

Ms. Maureen Neston
6517 Ravenna Av. NE
Seattle, WA 98115



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SECRETARY OF COMMUNICATION
RULE MAKING # 8577

FCC
1919 M STREET NW
WASHINGTON DC 20554



FEB. 17, 1995

TO: FCC SECRETARY OF COMMUNICATION

SUBJECT: PETITION BY COMMUNICATIONS INDUSTRY
TO PLACE CELLULAR PHONE ANTENNAS
- RULE MAKING # 8577 -

SIRS, I OBJECT TO THE GRANTING OF THE
PETITION BY THE CELLULAR INDUSTRY THAT WOULD
PRE-EMPT LOCAL REGULATION AFFECTING THE
PLACING OF THESE ANTENNAS.

No. of Copies rec'd 1
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YOURS TRULY,
M. WESTON

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FEB 22 1995

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DOUG FRECHTY
7515-181st Pl. S.W.
EDMONDS, WA 98026

Secretary of the Commission,
Rulemaking no. 8577,
Federal Communications Commission,
1919 M. St. N.W.,
Washington, DC 20554.

DOCKET FILE COPY ORIGINAL

February 6, 1995,

Dear sir,

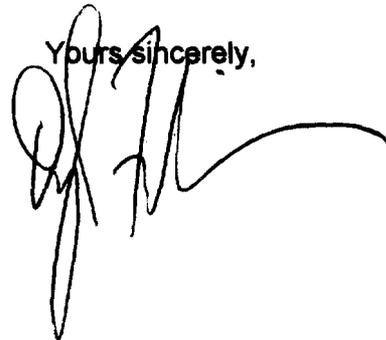
I recently saw announcement, Rm # 8577, rules 333 and 2 (b) 12-22-94, by the Cellular Telecommunications Industry Association (CTIA) asking that they be able to pre-empt state and local regulations in relation to building cellular phones towers being built in local neighborhoods.

Because cellular phones had their jurisdiction changed by Omnibus Budget Reconciliation Act of 1993, the CTIA now, it seems, believe they can now dispense with all local zoning laws in relation to building antennas.

Many studies have shown that microwaves put out by cellular phones can cause cancer. The most recent one was announced in November/December issue of Microwave News. I feel that the public needs to be properly informed of this danger before the CTIA is allowed to change zoning laws.

I feel that the request of the CTIA should be rejected, and I am asking you to do this. At the very least, an extended period should be allowed so that there can be an extended debate on this issue, so that the public can give its opinion.

Yours sincerely,



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SAGE

Associates

ENVIRONMENTAL CONSULTANTS

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February 16, 1995

Rule Making 8577
Federal Communications Commission
1919 M Street, NW
Washington, D.C.
20554

Attention: Secretary of the Commission and Mr. Michael Wack
Commission Advisory and Compliance Division

Subject: Comments on CTI Proposal to Pre-empt
State and Local Jurisdiction of Cellular Facility Siting

DOCKET FILE COPY ORIGINAL

Dear Mr. Wack:

Sage Associates has just received notice today of the proposed Rule Making 8577 which may affect the jurisdiction of state and local agencies with respect to siting of cellular telephone facilities. We understand that the FCC is receiving comments through February 17, 1995.

We are formally requesting an extension of time to receive information on this subject and to formulate and submit comments.

We are interested in participating in the discussion and wish to be placed on the service list to receive and submit comments. Please advise us of any further requirements to receive mailings and to provide ~~comments~~ comments.

Thank you for your consideration in this matter.

Very sincerely:

Cindy Sage
Sage Associates

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February 14, 1995

Secretary of the Commission
Federal Communications Commission
1919 "M" St. NW
Washington, DC 20554

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FEB 22 1995

Re: Rule Making Number 8577

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Dear Secretary:

We are writing to express our opposition to the proposal made in December 1994 by the Cellular Telecommunications Industry Association that a law be passed pre-empting all state and local laws regarding the placement of cellular communications towers.

As we understand it, such a law would give cellular communications companies the right to build towers in locations that, for example, have a building height limit, or restrict non-residential facilities. Such a law would pose a great threat to the quality of life and property values of single family residential neighborhoods. Thus, this proposal should be rejected.

We own a \$210,000 single family home in a very nice neighborhood. Currently, a cellular communications company is seeking our town's permission to build a 154 foot tower immediately adjacent to our neighborhood. The proposed tower site is 26 feet away from one home, 75 feet away from another, and 100 feet away from a couple other homes. The remainder of the homes are within a couple of hundred feet of the proposed site. Three of the homes, including our own, are on a hill, with lovely views to the north of the beautiful inland waters of Puget Sound. The tower, if constructed, will stand between us and our view. A certified real estate appraiser has examined our properties and homes, and informs us that such a tower in this location will decrease the market value and marketability of our home. It also, obviously, will decrease the quality of life we experience in our homes, and rob us of the amenity of the scenic view which was reflected in the prices we paid for our homes.

It is absurd that a private, for-profit business should be allowed to construct a tower in this particular site. The services provided by such businesses are not a public utility. The companies should not be granted special privileges regarding the location of their towers, especially when the towers are incompatible with the zoning purposes and threaten property value. As you know, cellular communications engineers have multiple options for locating transmission/receiving towers. Only those options should be exercised which protect single family neighborhoods and the most important investment made by millions of Americans - their homes.

I respectfully request that you turn down the request by the cellular industry to be allowed to pre-empt state and local laws (Rule Making Number 8577).

Sincerely,



Martha Bell-Hart and Peter Hart, Jr.
10415 228th St. SW
Edmonds, WA 98020 (tel: (206) 776-7897)

c: WA State Senator Jeanette Wood
US Senator Slade Gorton
US Senator Patty Murray
US Representative Rick White
President Bill Clinton
Vice-President Al Gore

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Boston City Council

Gareth R. Saunders
District 7
635-3510

February 17, 1995

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FCC MAIL ROOM

William F. Caton
Acting Secretary
Federal Communications Commission
Room 222
1919 M Street, NW
Washington, DC 20554

DOCKET FILE COPY ORIGINAL

RE: RM-8577

Dear Acting Secretary Caton:

The purpose of this letter is to voice my opposition to petition RM-8577 filed by the Environmental Energy Association. As I understand this issue, this is a petition to FCC to issue a Further Notice of Proposed Rulemaking in this proceeding and to adopt a rule preempting state and local regulation of the RF energy aspects of FCC-authorized antenna facilities, etc.

I have received numerous calls from constituents who are in strong opposition to this petition. If this petition is affirmed by the FCC, it will further exclude taxpayers from crucial decision making opportunities via their state and local elected officials. Ultimately this leaves the people most affected by this issue out of the equation.

Let me reiterate, I am opposed to this and any other rule making policy that preempts state and local government regulations and public input. I respectfully request that you deny petition RM-8577.

Thank you in advance for your cooperation.

Sincerely,

Gareth R. Saunders
Boston City Councillor

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RM 222

TEL:

Feb 17 95 16:02 No.008 P.01



Boston City Council

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FEB 22 1995

FCC MAIL ROOM

Gareth R. Saunders
District 7
635-3510

FAX SHEET

FAX Number (617) 723 - 1258

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DATE SENT: 2/17/95
TO: ~~W. F. ...~~ - Acting Secretary
COMPANY: FCC - Rm 222
NUMBER OF PAGES 2 (including cover sheet)

If transmission is illegible or incomplete, please call
(617) 635 - 3510 or 3536 immediately. (Lorraine)

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INSTRUCTIONS: _____





Boston City Council

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Gareth R. Saunders
District 7
635-3510

February 17, 1995

DOCKET FILE COPY ORIGINAL

William F. Caton
Acting Secretary
Federal Communications Commission
Room 222
1919 M Street, NW
Washington, DC 20554

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Let me reiterate, I am opposed to this and any other rule making policy that preempts state and local government regulations and public input. I respectfully request that you deny petition RM-8577.

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Sincerely,

Gareth R. Saunders

Gareth R. Saunders
Boston City Councillor

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FEB 29 1995
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February 15, 1995

Secretary FCC
Room 222
1919 M Street
Washington, DC 20544

DOCKET FILE COPY ORIGINAL

Dear Secretary FCC,

Ref. RM-8577

I would like to voice my opposition to this petition and to request to extend the period of time for comment on this issue.

I am concerned about the health issues that are still under investigation and about the proliferation of cellular towers throughout the United States countryside.

These towers will most definitely have an adverse affect on our property values.

Sincerely,



Robert Clausen
6 Fern Hill
Great Barrington, MA 01230

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0+4

February 17, 1995

Federal Communications Commission
1919 M Street, NW
Washington, D.C. 20554

Attn: Secretary of the Commission

RE: Rulemaking Petition No. 8577
Published in FCC Public Notice - January 18, 1995

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Dear Secretary:

I am writing this letter in response to the above Petition for Rulemaking (FCC No. 8577) filed by the Cellular Telecommunications Industry Association (CTIA) on December 22, 1994. I strongly oppose CTIA's petition to the Federal Communications Commission (FCC) to override state and local regulations dealing with microwave towers and the installation of antennas. The legal test for pre-emption cannot be met because states and localities are permitted to set reasonable regulations to protect the public safety and welfare of citizens, as allowed by the 10th Amendment of the United States, and State, Constitution. State regulations do not prevent building towers and installing antennas. States merely seek to regulate frequencies transmitted by, and the location of, antennas to protect the health, safety, and welfare of citizens.

Eliminating state and local regulation would lead to an increase in exposure to electromagnetic radiation (EMR). Because the scientific community has not reached a consensus on the effects of exposure to EMR, there is uncertainty with regard to how such increases will impact the health, safety, and welfare of citizens. In addition, each community will be impacted differently depending upon the number and geometric arrangement of the existing transmitting antennas. Therefore, because of the uncertainties concerning potential adverse health effects and the variation in EMR dosage as a function of the tower configurations in a given community, it is imperative that localities retain control over how or whether the existing EMR dosage is to be changed.

To date, no congressional action has been taken to pre-empt state and local regulations that are pertinent to this issue. Therefore, the FCC has no legal or legislative basis on which to challenge state and local regulatory procedures. My feeling is that it is inappropriate for the FCC to substitute its judgment on policies regarding antenna construction, when Congress has chosen to remain silent on this manner. Further, the FCC should allow reasonable regulation of tower and antenna construction to be handled by state and local governments.

I respectfully request that the FCC close this document on the basis that such regulation of microwave towers and antennas is a matter for state and local law and policy.

Thank you for your careful consideration of and attention to this response.

Respectively,

A handwritten signature in black ink, appearing to read "Irwin Silverstein". The signature is fluid and cursive, with the first name "Irwin" being more prominent.

Irwin Silverstein, Ph.D., P.E.
44 Reservoir Avenue
Needham, MA 02194

cc: Senator Edward Kennedy
Senator John Kerry
Representative Joseph Moakley
State Representative Lyda Harkins
State Senator Cheryl Jacques
Needham Board of Selectmen

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February 15, 1995

Secretary of the Commission
Rulemaking No. 8577
Federal Commun. Commission
1919 M Street N.W.
Washington D.C. 20554

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Subject: Objection to RM # 8577 Sec. 333 and 2(b), Cellular Telecommunications Industry Associations request to preempt state and local regulation for tower siting.

We strongly object to Rulemaking # 8577 Rules Sec. 2(b), Petitioner: Cellular Telecommunications Industry Associations, which requests "amendment of Commission's Rules to Preempt State and Local Regulation of Tower Siting for commercial Mobile Services and Providers."

Siting of cellular towers should be a local decision, decided by the people using the service and those affected by the emissions from the tower, whose homes are in the vicinity of such towers.

We also object to the lack of public exposure, knowledge of this petition. It is not in the best interest of neighbors of towers to be left in the dark as more of our rights are taken away from us. We need to be informed about all issues that can affect our health and the health of our pets in regard to the potential exposure of the harmful emissions coming from such towers.

Sincerely,

Cecelia Ranieri
Nick S. Ranieri
Nick S. Ranieri
Cecelia Ranieri

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2011 East 8th #2
Pine Bluff, Ar. 71601
February 18, 1995

February , 1995

Att: Secretary of the Commission
Federal Communications Commission
1919 M Street, NW
Washington, DC 20554

FEB 22 1995

DOCKET FILE COPY ORIGINAL

RESPONSE TO: RULEMAKING PETITION NO. 8577
Published in FCC Public Notice - January 18, 1995

Dear Secretary:

We write this letter in response to the above Petition for Rulemaking (FCC No. 8577) filed by the Cellular Telecommunications Industry Association (CTIA) on December 22, 1994. We strongly oppose CTIA's petition to the Federal Communications Commission to override state and local regulations dealing with microwave towers and the installation of antennas. The legal test for pre-emption cannot be met because states and localities are permitted to set reasonable regulations to protect the public safety and welfare of citizens, as allowed by the 10th Amendment of the United States, and State, Constitution. State regulations do not prevent building towers and installing antennas. States merely seek to regulate frequencies transmitted by, and the location of, antennas to protect the health, safety, and welfare of citizens.

Eliminating state and local regulation would impair the health, safety, and welfare of citizens exposed to antenna radiation which poisons the body and environment. No congressional action has been taken to pre-empt state and local regulations in this very important health and safety area. Therefore, FCC has no legal or legislative basis on which to challenge state and local regulatory procedures in this matter. As a federal agency, FCC has no grounds for challenging a state or local law without existence of legislation enacted by Congress.

It is inappropriate for FCC to substitute its judgment on policies regarding antenna construction, when Congress has chosen to remain silent on this matter and allow reasonable regulation of tower and antenna construction by state and local governments.

There is no justification for FCC to conduct rulemaking and threaten our harmonious, and constitutional, system of reasonable zoning regulation.

We respectfully request that FCC close this document on the basis that this is a matter of state and local law and policy. It is inappropriate for FCC to eliminate carefully crafted state and local regulations of this sort when no rational, federal policy addresses this matter.

Thank you for your careful consideration of and attention to this response.

Respectfully,

Vicky Louise Taylor

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February 14, 1995

Secretary of the Commission
Federal Communications Commission
1919 "M" St. NW
Washington, DC 20554

Re: Rule Making Number 8577

Dear Secretary:

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As we understand it, such a law would give cellular communications companies the right to build towers in locations that, for example, have a building height limit, or restrict non-residential facilities. Such a law would pose a great threat to the quality of life and property values of single family residential neighborhoods. Thus, this proposal should be rejected.

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It is absurd that a private, for-profit business should be allowed to construct a tower in this particular site. The services provided by such businesses are not a public utility. The companies should not be granted special privileges regarding the location of their towers, especially when the towers are incompatible with the zoning purposes and threaten property value. As you know, cellular communications engineers have multiple options for locating transmission/receiving towers. Only those options should be exercised which protect single family neighborhoods and the most important investment made by millions of Americans - their homes.

I respectfully request that you turn down the request by the cellular industry to be allowed to pre-empt state and local laws (Rule Making Number 8577).

Sincerely,

Martha Bell-Hart and Peter Hart, Jr.
10415 228th St. SW
Edmonds, WA 98020 (tel: (206) 776-7897)

- c: WA State Senator Jeanette Wood
- US Senator Slade Gorton
- US Senator Patty Murray
- US Representative Rick White
- President Bill Clinton
- Vice-President Al Gore

Please accept our comments, although received after the deadline of 2/18, for Rule Making No 8577. Thank you.

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