

INSTRUCTIONS FOR TCNS MANUAL REFERRAL WEBFORM

If an applicant does not receive a timely response to its TCNS submission from a Tribal Nation or Native Hawaiian Organization (NHO), the applicant may refer the matter to the FCC for follow-up. In most cases, the applicant can rely on an automated referral via the TCNS system itself, but in some instances automated referral is unavailable and a manual referral must be submitted.

As of 5 pm EDT on April 10, 2019, TCNS manual referrals must be submitted through the web form available at: <https://www.fcc.gov/tcns-manual-referral>.

GENERAL INSTRUCTIONS

Prior to initiating a referral through the web form:

- You **MUST** ensure that the relevant 30 or 35-day review period for Tribal comment has passed. Referrals become available on the 31st/36th day after the Tribe is provided or presumed to have received review materials based on the preferred means of delivery (e.g., electronic or USPS mail) specified by the Tribe within TCNS. The web form has checks to prevent premature referrals. But even if the form allows you to complete a referral, it is your responsibility to ensure that referral is timely.
- To ensure that the Tribal review clock starts at the time a Form 620 or 621 is uploaded to E106, you **MUST** ensure that the Notice of Organizations (NOO) for the TCNS filing you are referring has been processed **BEFORE** you upload the Form 620 or 621. NOOs typically process on Thursday each week.
- You are responsible for confirming that information was sent to the Tribe according to ALL specified methods of tribal preference, as indicated in NOO Additional Details and/or Notification Reply. For instance, if a Tribe has requested both physical mail and email, you must supply both.
- **DO NOT** submit a referral for a Tribe that has indicated that No Response Equals No Interest (“NRENI”). In those cases, the applicant may proceed with no further action at the conclusion of the review period if the Tribe has not responded.
- **DO NOT** refer a Tribe that has provided a specific and substantial response. A request for fees, however, is not considered a response in this context. See guidance in the Q&As at <https://www.fcc.gov/file/16660/download>. *If a Tribal Nation or NHO purports to condition its response to an applicant’s TCNS contact on the receipt of up-front compensation, the FCC will treat its position as a failure to respond, and the applicant may submit a referral.*
- Referrals that have been submitted by 11:59 PM each Tuesday will be included in that week’s Thursday report to Tribes.

SPECIFIC INSTRUCTIONS

- **“SHPO Review” and “E106 File Number” Fields.** Under the SHPO Review field, select either “Form 620 or 621 has been submitted to SHPO” or “Project is excluded from SHPO review” to indicate whether the project requires SHPO involvement. An E106 file number is required if “Form 620 or 621 has been submitted to SHPO” is selected, and the applicant must ensure that the associated 620 or 621 form has been uploaded to the system such that the Tribal review clock has started.
- **“Project Location” Field.** Include the “Address or Geographical Location Description” and city, state and county from the TCNS filing.

- **“Method of Delivery requested by Tribe(s)” Field.** Indicate whether the Tribe(s) being referred requested physical delivery of documentation, such as by US mail or express mail, or whether the Tribe(s) *only* requested delivery by electronic means, such as by email or upload to a Tribal website. If the Tribe(s) requested physical delivery of documentation, referral can only be made on the 36th day after sending the documentation, even if the physical documents were also sent electronically. Tribe(s) may be referred on the 31st day if *only* electronic delivery was requested. **A single referral may include multiple Tribes ONLY if your answer under “Method of Delivery requested by Tribe(s)” is true for every referred tribe and if delivery was on the same date.** For example: if referrals for TCNS 999999 include two Tribes who *only* requested information electronically and three Tribes that requested information via *both* US mail and email, a total of two web forms would need to be submitted in order to refer all five Tribes, even if documentation was sent to all five Tribes on the same date. *Note:* It is the responsibility of the applicant making the referral to ensure that a Tribe has had information for sufficient time before making a referral, regardless of whether the web form allows the referral to be made.
- **“Names of Tribes” Field.** Begin typing the name of the Tribe(s) being referred and then click the magnifying glass to display a list of Tribes to select. Selected Tribe(s) will be added to the box under “List of Tribe Names.”
- **“List of Tribe Names” and “Additional Tribe Email Address(es)” Fields.** The “List of Tribe Names” box will be auto-populated with the Tribes selected in the “Name of Tribes” field, and notifications will be automatically sent to the primary and secondary contacts these Tribes have provided in TCNS. You **MUST** manually add into the “Additional Tribe Email Address(s)” box any additional or alternate email addresses the Tribe has provided. The applicant must ensure that all of a Tribe’s notification preferences are followed.
- **“Submit Attachments” Field.** Multiple attachments are allowed (up to 10mb each). Include any correspondence with the Tribe(s) being referred, a summary of any relevant telephone or personal conversations, delivery receipt for review materials, email confirmation, portal submittal confirmation, and any other documentation relevant to the referral.
- **“Submit” Button.** The “Submit” button will reject a referral unless at least 30 or 35 days, depending on the “Method of Delivery requested by Tribe(s)”, have elapsed since appropriate documentation was provided to the Tribe(s). After you click the “Submit” button, the referral will be sent to the FCC and confirmation emails will be sent to the referrer’s email address, the primary and secondary email addresses in TCNS of each Tribe under “List of Tribe Names” *and* to each manually entered email address displayed in the “Additional Tribe Email Address(es)” box.

Please note that by clicking “Submit,” you are certifying that the information you have provided is truthful and accurate. You are also certifying that the referral is being made in compliance with FCC rules, as set forth in *Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment*, Second Report and Order, FCC 18-30 (rel. Mar. 30, 2018), and as clarified in the related guidance and Q&A’s provided at <https://www.fcc.gov/file/16660/download> and according to the instructions here.

If you submit a referral in error, immediately email TCNSHelp@fcc.gov. You may also email that address if you encounter an error with the web form.