



Ann West Bobeck

Assistant General Counsel
Legal & Regulatory Affairs
1771 N Street, NW • Washington DC 20036-2800
Phone: (202) 429-5456 • Fax: (202) 775-3526
abobeck@nab.org

January 21, 2004

Notice of Ex Parte Communication

Ms. Marlene Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: WT Docket No. 03-128

Dear Ms. Dortch:

Yesterday, the undersigned of NAB, along with other industry representatives from Cellular Telecommunications & Internet Association and PCIA–The Wireless Infrastructure Association met with the following Commission staff: Kris Monteith and Geoffrey Blackwell, Consumer & Governmental Affairs Bureau; Jeffrey Steinberg, Dan Abeyta and Amos Loveday, Wireless Telecommunications Bureau. The purpose of the meeting was to discuss the pending Nationwide Programmatic Agreement (“NPA”) between the FCC, the Advisory Council for Historic Preservation and the National Conference of State Historic Preservation Officers. Specifically, we made the following points:

- The NPA should provide clear guidance on categorical exclusions. Although the Commission is considering reducing threshold numbers within some of the categorical exclusions (*e.g.*, size of industrial lot), it should not reduce the types of exclusions contemplated and negotiated by the Communications Tower Working Group;
- The definition of qualified experts of the Section 106 review process should be no more stringent than allowed under the National Historic Preservation Act and the definition currently used by the U.S. Secretary of the Interior;

Ms. Marlene Dortch
January 21, 2004
Page Two

- The Commission should make clear that neither the NPA nor the forthcoming Wireless Telecommunications Bureau's tribal coordination database require any modification to current working relationships between industry and tribal representatives; and
- Replacement or modification of telecommunications towers should be deemed categorically excluded from any Section 106 review process. Further, the NPA should allow for a "grandfathering" provision for replacement of or modification to towers that have not previously undergone Section 106 review, similar to the provisions set forth in the current Nationwide Collocation Programmatic Agreement.

Respectfully submitted,

A handwritten signature in black ink, consisting of a stylized star-like symbol followed by the name "Bobeck".

Ann West Bobeck