

**STATEMENT OF
COMMISSIONER JONATHAN S. ADELSTEIN**

Re: Petition by Forest Conservation Council, American Bird Conservancy and Friends of the Earth for National Environmental Policy Act Compliance; Memorandum Opinion and Order

While I do not fully embrace this Memorandum Opinion and Order, I am willing to vote in favor of our ruling today because of the agreement to my request to consider a Notice of Proposed Rulemaking in the larger proceeding addressing the important issue of the potential effects of communication towers on migratory birds. I believe that this omnibus proceeding, which unfortunately has languished for some time, is the correct procedural vehicle for addressing these important issues, and I am pleased that I am able to push that review forward.

While I am sympathetic to a number of issues raised in the petition before us today, the petition just is not the right vehicle for these overarching concerns. This is particularly true when you consider the rebuilding efforts that will be so critical to the Gulf Coast area over the next several months, particularly with a new hurricane season rapidly approaching. Rebuilding the communications infrastructure in the areas that were hit so badly by last season's hurricanes is priority one, especially when you consider the critical role of communications in our disaster relief efforts. During the opening session of the Commission's Hurricane Katrina Independent Panel, for example, we have heard from the Louisiana State Police how local and state communications towers were actually blown down during the hurricane, which led to a severe limitation of critical communications support for public safety and first responders in the area.

I am hopeful that our NPRM will provide a thorough and thoughtful review into the potential effects of communication towers on migratory birds. I look forward to asking questions on what steps we should take in light of the scientific data that exists on this troubling phenomenon. Migratory birds are a prized natural resource, and conservation of the population and their habitats for future generations is an important goal.

Of course, communication towers represent a critical component in the continued deployment of basic and advanced telecommunications services. Towers not only will form the backbone of the transition to digital television, they also are used everyday by our nation's homeland security and public safety communities to effectively and quickly respond to those who need our help the most.

It is critical that the Commission balance these important interests as we consider a NPRM in the proceeding and develop a strategic approach for dealing with the impact that communication towers may have on migratory birds. I thank the Chairman and my colleagues for their willingness to move forward in this proceeding.