



Federal Communications Commission
Washington, D.C. 20554
March 28, 2012

DA 12-479
Release Date March 29, 2012

Gregory W. Whiteaker, Esq.
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P.O. Box 341684
Bethesda, MD 20827

Re: Plateau Telecommunications, Inc.
Various Towers in New Mexico and Texas
Compliance with Sec. 1.1307(a)(4) of the Commission's Rules

Dear Mr. Whiteaker:

By this letter, the Spectrum and Competition Policy Division (Division) of the Wireless Telecommunications Bureau finds that Plateau Telecommunications, Inc. (Plateau), a rural wireless carrier, has completed post-construction review of 48 towers under Section 1.1307(a)(4) of the Commission's Rules¹ and the Nationwide Programmatic Agreement Regarding the Section 106 National Historic Preservation Act Review Process (Nationwide Agreement).² The Division further finds that none of these towers has an adverse effect on historic properties. Therefore, consistent with the Nationwide Programmatic Agreement for the Collocation of Wireless Antennas (Collocation Agreement),³ Commission licensees may collocate facilities on these towers, listed in the Attachment, without further review.

By removing regulatory impediments to potential collocations on these towers, our action in this matter facilitates the planned sale from a rural wireless carrier to a tower management company of these 48 towers and 135 other towers, 183 total, in rural areas of Southeastern New Mexico and West Texas. Our action thereby promotes the availability of collocation opportunities for competitive commercial wireless broadband services, as well as deployment of future public safety broadband service,⁴ in these rural areas.

In order to fulfill the Commission's responsibilities under Section 106 of the National Historic Preservation Act,⁵ Section 1.1307(a)(4) requires licensees to consider whether their proposed facilities would affect properties listed or eligible for listing in the National Register of Historic Places (historic properties). Since March 7, 2005, Section 1.1307(a)(4) has required licensees, in considering potential

¹ 47 C.F.R. § 1.1307(a)(4).

² 47 C.F.R. Part 1, App. C. The Nationwide Agreement became effective March 7, 2005.

³ 47 C.F.R. Part 1, App. B. The Collocation Agreement became effective March 16, 2001.

⁴ See Federal Middle Class Tax Relief and Job Creation Act of 2012, P.L. 112-78, § 6206(b)(3) (First Responder Network Authority shall require substantial rural coverage milestones as part of each phase of national public safety broadband network.) See also *id.* § 6206(c)(3)(A) (directing First Responder Network Authority to leverage existing communications infrastructure to the maximum extent economically desirable).

⁵ 16 U.S.C. § 470f.

effects on historic properties, to follow the procedures prescribed by the Nationwide Agreement and the Collocation Agreement. Pursuant to the Collocation Agreement, most collocations of antennas on existing structures are excluded from review. However, collocations on towers constructed after March 16, 2001, are not excluded from review if the underlying tower has not completed Section 106 review or if the tower has been found to have an adverse or potentially adverse effect on historic properties that has not been resolved.⁶

Plateau is a wireless carrier serving rural markets in Southeastern New Mexico and West Texas.⁷ Plateau has entered into an agreement to sell all 183 of its towers to American Tower Corporation, a non-licensee tower owner, which intends to make these towers available to FCC licensees for collocation. On September 29, 2011, Plateau notified the Division that Plateau had constructed 58 of these 183 towers after March 16, 2001, without completing Section 106 review as required under Section 1.1307(a)(4).⁸ Plateau later determined that three of these towers had completed Section 106 review, which reduced the number to 55 non-compliant towers. 39 of these towers were constructed between March 17, 2001, and March 6, 2005, and 16 of the towers were constructed on or after March 7, 2005. In particular, Plateau did not submit the proposed towers to the relevant State Historic Preservation Officer (SHPO) for review prior to construction.⁹ Plateau also did not notify potentially affected federally recognized Indian Tribes of the proposed constructions.¹⁰

Following the procedures specified in the Nationwide Agreement, Plateau submitted FCC Form 620 applications for the 55 towers to the New Mexico and Texas State Historic Preservation Offices (NMSHPO and TXSHPO) for post-construction review. Plateau also notified potentially affected Indian Tribes through the FCC's Tower Construction Notification System. The NMSHPO and TXSHPO voluntarily agreed to review these constructed towers and have recommended that the 48 towers identified in the Attachment have either no effect or no adverse effect on historic properties in each tower's Area of Potential Effects.¹¹

⁶ 47 C.F.R. Part 1, App. B, Sections IV.A.1, IV.A.3. Additional exceptions to the exclusion are not relevant to this review.

⁷ Plateau provides wireless service in the New Mexico 2 - Colfax, New Mexico 4 - Santa Fe, New Mexico 6 - Lincoln, and Texas 3 - Parmer Cellular Market Areas (collectively the Plateau Market) pursuant to licenses held directly by Plateau or by its affiliates, E.N.M.R. Telephone Cooperative, New Mexico RSA 4 East Limited Partnership, and Texas RSA 3 Limited Partnership. Plateau manages and operates the wireless network in the Plateau Market and provides service to subscribers under the Plateau brand name.

⁸ Letter from Gregory Whiteaker, Esq. to Jeffrey S. Steinberg, Esq., Deputy Chief, Spectrum and Competition Policy Division, dated September 29, 2011.

⁹ For those towers constructed on or after March 7, 2005, the Nationwide Agreement required Plateau to submit FCC Form 620 to the relevant SHPO. 47 C.F.R. Part 1, App. C, Section VII.A. Prior to the Nationwide Agreement, the Commission did not prescribe a form for SHPO submission, but the rules of the Advisory Council on Historic Preservation contemplated SHPO review. *See generally* 36 C.F.R. Part 800.

¹⁰ *See* 47 C.F.R. Part 1, App. C, Section IV.

¹¹ The NMSHPO is completing its review of the other towers. After the NMSHPO completes its processing on those towers, the Division will notify Plateau whether the Section 106 review is complete or whether further environmental processing is required.

The Division concurs with the NMSHPO's and TXSHPO's recommendations and FINDS that the towers listed in the Attachment A have no effect or no adverse effect on historic properties. The Division further FINDS that the Section 106 process for these towers is complete. FCC licensees may collocate on these towers without further review to the full extent permitted under the Collocation Agreement. The Division hereby terminates environmental and historic preservation review of the construction of the towers identified in the Attachment.

If you have any questions, please call Don Johnson, Esq. at 202-418-7444.

Sincerely,

Handwritten signature of Dan Abeyta in cursive script.

Dan Abeyta
Assistant Chief
Spectrum and Competition Policy Division
Wireless Telecommunications Bureau

Attachment

SITE	N Latitude	W Longitude	Address	City	State	e106 File No.
Arkansas Junction	32 40 5.5	103 26 44.5	956 W. Pearl Valley Rd.	Monument	NM	0004603991
Artesia East	32 46 56.788	104 12 34.545	295 Arco Rd	Artesia	NM	0005009345
Artesia North	32 52 21.939	104 24 07.663	102-B Mill Rd.	Artesia	NM	0004601698
Boaz	33 41 42.33	104 03 39.31	1334 US Hwy 70	Elkins	NM	0004601730
Border Hill	33 20 47.447	104 57 54.081	30554 US Hwy 70	Roswell	NM	0005009342
Bovina	34 30 34.519	102 53 40.942	835 Hwy 86	Bovina	TX	0004915686
Camelot	33 18 33.493	105 39 26.825	109 Plateau Lane	Ruidoso	NM	0004601831
Cardenas	34 28 53.263	104 51 42.945	6646 US Hwy 60	Vaughn	NM	0005007637
Colmar	36 10 19.677	104 34 40.061	Hwy 85 # 256 Hoover Rd	Wagon Mound	NM	0005007599
Cuervo	35 00 22.378	104 29 12.459	1459 Newkirk Rd	Cuervo	NM	0005007690
Delphos	34 01 45.671	103 31 37.256	2898 S Rsvlt Rd 17	Elida	NM	0005007725
Denver City	32 58 06.062	102 49 55.798	304 West 4th St	Denver City	TX	0005007971
Downs	33 19 25.385	105 35 42.596	219 G and C Lane	Ruidoso Downs	NM	0004603776
Eddy 62	32 28 37.23	104 06 44.63	30 Quahada Rd.	Carlsbad	NM	0004603784
Edmonson	34 16 00.501	101 54 05.663	350 CR L	Edmonson	TX	0005007970
Encino	34 39 40.246	105 29 30.418	25232 Hwy 60	Encino	NM	0005007770
Floyd	34 12 46.978	103 34 32.720	1551 NM 267	Floyd	NM	0005007966
Fort Sumner DT	34 28 20.160	104 14 39.646	658 North 5th St	Ft Sumner	NM	0005009978
Fort Sumner Lake	34 39 08.681	104 19 16.550	12031 US Hwy 84	Fort Sumner	NM	0005007922
Frio Draw	34 44 00.335	103 12 47.504	3299 State Rd 209	Broadview	NM	0005007845
Glencoe	33 24 58.4102	105 26 4.6731	27484 US Hwy 70	Glencoe	NM	0004603994
Glenrio	35 10 14.764	103 02 47.519	6331-B Quay Rd A	San Jon	NM	0005007937
Hagerman	33 05 20.979	104 21 08.461	572 East Ottawa Rd	Hagerman	NM	0005009338
Highlonsome	33 37 30.399	104 14 37.013	8078 Clovis Hwy	Roswell	NM	0005009336
Hope	32 49 21.326	104 48 51.202	144 Flat Valley Rd	Hope	NM	0005009369
Kidd Ranch	35 45 47.470	104 11 31.022	106 Kid Rd	Solano	NM	0005007950
Lackey	32 44 50.66	103 09 53.29	4202 N. Lovington Hwy	Hobbs	NM	0004603998
Las Vegas Junction	34 59 30.128	104 58 04.212	2011 Thompson Rd	Santa Rosa	NM	0005007954
Las Vegas North	35 38 05.204	105 14 13.935	57 CRA4A	Las Vegas	NM	0005009368
Loco Hills	32 48 59.69	103 58 31.37	13313-3 Lovington Hwy	Loco Hills	NM	0004604001
Maxwell	36 32 30.261	104 32 35.098	233 4th Street	Maxwell	NM	0005009552
Midway	34 15 59.500	103 13 36.079	43157 US Hwy 70	Portales	NM	0005007961
Monzingo	34 49 58.533	104 33 52.834	4452 US Hwy 84	Santa Rosa	NM	0005009367
Newkirk	35 09 27.054	104 15 20.396	2318 State Hwy 129	Newkirk	NM	0005009366
North Lucy	34 52 02.989	105 35 48.682	23919 Hwy 285	Clines Corners	NM	0005009365
Otis	32 20 43.484	104 11 37.774	5509 Avitia	Carlsbad	NM	0005009587
Palma	34 59 55.92	105 29 13.83	22849 I-40	Palma	NM	0004601417
Roswell West	33 23 03.300	104 35 15.802	4509 W Summit	Roswell	NM	0005007972
Saint Vrain	34 25 13.556	103 29 35.047	2690 Curry Rd 11	Saint Vrain	NM	0005009364
San Jon	35 07 09.892	103 20 01.827	2431 State Hwy 469	San Jon	NM	0005009363
Sedan	36 12 05.415	103 11 13.713	1634 Nara Visa Hwy	Sedan	NM	0005007590
Spade	33 55 40.319	102 09 16.718	2738 FM 168	Spade	TX	0004915855
Tokio	33 15 39.972	102 34 33.669	948 CR 121	Tokio	TX	0005007968
Tucumcari DT	35 09 37.910	103 44 18.342	1901 South 11th St	Tucumcari	NM	0005009362
Twelve Mile	33 23 03.215	104 43 32.184	6932 W. Second St.	Roswell	NM	0004604015
Wagon Wheel	35 00 43.10	105 49 59.70	20742 I-40	Wagon Wheel	NM	0004601565
Whiteface	33 35 54.326	102 36 33.406	102 Hays St	Whiteface	TX	0004915983
Yeso	34 26 44.080	104 33 45.541	15043 US Hwy 60	Yeso	NM	0005009360