SAN FRANCISCO NEIGHBORHOOD
ANTENNA-FREE UNION
4327 California Street
San Francisco, CA 94118
www@antennafreeunion.org

September 26, 2008

Marlene H. Dortch, Secretary
Office of the Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington D.C., 20554

RE: WT 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

Dear Ms. Dortch:

I write on behalf of the San Francisco Neighborhood Antenna-Free Union (SNAFU), a grass-roots, citywide coalition of individual residents and community organizations in San Francisco, California that focuses on the impacts of wireless technologies. In 2000, I co-founded SNAFU along with other San Francisco residents concerned about the proliferation of cellular phone base station antennas throughout residential neighborhoods in the City. Since that time, tens of thousands of San Francisco residents have signed petitions against and raised objections to the improper siting of wireless telecommunications infrastructure near their residences, schools and health care centers. In 2003, I produced and directed an award-winning, feature-length documentary on this subject entitled *Bad Reception: The Wireless Revolution in San Francisco*, which was broadcast nationwide on Free Speech TV's network and screened locally in 2006 at the Roxie Theater in San Francisco, a prominent venue for independent film.

In 2002, SNAFU worked with residents of San Francisco's Richmond District to successfully appeal to the San Francisco Board of Supervisors a Planning Commission approval of a base station antenna facility proposed for an open-air rooftop garage. Following the Board of Supervisors' denial of the permit, the wireless carrier filed a lawsuit in federal court, which

ultimately resulted in the first Ninth Circuit Court of Appeals decision on this issue, *MetroPCS v. City and County of San Francisco*, 400 F.3d 715 (9th Cir. 2005), affirming the City's denial of the permit.

Faced with federal appeals court decisions like *MetroPCS* – which resulted from, for lack of a better term, the *democratic* participation of residents in their local land use decision-making process and the exercise of their local government's legitimate authority over this process as expressly intended by Congress under the federal Telecommunications Act of 1996 – the wireless industry is trying once again to reduce or eliminate the public's voice in wireless siting decisions and is enlisting the FCC to help implement that agenda. The FCC should not facilitate this attempt to limit public participation in local land use and zoning decisions. Instead, the FCC should deny CTIA's petition for a declaratory ruling seeking to 'clarify' the provisions of Section 332 (C)(7)(B) relating to timely review and local ordinances, which almost a dozen years of federal appeals court rulings have already amply illuminated.

While locally-based, grass-roots organizations like SNAFU do not have the millions of dollars at their disposal that the wireless industry's lobbyists at CTIA do, we believe our voice should be taken at least as seriously if not more so, since the FCC's purpose is to represent the interests of the public by regulating the wireless industry, not to further the wireless industry's interests at the public's expense. We respectfully request FCC Commissioners, in their role as stewards of the publicly-owned airwaves, to vote accordingly and DENY this Petition.

Sincerely,

Doug Loranger