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FCC Mail Room

9 September 2008

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street SW
Washington DC 20554

Re: DOCKET NO. 08-165

PUBLIC COMMENT ON PETITION BY CTIA - THE WIRELESS ASSOCIATION FOR DECLARATORY RULING TO CLARIFY PROVISIONS OF SECTION 332 (C)(7)(B) TO ENSURE TIMELY SITING REVIEW AND TO PREEMPT UNDER SECTION 253 STATE AND LOCAL ORDINANCES THAT CLASSIFY ALL WIRELESS SITING PROPOSALS AS REQUIRING VARIANCE

September 15, 2008: Comment Due Date
September 30, 2008: Reply Due Date
August 22, 2008: Motion Filed by Montgomery County MD et al to extend the above deadlines

Dear Ms. Dortch,
As a citizen and voter in the United States, I would like to give my opinion of the petition by CTIA to pre-empt citizen input into the siting and placement of radiofrequency-emitting antennae and towers.

To begin, **CTIA's petition runs squarely in the face of fundamental American rights.** While local siting ordinances and state laws might be experienced as slow and cumbersome by wireless companies during the application process, they serve to uphold fundamental American rights: the right to self-governance, property rights, and the right to protect our health and environment.

These basic democratic rights need to be held higher than the goal of any single industry, in this case the CTIA's need to streamline procedures to more conveniently deploy a seamless network of wireless communications.

Secondly, there is the question of **Property Rights.** One purpose of local ordinances is to protect citizens' property values by keeping towers and antennae out of view and out of residential areas.

Protecting property rights is a valid reason for having local ordinances, with deep roots in our democracy, and one which few wireless customers would be willing to give up for more wireless options if given the opportunity to understand the trade-off.

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Pre-empting local ordinances and state laws may result in efficiencies and cost-savings from CTIA's point of view, but will lead to costs to private property owners. Without overlay districts, setbacks, or height restrictions, wireless companies will be able to approach private individuals, including our neighbors, to site antennas on their property - without restriction. Given that these companies provide a sizeable reimbursement in exchange for antenna space, many people will not be in a position to reject their offers. It goes without saying that property valuations will drop near such installations, and neighbor-to-neighbor acrimony will rise.

Third, I support citizen **Right to Protect Our Health and Environment.** While the 1996 Telecom Act (Section 704) prohibits any reference to the health effects of electromagnetic radiation from wireless facilities, there is an extensive body of medical evidence pointing to the potential dangers of wireless technology, including proximity to antennae on towers and exposure to cell phones and Wi Fi. Please refer to:

- The Bioinitiative Report, 2007http://www.bioinitiative.org/report/index.htm (2000 peer-reviewed, published worldwide studies; See especially "Section 17: Key Scientific Evidence")
- Cindy Sage on the Bioinitiative Report http://www.youtube.com/watch?v=7tZDor-_co0
- Dr. George Carlo, "Dangers of the Wireless Cell Phone, WiFi, and EMF Age" http://www.youtube.com/watch?v=tjfBPl0anOo&feature=related http://www.youtube.com/watch?v=9Gb_KUwM-C4&feature=related

Although cell phone companies often state that there is no conclusive scientific evidence that cell phones and wireless technology are dangerous, it is equally valid to say that there is no conclusive scientific evidence that wireless technology is safe.

What is left out when the discussion is framed in this way is that if public health policy were created when scientific evidence were conclusive, it would be too late to prevent harm. Good public health policy is generally created when there's a preponderance of early warning signs. According to the Bioinitiative Report, there is now more early evidence of the potential dangers of exposure to wireless technology than we had for second-hand smoke when legislation was passed to ban smoking in public places. Other countries are already taking precautions. For instance, some libraries in Europe, including the National Library of France, have banned WiFi to protect their librarians and patrons.

In the absence of protective safety standards, local ordinances and state laws on wireless siting can serve to protect the public's health, even though the Telecom Act's Section 704 prohibits citizens from using such arguments to regulate wireless facilities.

The fact is that the same setbacks and overlay districts that help to protect private property also help to protect public health by creating distance between antennae and schools and residences and clustering antennae within designated areas, which allows places outside these areas to be free of exposure.

Given the body of scientific evidence on the hazards of exposure microwave radiation, it's absolutely imperative to retain our local ordinances on antenna siting. Not to do so would be paramount to deliberate abandonment of public health.

Here in Chimayó we so enjoyed - and felt grateful for -- the visit the FCC paid on us last spring. I hope now that the FCC will make a clear distinction between its mission to "to be an agent of positive change, striving for continuous improvement in FCC's management and program operations" and the inclination to be an agent of support for the industry it has been appointed to regulate.

Sincerely,

Chellis Glendinning

Chellis Glendinning, Ph.D.
Box 130
Chimayó NM 87522

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TOWN OF
GRAND LAKE

September 4, 2008

Office of the Secretary
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Received & Inspected

SEP 15 2008

FCC Mail Room

RE: WT Docket No. 08-165

To Whom It May Concern:

I am writing to express the concerns that the Town of Grand Lake, Colorado, has with the recent petition that was filed by CTIA to the Federal Communications Commission. It is the Town's understanding that this petition asks that the FCC adjust Section 332(c)(7)(B)(v) of the Communications Act of 1934 to clarify the time period in which a state or local zoning authority will be deemed to have failed to act on a wireless facility siting application; this time period has been determined to be between 45 and 75 days. The CTIA goes further to petition that the FCC modify Section 332(c)(7)(B)(ii) so that those applications that are not acted upon within the specified time period would be deemed granted. In addition, it is the Town's understanding that CTIA asks the FCC to preempt, under Section 253 of the Communications Act of 1934, local ordinances that automatically require a wireless service provider to obtain a variance before siting facilities.

The Town of Grand Lake has 17 separate zoning districts. With the exception of our Open Space District (a district designed to preserve the natural setting of the area and to not allow for development of the parcel), each of the districts allow for wireless towers to be permitted through a Conditional Use process. This means that the application for a wireless tower proposed in any Residential, Commercial, Industrial, or Public zoning district would have to be heard before the Planning Commission and the Town Board of Trustees for approval or denial. Each of these bodies may hold a Public Hearing to be able to adequately notice the neighbors of the property. The Town feels that this the most appropriate way to solicit public input and make decisions when it comes to applications that may not always be the most appropriate in the specific zoning district. Unfortunately, 45-75 days is not an adequate amount of time to solicit input, as noticing requirements and possible continuations can require 4 to 6 months in order to come to an agreements that satisfies all parties involved.

The Town has strived to ensure compatible development in all neighborhoods; with these new rules in place, a wireless communication provider could place a tower in any neighborhood in the community without any review. By granting this petition and making the proposed changes to Sections 253 and 332 of the Communications Act of 1934, it poses a significant threat to the character and quality of life in our little mountain village, and would be an inappropriate and unwelcome federal usurpation into local land use authority. The Town of Grand Lake does not support this petition and we strongly urge the FCC to not consider making the proposed amendments to the Communications Act.

Respectfully submitted,

John A. Rhone
Mayor Pro-Tem

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