



PUBLIC NOTICE

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WIRELESS TELECOMMUNICATIONS BUREAU REMINDS ANTENNA STRUCTURE OWNERS OF REGISTRATION OBLIGATIONS

The Commission's Antenna Structure Registration (ASR) system¹ allows the Commission to fulfill its statutory responsibility to require painting and lighting of antenna structures that may pose a hazard to air navigation.² The Wireless Telecommunications Bureau (Bureau) takes this opportunity to remind antenna structure owners of their obligations to comply with the Commission's rules related to the ASR system, and to caution them that violations may result in monetary forfeitures or other enforcement actions.

In recent reviews of ASR applications, Bureau staff has discovered several types of defects:

- An antenna structure owner fails to both obtain a No Hazard Determination from the Federal Aviation Administration (FAA) and register the antenna structure prior to construction.³
- Registrant fails to notify the Commission within five days of completion of construction or dismantlement.⁴

¹ See FCC Form 854, <http://wireless.fcc.gov/antenna/index.htm?job=home>.

² See 47 U.S.C. § 303(q); 47 C.F.R. §§ 17.1–17.57.

³ See 47 C.F.R. § 17.7 (stating when an applicant must notify the FAA of a proposed antenna structure); 47 C.F.R. § 17.4(a)(1) (“The owner of any proposed or existing antenna structure that requires notice of proposed construction to the Federal Aviation Administration (FAA) due to physical obstruction must register the structure with the Commission.... For a proposed antenna structure or alteration of an existing antenna structure, the owner must register the structure prior to construction or alteration”).

⁴ See 47 C.F.R. § 17.57 (“The owner of an antenna structure for which an Antenna Structure Registration Number has been obtained must notify the Commission within 5 days of completion of construction (FCC Form 854-R) and/or dismantlement (FCC Form 854).”).

- The lighting and painting used for the tower differs from the lighting and painting listed in the ASR system and/or specified in the structure's No Hazard Determination issued by the FAA.⁵
- The actual height or location of a registered antenna structure is materially different from the registered height or location of the structure.⁶

In order that the information contained in the ASR system remains as accurate as possible, each registrant also is asked to update its registration promptly after receiving a new No Hazard Determination from the FAA.

Further, applicants are reminded that under the ASR notification process, an applicant may not prematurely certify that the antenna structure would not have a significant environmental effect. This type of premature certification can occur, for example, as follows:

- An applicant uses ASR certification option (1) – “The construction is exempt from environmental notification (other than due to another agency’s review) and it does not fall within one of the categories in Section 1.1307(a) or (b) of the FCC’s rules” – before completing an environmental review;
- An applicant uses ASR certification option (3) – “The environmental notification has been completed, and the FCC has notified the applicant that an Environmental Assessment is not required under Section 1.1307(c) or (d) of the FCC’s rules, and the Construction does not fall within one of the categories in Section 1.1307(a) or (b) of the FCC’s rules” – before the Bureau has notified the applicant that an Environmental Assessment is not required; or
- An applicant uses ASR certification option (4) – “The FCC has issued a Finding of No Significant Impact” – before the FCC has issued its Finding of No Significant Impact.⁷

⁵ See 47 C.F.R. § 17.23 (“Unless otherwise specified by the Commission, each new or altered antenna structure must conform to the FAA’s painting and lighting specifications set forth in the FAA’s final determination of ‘no hazard’ and the associated FAA study for that particular structure. For purposes of this part, any specifications, standards, and general requirements set forth by the FAA in the structure’s determination of ‘no hazard’ and the associated FAA study are mandatory. Additionally, each antenna structure must be painted and lighted in accordance with any painting and lighting requirements prescribed on the antenna structure’s registration, or in accordance with any other specifications provided by the Commission.”).

⁶ See 47 C.F.R. § 17.4(a)(1) (alteration of an existing antenna structure requires the owner to obtain a new registration prior to alteration). The Commission has voted to amend its rules concerning this requirement to define what constitutes an alteration requiring registration, and this change will become effective after approval by the Office of Management and Budget. *See 2004 and 2006 Biennial Regulatory Reviews -- Streamlining and Other Revisions of Parts 1 and 17 of the Commission’s Rules Governing Construction, Marking and Lighting of Antenna Structures*, WT Docket No. 10-88 and RM 11349, Report and Order, 29 FCC Rcd 9787, 9819-20 (2014) (the new 47 C.F.R. § 17.4(j) would state, “Any change or correction in the overall height of one foot or greater or coordinates of one second or greater in longitude or latitude of a registered antenna structure requires prior approval from the FAA and modification of the existing registration with the Commission.”).

All of these types of defects may be considered violations of FCC rules and are potentially subject to enforcement proceedings.

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⁷ See 47 C.F.R. § 17.4(c)(8) (“*Disposition*. The processing Bureau shall resolve all environmental issues, in accordance with the environmental regulations (47 CFR §§ 1.1301 through 1.1319) specified in part 1 of this chapter, before the tower owner, or the first tenant licensee acting on behalf of the owner, may complete the antenna structure registration application. In a case where no EA is submitted, the Bureau shall notify the applicant whether an EA is required under §1.1307(c) or (d) of this chapter. In a case where an EA is submitted, the Bureau shall either grant a Finding of No Significant Impact (FONSI) or notify the applicant that further environmental processing is required pursuant to §1.1308 of this chapter. Upon filing the completed antenna structure registration application, the applicant shall certify that the construction will not have a significant environmental impact, unless an Environmental Impact Statement is prepared pursuant to §1.1314 of this chapter.”).