

FCC Section 106 Consultation Conference Calls

Talking points created by USET SPF for member Tribal Nation leaders and THPOs

Dear Tribal Historic Preservation Contacts:

Greetings from the FCC! The purpose of this message is to invite your participation in teleconferences regarding potential clarifications and modifications to the process for Tribal participation in Section 106 review, and regarding the FCC's proposed Program Comment addressing collocations on Twilight Towers.

On **Monday, January 22, from 1:00 to 4:00 PM EST**, on **Wednesday, January 24, from 1:00 to 4:00 PM EST**, and on **Monday, February 5, from 1:00 to 4:00 PM EST**, the FCC will host conference calls to continue the process of government-to-government consultation on certain issues raised in the NPRM. The teleconference on Wednesday, January 24 will be recorded and transcribed, and a transcript will be placed in the proceeding record.

Specifically, we invite discussion on the following:

- (1) The information necessary for Tribal Nations and NHOs to comment on proposed wireless communications undertakings;
- (2) The role and expectations of Tribal Nations and NHOs at the stage of initial notification and whether compensation is appropriate;
- (3) The role and expectations of Tribal Nations with regard to the applicant's selection, retention, and compensation of a contractor or consultant when such work is required; and
- (4) Whether the procedures followed when a Tribal Nation or NHO does not timely respond to a notification should be modified.
- (5) The FCC's proposed Program Comment addressing collocations on Twilight Towers.
- (6) Any other Section 106-related issues participants may wish to discuss in the consultation.

Participation in the teleconferences will be limited to Tribal governments, Tribal preservation offices, NHOs, and their authorized representatives. If you wish to participate, please send an email to Tribal106Call@fcc.gov with your name, Tribal/NHO affiliation, and the teleconference(s) in which you expect to participate, **no later than one business day before the call**. We will send you call-in information by return email. Please keep this information confidential in order to maintain the integrity of the discussion.

Tribal Process

In the *Wireless Infrastructure NPRM* released on April 21, 2017 in WT Docket No. 17-79, the Commission sought comment on potential measures to improve the efficiency of regulatory processes affecting the deployment of wireless communications infrastructure, including Tribal engagement in the review of proposed undertakings under Section 106 of the National Historic Preservation Act. A copy of the NPRM can be found at https://apps.fcc.gov/edocs_public/attachmatch/FCC-17-38A1.pdf.

Twilight Towers

On December 14, 2017, the FCC adopted and released to the public a Public Notice, which seeks comment on a draft Program Comment to address Section 106 review of collocations on Twilight Towers. A copy of the Public Notice can be found at https://transition.fcc.gov/Daily_Releases/Daily_Business/2017/db1214/FCC-17-165A1.pdf.

The Public Notice was published in the Federal Register on January 10, 2018. Accordingly, **comments are due on February 9 and reply comments are due on February 26**. Comments in response to the Public Notice may be submitted through the FCC's electronic comment filing system, <https://www.fcc.gov/ecfs>, in WT Docket No. 17-79. While presentations on the Public Notice by Tribal Nations and NHOs are exempt from disclosure requirements as noted above, the Commission will rely in its decision-making only on those presentations that are placed in the public record.

Pursuant to the *Wireless Infrastructure NPRM*, presentations involving elected and appointed leaders and duly appointed representatives of federally recognized Tribal Nations and Native Hawaiian Organizations relating to Docket No. 17-79 are exempt from disclosure requirements and from the prohibitions on presentations during the Sunshine Agenda period. Parties who wish for the Commission to rely on their remarks during the teleconference in its decision-making should either file a summary in the record through the electronic comment filing system, <https://www.fcc.gov/ecfs>, or request that FCC staff do so.

If you have questions about the teleconference or the registration process, please contact Carolyn Conyers at (202) 418-2002, carolyn.conyers@fcc.gov, or Maira Delao at (202) 418-7171, maira.delao@fcc.gov.

If you have general questions or wish to request additional consultation, please email native@fcc.gov, or contact Jill Springer at (202) 418-1345, jill.springer@fcc.gov or Daniel Margolis at (202) 418-1377, daniel.margolis@fcc.gov.

Finally, if you have additional questions about either of these matters, please feel free to contact either of us.

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