

PERKINS COIE LLP

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FCC MAIL ROOM

JOHN F. CLARK
202/434-1637
clarq@perkinscoie.com

July 23, 2001

Daniel P. Meyer, Esq.
Public Employees for Environmental
Responsibility
2001 S Street, NW
Suite 570
Washington, DC 20009

**Re: SBA Towers, Inc. -- Glorieta Tower
FCC Dkt. No. RM-9913**

Dear Dan:

Attached hereto is a copy of a chain of email correspondence with the FCC regarding extensions of the July 14th date.

As you will see, on June 29, 2001, the FCC granted SBA's request for extension of time within which to file the EA for the Glorieta Tower to July 26, 2001. I am sorry that this communication did not reach you. I will make sure that you are added to the email distribution list for future correspondence.

Sincerely,



John F. Clark

Dictated but not read

Enclosure

cc: Attached service list

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Daniel P. Meyer, Esq.
July 23, 2001
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ITS
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Wireless Telecommunications Bureau
Federal Communications Commission
445 12th Street, SW
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Wireless Telecommunications Bureau
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Ms. Magalie Roman Salas, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street SW, Room TW-B204
Washington, D.C. 20554

Dan Abeyta
Wireless Telecommunications Bureau
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

John Talberth, Director of Conservation
Forest Conservation Council
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Santa Fe, New Mexico 80502

Mr. Elmo Baca
New Mexico State Preservation Officer
226 East Palace Avenue
Santa Fe, NM 87501

Superintendent Duane L. Alire
Pecos National Historical Park
P.O. Box 418
Pecos, New Mexico

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July 23, 2001
Page 3

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Jemez Pueblo
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Jemez, New Mexico 87024

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Cathryn Buford Slater, Chair
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Washington, DC 20240

Ms. Dinah Bear, Acting Chair
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Governor Joe Cajero
Jemez Pueblo
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Jemez, New Mexico 87024

Mr. Karen Wade, Director Intermountain
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The Honorable Gale Norton, Secretary
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Arthur Arguedas, Esq.
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United States Department of Interior
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Santa Fe, NM 87504-1042

The Honorable Michael K. Powell, Chair
Federal Communications Commission
Office of the Chair – Eighth Floor
445 12th Street, SW
Washington, DC 20554

Freeny, Charnene-WDC

From: Clark, John F. - WDC
Sent: Sunday, July 22, 2001 6:35 PM
To: Daniel P. Meyer (E-mail)
Cc: Freeny, Charnene-WDC; Brian Dunkiel (E-mail); Dan Abeyta (E-mail); Daniel P. Meyer (E-mail); David Meisenburg (E-mail); Don Johnson (E-mail); Ed Roach (E-mail); Elmo Baca (E-mail); Frank Stilwell (E-mail); John Talberth (E-mail); William W. Kunze (E-mail)
Subject: FW: Glorieta Tower - Request For Extension of Time

Re: Glorieta Tower in Pecos, New Mexico
FCC-Registered Antenna Structure
Owner/Registrant - SBA Towers, Inc. ("SBA")

FCC Reference No. 2001006155
Antenna Structure Registration Application No. A0116576

Dear Dan,

I am in receipt of your letter dated July 18, 2001 to Dan Abeyta of the FCC in which you complain about the failure of SBA to file an EA with the FCC as previously scheduled on June 14, 2001.

I am forwarding to you the e-mail string of messages that culminated in the FCC granting SBA's request for an extension of time within which to file an EA to July 26, 2001.

I am puzzled by your letter as you were copied with the original e-mail messages. Please confirm that you have received this message.

I am also sending you this message in hard copy via the US Mail. Please contact me if you are not getting our electronic messages.

Sincerely,

John Clark

John Clark
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-----Original Message-----

From: Frank Stilwell [mailto:FSTILWEL@fcc.gov]
Sent: Friday, June 29, 2001 5:09 PM
To: Dan Abeyta; William Kunze; Clark, John F. - WDC
Cc: jtalberth@cybermesa.com; dmeyer@peer.org; Freeny, Charnene-WDC;
dmeisenburg@sbsite.com; eroach@sbsite.com
Subject: Re: Glorieta Tower - Request For Extension of Time

Mr. John Clark

Counsel
SBA Towers, Inc.

The Commercial Wireless Division responds to your request for extension of time, filed on behalf of SBA Towers, Inc. (SBA).

We grant your extension request, in part. First, we grant SBA an extension until July 26, 2001, to file an environmental assessment (EA). Second, we require SBA to file all environmental materials prepared prior to the construction of the tower by the close of business on July 3, 2001. All parties should be served with any filings made by SBA.

No further extensions of the original June 14, 2001 deadline will be granted.

Frank Stilwell
Commercial Wireless Division
Wireless Telecommunications Bureau
Federal Communications Commission

>>> "Clark, John F. - WDC" <CLARQ@PerkinsCoie.com> 06/28/01 06:30PM >>>

Mr. Dan Abeyta
Mr. Don Johnson
Mr. Frank Stilwell
Commercial Wireless Division
Wireless Telecommunications Bureau
Federal Communications Commission
Washington, D.C. 20554

Re: Glorietta Tower in Pecos, New Mexico
Antenna Structure Registration
Registrant - SBA Towers, Inc. ("SBA")

FCC Reference No. 2001006155
Antenna Structure Registration Application No. A0116576

Dear Messrs. Abeyta, Johnson and Stilwell,

On Thursday, June 14, I requested on behalf of SBA Towers, Inc. ("SBA") an additional two-week period of time within which to provide an Environmental Assessment ("EA") concerning the above-identified tower and to respond to Mr. Abeyta's request in his letter of May 15, 2001. Don Johnson granted my request in an e-mail message sent June 15, 2001.

I want to report that in the past two weeks, a great deal of work has been accomplished toward completion of the EA and the related cultural resources assessment. Nevertheless, and despite extra efforts, this work is not yet finished.

There are several factors that have contributed to making these assessments a larger and longer project than SBA planned at the outset, and even larger than it thought two weeks ago. First, the independent consultant that was hired to perform a cultural resource assessment of the tower site and surrounding "area of potential effects" ("APE"), found that additional work was necessary to complete his task beyond what he originally thought. This was due in part to the need to assess individually many of the hundreds of potentially eligible historic properties in the vicinity of this tower.

This was also due in part to the fact that since June 14th, SBA has requested consultation with several Indian tribes in the Pecos area that were recently suggested by the New Mexico State Historic Preservation Officer's (SHPO's) office. These tribes were in addition to the tribes originally contacted and these additional consultations will take some time to complete. In addition, in the course of the research and consultation that has been undertaken so far in this matter, additional consultation has been requested by Forest Conservation Council (the "Council") due to the public interest surrounding this tower. Finally, SBA wishes to conclude consultation with Mr. Elmo Baca, the New Mexico SHPO, and his office.

I know that the Commission and SBA have both received expressions of interest in this matter from members of the press, public and others. SBA regrets that the information that it is diligently compiling is not yet ready to be submitted to the Commission and these interested parties. SBA believes, however, and hopes that the Commission will agree, that complete and thorough assessments in this matter are worth the time reasonably necessary for their completion.

Because of the upcoming 4th of July holiday and the time that will be reasonably necessary to allow adequate time for the Indian tribes that have been contacted to submit any comments or to engage in consultation, SBA requests that the Commission allow an additional period of up to four weeks, until July 26, 2001 for the submission of the promised assessments and documentation. If the assessments can be completed and submitted before that time, SBA will make every effort to do so

I have attempted to contact counsel for Forest Conservation Council and Public Employees for Environmental Responsibility ("PEER") to let them know of this request. I have been in touch with John Talberth of the Council to let him know of SBA's progress in this matter. Mr. Talberth yesterday indicated that he could not agree to an extension without consulting with his members. We agreed to talk this afternoon, but I have been unable to reach him. Dan Meyer of PEER is out of his office today and I left him a voicemail message outlining the status of SBA's assessments and the substance of this request.

Please contact me with any questions you might have about this matter.

Sincerely,

John Clark
PERKINS COIE LLP
Counsel for Registrant SBA Towers, Inc.

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cc: Superintendent Duane L. Alire
Pecos National Historical Park
PO Box 418

Pecos, New Mexico 87552-0418
(via U.S. Mail)

Mr. Elmo Baca
New Mexico State Historic Preservation Officer
Fax 505.827.6338
(Via telefax)

NOTICE: This communication may contain privileged or other confidential information.
If you have received it in error, please advise the sender by reply email and immediately delete
the message and any attachments without copying or disclosing the contents. Thank you.