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Secretary
Federal Communications Commission
Washington, D.C. 20554

Re: WT Docket 03-128

Dear Madame Secretary:

In an e-mail exchange with Jeffrey Steinberg of the Wireless Telecommunications Bureau, on behalf of the zoning authority and interest of local governments, I discussed with Mr. Steinberg the proposed exclusion from federal historic preservation review of certain wireless communication facilities proximate to public rights of way ("PROW").

I mentioned the responsibilities of local zoning authorities, affirmed at Section 332(c)(7)(A) of the Communications Act, for preserving the health, safety and aesthetic features of the PROW. I posed the question: Would a programmatic agreement exclusion of this kind be preemptive of the health, safety and aesthetic judgments of local zoning authorities?

Mr. Steinberg responded that "the Programmatic Agreement would only affect historic preservation review under Section 106 of the NHPA. It would have no impact one way or the other on local authority to review and regulate tower siting under zoning ordinances or other sources of state or local law."

Respectfully submitted,

James R. Hobson

cc: Jeff Steinberg