

# FCC ANNOUNCES “SECOND GENERATION” ENHANCEMENTS TO ITS TOWER CONSTRUCTION NOTIFICATION SYSTEM (TCNS)



## A NATIONWIDE PROBLEMATIC AGREEMENT

On March 7, 2005, the FCC implemented changes to its *National Environmental Policy Act* (NEPA) process. These changes, which incorporated a new *Nationwide Programmatic Agreement* (NPA) into the FCC environmental regulations, were designed to streamline environmental processing of new wireless telecommunications facilities. The new NPA required a response from all federally recognized Tribes expressing a general interest in a geographic area as necessary to complete tribal consultation. As a result, hundreds of projects were held up due to unresponsive tribes. This situation was remedied by an FCC ruling in October.

## THE TCNS SYSTEM

The TCNS was created by the FCC to allow for a streamlined system for Tribal consultation, however, numerous glitches and shortcomings plagued the system. For instance, any TCNS initiation submitted on Wednesday would produce not one comprehensive Tribe list but two partial lists, often sent hours or days apart. Additionally, there were no provisions for batch responses, Tribe preference setting, or for Applicants to refer unresponsive tribes to the FCC.

## ENHANCING AND CORRECTING THE TCNS SYSTEM

The FCC has undertaken steps to correct and enhance the TCNS. The FCC’s public demonstration of recent enhancements to the TCNS was webcast March 30, 2006. The demonstration featured slides of actual online screens that have been added to enhance functionality. The archived presentation can be viewed at [wireless.fcc.gov/presentations/tcns-demo.html](http://wireless.fcc.gov/presentations/tcns-demo.html).

## TUESDAY IS TCNS CUTOFF DAY

The Wednesday glitch has been repaired. However, it is necessary to complete TCNS notices prior to midnight on Tuesday for tribes to receive a notification on or before the following Friday. Entries placed after midnight on Tuesday will result in an effective 7 to 10-day wait before official TCNS notification is accomplished.

## NEW BENEFITS FOR TRIBAL ENTITIES

Upon logging in to TCNS, Tribes will have access to a new batch reply functionality, will be able to add language regarding their detail preferences, and can access map functions to set their geographic areas of interest in detail. The enhanced system even provides possible types of “canned” language, relieving Tribes of the burden of typing individual responses. These new features provide displays of all active notifications to which the Tribe has not yet responded along with complete site information. Tribes will be able to respond simultaneously to multiple notifications. ECA believes that these functions will enhance the Tribes ability to sort notifications into completed responses and incomplete responses helping to keep notifications from “falling through the cracks”. New functionality will also make it easier for Tribes to issue approvals if there is no response from the Tribe within a set time period (30 days for instance). We believe that these enhancements should speed turnaround.

## DIRECT INDUSTRY BENEFITS

When a tower applicant logs onto TCNS they will now have several options. The most useful of these refers a TCNS notification to the FCC for follow-up with an unresponsive Tribe. Additionally, applicants will more easily be able to identify unresponsive Tribes, view responses and track the progress of tower notifications. Though the changes do not revolutionize the tribal consultation process, ECA does believe that industry will see marginal benefits from these new TCNS enhancements.

More information pertaining to the TCNS and enhancements can be obtained from [www.fcc.gov](http://www.fcc.gov)

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