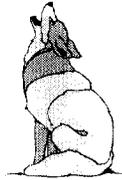


Michael Worsham
1916 Cosner Road
Forest Hill, MD 21050
(W) 410-612-7076 (H) 410-692-2749



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October 7, 1997

Before the
FEDERAL COMMUNICATIONS COMMISSION

In the Matter of

Procedures for Reviewing Requests) WT Docket
for Relief From State and Local) No. 97-197
Regulations Pursuant to Section)
332(c)(7)(B)(v) of the Commun-)
ications Act of 1934)

97-197

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COMMENTS

I oppose the FCC's proposal to further limit the rights of states, local governments, and me to protect my health from microwave radiation. I request the FCC to address the following:

1. I believe the FCC does not have legal authority to regulate in the area of human health and any attempt to do so is outside the scope of the FCC's statutory authority. I request that the FCC explain the basis of its belief that it has authority to regulate in the area of human health. An FCC FAQ has stated that the FCC "is not an expert on matters pertaining to health and safety."
2. The FCC has not done an Environmental Impact Statement (EIS), or even an Environmental Assessment, for its program of issuing and/or selling license in the microwave frequency to cellular and wireless providers, as required by the National Environmental Policy Act of 1969. Please explain why the FCC has not prepared and EIS for its federal action - issuing licenses which create and establish a microwave radiation network that covers essentially the entire United States - which so obviously has a large impact on the environment and public health.
3. FCC action and rulemaking in the area of human health is not authorized by the 1996 Telecommunications Act, which at most provides FCC statutory authority in the area of environmental regulations, and even then, only FCC environmental regulations. The FCC is not an environmental agency and has not issued any environmental regulations or developed any with the EPA, and the FCC has not done an EIS which is required before promulgating any environmental regulations regarding microwave radiation.
4. The FCC's actions and attempts to remove the power of citizens through their states or local governments to protect their health are unconstitutional with respect to the 5th, 10th, and 14th Amendments to the U.S. Constitution. Please explain how the FCC can regulate human health regarding cellular phone towers and limit citizens from restricting microwave radiation without denying American citizens their Constitutionally protected rights to life, liberty and property.

Michael Worsham

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