

**Before the  
Federal Communications Commission  
Washington, DC 20554**

In the Matter of )  
 )  
American Tower Corporation Request For ) WT Docket No. 05-326  
Waiver To Perform Annual Inspections In )  
Place Of Quarterly Inspections Required By )  
47 C.F.R. Section 17.47(b) )

**REPLY COMMENTS OF AMERICAN TOWER CORPORATION**

American Tower Corporation (“ATC”), hereby respectfully submits its Reply Comments in response to the Wireless Telecommunications Bureau’s Public Notice, DA 06-319, released on January 24, 2006 in the above-captioned proceeding. Four parties filed comments. All but one supports ATC’s request for a limited waiver of 47 C.F.R. § 17.47(b), which requires antenna tower owners to inspect, a minimum of once every three months, all automatic or mechanical control devices, indicators, and alarm systems on towers that must be lit (hereinafter referred to as “Quarterly Inspections”).<sup>1</sup> ATC seeks a limited waiver for its towers equipped with the Eagle Monitoring System developed by Flash Technologies which provides the functional equivalent of a continual inspection of tower control devices.

**I. Comments in Support of Grant of ATC’s Waiver Request.**

Hark Tower Systems, Inc., Global Signal, Inc. and PCIA – the Wireless Infrastructure Association (“PCIA”) filed comments supporting ATC’s Waiver Request. As PCIA succinctly noted, “ATC has met the standard for grant of the requested waiver” and has demonstrated that

---

<sup>1</sup> See 47 C.F.R. § 17.47. This request was made in a Request for Waiver filed with the Commission by ATC on May 19, 2005 (the “Waiver Request”).

“it would be in the public interest to grant the Request.”<sup>2</sup> This simple declaration is amply supported by the compelling evidence provided by ATC with its Waiver Request as to the accuracy and reliability of the Eagle System. Perhaps most importantly, at the time the Waiver Request was filed in May 2005, ATC had conducted 43,761 Quarterly Inspections since March 28, 2002, the date on which the Eagle Monitoring System became stabilized. Not a single incident was discovered during any of these Quarterly Inspections that required the issuance of a Notice to Airmen (“NOTAM”) under the Commission’s rules. Since the filing of the Waiver Request, an additional 17,477 Quarterly Inspections have been conducted, each without the discovery of any NOTAM-worthy events.

Certain commenters have requested Commission action beyond the scope of the Waiver Request. For example, Global Signal provides an extensive factual showing relating to its light monitoring system and asks the Commission to grant it a waiver of 47 C.F.R. § 17.47(b) identical to the one sought by ATC. For its part, Hark seeks changes in the underlying Rule. ATC fully supports Global Signal’s and Hark’s right to seek relief, but submits that such requests must be addressed in separate proceedings, which would allow them to go through the notice and comment procedure which ATC’s Waiver Request is currently undergoing. ATC is sympathetic to and supports the concept of the Commission giving thorough consideration to those who follow ATC’s lead. However, Global Signal’s and Hark’s requests that go beyond the scope of this particular proceeding should not in any way slow action on ATC’s pending Waiver Request.

---

<sup>2</sup> Comments of PCIA – the Wireless Infrastructure Association (“PCIA”), page 2.

## II. Grant of ATC's Waiver Request Would Promote Air Safety.

The Aircraft Owners and Pilots Association (“AOPA”) voices generalized concerns regarding air safety.<sup>3</sup> But AOPA fails to link this *overall* concern (which ATC shares) with ATC’s fact-specific Waiver Request. In fact, the proven track record underlying ATC’s Waiver Request in this proceeding cogently demonstrates that ATC’s Eagle System dramatically improves and promotes air safety. Indeed, air safety concern was one of the motivating factors that led ATC to adopt the Eagle System technology.

The documented accuracy of the Eagle System furthers the very goal AOPA seeks, namely introduction of “new technology that leads to increased safety and efficiency.”<sup>4</sup> As detailed in the Waiver Request, the Eagle System reports actual and potential problems immediately in many cases, and at most within twenty-four hours of their occurrence, while reliance on older systems may result in a malfunctioning control device not being discovered for up to three months (the time between quarterly on-site visits).<sup>5</sup> The Eagle System eliminates the possibility of a NOTAM-worthy event being undiscovered and unreported for a three month period, a significant improvement in air traffic safety.

AOPA’s vague and unsupported reference to “recent” compliance problems experienced by ATC<sup>6</sup> cannot be credited in this proceeding. To the contrary, the Eagle System has a proven track record stretching over numerous consecutive calendar quarters. AOPA has offered nothing that challenges or refutes that record, which lies at the core of ATC’s Waiver Request.

---

<sup>3</sup> See Comments of the Aircraft Owners and Pilots Association (“AOPA”), page 1.

<sup>4</sup> Comments of AOPA at 1.

<sup>5</sup> See Waiver Request at 2.

<sup>6</sup> See Comments of AOPA at 1.

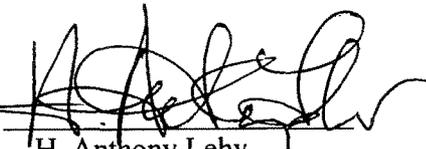
Finally, grant of the Waiver Request will further the public interest by encouraging other tower owners to upgrade their tower lighting systems to incorporate technologies which provide continual and reliable monitoring of tower lighting, the underlying goal of the Commission's quarterly lighting inspection rules.

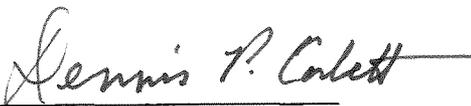
**III. Conclusion.**

ATC has supplied compelling factual evidence demonstrating that expeditious grant of the Waiver Request is warranted and will further the public interest. The Waiver Request has been thoroughly reviewed by the Commission's Staff prior to this public notice cycle, has been the subject of public comment, and is now ripe for action. ATC therefore respectfully requests that the Commission grant the requested limited waiver of its Rules.

Respectfully submitted,

AMERICAN TOWER CORPORATION

By:   
H. Anthony Lehv  
Senior Vice President,  
Associate General Counsel and  
Chief Compliance Officer  
American Tower Corporation  
116 Huntington Avenue  
11<sup>th</sup> Floor  
Boston, MA 02116  
(617) 375-7500

By:   
Dennis P. Corbett  
John W. Bagwell  
Leventhal Senter & Lerman PLLC  
2000 K Street, NW  
Suite 600  
Washington, DC 20006-1809  
(202) 429-8970

March 15, 2006

Its Attorneys