

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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**FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY**

In the Matter of:)
)
Guidelines for Evaluating the)
Environmental Effects of)
Radiofrequency Radiation)

ET Dkt. No. 93-62

**COMMENTS
OF THE
UNITED STATES TELEPHONE ASSOCIATION**

The United States Telephone Association (USTA) respectfully submits these comments in the above-captioned proceeding. The Commission has proposed to amend and update the guidelines used for evaluating the environmental effects of radiofrequency (RF) radiation from Commission-regulated facilities. In its Notice of Proposed Rulemaking (NPRM), the Commission proposes to use the new standard for RF exposure recently adopted by the American National Standards Institute (ANSI) in association with the Institute of Electrical and Electronic Engineers, Inc. (IEEE). Specifically, the Commission proposes to replace the 1982 ANSI guidelines with the new 1992 ANSI/IEEE guidelines (ANSI/IEEE C95.1-1991 and C95.1-1992) for purposes of evaluating environmental significance for Commission-regulated facilities and devices.

Absent any adverse comments or findings filed by the expert health and safety agencies, USTA agrees with the Commission that these new guidelines appear to be more up-to-date with respect to scientifically-based criteria to be used in evaluating human exposure to RF radiation, and will ensure that Commission-regulated facilities and

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devices comply with the latest safety standards for RF radiation exposure.¹

One particular aspect of the NPRM, however, needs to be addressed. As it now stands, many of the Commission's application forms, e.g., Forms 401 and 494, contain a questionnaire on environmental impact as defined by Section 1.1307, 47 C.F.R. § 1.1307. If the applicant's answer with respect to impact is in the affirmative, that applicant is required to submit a supporting statement that conforms with Sections 1.1308 and 1.1311 of the Commission's Rules, 47 C.F.R. §§ 1.1308 and 1.1311. However, on some forms (though not all), there is an additional requirement that, if the answer is in the negative, the applicant has the duty to explain why it is negative. The Commission now believes that this showing should be required because a simple "No" answer is insufficient for it to judge whether there is or is not a significant environmental impact with respect to RF radiation exposure. The Commission requested comment on whether, and if so, to what extent substantiation is needed to support an applicant's "No" answer.²

Microwave, as defined by the Commission, is a type of radio frequency wave having a frequency between 890 MHz and 300 GHz³. The radio frequency spectrum accommodates many applications - including AM and FM radio broadcasting, television

¹ In a recently-released Report and Order, the Commission has already ruled that it is in the public interest to require licensees and equipment used in PCS systems to comply with the provisions of the new IEEE C95.1-1991 guidelines, pending completion of the instant docketed proceeding. See Amendment of the Commission's Rules to Establish New Personal Communications Services, Gen Docket No. 90-314, FCC 93-451, released October 22, 1993 at ¶ 191.

² NPRM at ¶ 27.

³ 47 C.F.R. § 22.2.

broadcasting, radar systems and various types of wireless communications systems. The radiated power normally used by the local exchange carriers to provide point-to-point and other radio communications services such as cellular, paging and wireless devices is extremely low compared with the radiated power used by radio and television broadcasters. For example, cellular phones and pagers generally have radiated power of a few hundred watts⁴; whereas, broadcast radio and television often have radiated power of many kilowatts.⁵

Because of the extremely low radiated power levels from carrier-provided communications devices, the amount of microwaves and other radio frequency fields that can cause harmful radiation effects to humans as well as to the environment is negligible. In other words, there are virtually no harmful effects generated from these carrier-provided radio systems and devices.

Under these circumstances, it does not make good sense to arbitrarily require carriers to perform costly radio hazard studies on a routine basis, or to collect data to verify a potential adverse impact that may never exist. The costs of the studies and the additional time in reviewing them will greatly burden Commission and carrier resources. Rather, USTA suggests that for low radiated power radio communications systems or devices, the presumption should be that their normal RF emissions do not generate

⁴ Cellular service stations can have a maximum effective radiated power of 500 watts (ERP) for base stations, 7 watts for mobile stations and 7 watts for auxiliary test stations. See 47 C.F.R. § 22.904. The measured frequency of a cellular phone will vary because of its engineering to make calls, and its signal strength will diminish with distance.

⁵ See generally 47 C.F.R. Part 73.

health or environmental hazards. Thus, an applicant should not have to file routinely any supporting environmental documentation unless the Commission makes a finding that the presumption should not be available in a particular instance. In that circumstance, the Commission should contact the applicant and request a showing, determined on a case-by-case basis. This targeted approach would be reasonable and simple to administer, and would be consistent with the procedures commonly used by many state and local government entities.

For the foregoing reasons, USTA respectfully requests that its proposal be adopted.

Respectfully submitted,

UNITED STATES TELEPHONE ASSOCIATION

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