



PUBLIC NOTICE

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WIRELESS TELECOMMUNICATIONS BUREAU ANNOUNCES ELECTRONIC MAIL ACCOUNT FOR APPLICANTS TO SEND INFORMATIONAL COPIES OF CONTACTS WITH INDIAN TRIBES AND NATIVE HAWAIIAN ORGANIZATIONS

The Wireless Telecommunications Bureau of the Federal Communications Commission (Commission) announces the dedication of an electronic mail (e-mail) account for applicants¹ to use when sending the Commission informational copies of their initial contacts with federally-recognized Indian Tribes, including Alaska Native Villages (collectively "Tribes") and Native Hawaiian Organizations (NHOs), that are made outside of the Tower Construction Notification System (TCNS). The TCNS was introduced by the Commission to Tribes, NHOs, State Historic Preservation Officers (SHPOs), and the general public in February 2004.²

The new e-mail account, TribalTowerExchange@fcc.gov,³ will assist applicants in meeting one of their obligations as set forth in the Nationwide Programmatic Agreement (NPA),⁴ which was adopted and released in October 2004. The NPA will go into effect March 7, 2005.⁵ Under Section IV.E of the NPA, if an applicant does not have a pre-existing relationship with an Indian tribe or NHO, initial contact with the Tribe or NHO shall be made through the Commission. Unless the Tribe or NHO has indicated otherwise, the Commission may make this initial contact through the TCNS. An applicant that has a pre-existing relationship with a Tribe or NHO shall make initial contact in the manner that is customary to that relationship or in such

¹ An "Applicant" is defined under the Nationwide Programmatic Agreement as a Commission licensee, permittee, or registration holder, or an applicant or prospective applicant for a wireless or broadcast license, authorization or antenna structure registration, and the duly authorized agents, employees, and contractors of any such person or entity.

² See FCC Announces Voluntary Tower Construction Notification System to Provide Indian Tribes, Native Hawaiian Organizations, and State Historic Preservation Officers with Early Notification of Proposed Tower Sites, *Public Notice*, DA 04-270, 19 FCC Rcd. 1998 (2004).

³ Note: The e-mail address is not case sensitive. For example, you may also use tribaltowerexchange@fcc.gov.

⁴ In the Matter of Nationwide Programmatic Agreement Regarding the Section 106 National Historic Preservation Act Review Process, WT Docket No. 03-128, *Report and Order*, FCC 04-222 (rel. Oct. 25, 2004), 2004 WL 2248768, 34 Communications Reg. (P&F) 112.

⁵ See Nationwide Programmatic Agreement for Review Under the National Historic Preservation Act, 70 Fed. Reg. 556 (Jan. 4, 2005).

other manner as may be accepted by the Tribe or NHO. An applicant shall copy the Commission on any initial written or electronic direct contact with a Tribe or NHO, unless the Tribe or NHO has agreed through a best practices agreement or otherwise that such copying is not necessary.

Effective immediately, applicants may copy the Commission with their initial contacts with Tribes and NHOs by sending an e-mail to TribalTowerExchange@fcc.gov. After the effective date of the NPA, an e-mail to this address will satisfy the applicant's obligation under Section IV.E of the NPA. Written copies of contacts made by non-electronic means may be sent to the Commission at the following address:

Federal Communications Commission
1270 Fairfield Road
Gettysburg, PA 17325
Attn: Anne Marie Wypijewski

Use of TribalTowerExchange@fcc.gov is not necessary for contacts with Tribes and NHOs made through the TCNS. The TCNS is an interactive, login and password-protected system that depends on information voluntarily provided by Tribes, NHOs, SHPOs and by entities proposing to construct towers. On a global basis, Tribes, NHOs and SHPOs enter into the system geographic areas in which they are interested in receiving notices, as well as the means by which they prefer to receive notice (electronic mail and/or regular mail) and their contact information. Entities proposing to construct towers then enter case-by-case information about the sites where they propose to construct facilities and the types of facilities they propose to construct. The TCNS automatically forwards these notifications to Tribes, NHOs, and SHPOs that have expressed an interest in the relevant geographic area. The TCNS also provides Tribes, NHOs, and SHPOs with the means to respond to notifications and with search utilities. Because the TCNS automatically retains a record accessible by the Commission of contacts made through it, no additional copying of such contacts is required.

For further information, please contact any of the following:

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