



# PUBLIC NOTICE

Federal Communications Commission  
445 12<sup>th</sup> St., S.W.  
Washington, D.C. 20554

News Media Information 202 / 418-0500  
Internet: <http://www.fcc.gov>  
TTY: 1-888-835-5322

DA 06-2060  
October 19, 2006

**WIRELESS TELECOMMUNICATIONS BUREAU INTRODUCES  
ENHANCEMENTS TO THE FCC'S  
TOWER CONSTRUCTION NOTIFICATION SYSTEM (TCNS)  
FOR INDIAN TRIBES, NATIVE HAWAIIAN ORGANIZATIONS  
AND THE COMMUNICATIONS INDUSTRY**

As part of a continuing effort to improve the Federal Communications Commission's (Commission's) Tower Construction Notification System (TCNS) that was introduced in February 2004, the Wireless Telecommunications Bureau today implemented modifications and enhancements to TCNS to benefit federally-recognized Indian Tribes, including Alaska Native Villages (collectively "Tribes"); Native Hawaiian Organizations (NHOs); and licensees, applicants and private tower constructors (collectively "applicants").

The TCNS is a voluntary system to facilitate applicants' identification of and early communication with Tribes, NHOs, and State Historic Preservation Officers, as required under Section 106 of the National Historic Preservation Act (NHPA) and the Commission's rules.<sup>1</sup> The TCNS is an interactive, login and password-protected system, which allows tower builders to notify Tribes and NHOs of proposed construction, and allows the Tribes/NHOs to reply to tower builders by using the system. Unless a Tribe consents, the TCNS is not to be used in place of the consultation that is required under Section 106 of the NHPA and the Commission's rules.<sup>2</sup>

### **Previous Enhancements**

The Commission has been engaged in an ongoing effort to improve TCNS by making it more user-friendly and a more productive tool for submitting and responding to TCNS notifications. On March 31, 2006, the Wireless Telecommunications Bureau introduced enhancements to save Tribes, NHOs, and applicants time and resources in the Section 106 process.<sup>3</sup> These enhancements included: 1) a batch Reply functionality so Tribes and NHOs can send identical responses simultaneously to multiple notifications; 2) preset language that Tribes and NHOs may use to indicate that if they do not respond to a TCNS notification within 30 days, they have no interest in participating in preconstruction review for that site; and 3) an

<sup>1</sup> See 36 U.S.C. § 470f; 47 C.F.R. § 1.1307(a)(4); 47 C.F.R. Part I, Appendix B, § IV.

<sup>2</sup> See Nationwide Programmatic Agreement Regarding the Section 106 National Historic Preservation Act Process, WT Docket No. 03-128, *Report and Order*, 20 FCC Rcd 1073, 1107-08, para. 95 (2004).

<sup>3</sup> See Changes and Enhancements to the FCC's Tower Construction Notification System (TCNS) for Indian Tribes, Native Hawaiian Organizations and the Communications Industry, Public Demonstration & Live Webcast to be Held March 30, 2006, *Public Notice*, 21 FCC Rcd 2950 (2006).

automated process for applicants to refer proposed constructions where a Tribe or NHO has not timely responded to good faith efforts at contact.<sup>4</sup> These efficiencies enhanced the ability of Tribes and NHOs to protect archaeological resources and sites of traditional religious and cultural importance to them while avoiding unnecessary burdens on Tribes, NHOs, and applicants alike.

### **Current Enhancements**

The enhancements introduced today will enable Tribes, NHOs, and applicants to use TCNS more efficiently by receiving important notifications in a more timely manner and reducing the amount of paper mail they receive. Currently, when an applicant refers to the Commission a proposed construction for which a Tribe or NHO has not timely responded to good faith efforts at contact, the Commission, consistent with the *Tribal Process Declaratory Ruling*, prints and mails a Final Request Letter to the relevant Tribes or NHOs, and also mails a notification to the applicant. Beginning today, Tribes and NHOs will have the option to receive Final Request Letters by electronic mail (e-mail), regular mail, or both. Tribes and NHOs will continue to receive 20-day letters by regular mail only unless they affirmatively request to receive either e-mail alone or both e-mail and regular mail. Notifications to applicants will be sent by e-mail only (unless the e-mail fails or is undeliverable, in which case a hard copy will be mailed).

In addition, when making these referrals, applicants will be able on a single screen to enter a separate “Date of Second Contact” for each Tribe or NHO to reflect the fact that applicants do not necessarily follow up with each Tribe or NHO on the same date. Applicants will also continue to be able to enter a single “Date of Second Contact” where the date is the same for all Tribes and NHOs. For sites where the initial contact was not made using TCNS, applicants will have these options for both the “Date of First Contact” and the “Date of Second Contact.”

### **Deployment**

The aforementioned changes and enhancements to TCNS are available to the public beginning today, **Thursday, October 19, 2006**. Questions may be directed to the **FCC Support Center at (877) 480-3201 (TTY 202-414-1255) and select Option #2**. For additional information or assistance, you may also visit the Web at <http://esupport.fcc.gov> or contact:

Anne Marie Wypijewski, Senior Attorney (717) 338-2508 or e-mail [annemarie.wypijewski@fcc.gov](mailto:annemarie.wypijewski@fcc.gov)

Diane Dupert, Program Analyst, (717) 338-2568 or e-mail [diane.dupert@fcc.gov](mailto:diane.dupert@fcc.gov).

For further information relating to TCNS, please consult the Commission’s web page dedicated to this program (<http://wireless.fcc.gov/outreach/notification/index.html>), also accessible through the Commission’s Tribal homepage (<http://www.fcc.gov/indians>).

-- FCC --

---

<sup>4</sup> See Clarification of Procedures for Participation of Federally Recognized Indian Tribes and Native Hawaiian Organizations Under the Nationwide Programmatic Agreement, *Declaratory Ruling*, FCC 05-176, 20 FCC Rcd 16,092 (2005).