

ALAMO IMPROVEMENT ASSOCIATION

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OCTOBER 9, 2019

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Room TW-B204
Washington, DC 20554

To: The Federal Communications Commission
Re: Petition by the Wireless Infrastructure (WIA) Docket Number 17-79
(To be added to Docket Number WT 19-250)

In the Matter of “Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment”, Petition by the Wireless Infrastructure Association (WIA) Docket Number 17-79.

The following represent the responsive comments of the Alamo Improvement Association (AIA) regarding the above referenced Petition and Docket Number 17-79

The Alamo Improvement Association (AIA) is a volunteer non-profit, community-based organization representing the 15,000 residents of the unincorporated community of Alamo in the San Ramon Valley of the County of Contra Costa, California. The preservation and enhancement of the beauty, diversity and heritage of this community is one of our core objectives and strategies. Originally settled by the Spanish and Mexican vaqueros of the late 18th and early 19th century, the San Ramon Valley was then and is today dominated by rolling oak grasslands, a sylvan range of mountains separating the coastal San Francisco Bay environs from the interior valleys. The natural character of the San Ramon Valley is in particular defined by the vertiginous Mount Diablo range to our east. This natural “skyline” is a precious resource.

While a suburban residential community has developed throughout in the San Ramon Valley during the past 75 years, the natural beauty of the area is maintained through extensive public and private open space, federal, state and regional parks, a dense urban tree canopy, large residential lots, the absence of residential and commercial buildings exceeding two stories and strong zoning controls. Accordingly it is the sense of the people here that any private development including the design, location and height of cell and telecommunication towers and appurtenances which impairs or impinges on this natural resource is a matter of vital and compelling concern to AIA and its constituents.

We have regularly and in due course reviewed and made recommendations to the County Board of Supervisors regarding the location, height, screening and appropriate mitigation necessary for such telecommunication service facilities. We have exercised our discretion reasonably and constructively. We have followed the regulations promulgated by you under the “Spectrum Act” (Act) and implemented by local laws and rules. In our experience, cell service providers have appreciated the input of our

community and have endeavored to meet all reasonable requests based on the standards of the Act. At no time has any telecommunications provider objected to or opposed the exercise of our limited discretion under the Act.

Not a single provider has ever argued that our review of an application for telecommunication facilities violated Section 6409 of the Act.

While we acknowledge that the Act does not allow local governments to prohibit or substantially impair the ability of telecommunication service providers to locate, develop and maintain necessary facilities, we remind the Commission that the Congress did not grant you the authority to preempt any and all local opinion, needs and considerations. The request of the Petitioner acting on behalf of the telecommunications industry is just that, an attempt to thoroughly and effectively disenfranchise the very people to whom they provide service and the voters who elect members of Congress from whom your very powers are derived. The Commission is an unelected administrative agency and its job is to carry out the will of Congress and by extension the will of the people...not the will of the telecommunications industry acting through the Petitioner. The allegation that some localities have perhaps exceeded their legal authority is no reason to restrict the rights of the overwhelming majority who comply with the law. One highway speeder does not warrant issuing citations to all highway drivers.

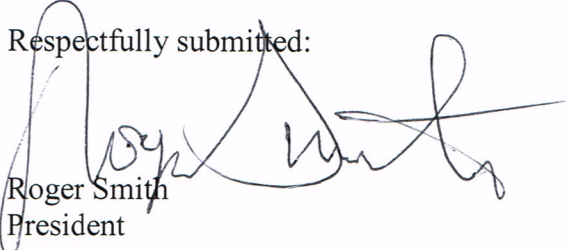
We ask the Commission to consider the conduct of the telecommunications industry before the denigration of local interests. This is a highly competitive business environment. These telecommunications services are in the manner of natural monopolies and each participant in this industry is attempting to occupy the field to the disadvantage of its competitor. At the turn of the 20th century, the electrification of our nation's cities was as compelling a technological advancement as the expansion of cell and data services is today. Before the creation of state regulated public utilities commissions and the creation of statutory monopolies every private electric company could string its wires on whatever poles and devices it could conjure. As a result the cities of 1900 looked like bowls of spaghetti with poles and wires everywhere. No one wants to return to those days but that is what the Petitioner asks for ...unfettered and uncontrolled rights to construct and install whatever equipment they desire with no opposition brooked by the citizens and residents.

Furthermore, we are living in a time of rapid technological change that breeds regular obsolescence. The cut throat competition between cell service providers and their zeal to provide "better" service and coverage has led to a maniacal land rush equivalent to the discovery of gold in 1849. California today bears the scars of that unfettered and unregulated quest for profit at the cost of the indigenous population, the clarity of our water and the beauty of our forests. We believe that the mob-like rush to build telecommunications towers, antennae, repeaters, boosters and transmitters and like facilities will be considered twenty years from now as stupid and mindless as the deforestation of the rainforests. Twenty years or perhaps as soon as five years from now the technology will change and the cell towers of today will be as obsolete as the automobile with an internal combustion engine will be.

Approval of the request of the telecommunications industry will be a betrayal of the public trust, a clear and present violation of the Act, and a classic example of regulatory capture of the Commission by the very industry it purports to regulate.

The AIA hereby adopts and incorporates herein as though fully set forth the comments of the League of California Cities, The National League of Cities, the US Conference of Mayors and the National Association of Counties and further, a local organization, East Bay Neighborhoods for Responsible Technology.

Respectfully submitted:



Roger Smith
President