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February 15, 2012

VIA ECFS

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

Re: *Written Ex Parte Filing*
Programmatic Environmental Assessment of the Antenna Structure
Registration Program, WT Docket Nos. 03-187 and 08-61

Dear Mrs. Dortch:

The Infrastructure Coalition (consisting of CTIA–The Wireless Association[®], the National Association of Broadcasters, the National Association of Tower Erectors, and PCIA–The Wireless Infrastructure Association), by its counsel, submits for the record a copy of the opinion of the United States Court of Appeals for the Tenth Circuit in *Morris v. NRC*, 598 F.3d 677 (10th Cir. 2010), *cert. denied*, 2010 U.S. Lexis 8826 (Nov. 15, 2010).

The *Morris* decision is highly relevant to the Commission’s consideration of a final Programmatic Environmental Assessment because it provides an example of judicial affirmation of an agency’s consideration of a project’s cumulative impact on the environment when the absolute impact of the project is much less than the absolute impact of other factors. *See* 598 F.3d at 693. Moreover, the decision makes clear that the National Environmental Policy Act is a procedural statute that requires a “hard look” at environmental impacts but does not dictate the weight to be given environmental concerns. *Id.* at 690, 693.

Respectfully submitted,

By: /s/ William J. Sill
William J. Sill
Counsel for the Infrastructure Coalition

Enclosure

cc: Jane Jackson, Jeffrey Steinberg, Aaron Goldschmidt, Austin Schlick (via email)