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

In the Matter of	)	
	)	
Streamlining the Commission's Antenna	)	WT Docket No. 95-5
Structure Clearance Procedure	)	
	)	
and	)	
	)	
Revision of Part 17 of the Commission's Rules	)	
Concerning Construction, Marking and Lighting	)	
of Antenna Structures	)	

**MEMORANDUM OPINION AND ORDER AND ORDER ON RECONSIDERATION**

**Adopted: March 1, 2000**

**Released: March 8, 2000**

By the Commission:

**I. INTRODUCTION**

1. By this action, we address and resolve various filings concerning the Commission's antenna structure clearance procedure established and adopted in the *Report and Order* in WT Docket No. 95-5.<sup>1</sup> Specifically, we dismiss as moot a petition for partial reconsideration filed by the Wireless Cable Association International, Inc. (WCA)<sup>2</sup>; deny a petition for partial reconsideration filed by Comp Comm, Inc. (Comp Comm)<sup>3</sup>; and grant in part and deny in part a petition for declaratory ruling filed by Teletech, Inc. (Teletech).<sup>4</sup> The basis for our actions is set forth below.

**II. BACKGROUND**

2. Section 303(q) of the Communications Act of 1934, as amended, vests in the

<sup>1</sup>Streamlining the Commission's Antenna Structure Clearance Procedure, *Report and Order*, WT Docket No. 95-5, 11 FCC Rcd 4272 (1995) (*Report and Order*).

<sup>2</sup>Wireless Cable Association International, Inc., *Petition for Partial Reconsideration* (filed March 6, 1996) (WCA Petition).

<sup>3</sup>Comp Comm, Inc., *Petition for Partial Reconsideration* (filed Feb. 20, 1996) (Comp Comm Petition).

<sup>4</sup>Teletech, Inc., *Petition for Declaratory Ruling* (filed June 4, 1996) (Teletech Petition). Teletech also requested that we stay implementation of the revised antenna structure registration rules pending consideration of its petition. *See* Teletech, Inc., *Petition for Emergency Stay* (filed June 4, 1996) (Stay Petition). Given that the revised antenna structure registration rules took effect prior to our reconsideration of the Teletech Petition, we consider the Stay Petition to have been denied.

Commission the authority to require painting and/or lighting of antenna structures that may constitute a hazard to air navigation.<sup>5</sup> In this regard, Part 17 of the Commission's Rules sets forth procedures for identifying those antenna structures that might affect air navigation and for registering such structures with the Commission.<sup>6</sup> In November 1995, the Commission substantially revised this antenna structure registration process to require owners of antenna structures (rather than the Commission licensees utilizing those structures) to register with the Commission those structures that meet the registration criteria and to exercise primary responsibility for the prescribed painting and lighting. The Commission also updated its Rules to be consistent with Federal Aviation Administration (FAA) air safety recommendations.<sup>7</sup> Since these revised procedures became effective, the Commission has registered more than 69,000 antenna structures.<sup>8</sup>

3. Based on commenters' support for a standard format for reporting antenna structure data, the Commission adopted a registration process wherein owners submit location data in terms of degrees, minutes, and seconds, and height and elevation data in meters.<sup>9</sup> The Commission stated that owners could use surveying tools of differing accuracy to determine site data – including maps, Global Positioning System (GPS) receivers, and GPS receivers with differential corrections – but left it to the owner to “evaluate the surveying method being used and round to the appropriate significant digit.”<sup>10</sup> Because we require the antenna structure owner to register with the Commission, the antenna structure registration procedures the Commission adopted also recognized the fact that data filed for antenna structure registrations might differ from the technical data previously submitted for radio stations licensed on those antenna structures. The Commission directed owners to submit accurate site data without regard to the height and coordinates listed on tenant licensees' station authorizations, but instructed licensees whose license data differs from that submitted by the antenna structure owner to coordinate the correction of their data with the appropriate licensing branch within the Commission.<sup>11</sup>

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<sup>5</sup>47 U.S.C. § 303(q).

<sup>6</sup>47 C.F.R. Part 17.

<sup>7</sup>The Commission assigns painting and/or lighting requirements based on the FAA's recommendation as to what painting and/or lighting (if any) is necessary to promote air safety. *Report and Order*, 11 FCC Rcd at 4275 ¶ 5. The Commission has adopted procedures for the registration of antenna structures that are consistent with the FAA's procedures, by which antenna structure owners must provide the FAA with notification of any proposed construction or alteration. The FAA's notification requirements are contained in 14 C.F.R. §§ 77.13-17, and are reprinted on FAA Form 7460-1, “Notice of Proposed Construction or Alteration.”

<sup>8</sup>The Commission has continued to look for ways to streamline and coordinate the antenna registration process while meeting its statutory obligations. For example, we have, among other things: (1) revised our registration form to better collect information in a format that is consistent with the information which is required by the FAA; (2) deployed software that allows automatic evaluation and grant of most applications without staff processing, thereby saving time; and (3) provided additional means to access registration information and application filings. The Commission will continue to pursue the streamlining of this process.

<sup>9</sup>*Report and Order*, 11 FCC Rcd at 4286 ¶ 33.

<sup>10</sup>*Id.*

<sup>11</sup>*Id.* at 4287 ¶ 35. Licensees will generally not be required to cease operations during this period. *Id.*

### III. DISCUSSION

4. Accuracy Standard. Comp Comm and Teletech ask that we require antenna structure owners to certify that their site data is correct within certain parameters, *i.e.*, that we establish an accuracy standard for the submission of antenna structure data.<sup>12</sup> Comp Comm contends that by allowing an antenna structure owner to choose the method it uses to obtain site data, the Commission will receive antenna structure registration data that varies widely in terms of precision.<sup>13</sup> Teletech contends that by allowing an antenna structure owner to choose the means of measurement, the Commission's procedures allow owners to employ methods with negligible accuracy.<sup>14</sup> Comp Comm agrees that owners are likely to use the quickest and easiest methods to determine site data; and because these methods tend to be the least accurate the antenna structure database will be less useful as a means of promoting air safety.<sup>15</sup> Comp Comm suggests that we require that the reported coordinate location of an antenna structure be accurate within one meter and that the structure's reported overall height above mean sea level be accurate to within three meters.<sup>16</sup> Similarly, Teletech suggests a specified accuracy standard of coordinate location to the nearest whole second and elevation to the nearest whole meter.<sup>17</sup>

5. We conclude that a specific accuracy standard is unnecessary because the requirement that antenna structure owners first obtain an aeronautical study from the FAA insures reliability of the antenna structure site data and promotes air safety. Before we will grant an antenna structure registration, the applicant must provide proof of the FAA's determination of "no hazard" that the FAA issues<sup>18</sup> when it studies a proposed antenna structure and determines that it will not adversely affect air navigation.<sup>19</sup> Because the FAA in the first instance determines whether an antenna structure poses a

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<sup>12</sup>Comp Comm Petition at 1; Teletech Petition at 9.

<sup>13</sup>Comp Comm Petition at 2.

<sup>14</sup>Teletech Petition at 6-7.

<sup>15</sup>Comp Comm Petition at 2.

<sup>16</sup>*Id.*

<sup>17</sup>Teletech Petition at 6-7.

<sup>18</sup>Section 1501 of the Federal Aviation Act authorizes the FAA to require that persons proposing to erect a structure – including an antenna structure – provide notice to the FAA when such notice will promote air safety. 49 U.S.C. § 44718. Persons seeking a "no hazard" determination must describe the proposed location in accord with the following instructions:

Enter the relationship of the structure to roads, airports, prominent terrain, existing structures, etc. Attach an 8-1/2" x 11" non-reduced copy of the appropriate 7.5 minute U.S. Geological Survey (USGS) Quadrangle Map MARKED WITH A PRECISE INDICATION OF THE SITE LOCATION. To obtain maps, Contact USGC at 1-800-435-7627 or via Internet at <http://mapping.usgs.gov>. If available, attach a copy of a documented site survey with the surveyor's certification stating the amount of vertical and horizontal accuracy in feet.

<sup>19</sup>47 C.F.R. § 17.4(b).

hazard to air navigation and recommends appropriate painting and lighting,<sup>20</sup> we conclude that it is appropriate that the FAA – and not the FCC – specify the accuracy of site information that is necessary for the FAA to make its determination. As a result, we will not process a registration application in which the specified coordinates differ from those on the FAA determination by more than one second in latitude and longitude, or 0.3 meters (one foot) in height.<sup>21</sup> By requiring that an applicant for an antenna structure registration submit a valid FAA determination of “no hazard” that is no more than one second and 0.3 meters different from the coordinates and height listed on the registration application, we promote the accuracy of our antenna structure registration database while deferring to the FAA as the expert agency for air safety in determining the appropriate accuracy for antenna structure data.<sup>22</sup>

6. We agree with Pacific Telesis, who argues that because of the FAA notification requirements, owners will not determine the antenna structure site location by GPS receiver alone.<sup>23</sup> Furthermore, we note that some of the measurement tools identified in the *Report and Order*<sup>24</sup> might be insufficient for the purposes of obtaining a determination from the FAA,<sup>25</sup> and therefore will be of minimal practical use to antenna structure owners. An antenna structure owner who conducts one set of measurements for purposes of FAA notification but who uses another measurement tool to obtain data for the purpose of registering the structure with the Commission very well might obtain calculations that differ by more than one second in coordinates or one foot in height. As noted above, we will not process registration applications with such discrepancies. Accordingly, we will not establish an FCC-mandated accuracy standard as part of our antenna structure registration rules, but we will continue to process registration applications in a manner wholly consistent with the FAA’s procedures.<sup>26</sup>

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<sup>20</sup>14 C.F.R. § 77.13.

<sup>21</sup>See Wireless Telecommunications Bureau Announces Unified Policy for Dismissing and Returning Applications and Dismissing Pleadings Associated with Applications, *Public Notice*, 14 FCC Rcd 5499 (WTB 1999); “Questions/Answers on the Policy” (available on-line at <http://www.fcc.gov/wtb/uls/policy.html>) (Q&A Document). See also Antenna Structure Registration Number Required as Supplement to FCC Application Forms Effective July 1, 1996, *Public Notice*, Mimeo No. 63540 (rel. June 13, 1996).

<sup>22</sup>We note that the one second/one foot tolerance for the submission of antenna structure data is consistent with the FAA’s policy of allowing modifications to site data that do not exceed the coordinates and heights listed on the FAA determination by more than one second or one foot. See *Report and Order*, 11 FCC Rcd 4287 n.52.

<sup>23</sup>Pacific Telesis *Reply Comments* at 2 (filed May 7, 1996).

<sup>24</sup>For example, the *Report and Order* identified GPS receivers without differential correction as a possible means of obtaining site data. *Report and Order*, 11 FCC Rcd at 4286 ¶ 33. Teletech contends that uncorrected GPS receivers may be accurate to plus or minus 3.3 seconds of latitude and/or longitude, and plus or minus 156 meters in vertical height. Teletech Petition at 4.

<sup>25</sup>FAA rules require owners of structures that require notice to the FAA to file such notice on FAA Form 7460-1. 14 C.F.R. § 17.17(a). FAA Form 7460-1, question 20, requires a specific description of the location including submission of a USGS 7.5-minute map with the precise site marked. An antenna structure owner who used the surveying tools identified in the *Report and Order* exclusively would be unable to complete FAA Form 7460-1, and thus would not be able to obtain a valid FAA determination for the structure.

<sup>26</sup>We find it unnecessary to require the use of U.S. Geological Survey maps, as Pacific Telesis suggests, because it is already required by the FAA on FAA Form 7460-1, the form antenna structure owners use to give the FAA notice of proposed construction or alternation of antenna structures. See Pacific Telesis *Reply Comments* at 4.

7. Discrepancies in Registration and MDS and ITFS Licensing Data. In the *Report and Order*, the Commission recognized the benefits of requiring antenna structure owners, as opposed to FCC licensees and permittees, to register with the Commission.<sup>27</sup> The Commission also recognized, however, that there would be cases in which the coordinate and height data for an antenna structure would differ from the licensing data for pre-existing stations sited on antenna structures.<sup>28</sup> In these cases, the Commission established specific procedures for licensees to correct licensing data.<sup>29</sup> For Multipoint Distribution Service (MDS) and Instructional Television Fixed Service (ITFS) licenses, the Commission required that “such [data correction] filings be made within 30 days of receipt of FCC Form 854-R from the structure owner.”<sup>30</sup> In its petition, WCA expresses concern that by allowing the registration of antenna structures at coordinates that differ from the coordinates specified on pre-existing MDS and ITFS stations sited on the structures, the filing requirement for tenant licensees who have to correct their license data will be unduly burdensome to the wireless cable industry.<sup>31</sup> Specifically, it contends that discrepancies between antenna structure registration data and licensing data will cause many MDS and ITFS licensees to prepare and submit license modification applications that include extensive interference analyses.<sup>32</sup> As a result of these modification applications, it concludes, the Commission might require these licensees to take steps to try to avoid harmful interference, such as decreasing antenna height, reducing power, or employing a directional radiator.<sup>33</sup> These measures, WCA states, will impose a significant burden on the wireless cable industry, and, thus, it proposes that if an antenna structure is registered within three or fewer seconds of the coordinates on an MDS or ITFS authorization, the licensee be allowed to correct its authorization without submitting interference studies or demonstrating non-interference.<sup>34</sup>

8. We deny WCA’s petition as moot. Under the antenna structure registration program, all antenna structures meeting the registration criteria that were built before July 1, 1996 (“existing structures”) were required to have been registered during a two-year period that ended on June 30.

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<sup>27</sup>These benefits include, *inter alia*, an estimated 12-to-1 reduction in filings related to changes in antenna structure specifications and the identification of a single point of contact for FCC and FAA investigations into reported light outages or other problems at specific antenna structures. *Report and Order*, 11 FCC Rcd at 4278-49 ¶¶ 12-13.

<sup>28</sup>*Id.* at 4286 ¶ 34. For example, an owner might re-survey the structure and determine that the coordinates are different from those the licensee used when applying for its station authorization, or in the case of multiple licensees sited on the same structure, each licensee might have used different data when applying for its individual authorization.

<sup>29</sup>*Id.*

<sup>30</sup>*Id.* at 4304.

<sup>31</sup>WCA Petition at 4-5.

<sup>32</sup>*Id.* at 3-4.

<sup>33</sup>*Id.*

<sup>34</sup>*Id.* at 5. *See also* Pacific Telesis Reply Comments at 6-7 (supporting the WCA Petition).

1998.<sup>35</sup> For structures built or modified on or after July 1, 1996 (“new structures”), the Commission has required registration prior to construction or alteration.<sup>36</sup> Under our Rules, an antenna structure owner is required to “immediately provide a copy” of the antenna structure registration document to each tenant licensee and permittee on its antenna structure.<sup>37</sup> Effective July 1, 1996, the Commission began requiring each applicant for a new or modified FCC license or construction permit to list on the relevant license application the registration number of the antenna structure on which its facility is sited.<sup>38</sup> In the case of licensees sited on existing structures, because nearly a year-and-a-half has elapsed since the registration period for existing structures ended, we conclude that MDS and ITFS licensees have had sufficient time to receive a copy of the registration document from their antenna structure owners, note any discrepancies, and file for license modifications within the thirty-day time period.<sup>39</sup> Licensees proposing facilities on antenna structures registered after July 1, 1996, or on new structures, have been required to provide a registration number as a supplement to FCC application forms. Because these licensees have had the opportunity to obtain antenna structure registration data prior to completion of the licensing process and, thus, have had time to identify and correct any differences before filing license applications with the Commission, there should be no discrepancy between licensing and registration data in these cases. Accordingly, because MDS and ITFS licensees no longer face the data correction burdens described in WCA’s petition, we conclude that the petition is moot.<sup>40</sup>

9. We recognize that because the antenna structure registration program places the primary responsibility on antenna structure owners who might or might not be Commission licensees, licensees sometimes face difficulties when coordinating and reconciling FCC licensing data with the antenna structure data reported by owners. We also recognize that while antenna structure owners must report accurate site data to both the Commission and the FAA in order to assure air safety, licensees must provide the Commission with accurate licensing data in order to assure efficient frequency coordination, conduct interference studies, and comply with Commission rules.<sup>41</sup> We take this opportunity to discuss our expectations for those situations in which an antenna structure owner is a different entity from the Commission licensee(s) sited on the structure.

10. Appendix C of the *Report and Order* outlined the procedures by which a licensee can

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<sup>35</sup>*Report and Order*, 11 FCC Rcd at 4281 ¶ 19. See also *Registration Period Closing for Antenna Structures, Public Notice*, 13 FCC Rcd 6414 (1998).

<sup>36</sup>*Report and Order*, 11 FCC Rcd at 4281 ¶ 19. See also 47 C.F.R. § 17.4(a).

<sup>37</sup>47 C.F.R. §17.4(f).

<sup>38</sup>Antenna Structure Registration Number Required as Supplement to FCC Application Forms Effective July 1, 1996, *Public Notice*, Mimeo No. 63540 (rel. June 13, 1996).

<sup>39</sup>Moreover, it is clear that any licensee who has yet to receive a copy of the registration since the June 30, 1998, deadline had reason to question whether the antenna structure owner was carrying out its registration responsibilities, and, thus, was obligated to have contacted both the owner and the Commission pursuant to Section 17.6(a) of our Rules, 47 C.F.R. §17.6(a).

<sup>40</sup>We further note that WCA did not ask that we stay our rules pending evaluation of its petition. A stay of our Rules is permitted in accordance with 47 C.F.R. §§ 1.43, 1.44 (e).

<sup>41</sup>See, e.g., *Ex Parte Comments of National Spectrum Managers Association at 2* (filed Nov. 6, 1998).

correct its licensing data when it differs from the data on the antenna structure registration.<sup>42</sup> Two recent Commission initiatives have required licensees to re-familiarize themselves with this process. First, the Wireless Telecommunications Bureau (WTB) has contacted licensees who appear to be at sites that require registration but for which the Commission has no record of a registered antenna structure. We believe that it is reasonable to expect an FCC licensee to know whether it is sited on a structure that requires registration and, even if it has not yet had an opportunity to correct its licensing data as part of a station modification or license renewal application, to be able to identify the antenna structure owner and registration number. Second, under the Universal Licensing System,<sup>43</sup> the WTB implemented a procedure to dismiss license applications that do not include a registration number (when the license data equates to a site that requires registration), or where the registration coordinates do not match the site coordinates on the license application.<sup>44</sup> Thus, we have in place a process by which licensees whose site data differs from the antenna structure registration data cannot file for modifications at a licensed site without first correcting the discrepancy.

11. In the *Report and Order*, the Commission emphasized that it would not impose administrative sanctions on any licensee or permittee who, through the registration process, realizes that it has inadvertently provided incorrect data in obtaining a station authorization or construction permit, and the Commission stated that it would not require licensees and permittees to cease operations while seeking to amend their licenses.<sup>45</sup> We also recognize that there will be cases where a licensee disagrees with the site data provided by an antenna structure owner. Just as we expect licensees to correct data that they discover to be incorrect, we look to antenna structure owners to modify antenna structure registration data that they determine (either through their own actions, from tenant licensees on the site, or by FCC or FAA notification) to be incorrect. In cases where the correction involves a change in latitude and/or longitude by more than one second or an increase in height by more than 0.3 meters, the owner will need to first obtain a new FAA determination of "no hazard" for the antenna structure.<sup>46</sup> To assist antenna structure owners in making these corrections, tenant licensees and permittees might wish

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<sup>42</sup>*Report and Order*, 11 FCC Rcd at 4303-5.

<sup>43</sup>The Universal Licensing System is the integrated database and automated processing system developed by the WTB to facilitate electronic filing of wireless applications, licensing information, and public access to such information for all wireless radio services. *See, e.g., Commission Adopts Rules to Implement Universal Licensing System for Wireless Services, Public Notice, Report No. 98-34, Rel. Sept. 17, 1998.* Additional information about ULS is available on the Commission's internet website at <http://www.fcc.gov/wtb/uls>.

<sup>44</sup>*See Q&A Document. See also Antenna Structure Registration Number Required as Supplement to FCC Application Forms Effective July 1, 1996, Public Notice, Mimeo No. 63540 (rel. June 13, 1996).*

<sup>45</sup>*Report and Order*, 11 FCC Rcd at 4303.

<sup>46</sup>The FAA issues determinations on the condition that any change in height or coordinates voids the determination. This is consistent with FAA rules requiring a study for any construction or alteration that meets the notification criteria. *See* 14 C.F.R. §§ 77.5(b), 77.11(a), 77.13(a), and 77.33(a). Under a longstanding FAA-FCC agreement, the FAA will not require a new determination for an existing, registered antenna structure if, in relation to the pre-existing determination, the height increases by one foot (i.e. 0.3 meters) or less or if the coordinates differ by one second or less in latitude or longitude. *See also Report and Order*, 11 FCC Rcd 4287 n.52.

to help owners with administrative details, such as obtaining and helping to prepare FAA and FCC forms.<sup>47</sup>

12. We also recognize that there may be extraordinary circumstances where an antenna structure owner and tenant licensee(s) may not be able to agree on the coordinates for a site – for example, when the owner and licensee use different survey methods to determine site coordinates. In these cases, the licensee may request a waiver of the policy that licensing data must match registration data and ask WTB to review the situation.<sup>48</sup> We emphasize that we consider this requested relief to be an extraordinary situation, and we will expect the licensee to fully describe the steps it has taken to negotiate with the owner and explain in detail why it will not or cannot agree with the coordinates the owner has used.<sup>49</sup>

13. Application of Antenna Structure Requirements to Specific Situations. Finally, Teletech requests that we clarify how the registration procedures relate to multiple antenna structures on building rooftops and to antenna towers that are increased in height.<sup>50</sup> Teletech first notes that in some cases, multiple antennas are mounted atop building rooftops, and that these antennas can sometimes be clustered at nearly the same coordinates (*e.g.*, when antennas are mounted atop a tall building with a limited surface area, such as the top of a skyscraper), or mounted at distinct coordinates on a sprawling building (*e.g.*, antennas located on opposite ends of an industrial warehouse).<sup>51</sup> Teletech asks (1) whether each antenna structure atop a building or only the tallest antenna structure must be registered with the Commission; and (2) which coordinates should be used for registering the antenna structure.<sup>52</sup>

14. Our Part 17 rules expressly state that “the owner of *any* proposed or existing antenna structure that requires notice of proposed construction to the Federal Aviation Administration must register the structure with the Commission.”<sup>53</sup> Thus, in cases of multiple antenna structures mounted atop buildings, we expect the owner of each antenna structure to determine if that structure requires registration and, if so, we expect the owner to register that structure with the Commission regardless of what other antenna structures are sited in close proximity. Furthermore, we stress that our Rules require the owner of the antenna structure – not the building owner, if the two are different entities – to determine whether registration is necessary and to secure a valid FAA determination of “no hazard” for

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<sup>47</sup>Although third parties can assist with administrative work, we nonetheless reiterate that the antenna structure owner must request the new FAA determination and sign FCC Form 854 to request the registration modification.

<sup>48</sup>See Q&A Document at 6.

<sup>49</sup>It should be noted, however, that it is extremely unlikely that we would authorize operation from a structure for which the licensee cannot provide a determination of “no hazard” issued by the FAA. *Id.*

<sup>50</sup>Teletech Petition at 12, 13.

<sup>51</sup>*Id.* at 9-10.

<sup>52</sup>*Id.* at 12.

<sup>53</sup>47 C.F.R. §17.4(a) (emphasis added).

the structure.<sup>54</sup> As with all registrations, the antenna structure owner must use the specific coordinates and elevation for each structure, not the general or centerpoint coordinates for the building on which it is mounted.

15. Second, Teletech seeks guidance on who must file an application for antenna structure registration when a third party erects an antenna atop a tower<sup>55</sup> that causes a tower, that previously did not require registration, to meet the registration criteria, or increases the overall height of a previously registered tower.<sup>56</sup> In both situations, the owner of the tower, and not the party authorized to erect the surmounting antenna, is responsible for filing or amending an antenna structure registration. Section 17.2(a) of our Rules defines an “antenna structure” to include “the radiating and/or receive system, its supporting structures and any appurtenances mounted thereon.”<sup>57</sup> The “antenna structure owner” (*i.e.*, the one who must register the structure under Section 17.4 of our Rules) is “the individual or entity vested with ownership, equitable ownership, dominion, or title to the antenna structure.”<sup>58</sup> Because our registration procedures envision a single registration for each antenna tower, we conclude that the “antenna structure owner” in those situations where two or more entities own different components of the antenna structure is the owner of the support tower structure who allows the third party to add a surmounting antenna. Any painting and lighting assigned to the antenna tower will apply to the tower as a whole and not to the surmounting antenna exclusively. We believe that the tower owner is in the best position to comply with our registration requirements and is the entity we will hold responsible for complying with our registration requirements. Additionally, because the tower owner can control whether it will let a third party site on its tower, we believe that it can take into account any registration burdens when establishing an agreement with the third party for use of its structure.

#### IV. CONCLUSION

16. For the reasons stated herein, we deny as unnecessary the requests of Comp Comm and Teletech that the Commission specify an accuracy standard for antenna structure site data. In addition, we deny as moot WCA’s request for relaxed procedures for MDS and ITFS licensees whose license coordinate and height data differs from the data on the antenna structure registration. We also clarify some of the responsibilities of the various parties when the licensee and the antenna structure owner are not the same entity. By resolving these outstanding petitions, we reaffirm our antenna structure registration procedures adopted in WT Docket 95-5. We will continue to work with the FAA to ensure

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<sup>54</sup>In many cases, the FAA determination for the building on which the antenna is mounted will be for a height that is less than the overall height of the building with the antenna structure, or for coordinates that do not match the portion of the rooftop on which the antenna will be mounted. In these situations, the antenna structure owner must obtain a new FAA study before attempting to register the structure with the Commission.

<sup>55</sup>A “tower” is an antenna structure type that is a freestanding or guyed structure built exclusively for communications purposes. See FCC Form 854 Instructions at 7. Towers are the most common antenna structures registered with the Commission.

<sup>56</sup>Teletech Petition at 21.

<sup>57</sup>47 C.F.R. § 17.2(a).

<sup>58</sup>47 C.F.R. § 17.2(c).

that antenna structures regulated by the Commission do not pose a hazard to air safety, and will rely on our antenna structure registration program to fulfill our statutory responsibilities in this area.

#### V. ORDERING CLAUSES

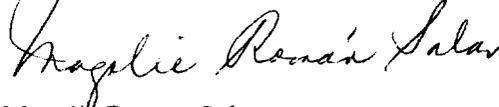
17. Accordingly, IT IS ORDERED pursuant to Sections 4(i) and 303(q) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i) and 303(q), and Sections 1.2, 1.3 and 1.429 of the Commission's Rules, 47 C.F.R. §§ 1.2, 1.3 and 1.429, that the petition for partial reconsideration filed by of Comp Comm, Inc., on February 24, 1996, IS DENIED.

18. IT IS FURTHER ORDERED that the petition for partial reconsideration filed by the Wireless Cable Association International, Inc., on March 6, 1996, IS DISMISSED AS MOOT.

19. IT IS FURTHER ORDERED that the relief requested in the petition for declaratory ruling filed by Teletech, Inc., on June 4, 1996, is GRANTED in part and is DENIED in part.

20. IT IS FURTHER ORDERED that the petition for emergency stay filed by Teletech, Inc., on June 4, 1996, IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION



Magalie Roman Salas  
Secretary