



PUBLIC NOTICE

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**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 WEB CAST TO BE HELD MARCH 30, 2006**

As part of a continuing effort to improve the Federal Communications Commission's (FCC) Tower Construction Notification System (TCNS) that was introduced in February 2004, the Wireless Telecommunications Bureau and the Consumer and Governmental Affairs Bureau of the FCC announce a public demonstration and live web cast of changes and enhancements to be made to TCNS. The FCC will hold the public demonstration on **Thursday, March 30, 2006, from 1:00 to 3:00 p.m.**

The TCNS is a voluntary system to facilitate licensees, applicants and private tower constructors' (collectively "industry") identification of and early communication with federally-recognized Indian Tribes, including Alaska Native Villages (collectively "Tribes"), Native Hawaiian Organizations (NHOs), and State Historic Preservation Officers (SHPOs). 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. The TCNS is not to be used in place of the consultation that is required under Section 106 of the National Historic Preservation Act (NHPA).

The public demonstration will take place in the FCC's 6th Floor South Conference Room (Room 6-B516) at the FCC's Washington, D.C. Headquarters, located at 445 Twelfth Street, S.W. The FCC requests that interested parties pre-register for the live event by March 28, 2006 (see registration information below). Interested parties may go to <http://esupport.fcc.gov/fccevents/reports/submitmsg.jsp> through April 5th at 5 PM to send questions to the FCC, or to provide suggestions regarding potential future enhancements.

Following the presentation, a video recording of the event and all materials related to the event will be available at the following address: <http://wireless.fcc.gov/papers2006.html>. For additional information or assistance, you may visit the Web at <http://esupport.fcc.gov>. You may also call the FCC Support Center at (877) 480-3201 (TTY 202-414-1255). Hours are from 8 a.m. to 7:00 p.m. Eastern Standard Time, Monday through Friday (except Federal holidays). To provide quality service and ensure security, all telephone calls are recorded.

Registration:

Pre-registration for the public demonstration to be held on Thursday, March 30, 2006, is requested. The live demonstration will take place at the FCC Headquarters from 1:00 p.m. to 3:00 p.m. Please pre-register for the live demonstration at <http://esupport.fcc.gov/fccevents/reports/submitmsg.jsp>, or contact Eugene Chun by telephone at 202-513-4575, by Tuesday, March 28, 2006. Please provide

your name, affiliation, telephone number and e-mail address when you pre-register. The FCC will confirm your registration by return e-mail.

Remote Attendance:

The March 30, 2006, demonstration will also be available for remote attendance via live streaming video through your web browser. It is highly recommended that you install the required software and test your connection a few days prior to the March 30, 2006, scheduled event. Beginning March 23, 2006, you will be able to find information relating to performing the needed installation and pre-test at: <http://support.fcc.gov/streamingmedia.htm>

Enhancements:

The new enhancements to TCNS will benefit Tribes, NHOs, and industry by making TCNS more user-friendly and a more productive tool for submitting and responding to TCNS notifications. These enhancements will save Tribes and NHOs time and resources when responding to notifications regarding the proposed construction of towers and other Commission undertakings in the context of reviews required under Section 106 of the NHPA. Therefore, Tribes and NHOs will be able to more effectively protect archaeological resources and sites of traditional and cultural importance to them. Other enhancements will benefit industry by streamlining the process for referring proposed constructions where a Tribe or NHO has not timely responded to good faith efforts at contact.¹

Upon logging onto TCNS, Tribes and NHOs will have access to: 1) a new batch Reply functionality, a new linkscreen; 2) add language regarding their preferences and procedures and; 3) more detailed instructions for using the mapping function to set their geographic areas of interest. The new Reply screen will display in one place all of the active notifications to which the Tribe or NHO has not yet responded, including the Notification ID Numbers, the dates the notifications were received, and a summary of the proposed location and tower builder. Rather than having to submit separate responses to each notification, Tribes and NHOs will be able simultaneously to send identical responses to multiple notifications. Tribes and NHOs may choose from several preset responses or they may compose their own reply.

The new Add Details function will make it easier for Tribes and NHOs to add language specifying their preferences and procedures. This language is sent by the system to all applicants who submit notifications that are sent to the Tribe or NHO. Many Tribes and NHOs have chosen language specifying that if they do not respond to a TCNS notification within 30 days, they have no interest in participating in pre-construction review for the site. This new enhancement will enable Tribes and NHOs to choose this standard language with a single click, or they may enter a description of their own procedures and preferences. The system provides links to examples of possible types of language that can be used. Use of such language can relieve Tribes and NHOs of the burden of responding individually to some or all of the notifications, while protecting their interest in cultural preservation.

Industry will also benefit from the enhancements to TCNS. When an applicant logs onto TCNS, it will now have the new options to: (a) refer a TCNS notification to the FCC for follow-up with a Tribe/NHO; or (b) refer a notification to the FCC for follow-up with a Tribe/NHO, where the notification was originally submitted to the Tribe or NHO outside of TCNS. If an applicant refers a notification to the FCC for follow-up with a Tribe/NHO, an e-mail will be generated to the applicant confirming the referral. (We note that referrals should not be made to the FCC using this system if the Tribe/NHO has requested additional information from an applicant. In the event such a Tribe or NHO does not respond after an

¹ 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, released October 6, 2005, <http://wireless.fcc.gov/siting/>.

applicant has provided the requested information, or if a substantive or a procedural disagreement arises between an applicant and a Tribe or NHO, the applicant must seek guidance from the FCC.)²

Once the enhancements are deployed, applicants will also be able to identify easily the Tribes/NHOs that have indicated that if the Tribe/NHO does not respond to the applicant within 30 days after notification through TCNS, the Tribe/NHO has no interest in participating in pre-construction review for the proposed site. Additionally, the system will let the applicant know whether a Tribe/NHO has set its geographic preferences on TCNS, and whether a Tribe/NHO has submitted a reply to a tower notification through TCNS. If a Tribe/NHO has already responded to a tower notification through TCNS, the applicant will be able to view the response.

Deployment:

The aforementioned changes and enhancements to TCNS will be available to the public on **Friday, March 31, 2006**. Once the changes and enhancements are deployed, you may direct your questions 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.
Diane Dupert, Program Analyst, (717) 338-2568 or e-mail 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>).

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² See Nationwide Programmatic Agreement Regarding the Section 106 National Historic Preservation Act Review Process, *Memorandum Opinion and Order*, FCC 04-222 (rel. Oct. 5, 2004).