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June 19, 2008

VIA Electronic Filing - Notice of Ex Parte

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 Twelfth Street, S.W.  
Washington, DC 20554

Re: In the Matter of Public Notice Procedures for Processing Antenna Structure Registration Applications. WT Docket No. 08-61 and In the Matter of Effects of Towers on Migratory Birds, Notice of Inquiry, WT Docket No. 03-187

Dear Ms. Dortch:

On behalf of American Bird Conservancy, Defenders of Wildlife, and National Audubon Society, and in accordance with Section 1.1206(b) of the Commission's Rule, 47 C.F.R. 1.1206(b), undersigned counsel hereby submits the instant notice of an *ex parte* presentation.

Yesterday, representatives of the forgoing conservation organizations engaged in a meeting at the request of members of the Wireless Telecommunications Bureau ("WTB") with representatives of the WTB, the Media Bureau ("MD"), the Office of General Counsel ("OGC"), and the Public Safety & Homeland Security Bureau ("PSHSB"). The participants are listed below:

Conservation Organization Representatives

Darin Schroeder, American Bird Conservancy  
Caroline Kennedy, Defenders of Wildlife  
Kara Gillon, Defenders of Wildlife (by phone)  
Greer Goldman, National Audubon Society  
Jaime Knepper, National Audubon Society

WTB Representatives

Jane Jackson, Associate Chief, MD  
Jeffrey Steinberg, Deputy Chief, Spectrum and Competition Policy Division  
Aaron Goldschmidt, Assistant Chief, SCPD  
Louis Peraertz, Attorney, SCPD  
Donald Johnson, Attorney, SCPD  
Jennifer Flynn, Attorney, SCPD

Paul Murray

MD Representatives

Adrienne Denysyk

OGC Representatives

Lee Martin

Chris Killion

PSHSB Representatives

Gregory Intoccia, Attorney, FCC Public Safety & Homeland Security Bureau

The participants discussed issues presented in the two open dockets referenced above, focusing on issues addressed in the remand order issued four months ago by the Court of Appeals for the District of Columbia Circuit in *American Bird Conservancy, Inc. v. FCC*, 516 F.3d 1027 (2008). Specifically, the conservation groups' participants inquired about what the Commission has done and is planning to do to resolve the long-outstanding issues in Docket No. 03-187 and to meet its obligations under the Court's order. The conservation groups' representatives urged the Commission representatives to implement immediately some interim measures in the near term while the Commission deliberates on how to address all of the outstanding issues relating to the environmental impacts of communications towers on birds.

For the information of the Commission, the conservation group participants gave the staff participants a reprint of a recently-published article in The Auk, entitled "Height, Guy Wires, and Steady-Burning Lights Increase Hazard of Communications Towers to Nocturnal Migrants: A Review and Meta-Analysis, by Travis Longcore, Catherine Rich, and Sidney A. Gauthreaux, Jr. , *The Auk* 125(2):485-492, 2008. A copy of the article is attached hereto, and we request that it be filed in both dockets referenced above.

Kindly refer any questions or correspondence regarding this matter to the undersigned or her colleagues at the meeting.

Very truly yours,



Greer S. Goldman

cc: Jane Jackson  
Jeffrey Steinberg  
Aaron Goldschmidt  
Louis Peraertz  
Donald Johnson

Jennifer Flynn  
Adrienne Denysyk  
Lee Martin  
Chris Killion  
Gregory Intoccia  
Paul Murray