage failed to notify the FCC of the new tower height and the associated change in lighting specifications. Some of the factual claims of Northeast Passage with regard to who was responsible for monitoring and

repairing the lighting system were determined by the Enforcement Bureau to be untrue.

Fine Adjusted Upward

Under the FCC's guidelines, the base forfeiture amount for failure to comply with prescribed lighting or painting is \$10,000, and the base forfeiture amount for failing to file required forms or information is \$3,000. The Enforcement Bureau found that the failure of Northeast Passage to notify the FAA of a known light outage, combined with its lack of diligence with regard to the monitoring of the requisite lights, represented a deliberate disregard for FCC rules critical to ensuring the safety of air navigation, and thus the bureau concluded that an upward adjustment of \$2,000 was warranted.

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Verizon Wireless Fined for RF Exposure Violations

By J. Sharpe Smith

The FCC's Enforcement Bureau has concluded that Verizon Wireless violated its RF exposure limits and fined the carrier \$50,000. Additionally, the carrier has agreed to implement a compliance plan to protect its employees, contractors and other people who may come into contact with RF emissions from its wireless facilities. The plan includes training, reporting

requirements and other safety measures.

The investigation came as a result of complaints that Verizon Wireless violated the RF exposure limits at rooftop antenna sites in the Philadelphia, Pennsylvania, and Hartford, Connecticut, metropolitan areas.

In response to the investigations, Verizon Wireless has already spent \$4.2 million to inspect all of its 5,000 rooftop antenna sites to review and

update RF exposure warning signage at access and antenna points. Employees at the company's two network operations centers have been trained on how to inform individuals working near transmitter sites on safety measures.

J. Sharpe Smith is a contributing editor.