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March 7, 2013

Mania Baghdadi, Esq.
Attorney-Advisor
Wireless Telecommunications Bureau
Federal Communications Commission
Washington, DC 20554

Re: United States Cellular Corporation Request for Environmental Review ASR Application No. A0826038

Dear Ms. Baghdadi:

On behalf of United States Cellular Corporation ("USCC"), and pursuant to Section 17.4(c)(5) of the FCC's Rules, this will respond to the February 19, 2013 Request For Environmental Processing ("Request") filed by Anne Guelker. For the following reasons, the Wireless Bureau should deny the Request in accordance with Section 17.4(c)(8) of the FCC's Rules, grant the above-referenced Antenna Structure Registration (ASR) application, and permit the proposed tower to be constructed.

Background

On January 29, 2013, USCC filed the above-referenced Application For Antenna Tower Registration (FCC Form 854) for a new antenna tower in Winona, Missouri. The application proposes a lattice tower which will extend approximately 250 feet above ground. The application stated the tower's compliance with environmental requirements. FAA consent has also been sought and received to construct the tower, which is to be marked and lighted in accordance with FAA and FCC requirements (FAA Study Number 2011-ACE-1885-OE).

USCC provided local public notice of the application on February 6, 2013, in accordance with Section 17.4(c)(3) of the FCC's Rules, and national notice of the application was posted on the FCC's website on February 7, 2013 in accordance with Section 17.4(c)(4) of the FCC's Rules. The Request was filed on February 19, 2013.

I. The Request Should Be Denied and The Application Should Be Granted

The proposed Winona tower was the subject of a comprehensive environmental review by USCC's environmental consultant, GSS, Inc. On September 22, 2011, GSS submitted its report to USCC. A copy of that report, which is voluminous, can be submitted on request. The

report reached the following conclusions regarding the proposed tower, demonstrating its compliance with Section 1.1307 of the FCC's Rules. The proposed tower is not located within the boundaries of an officially designated wilderness area or wildlife preserve. The construction of the tower is not likely to affect listed, threatened or endangered species or designated critical, habitats, a conclusion supported by written responses from the Forest Service of the United States Department of Agriculture, United States Fish and Wildlife Service ("USFWS"), and Missouri Department of Conservation. In its response, the USFWS added its appreciation that USCC plans to utilize a self supported, rather than a guyed, tower.

The tower does not adversely affect districts, sites, buildings, structures or objects listed or eligible for listing in the National Register of Historic Places. This finding is supported by a Section 106 "concurrence letter" from the Missouri State Historic Officer ("SHPO"), which followed the submission to the SHPO of FCC Form 620, in accordance with FCC requirements.

On July 19, 2011, USCC notified the twelve affected Indian tribes of the proposed construction through the FCC's Tower Construction Notification System ("TCNS") (#78203). Eleven tribes responded as having no objection to the proposal. The last tribe was notified twice more by USCC and then FCC itself notified the tribe under its procedures to determine that a tribe is not interested in a proposed construction after it has failed to respond to TCNS notifications. All of that correspondence is part of the consultant's report as well, and demonstrates USCC's painstaking attempt to comply with all requirements.

The site is not located in a 100 year flood plain and will not cause damage to the surface features of the land at the affected site. USCC has also been advised, in writing, by the Shannon County Clerk that Shannon County, in which the tower would be located, has no zoning or building permit requirements for the proposed location. The tower is also "categorically excluded" from routine processing for RF exposure under the relevant FCC regulation, Section 1.1307(b) of the FCC's Rules.

In short, the proposed tower has gone through an exhaustive, multi-year process of state and federal environmental review and complies with all relevant laws. The ASR application reflects that underlying research and legal conclusions. The application should thus be granted.

The Request does not challenge the legal validity of any of USCC's determinations about its proposed tower's compliance with state and FCC regulations. It merely states Ms. Guelker's belief that the tower will be a "visual eyesore," and that the "area" in which it will be constructed has been "degraded" by other communications towers. With all due respect, these opinions do not meet the legal standard for a valid request for environmental processing, which Section 17.4(c)(5)(A) of the FCC's Rules states, in relevant part, as follows:

> "An Environmental Request must state why the interested person or entity believes that the proposed structure ... may have a significant impact on the quality of the human environment for which an Environmental Assessment must be considered <u>as</u> <u>required</u> <u>by</u> <u>Section</u>

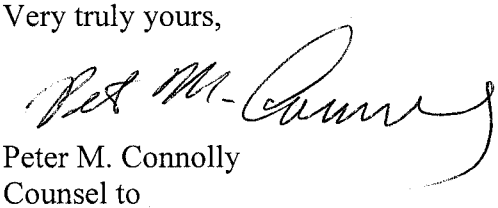
> 1.1307 of this chapter.... The Request must be submitted as a written petition... setting forth in detail the reasons supporting Requester's contentions" (emphasis added).

In other words, a valid request must demonstrate how applicant's proposal does not comply with the FCC's environmental rules and with the federal laws they enforce. The Request does not do that or even try to do that. It merely states Ms. Guelker's negative opinion of the proposed tower. This is not sufficient under the law to demonstrate that the application should not be granted or that USCC should be required to file an Environmental Assessment.

However, the filing does raise a serious issue. USCC, like other wireless licensees, incurs considerable expense to ensure that its towers, which benefit the public by providing it with improved wireless communications, also comply with all relevant laws. The FCC's new public notice procedures should not be used as a means of allowing objections which do not meet the standards of the law to impose additional lengthy and costly delays on tower construction. Accordingly, we ask that the Request be denied expeditiously and that the ASR application be granted, and that construction of this tower be permitted to go forward as soon as it is practicable.

In the event of further questions or if additional information or documentation is needed, please contact the undersigned.

Very truly yours,



Peter M. Connolly
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cc: Anne Guelker