



Federal Communications Commission
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

The Honorable Christopher J. Dodd
United States Senate
444 Russell Senate Office Building
Washington, D.C. 20510

Dear Senator Dodd:

Thank you for your letter dated January 13, 1998, on behalf of your constituents Mario D. Zavarella, Town Planner, and Jeffrey G. Roller, Assistant Planner, Windsor, Connecticut, concerning the placement and construction of facilities for the provision of personal wireless services and radio and television broadcast services in their communities. Your constituents' letter refers to issues being considered in three proceedings that are pending before the Commission. In MM Docket No. 97-182, the Commission has sought comment on a Petition for Further Notice of Proposed Rule Making filed by the National Association of Broadcasters and the Association for Maximum Service Television. In this proceeding, the petitioners ask the Commission to adopt a rule limiting the exercise of State and local zoning authority with respect to broadcast transmission facilities in order to facilitate the rapid build-out of digital television facilities, as required by the Commission's rules to fulfill Congress' mandate. In WT Docket No. 97-192, the Commission has sought comment on proposed procedures for reviewing requests for relief from State and local regulations that are alleged to impermissibly regulate the siting of personal wireless service facilities based on the environmental effects of radio frequency emissions, and related matters. Finally, in DA 96-2140 and FCC 97-264, the Commission twice sought comment on a Petition for Declaratory Ruling filed by the Cellular Telecommunications Industry Association seeking relief from certain State and local moratoria that have been imposed on the siting of commercial mobile radio service facilities.

Because all of these proceedings are still pending, we cannot comment on the merits of the issues at this time. However, I can assure you that the Commission is committed to providing a full opportunity for all interested parties to participate. The Commission has formally sought public comment in all three proceedings and, as a result, has received numerous comments from State and local governments, service providers, and the public at large. Your letter, your constituents' letter, and this response will be placed in the record of all three proceedings and will be given full consideration.

At the same time, the Commission is actively pursuing initiatives that we hope will render any Commission action limiting State and local authority unnecessary. Commission staff, working with the Commission's Local and State Government Advisory Committee, is bringing together representatives of industry and municipal governments to discuss mutually acceptable solutions to the challenges posed by facilities siting. Chairman Kennard has stated that preemption of local zoning authority should be a remedy of last resort, and that the Commission should not consider preemption until the possibilities for constructive dialogue have been exhausted.

Further information regarding the Commission's policies toward personal wireless service facilities siting, including many of the comments in the two proceedings involving personal wireless service facilities, is available on the Commission's internet site at <http://www.fcc.gov/wtb/siting>.

Thank you for your inquiry.

Sincerely,



SW Steven E. Weingarten
Chief, Commercial Wireless Division
Wireless Telecommunications Bureau

cc: CWD

Dockets (2)

John Conwell

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CHRISTOPHER J. DODD
CONNECTICUT

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URBAN AFFAIRS

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United States Senate

WASHINGTON, DC 20510-0702

January 13, 1998

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*WTB
9/1/82
WTB*

Ms. Karen Kornbluh
Director
Office of Intergovernmental Affairs
Federal Communications Commission
1919 M Street, N.W., Room 808
Washington, D.C. 20554

Dear Ms. Kornbluh:

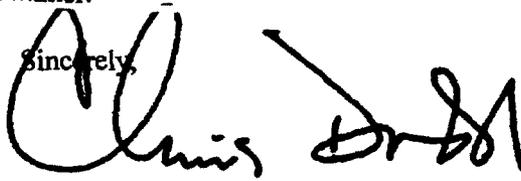
ENCLOSURE FROM: Mr. Mario Zavarella
Mr. Jeffrey Roller
Town Hall, Windsor Connecticut

RE: Preemption of local zoning of television, radio, and cellular towers.

The attached correspondence is being forwarded to your office for appropriate action.

An early reply in duplicate would be appreciated (to the attention of Kristen Anderson).

We appreciate your help in this matter.

Sincerely,


CHRISTOPHER J. DODD
United States Senator

CJD:ml
Enclosure

PLEASE DIRECT REPLY TO: THE HONORABLE CHRISTOPHER J. DODD
UNITED STATES SENATE
WASHINGTON, D.C. 20510



v/s

97 NOV 19 PM 2:26

Senator Christopher J. Dodd
100 Great Meadow Road
Wethersfield, CT 06109

November 18, 1997

Dear Senator Dodd:

We are writing you to urge your opposition to the Federal Communications Commission (FCC) in its attempts to preempt local zoning of cellular, radio and TV towers. Both Congress and the courts have long recognized that zoning is a peculiarly local function. However, to proposal for Declaratory Ruling of the Cellular Telecommunications Industry Association would make the FCC the "Federal Zoning Commission" for all cellular telephone and broadcast towers.

Our long experience as Staff members of the Town of Windsor indicates that agencies other than those of the municipality in charge of tower location have little regard for local concerns and for the potentially devastating impacts of these towers. We are concerned about preserving the quality of life in our residential neighborhoods and historical areas and in preserving our recreational areas and vistas. The impacts of these towers on such areas can best be mitigated and become more easily acceptable through the application of locally derived and applied zoning regulations within the current limitations of the Telecommunications Act of 1996. Reasonably applied, local zoning control can also provide for the needed communication services. If a municipality is not reasonable in the application of their zoning authority, we believe that the existing requirements of the Telecommunications Act of 1996 provides ample and swift legal remedies.

We urge you to oppose this or any other proposal by the FCC which undermines local zoning authority relative to communication towers. Thank you for your consideration of this matter.

Very truly yours,

Mario D. Zavarella
Mario D. Zavarella
Town Planner

Jeffrey G. Roller
Jeffrey G. Roller
Assistant Planner

