

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

In the Matter of	)	File No.: EB-SED-13-00008489
	)	
TowerCom III, LLC	)	Acct No.: 201432100015
	)	
	)	FRN: 0006877302

**ORDER**

**Adopted: March 27, 2014**

**Released: March 28, 2014**

By the Acting Chief, Enforcement Bureau:

1. The Enforcement Bureau (Bureau) of the Federal Communications Commission (Commission) has settled its investigation into whether TowerCom III, LLC (TowerCom) complied with Commission rules requiring that parties applying to construct antenna structures consider whether the proposed construction would affect the environment or historic properties. Under these rules, an antenna structure applicant must evaluate the potential adverse effects its proposals will have on the environment or historic properties and mitigate any effects prior to construction. TowerCom performed the required evaluation prior to construction of the subject structure, but submitted an antenna structure registration to the Commission that indicated incorrectly that the proposed structure would have no significant environmental impact. The company subsequently disclosed this error to the Commission voluntarily and agreed to implement a robust three-year plan to ensure future compliance with these important requirements.

2. In this Order, we adopt the attached Consent Decree entered into between the Bureau and TowerCom. The Consent Decree resolves and terminates the Bureau's investigation into TowerCom's compliance with Sections 1.1307(a)(4) and 1.1312(a) of the Commission's rules (Rules)<sup>1</sup> pertaining to the required assessment of the potential effect on the environment or historic properties of the construction of a wireless communications facility.

3. The Bureau and TowerCom have negotiated a Consent Decree that resolves this matter. A copy of the Consent Decree is attached hereto and incorporated herein by reference.

4. After reviewing the terms of the Consent Decree and evaluating the facts before us, we find that the public interest would be served by adopting the Consent Decree and terminating the investigation.

5. In the absence of material new evidence relating to this matter, we conclude that our investigation raises no substantial or material questions of fact as to whether TowerCom possesses the basic qualifications, including those related to character, to hold or obtain any Commission license or authorization.

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<sup>1</sup> 47 C.F.R. §§ 1.1307(a)(4), 1.1312(a).

6. Accordingly, **IT IS ORDERED** that, pursuant to Sections 4(i), 4(j), and 503(b) of the Communications Act of 1934, as amended,<sup>2</sup> and Sections 0.111 and 0.311 of the Rules,<sup>3</sup> the Consent Decree attached to this Order **IS ADOPTED**.

7. **IT IS FURTHER ORDERED** that the above-captioned investigation **IS TERMINATED**.

8. **IT IS FURTHER ORDERED** that a copy of this Order and Consent Decree shall be sent by first class mail and certified mail, return receipt requested, to David Shields, Executive Vice President, TowerCom III, LLC, 12276 San Jose Blvd., Suite 122, Jacksonville, FL 32223; and to Jason S. Smith, Esq., Hellman Yates & Tisdale, PA, Counsel for TowerCom III, LLC, 145 King Street, Suite 102, Charleston, South Carolina 29401.

FEDERAL COMMUNICATIONS COMMISSION

Travis LeBlanc  
Acting Chief, Enforcement Bureau

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<sup>2</sup> 47 U.S.C. §§ 154(i), 154(j), 503(b).

<sup>3</sup> 47 C.F.R. §§ 0.111, 0.311.

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TowerCom III, LLC	)	Acct No.: 201432100015
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**CONSENT DECREE**

The Enforcement Bureau of the Federal Communications Commission and TowerCom III, LLC, by their authorized representatives, hereby enter into this Consent Decree for the purpose of terminating the Enforcement Bureau's investigation into possible violations of Sections 1.1307(a)(4) and 1.1312(a) of the Commission's rules<sup>1</sup> pertaining to the required assessment of the potential effect on the environment of the construction of a wireless communications facility.

**I. DEFINITIONS**

1. For the purposes of this Consent Decree, the following definitions shall apply:
  - (a) "Act" means the Communications Act of 1934, as amended, 47 U.S.C. § 151 *et seq.*
  - (b) "Adopting Order" means an order of the Bureau adopting the terms of this Consent Decree without change, addition, deletion, or modification.
  - (c) "Bureau" means the Enforcement Bureau of the Federal Communications Commission.
  - (d) "Commission" and "FCC" mean the Federal Communications Commission and all of its bureaus and offices.
  - (e) "Communications Laws" means, collectively, the Act, the Rules, and the published and promulgated orders and decisions of the Commission to which TowerCom is subject by virtue of its business activities, including but not limited to, the Environmental Laws.
  - (f) "Compliance Plan" means the compliance obligations, programs, and procedures described in this Consent Decree at paragraph 10.
  - (g) "Covered Employees" means all employees and agents of TowerCom who perform, or supervise, oversee, or manage the performance of, duties that relate to TowerCom's responsibilities under the Environmental Rules.
  - (h) "Effective Date" means the date on which the Bureau releases the Adopting Order.

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<sup>1</sup> 47 C.F.R. §§ 1.1307(a)(4), 1.1312(a).

- (i) “Environmental Rules” means Sections 1.1307(a)(4) and 1.1312(a) of the Rules and other Communications Laws implementing the National Environmental Policy Act of 1969, as amended,<sup>2</sup> and the National Historic Preservation Act.<sup>3</sup>
- (j) “TowerCom” means TowerCom III, LLC, and parent and affiliate companies, including TowerCom, LLC, TowerCom IV, LLC, and TowerCom V, LLC.
- (k) “Investigation” means the investigation commenced by the Bureau in response to a referral from the Wireless Telecommunications Bureau regarding TowerCom’s possible violations of Sections 1.1307(a)(4) and 1.1312(a) of the Rules.<sup>4</sup>
- (l) “Operating Procedures” means the standard, internal operating procedures and compliance policies established by TowerCom to implement the Compliance Plan.
- (m) “Parties” means TowerCom and the Bureau, each of which is a “Party.”
- (n) “Rules” means the Commission’s regulations found in Title 47 of the Code of Federal Regulations.

## II. BACKGROUND

2. Section 1.1307(a)(4) of the Rules requires applicants and licensees to consider whether their proposed facilities would affect properties listed or eligible for listing (“historic properties”) in the National Register of Historic Places (“National Register”). This obligation expressly applies to facilities for which no pre-construction authorization is required.<sup>5</sup> In considering the potential effects on historic properties, applicants and licensees must, under Section 1.1307(a)(4) of the Rules, follow the prescribed procedures established by the Programmatic Agreements for collocated antennas<sup>6</sup> and for historic preservation review.<sup>7</sup> The Collocation Agreement and the Nationwide Agreement<sup>8</sup> are designed to tailor and streamline in the context of communications tower and antenna construction the review and

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<sup>2</sup> National Environmental Policy Act of 1969, Pub. L. No. 91-190, 83 Stat. 852 (1970), as amended (codified at 42 U.S.C. §§ 4321-4347).

<sup>3</sup> National Historic Preservation Act, Pub. L. No. 89-665, 80 Stat. 915 (codified at 16 U.S.C. § 470 *et seq.*) (NHPA).

<sup>4</sup> See 47 C.F.R. §§ 1.1307(a)(6), 1.1312(a).

<sup>5</sup> 47 C.F.R. § 1.1312(a) (“In the case of facilities for which no Commission authorization prior to construction is required by the Commission’s rules and regulations, the licensee or applicant shall initially ascertain whether the proposed facility may have a significant environmental impact as defined in § 1.1307 of this part.”).

<sup>6</sup> See 47 C.F.R. Part 1, App. B (“Collocation Agreement”); see also *Wireless Telecommunications Bureau Announces Execution of Programmatic Agreement with respect to Collocating Wireless Antennas on Existing Structures*, Public Notice, 16 FCC Rcd 5574 (WTB 2001), *recons. denied*, 20 FCC Rcd 4084 (WTB 2005).

<sup>7</sup> See 47 C.F.R. Part 1, App. C (“Nationwide Agreement”); see also *Nationwide Programmatic Agreement Regarding the Section 106 National Historic Preservation Act Review Process*, Report and Order, WT Docket No. 03-128, 20 FCC Rcd 1073 (2004), *clarified*, 20 FCC Rcd 17995 (2005), *aff’d*, *CTIA-The Wireless Ass’n. v. FCC*, No. 05-1008 (D.C. Cir. Sept. 26, 2006) (“*Nationwide Agreement Report and Order*”).

<sup>8</sup> Section 1.1307(a)(4) of the Rules incorporates by reference the Collocation Agreement and the Nationwide Agreement. The Nationwide Agreement attaches standardized packets for review of collocated antenna construction (FCC Form 621) and new tower construction (FCC Form 620). See *Nationwide Agreement Report and Order*, 20 FCC Rcd at 1180-1201, Appendix B, Attachments 3 and 4.

consultation procedures required by the NHPA,<sup>9</sup> and the implementing regulations issued by the Advisory Council on Historic Preservation (“Advisory Council”).<sup>10</sup>

3. TowerCom owns wireless telecommunications towers in the southeast region of the United States. In July 2010, TowerCom filed with the FCC and submitted to the Georgia State Historic Preservation Officer (Georgia SHPO) an FCC Form 620 (FCC Wireless Telecommunications Bureau New Tower Submission Packet) that indicated construction of a proposed antenna structure in Woodbury, Georgia (Woodbury Tower) would have no adverse effect on historic properties. The Georgia SHPO responded on August 11, 2010, finding that the proposed Woodbury Tower would have an adverse effect on several historic properties. After the Georgia SHPO determined that alternatives to avoid or minimize the adverse effects were not feasible, TowerCom, the Commission, and the Georgia SHPO executed on February 9, 2011, a Memorandum of Agreement that required TowerCom to mitigate the adverse effects to historic properties from construction of the Woodbury Tower, and to submit an Environmental Assessment (EA) for the site within thirty (30) days.<sup>11</sup>

4. On April 14, 2011, TowerCom submitted an application on FCC Form 854 for an Antenna Structure Registration (ASR) for the Woodbury Tower.<sup>12</sup> Although TowerCom previously had assessed the potential effects on historic properties as required by the Nationwide Agreement, and the underlying facts would have supported the issuance of a Finding of No Significant Impact (FONSI), TowerCom’s ASR application incorrectly indicated that construction of the Woodbury Tower would have no significant environmental impact. The ASR for the Woodbury Tower was issued on April 14, 2011. Construction of the Woodbury Tower was completed on April 27, 2011. On July 26, 2012, TowerCom disclosed the error to the Commission’s Wireless Telecommunications Bureau, and submitted a corrected ASR application with the required EA.<sup>13</sup> The Wireless Telecommunications Bureau subsequently

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<sup>9</sup> The NHPA requires that a federal agency consider the effects of its federal undertakings, including actions that it authorizes or approves, on historic properties prior to issuing federal licenses, permits, or approvals. *See* 16 U.S.C. §§ 470f, 470w(7). In considering such effects, the NHPA further requires the federal agency to consider the views of expert agencies. Specifically, the NHPA requires the federal agency to consider the views of the Advisory Council on Historic Preservation, the agency tasked with the responsibility for implementing the NHPA, the appropriate State Historic Preservation Officer, and, if affected historic properties are of religious or cultural significance to Indian Tribes or Native Hawaiian organizations, their representatives. *See* 16 U.S.C. §§ 470a(a)(3), (d)(6)(B), 470f, 470i. Consistent with the Advisory Council on Historic Preservation’s regulations, the Commission’s Environmental Rules delegate the task of identification and initial consideration of the effects that proposed facilities may have on historic properties, including identifying and ensuring contact is made with potentially affected Indian Tribes, to its licensees, permittees and applicants, but the Commission remains ultimately responsible for enforcement of the Environmental Rules. *See* 47 C.F.R. § 1.1307(a)(4); *see also* 36 C.F.R. § 800.2(a)(3); *Nationwide Agreement Report and Order*, 20 FCC Rcd at 1076-77 ¶ 5.

<sup>10</sup> *See* 36 C.F.R. § 800.1 *et seq.* Under the NHPA and the Advisory Council’s implementing regulations, a federal agency may, with the agreement of the Advisory Council and the relevant State Historic Preservation Officer or the National Conference of State Historic Preservation Officers, adopt Programmatic Agreements to tailor the historic preservation review and consultation procedures, as well as exempt actions that are unlikely to affect historic properties. *See* 16 U.S.C. § 470v; 36 C.F.R. § 800.14(b),(c).

<sup>11</sup> *See* Memorandum of Agreement Between the Federal Communications Commission and the Georgia State Historic Preservation Officer Regarding a Proposed Southerlinc/TowerComIII, LLC Tower in Meriwether County, Georgia, dated February 17, 2011 at 2.

<sup>12</sup> *See* File No. A1278581 (filed Apr. 14, 2011).

<sup>13</sup> *See* File No. A0780894 (filed July 26, 2012). The Woodbury Tower was subsequently sold to SBA Communications Corporation. *See* ASR No. 1278581.

referred this matter to the Enforcement Bureau for investigation. The Enforcement Bureau and TowerCom entered into a tolling agreement to toll the statute of limitations.<sup>14</sup>

### III. TERMS OF AGREEMENT

5. **Adopting Order.** The Parties agree that the provisions of this Consent Decree shall be subject to final approval by the Bureau by incorporation of such provisions by reference in the Adopting Order.

6. **Jurisdiction.** TowerCom agrees that the Bureau has jurisdiction over it and the matters contained in this Consent Decree and that the Bureau has the authority to enter into and adopt this Consent Decree.

7. **Effective Date; Violations.** The Parties agree that this Consent Decree shall become effective on the Effective Date as defined herein. As of the Effective Date, the Adopting Order and this Consent Decree shall have the same force and effect as any other order of the Commission. Any violation of the Adopting Order or of the terms of this Consent Decree shall constitute a separate violation of a Commission order, entitling the Commission to exercise any rights and remedies attendant to the enforcement of a Commission order.

8. **Termination of Investigation.** In express reliance on the covenants and representations in this Consent Decree and to avoid further expenditure of public resources, the Bureau agrees to terminate the Investigation. In consideration for the termination of the Investigation, TowerCom agrees to the terms, conditions, and procedures contained herein. The Bureau further agrees that in the absence of new material evidence, the Bureau will not use the facts developed in the Investigation through the Effective Date, or the existence of this Consent Decree, to institute on its own motion any new proceeding, formal or informal, or take any action on its own motion against TowerCom concerning the matters that were the subject of the Investigation. The Bureau also agrees that it will not, in the absence of new material evidence, use the facts developed in the Investigation through the Effective Date, or the existence of this Consent Decree, to institute on its own motion any proceeding, formal or informal, or take any action on its own motion against TowerCom with respect to TowerCom's basic qualifications, including its character qualifications, to be a Commission licensee.

9. **Compliance Officer.** Within thirty (30) calendar days after the Effective Date, TowerCom shall designate a senior corporate manager with the requisite corporate and organizational authority to serve as Compliance Officer and to discharge the duties set forth below. The person designated as the Compliance Officer shall be responsible for developing, implementing, and administering the Compliance Plan and ensuring that TowerCom complies with the terms and conditions of the Compliance Plan and this Consent Decree. In addition to the general knowledge of the Communications Laws necessary to discharge his/her duties under this Consent Decree, the Compliance Officer shall have specific knowledge of the Environmental Rules prior to assuming his/her duties.

10. **Compliance Plan.** For purposes of settling the matters set forth herein, TowerCom agrees that it shall within sixty (60) calendar days after the Effective Date, develop and implement a Compliance Plan designed to ensure future compliance with the Communications Laws and with the

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<sup>14</sup> See, e.g., Tolling Agreement Extension, File No. EB-SED-13-00008489, executed by and between John D. Poutasse, Chief, Spectrum Enforcement Division, Enforcement Bureau, and Jason S. Smith, counsel for TowerCom III, LLC (Dec. 20, 2013) (on file in EB-SED-13-00008489).

terms and conditions of this Consent Decree. With respect to the Environmental Rules, TowerCom shall implement the following procedures:

- (a) **Operating Procedures on Environmental Rules.** Within sixty (60) calendar days after the Effective Date, TowerCom shall establish Operating Procedures that all Covered Employees must follow to help ensure TowerCom's compliance with the Environmental Rules. TowerCom's Operating Procedures shall include internal procedures and policies specifically designed to ensure that (i) TowerCom performs the required review of the potential effects on the environment of any proposed facilities, including facilities for which no pre-construction authorization is required, prior to the initiation of construction of such proposed facilities; and (ii) timely files with the Commission all information required by the Environmental Rules. TowerCom's Operating Procedures shall incorporate a Compliance Checklist that describes the steps that a Covered Employee must follow to determine whether construction of the proposed facility is categorically excluded from environmental processing under Section 1.1306 of the Rules<sup>15</sup> or may have a significant environmental effect, as defined in Section 1.1307 of the Rules.<sup>16</sup>
- (b) **Compliance Manual.** Within sixty (60) calendar days after the Effective Date, the Compliance Officer shall develop and distribute a Compliance Manual to all Covered Employees. The Compliance Manual shall explain the Environmental Rules and set forth the Operating Procedures that Covered Employees shall follow to help ensure TowerCom's compliance with the Environmental Rules. TowerCom shall periodically review and revise the Compliance Manual as necessary to ensure that the information set forth therein remains current and complete. TowerCom shall distribute any revisions to the Compliance Manual promptly to all Covered Employees.
- (c) **Compliance Training.** TowerCom shall establish and implement a Compliance Training Program on compliance with the Environmental Rules and the Operating Procedures. As part of the Compliance Training Program, Covered Employees shall be advised of TowerCom's obligation to report any noncompliance with the Environmental Rules under paragraph 11 of this Consent Decree and shall be instructed on how to disclose noncompliance to the Compliance Officer. All Covered Employees shall be trained pursuant to the Compliance Training Program within sixty (60) calendar days after the Effective Date, except that any person who becomes a Covered Employee at any time after the Effective Date shall be trained within thirty (30) calendar days after the date such person becomes a Covered Employee. TowerCom shall repeat the compliance training on an annual basis, and shall periodically review and revise the Compliance Training Program as necessary to ensure that it remains current and complete and to enhance its effectiveness.

11. **Reporting Noncompliance.** TowerCom shall report any noncompliance with the Environmental Rules and with the terms and conditions of this Consent Decree within fifteen (15) calendar days after its discovery of such noncompliance. Such reports shall include a detailed explanation of (i) each instance of noncompliance; (ii) the steps that TowerCom has taken or will take to remedy such noncompliance; (iii) the schedule on which such proposed remedial actions will be taken; and (iv) the

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<sup>15</sup> 47 C.F.R. § 1.1306.

<sup>16</sup> *Id.* § 1.1307.

steps that TowerCom has taken or will take to prevent the recurrence of any such noncompliance. All reports of noncompliance shall be submitted to the Chief, Spectrum Enforcement Division, Enforcement Bureau, Federal Communications Commission, 445 12<sup>th</sup> Street, S.W., Rm. 3-C366, Washington, DC 20554, with copies submitted electronically to Linda Nagel at Linda.Nagel@fcc.gov and to Ricardo Durham at Ricardo.Durham@fcc.gov.

12. **Compliance Reports.** TowerCom shall file Compliance Reports with the Commission ninety (90) calendar days after the Effective Date, twelve (12) months after the Effective Date, twenty-four (24) months after the Effective Date, and thirty-six months (36) after the Effective Date.

- (a) Each Compliance Report shall include a detailed description of TowerCom's efforts during the relevant period to comply with the terms and conditions of this Consent Decree and the Environmental Rules. In addition, each Compliance Report shall include a certification by the Compliance Officer, as an agent of and on behalf of TowerCom, stating that the Compliance Officer has personal knowledge that TowerCom (i) has established and implemented the Compliance Plan; (ii) has utilized the Operating Procedures since the implementation of the Compliance Plan; and (iii) is not aware of any instances of noncompliance with the terms and conditions of this Consent Decree, including the reporting obligations set forth in paragraph 11 hereof.
- (b) The Compliance Officer's certification shall be accompanied by a statement explaining the basis for such certification and must comply with Section 1.16 of the Rules<sup>17</sup> and be subscribed to as true under penalty of perjury in substantially the form set forth therein.
- (c) If the Compliance Officer cannot provide the requisite certification, the Compliance Officer, as an agent of and on behalf of TowerCom, shall provide the Commission with a detailed explanation of the reason(s) why and describe fully (i) each instance of noncompliance; (ii) the steps that TowerCom has taken or will take to remedy such noncompliance, including the schedule on which proposed remedial actions will be taken; and (iii) the steps that TowerCom has taken or will take to prevent the recurrence of any such noncompliance, including the schedule on which such preventive action will be taken.
- (d) All Compliance Reports shall be submitted to Chief, Spectrum Enforcement Division, Enforcement Bureau, Federal Communications Commission, 445 12<sup>th</sup> Street, S.W., Rm. 3-C366, Washington, DC 20554. All Compliance Reports also shall be submitted electronically to Linda Nagel at Linda.Nagel@fcc.gov and to Ricardo Durham at Ricardo.Durham@fcc.gov.

13. **Termination Date.** Unless stated otherwise, the obligations set forth in paragraphs 9 through 12 of this Consent Decree shall expire thirty-six (36) months after the Effective Date.

14. **Voluntary Contribution.** TowerCom agrees that it will make a voluntary contribution to the United States Treasury in the amount of six thousand five hundred dollars (\$6,500) within thirty (30) calendar days after the Effective Date. TowerCom shall also send electronic notification of payment to Linda Nagel at Linda.Nagel@fcc.gov, to Ricardo Durham at Ricardo.Durham@fcc.gov, and to Samantha Peoples at Sam.Peoples@fcc.gov on the date said payment is made. The payment must be

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<sup>17</sup> *Id.* § 1.16.



made by check or similar instrument, wire transfer, or credit card, and must include the NAL/Account Number and FRN referenced above. Regardless of the form of payment, a completed FCC Form 159 (Remittance Advice) must be submitted.<sup>18</sup> When completing the FCC Form 159, enter the Account Number in block number 23A and enter the letters “FORF” in block number 24A (payment type code). Below are additional instructions that TowerCom should follow based on the form of payment it selects:

- Payment by check or money order must be made payable to the order of the Federal Communications Commission. Such payments (along with the completed Form 159) must be mailed to Federal Communications Commission, P.O. Box 979088, St. Louis, MO 63197-9000, or sent via overnight mail to U.S. Bank – Government Lockbox #979088, SL-MO-C2-GL, 1005 Convention Plaza, St. Louis, MO 63101.
- Payment by wire transfer must be made to ABA Number 021030004, receiving bank TREAS/NYC, and Account Number 27000001. To complete the wire transfer and ensure appropriate crediting of the wired funds, a completed Form 159 must be faxed to U.S. Bank at (314) 418-4232 on the same business day the wire transfer is initiated.
- Payment by credit card must be made by providing the required credit card information on FCC Form 159 and signing and dating the Form 159 to authorize the credit card payment. The completed Form 159 must then be mailed to Federal Communications Commission, P.O. Box 979088, St. Louis, MO 63197-9000, or sent via overnight mail to U.S. Bank – Government Lockbox #979088, SL-MO-C2-GL, 1005 Convention Plaza, St. Louis, MO 63101.

If TowerCom has questions regarding payment procedures, it should contact the Financial Operations Group Help Desk by phone, 1-877-480-3201, or by e-mail, [ARINQUIRIES@fcc.gov](mailto:ARINQUIRIES@fcc.gov).

15. **Waivers**. TowerCom waives any and all rights it may have to seek administrative or judicial reconsideration, review, appeal, or stay, or to otherwise challenge or contest the validity of this Consent Decree and the Adopting Order, provided the Bureau issues an Adopting Order as defined herein. TowerCom shall retain the right to challenge Commission interpretation of the Consent Decree or any terms contained herein. If either Party (or the United States on behalf of the Commission) brings a judicial action to enforce the terms of the Adopting Order, neither TowerCom nor the Commission shall contest the validity of the Consent Decree or of the Adopting Order, and TowerCom shall waive any statutory right to a trial *de novo*. TowerCom hereby agrees to waive any claims it may have under the Equal Access to Justice Act,<sup>19</sup> relating to the matters addressed in this Consent Decree.

16. **Invalidity**. In the event that this Consent Decree in its entirety is rendered invalid by any court of competent jurisdiction, it shall become null and void and may not be used in any manner in any legal proceeding.

17. **Subsequent Rule or Order**. The Parties agree that if any provision of the Consent Decree conflicts with any subsequent rule or order adopted by the Commission (except an order specifically intended to revise the terms of this Consent Decree to which TowerCom does not expressly consent) that provision will be superseded by such rule or Commission order.

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<sup>18</sup> An FCC Form 159 and detailed instructions for completing the form may be obtained at <http://www.fcc.gov/Forms/Form159/159.pdf>.

<sup>19</sup> Equal Access to Justice Act, Pub L. No. 96-481, 94 Stat. 2325 (1980) (codified at 5 U.S.C. § 504); *see also* 47 C.F.R. §§ 1.1501-1.1530.

18. **Successors and Assigns.** TowerCom agrees that the provisions of this Consent Decree shall be binding on its successors, assigns, and transferees.

19. **Final Settlement.** The Parties agree and acknowledge that this Consent Decree shall constitute a final settlement between the Parties with respect to the Investigation. The Parties further agree that this Consent Decree does not constitute either an adjudication on the merits or a factual or legal finding or determination regarding any compliance or noncompliance with the Communications Laws.

20. **Modifications.** This Consent Decree cannot be modified without the advance written consent of both Parties.

21. **Paragraph Headings.** The headings of the paragraphs in this Consent Decree are inserted for convenience only and are not intended to affect the meaning or interpretation of this Consent Decree.

22. **Authorized Representative.** The individual signing this Consent Decree on behalf of TowerCom represents and warrants that he is authorized by TowerCom to execute this Consent Decree and to bind the company to the obligations set forth herein. The FCC signatory represents that he is signing this agreement in his official capacity and that he is authorized to execute this Consent Decree.

23. **Counterparts.** This Consent Decree may be signed in any number of counterparts (including by facsimile), each of which, when executed and delivered, shall be an original, and all of which counterparts together shall constitute one and the same fully executed instrument.

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Travis LeBlanc  
Acting Chief  
Enforcement Bureau

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Date

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David Shields  
Executive Vice President  
TowerCom III, LLC

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Date