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KattenMuchinRosenman LLP

1025 Thomas Jefferson St., NW  
East Lobby, Suite 700  
Washington, DC 20007-5201  
202.625.3500 tel  
202.298.7570 fax

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August 11, 2005

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VIA ELECTRONIC COMMENT FILING SYSTEM

Federal Communications Commission  
Office of Secretary

Marlene H. Dortch, Esq.  
Secretary  
Federal Communications Commission  
445 Twelfth Street, S.W.  
Washington, DC 20554

LEE W. SHUBERT  
SPECIAL COUNSEL  
(202) 625-3695  
  
E-mail Address  
lee.shubert@kattenlaw.com  
Direct Fax Number  
(202) 295-1122

Re: Notice of Ex Parte Presentation re ET Docket No. 03-137

Client No. 334655-00001

Dear Ms. Dortch:

On August 2, 2005, on behalf of TOWERSWITCH, LLC ("*Towerswitch*"), Michael Millard and Gary Minker of Towerswitch, and Lee W. Shubert of KATTEN MUCHIN ROSENMAN LLP, met with Robert F. Cleveland and Edwin Mantiply to discuss issues pertaining to the above-referenced proceeding involving the Notice of Proposed Rule Making concerning Proposed Changes in the Commission's Rules Regarding Human Exposure to Radiofrequency Electromagnetic Fields ("*NPRM*"). In particular, the discussion focused upon Paragraph 38 of the NPRM and the language that exposed individuals "... receive written and verbal information ...." Towerswitch urged that the term "verbal" be changed to "aural."

The focus of the recommendation for the language change is that frequently transmitter sites are accessed by workers or members of the public who are unfamiliar with the problems and risks inherent in RF exposure. Messrs. Millard and Minker explained that a reasonable and cost effective solution to that problem is to provide for on-site, succinct, aural messages delivered at the time an RF facility is accessed or approached. The aural message(s) may be dispensed by a simple, solar-powered, multiple message record-playback device that is actuated by any variety of perimeter triggers, including motion sensors, pressure switches, door/gate sensors, or a push-button activator. Such a device is capable, in a short period of time, of communicating much more information than signage, and has the capability of disseminating multilingual information, thereby overcoming literacy or language barriers. Moreover, technology permits aural messages to be tailored to specific conditions, facilities or a site, and to be easily and readily modified or updated, depending on circumstances. In less than three minutes, a visitor – whether an invitee or trespasser – may be specifically enlightened concerning radiation exposure hazards, safety requirements, compliance obligations, or location, contact or emergency information.

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Marlene H. Dortch, Esq.  
August 11, 2005  
Page 2

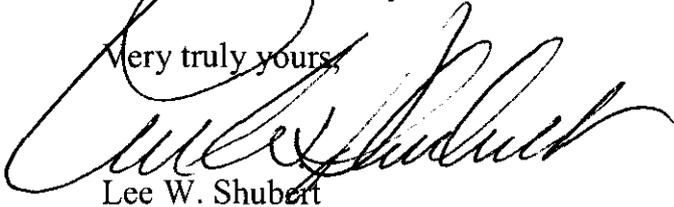
During the course of the meeting, Messrs. Millard and Minker demonstrated the Collo-Com – Solar Datalogger™ which is a device designed for audio safety messaging, and that suitably would serve to edify the general population or occupational personnel of hazards inherent in potentially high RF locations, including how to avoid or minimize the perils.

In consideration of the versatility of on-site aural messaging devices, Towerswitch appeals to the Commission to consider modification of the language of the new rules respecting human exposure to RF to substitute the term “aural” (connoting communication via hearing, using both words and sounds) in lieu of the term “verbal” (connoting only the use of words), and that it consider commercially reasonable obligations for on-site, multi-lingual, aural signaling to apprise the public – whether invitees, trespassers, the masses or occupational personnel – of the particularized RF hazards of any RF site. Suggested language for Note 1, to Table 1, of Section 1.1310 is appended hereto as **Attachment 1**.

In accordance with Section 1.1206 of the Commission’s rules, 47 C.F.R. § 1.1206, kindly associated this correspondence with ET Docket No. 03-137.

Further, should additional information be desired in connection with this matter, kindly communicate directly with this office.

Very truly yours,



Lee W. Shubert

cc: Robert F. Cleveland, Ph.D. – *Via e-mail*  
Mr. Edwin Mantiply – *ditto*  
Mr. Michael Millard – *ditto*  
Mr. Gary Minker – *ditto*

LWS/dml

[Suggested Language for § 1.1310, Note 1 to Table 1, Annotated.<sup>1/</sup>]

NOTE 1 to TABLE 1: The occupational/controlled limits of Table 1 apply in situations in which persons are exposed as a consequence of their employment provided those persons are fully aware of the potential for exposure and can exercise control over their exposure. Limits for occupational/controlled exposure also apply in situations when an individual is transient through a location where occupational/controlled limits apply provided he or she is made aware of the potential for exposure. The phrase *fully aware* in the context of applying these exposure limits means that an exposed individual has received written and ~~verbal~~ aural information concerning the potential for RF exposure. With the exception of *transient* individuals as specified above, it also means that an exposed individual has received comprehensive training regarding appropriate work practices relating to controlling or mitigating his or her exposure. Such training is not required for *transient* individuals, but they must receive written ~~or verbal~~ and aural information and notification (for example, warning signs and multiple message record-playback (or similar) devices) concerning their exposure potential and appropriate means available to mitigate their exposure. The phrase *exercise control* means that an exposed individual is allowed to reduce or avoid exposure by administrative or engineering work practices, such as use of personal protective equipment or time-averaging of exposure.

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<sup>1/</sup>Language recommended for deletion is stricken through; new language is denoted by double underscoring.