

WirelessEstimator.com has been requested by the undersigned, Mr. Dave Firis and Mr. David Stiles, to submit their comments and recommendations to the Federal Communications Commission regarding:

**WT Docket No. 03-187, FCC 06-164, Notice of Proposed Rulemaking,
"Effects of Communication Towers on Migratory Birds"**

I wish to state that during the 38 years that I have been a radio hobbyist and professional I have never seen more than 2 or 3 bird carcasses in the vicinity of radio towers. I have been a tower owner for 24 years and have owned / operated more than 3700' of radio towers ranging from 56' to 396' in height, some of which are lit. All the lit towers are with an incandescent red system and painted in bands of red and white. These are guyed type towers and are located in Northern Ohio and West Pennsylvania. Many were built in the early 1960s.

If bird collisions were any real or sizeable concern, I would think that there would be piles of dead birds under the guy systems at these sites. THIS IS NOT THE CASE. As I mentioned earlier, I've seen a TOTAL of 2-3 dead birds at tower sites in my entire life.

I'd also like to comment on the neatest thing I've ever seen at a tower site, because it has some relevance here: In 1990 just after construction of a 396' tower Wadsworth, Ohio, I chanced to be at the site at dusk. There were 2 bats flying around the sets of guys as if they were a solid wall. Never once during the 1/2 hour or so that I watched, did either bat fly between the guys even though the spacing (vertical) was around 40' at the tower (10 sets of guy on 2 sets of anchors). They perceived the guy system as 3 solid walls and would typically skim a few feet either side of the (imaginary) "wall", make a 30 degree turn at the tower and then skim the adjacent "wall".

I suspect that if unlit obstructions are really a problem, I can only surmise that telephone and power lines are a much greater problem as most avian activity is probably under 100' above ground level. I believe that much of the reason the some carcasses may be found at tower sites is that they stay there longer because those sites are less populated areas (fewer dogs and cats that will carry them away).

As long as this is under consideration, I would suggest the FAA & FCC ELIMINATE the lighting requirement entirely for towers under 300', 400' or 500'. This would also eliminate a majority of towers that require lightning and painting. I believe that much of general aviation is going away, when figured as a percentage of the general population.

Commercial Aviation is generally (All?) IFR and never gets anywhere near radio towers. With IFR there is not much need for obstruction lighting. If it is proven that incandescent light IS a cause of bird collisions, elimination for towers under 300', 400', or 500' could be a reasonable way to address the issue. This could also streamline much bureaucracy and expenses at the FAA & FCC, let alone save a lot of money and energy consumption for guys like me.

I believe that it was a mistake for the FCC to move into the regulation of towers beyond any "interstate communication" concerns 11 years ago. To even consider changing any lighting requirements for birds is way beyond any possible extension of

the "regulation of interstate commerce". I believe that most people "outside the beltway" would also feel as I do.

Lastly, I can tell you that any forced change of lighting toward strobes would be a major hardship for guys like me as the typical cost of a system (about \$3,000 PLUS Installation of \$1-\$2,000) would be a major percentage of what I have invested in the total site (which is typically around \$17,000). Those towers would probably be dropped as I cannot afford major changes like that. As an alternative these might also be reduced to 199' height.

I also believe that when you figure maintenance and interest (on the additional capital expense), strobes are far more costly than incandescent systems, particularly in lightning prone areas.

I have been licensed since 1970 originally as WN8KVT, then WB8KVT and now (Advanced Class) AL7OP. I also hold General Radiotelephone License # PG-19-10300 since (originally 2nd Class Radiotelephone) 1976.

Thank you for your consideration,

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I am very much in favor of new rulemaking in regards to Avian Mortality and Tower Structures; however, my opinions are not based on statistics, they are actually quite selfish.

I don't think a valid study has been made in regards to the actual number of mortalities of birds involving collisions with towers or other matters that effect the mortality of birds in regards to towers, but that doesn't matter since I favor strict new rulemaking in that regard because it will very positively affect the business of tower service companies such as myself.

I personally have been performing Tower Service functions on mainly tall TV broadcast towers since 1966 and I have seen hundreds of dead birds laying around tower sites for years, so what the Avian experts are saying about bird mortalities does have some validity, but in all fairness I have also seen hundreds of dead birds laying on the side of the interstate and other highways in America and abroad.

I would specifically mention WSMV & WSM TV & AM towers in Nashville, TN where I have met and talked with bird experts in the scientific fields that have studied bird mortality at those two sites for years and would hope someone from the Vanderbilt university bird studies group has been contacted in this regard, they have extensive data that has been kept over the years.

So to state my point, I would favor the FCC making restrictions on tower heights, on type make and model of towers, and also requiring changes to lighting requirements on any and all towers since this will be a windfall of additional work for everyone such as myself in the tower service industry and it doesn't really matter what impact

it will have in millions of dollars of additional expenses and costs to the consumers which will be passed down by the major cell phone and internet carriers and other broadcast groups. It doesn't matter what it costs taxpayers anyway; after all, the birds were here first and we probably should have not built all those towers in their flight paths anyway.

By the way, all those Avian experts should call up the FCC on their cell phones and or use their Blackberries at Starbucks coffee or the airport by way of wireless to express their thoughts about how terrible it is that all these birds are dying in collisions with towers that are carrying the signals that they are using to make that call or send that Blackberry email to the FCC.

David Stiles
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