September 28, 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,

While local siting ordinances and state laws might be experienced as slow and cumbersome by wireless companies during the application process, they serve the purpose of upholding 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.

One purpose of local ordinances, although unspoken (such as height towers, setbacks, and overlay districts), is to protect citizens' property values by keeping towers and antennas – considered to be stigmas in the real estate world--out of view or out of residential areas. Protecting property rights is a firmly 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 increased reception or more wireless options IF given the opportunity to fully understand what the trade-off at hand was. Pre-empting local ordinances and state laws may result in efficiencies and cost-savings from CTIA's point of view, but will lead to havoc and huge 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, yearly 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.

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 credible medical evidence pointing to the potential dangers of wireless technology, including proximity to antennas on towers, and exposure to cell phones, as well as WI FI. Rather than delving into these studies here, 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, Wi Fi, 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 forgotten 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 have banned WI FI to protect their librarians and patrons.

In the absence of protective safety standards, local ordinances and state laws on wireless siting end up serving the purpose of protecting the public's health in many cases, 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 (in the case of setbacks) creating distance between antennas and schools and residences, where possible, and (in the case of overlay districts), clustering antennas within designated areas, which allows places outside these areas to be free of exposure to the microwave radiation that operate wireless devices.

Given the body of scientific evidence on the potential 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 the public health. It appears that public health is in the FCC's purview (if not the '96 Telecom Act's), based on the existence of FCC Safety Rules (although they are outdated).

We hope that the FCC, in its deliberations, 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" (FCC website) and the inclination to be an agent of positive change for the industry it has been appointed to regulate, not abet. That is, whatever positive changes the FCC may be engaged in should be on behalf of the American public, and not the members of the CTIA.

Thank you for your time and consideration.

Best regards,

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