

STAMP AND RETURN

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April 30, 2008

**VIA HAND DELIVERY**

Marlene H. Dortch, Secretary  
Federal Communications Commission  
Office of the Secretary  
445 12th Street, SW  
Washington, DC 20554

FILED/ACCEPTED

APR 30 2008

Federal Communications Commission  
Office of the Secretary

Re: *FCC 06-44; Petition by Forest Conservation Council, American Bird Conservancy and Friends of the Earth for NEPA Compliance; American Bird Conservancy, Inc. v. FCC, 516 F.3d 1027 (D.C. Cir. 2008)*

Dear Ms. Dortch:

Pursuant to Section 1.1204(a)(10) of the Commission's rules, notice is hereby given that on April 29, 2008, representatives of CTIA – The Wireless Association<sup>®</sup> (“CTIA”), the National Association of Broadcasters (“NAB”), the National Association of Tower Erectors (“NATE”) and PCIA – The Wireless Infrastructure Association (“PCIA”) (collectively, the “Infrastructure Coalition”) met with FCC staff, at their request, to discuss the public notice issues raised by the United States Court of Appeals in *American Bird Conservancy, Inc. v. FCC, 516 F.3d 1027 (D.C. Cir. 2008)* (“*Remand Order*”).<sup>1</sup> A list of the meeting participants is attached.

During the meeting, the Infrastructure Coalition emphasized that any new notice process must be designed to (i) provide adequate notice to the public, (ii) ensure the ability to site towers expeditiously to meet the public's communications needs and the FCC's aggressive buildout rules, and (iii) not compromise air safety. The Infrastructure Coalition discussed with Staff various options to provide notice in a manner consistent with these goals and the *Remand Order* and the benefits and drawbacks to various notice options. The Infrastructure Coalition also stated its intent to file shortly specific recommendations to implement the notice portion of the *Remand Order*, which will be served on all parties to the proceeding. The Coalition suggested

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<sup>1</sup> See 47 C.F.R. § 1.1204(a)(10). The Infrastructure Coalition discussed with Staff its view that this is a restricted proceeding under the Commission's *ex parte* rules, but that the presentation was exempt because it was requested by Staff and this summary is being served on the parties to the proceeding before the agency in accordance with the FCC's rules. See 47 C.F.R. § 1.1204(a)(10)(ii).

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that the recommendations, once filed, be promptly placed on public notice for comment, consistent with the Court's guidance to proceed with dispatch.

Please contact the undersigned with any questions.

Sincerely,

WILKINSON BARKER KNAUER, LLP



By: William J. Sill  
Craig E. Gilmore

cc: Jennifer Flynn  
Aaron Goldschmidt  
Gregory Intoccia  
Jane Jackson  
Don Johnson  
Paul Murray  
David Roberts  
Jeffrey Steinberg  
Michael Wagner

**April 28, 2008 Meeting Participants**

<b>Name</b>	<b>Affiliation</b>
Jennifer Flynn	FCC/WTB
Aaron Goldschmidt	FCC/WTB
Gregory Intoccia	FCC/PSHSB
Jane Jackson	FCC/WTB
Don Johnson	FCC/WTB
Paul Murray	FCC/WTB
David Roberts	FCC/MB
Jeffrey Steinberg	FCC/WTB
Michael Wagner	FCC/MB
Ann Bobeck	NAB
Marlo Go	CTIA
Jim Goldwater	NATE
Jacqueline McCarthy	PCIA
Michael Saperstein	PCIA
Craig E. Gilmore	WBK
William J. Sill	WBK

**CERTIFICATE OF SERVICE**

I, Craig E. Gilmore, hereby certify that on this 30th day of April, 2008, copies of the foregoing letter were served by first class mail upon the following:

George Fenwick  
American Bird Conservancy  
P. O. Box 249  
4249 Loudoun Avenue  
The Plains, VA 20198-0249

John Talberth  
Center for Sustainable Economy  
(formerly Forest Conservation Council)  
1704-B Llano Street, Suite 194  
Santa Fe, NM 87505

Brian Dunkiel  
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91 College Street  
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1625 Massachusetts Avenue, NW  
Suite 702  
Washington, DC 20036-2212

  
Craig E. Gilmore

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