

Federal Communications Commission

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

In the Matter of)	
)	
Peake Contracting, Inc.)	File No. EB-08-DT-0382
Owner of ASR# 1064760)	
)	
Shelby Twp, Michigan)	NOV No. V200932360007
)	
)	
)	

NOTICE OF VIOLATION

Released: March 31, 2009

By the District Director, Detroit Office, Northeast, Enforcement Bureau:

1. This is a Notice of Violation (“Notice”) issued pursuant to Section 1.89 of the Commission’s Rules¹ to Peake Contracting, Inc. (“Peake”), owner of antenna structure # 1064670 in Shelby Twp, Michigan.
2. On October 8, 2008, an agent of the Commission’s Detroit Office inspected antenna structure # 1064760 located 48181 Ryan Rd, Shelby Twp, Michigan and observed the following violation:
 - a. 47 C.F.R. § 17.4 (a): "Effective July 1, 1996, the owner of any proposed or existing antenna structure that requires notice of proposed construction to the Federal Aviation Administration must register the structure with the Commission..." At the time of inspection, the Antenna Structure Registration incorrectly listed the owner as "Teletech Inc. Acting for Owner" (“Teletech”). The antenna structure registration information must be changed to show the actual owner, Peake Contracting, Inc. Teletech can be listed as the contact.
 - b. 47 C.F.R. § 17.4 (g): "...the Antenna Structure Registration Number must be displayed 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." At the time of inspection, the Antenna Structure Registration Number was not readily visible because it was covered by foliage.
 - c. 47 C.F.R. § 17.50: “Antenna structures requiring painting under this part shall be cleaned or repainted as often as necessary to maintain good visibility.” At the time of inspection the paint was faded, worn and peeling.

¹47 C.F.R. § 1.89.

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3. Pursuant to Section 403 of the Communications Act of 1934, as amended,² and Section 1.89 of the Commission's Rules, Peake Contracting, Inc must submit a written statement concerning this matter within twenty (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 Peake Contracting, Inc. 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, Michigan 48335-1552

4. This Notice shall be sent to Peake Contracting, Inc. at its address of record.
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

James A. Bridgewater
District Director
Detroit District Office
Northeast Region
Enforcement Bureau

²47 U.S.C. § 403

³P.L. 93-579, 5 U.S.C. § 552a(e)(3).

⁴18 U.S.C. § 1001 *et seq.*