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**Ravenna-Bryant Community Association**

6535 Ravenna Avenue Northeast  
Seattle, Washington 98115

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FEB 21 1995

FCC MAIL ROOM

February 15, 1995

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

Re: Opposition to Rulemaking No. 8577 - Preemption of State  
and Local Laws.

Dear Secretary:

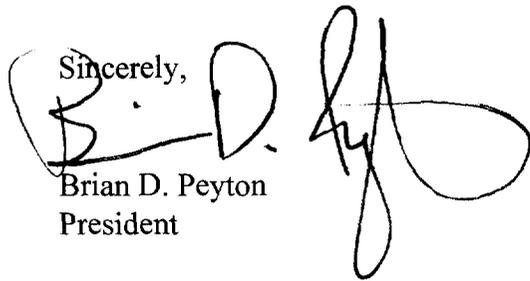
I write on behalf of Ravenna-Bryant Community Association (RBCA) in opposition to Rulemaking petition No. 8577 filed by the Cellular Telecommunications Industry Association (CTIA). We strongly oppose this petition to the FCC to preempt state and local regulations governing the siting of towers and antennas. The petition is nothing more than CTIA's effort to enlist the FCC in overriding important protections to the health, safety and welfare of communities all over the country.

The petition does not establish adequate grounds for preemption of state and local regulations. No Congressional action has expressly authorized the preemption of state and local laws and regulation in this very important area affecting the public health and safety. Thus, the FCC has no legal basis to challenge and/or preempt state and local laws.

Moreover, the U.S. Constitution and basic principles of federalism permit the states to set reasonable regulations to protect the health, safety and welfare of their citizens. The petition flies in the face of these principles. The state and local regulations do not prevent the building of antennas or other equipment. They merely regulate placement of these facilities to protect the public from the increasingly well documented illnesses and health problems that these antennas can cause.

The FCC has no legal basis to interfere in this proper exercise of local police power. The Rulemaking Petition No. 8577 must be denied.

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Sincerely,  
  
Brian D. Peyton  
President

cc: Hon. Slade Gorton  
U.S. Senate

Hon. Patty Murray  
U.S. Senate

Hon. Jim McDermott  
U.S. House of Representatives

These 2 pages also sent to:

Secretary of the Federal Communication Commission  
Senator Edward Kennedy  
Mayor Concannon of Newton  
Congressman Barney Frank  
State Senator Lois Pines

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This letter is in response to Rulemaking Petition No. 8577 filed by the Cellular Telecommunications Industry Association (CTIA) on December 22, 1984. Speaking for myself and the many other sufferers of the extremely debilitating neuropathy, Electrical Hypersensitivity, we are strongly opposed to CTIA's petition to the FCC to **override state and local regulations** dealing with microwave towers and the installation of antennas. The CTIA is attempting to override the 10th amendment of the United States, and the State, Constitution.

Lawmakers have got to be made to realize how devastating the pain and suffering becomes when brought to bear upon citizens who live near these microwave towers and antennas. This is not to mention the many people who are well, but become afflicted by unregulated electromagnetic radiation on their bodies.

There is not justification for the FCC to control rulemaking and threaten the health, safety and welfare of citizens by prohibiting **reasonable** regulations brought on by state and local officials.

Thank you for your consideration and attention to our plea.

Respectfully,



Jerry Davis

693 Beacon Street  
Newton Centre, MA 02159  
Phone/Fax (617)332-5233

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693 Beacon Street  
Newton Centre, MA 02159

February<sup>15</sup>, 1995

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

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FCC MAIL ROOM

**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.

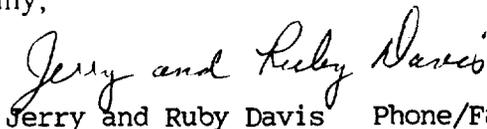
It is inappropriate for FCC to substitute its judgment on policies regarding antenna construction, when Congress has chosen to remain silent on this matter and allow reasonable regulation of tower and antenna construction by state and local governments.

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

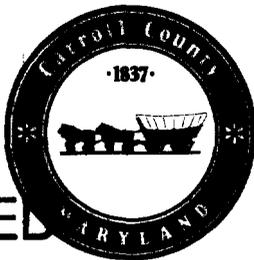
We respectfully request that FCC close this document on the basis that this is a matter of state and local law and policy. It is inappropriate for FCC to eliminate carefully crafted state and local regulations of this sort when no rational, federal policy addresses this matter.

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

Respectfully,

  
Jerry and Ruby Davis Phone/Fax (617)332-5233

CARROLL COUNTY MARYLAND  
225 N. Center Street  
Westminster, Maryland 21157-5194  
Westminster 410-857-2044  
Baltimore 410-876-2085  
FAX 410-848-0003  
TT 410-848-3017



Board of Commissioners  
Richard T. Yates, President  
W. Benjamin Brown, Vice President  
Donald I. Dell, Secretary

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February 17, 1995

COMM ROOM

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

Re: In the Matter of Amendment of the Commission's Rules to  
Preempt State and Local Regulation of Tower Siting for Commercial  
Mobile Services and Providers (RM-8577)  
Our File No. 1854

Gentlemen:

Carroll County, Maryland hereby responds to the Commission's Public Notice of January 18, 1995 (Report No. 2052) inviting comment on the petition for rulemaking of the Cellular Telecommunications Industry Association ("CTIA") in the above-captioned proceeding.

Authority to enact zoning and building codes is an essential component of a local jurisdiction's power to protect the public health, safety, and welfare of a community. Because encouragement of the most appropriate use of land is the principal object of zoning, which use depends on physical, economic and social conditions in the community as well as the nature of the larger region in which the local jurisdiction is located, zoning authority has historically been and is rightfully delegated to local governments.

Through Carroll County's zoning ordinance, we are able to provide for public safety, protect property values, ensure stability and preservation of the character of neighborhoods, and provide for orderly development of communities. The Federal Communications Commission, a federal agency remote in space and subject matter expertise from local jurisdictions, is not capable of adequately performing these critical functions, although it would effectively be doing so if the proposed preemption rules were adopted.

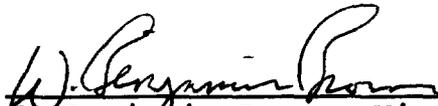
Local radio tower site regulations ensure that local interests are incorporated into and balanced with the interests of commercial mobile radio service carriers. Section 332 of Title 47 of the United States Code expressly removes from states and local jurisdictions regulatory authority over radio matters concerning entry and rates. Matters other than entry and rates are explicitly

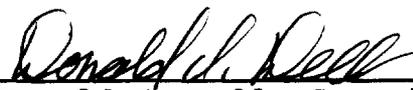
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Federal Communications Commission  
February 17, 1995  
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reserved to the states. Only overwhelming evidence that the states and local jurisdictions are unreasonably obstructing construction of the commercial mobile radio service infrastructure by their zoning and building code actions could justify additional preemption regulation. We do not believe this is the case in Carroll County, Maryland and feel that all of our zoning actions with respect to mobile carriers have been reasonable and justified.

  
Richard T. Yates, President

  
W. Benjamin Brown, Vice-President

  
Donald I. Dell, Secretary

c.c.: Philip L. Verveer  
Jennifer A. Donaldson  
Willkie Farr & Gallagher  
Three Lafayette Center  
1155 21st Street, N.W.  
Suite 600  
Washington, D.C. 20036-3384

Michael F. Altschul  
Vice-President, General Counsel  
Cellular Telecommunications Industry Association  
1250 Connecticut Avenue, N.W.  
Suite 200  
Washington, D.C. 20036

Westgate Residents for the  
Preservation of their Neighborhood  
22222 96th W  
Edmonds, WA 98020  
February 8, 1995

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Secretary of the Commission  
Rulemaking No. 8577  
FCC  
1919 M Street, N.W.  
Wash DC 20554

Dear Secretary:

We, the undersigned, strongly object to the petition from CTI in Rulemaking #8577. The Federal Government has absolutely no business meddling in state and local zoning and other regulation concerning tower siting. It is a local matter. If personal communication companies want to construct towers, it is their obligation to do so in a way acceptable to the community they wish to serve. It is our right as citizens in that community to expect that we can control our own land use destiny without the Federal Government telling us it knows better than we do what is in our community's best interest.

Please swiftly deny this request. It is the only responsible course of action you can take.

Sincerely,

*Carol E. & Aud Denny*

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3710 S STREET, N.W.  
WASHINGTON, D.C. 20007  
202-338-5164

*Federation of Citizens Associations  
of the District of Columbia*

ORGANIZED MARCH 5, 1910 □ INCORPORATED JUNE 3, 1940

February 13, 1995

SECRETARY OF THE COMMISSION  
RULEMAKING NO. 8577  
FEDERAL COMMUNICATIONS COMMISSION  
1919 M STREET, N.W.  
WASHINGTON, D.C. 20554

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Dear Commission Secretary:

At its February 9, 1995 Assembly meeting, the Federation of Citizens Associations of the District of Columbia by resolution instructed me to communicate its views on proposed Rulemaking No. 8577 to the Federal Communications Commission (FCC).

In substance, the Federation raises the question of prudence for the FCC to adopt a preemption rule at this juncture when the Congress is reviewing the relations between Federal and State and local governments. I cite, as obvious examples, the issue of unfunded mandates and proposed changes in the Crime Bill giving local authorities more flexibility and discretion in using federal funds.

The Federation, consisting of forty member associations throughout the District of Columbia, has a long-standing interest in telecommunications matters. Located in Washington, D.C., it is currently deeply involved in three matters which occasioned the introduction and passage of this resolution on Rulemaking No. 8577.

The first concerns the large numbers of high-powered transmitters, including Federal (White House, State Department, CIA, NSA, etc.), foreign embassies, and commercial telephone, television, radio and other facilities, many operating in Washington with highly varying power emissions and none monitored regularly.

The second concerns the inefficient interrelationships of the various governmental bureaucratic groups seeking to regulate, or to exempt, many of these facilities from normal standards. For example under the Home Rule Act governing the District of Columbia (D.C.) the D. C. Council exempted the entire Central Employment Area from any

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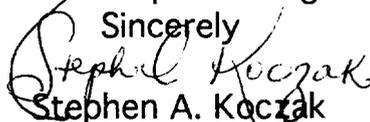
and every environmental impact study, including radioactive transmissions. This exemption appeared to be unknown to the National Capital Planning Commission (NCPC) which therefore had failed to budget any funds to undertake a study of the consequent environmental hazards. The NCPC belatedly hired some staff to consider this issue only after our Federation, just within the last year, complained to the NCPC for neglecting its duties to protect Federal officials, including the President, his Cabinet, Members of Congress and the civilian and military bureaucracy housed here, from exposure to possible, if intermittent, excessive radiation.

The third is the expected imminent collapse of any regular governmental operations in the District. The Mayor is already threatening to withdraw normal police support in Ward 2 (in which the White House and major Federal departments are located ) and Ward 6 (which includes the Capitol and the Congressional offices of the United States). The D.C. deficit exceeds \$750,000,000, its billion dollar bond debt has been reduced to a rating just above "junk bonds" and it expects to be out of cash by mid-May of this year.

Our delegates have read carefully the proposals by the Cellular Telecommunication Industry Association and the Electromagnetic Energy Association. We appreciate the concerns of these groups, especially since they have bid such high prices at the auctions conducted by the FCC. However, they were aware of the factual situation confronting them during all this time and nothing has happened in the interval which requires the FCC, now immediately and without awaiting Congressional study, to rush to preempt possible or hypothetical acts by State or local governments.

We fear that a precipitant action taken by the FCC will produce only more turmoil both in the courts and in the halls of Congress and the state legislatures. For this reason, we urge the FCC to delay taking any action until after the Congressional "One Hundred Days" have elapsed. By our calculations, that should be sometime in mid-May, 1995. We therefore petition that the FCC postpone its hearings until July 1, 1995. and we seek a continuance until that date so as to provide a more technical and more precise legal analysis to the FCC.

Sincerely

A handwritten signature in cursive script that reads "Stephen A. Koczak". The signature is written in dark ink and is positioned above the printed name.

Stephen A. Koczak

cc: Senators Bob Packwood and Ernest F. Hollings  
Representatives Jack Fields and Edward J. Markey