

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Notice of Proposed Rulemaking)	
18 FCC Rcd 13187, 13188 ¶1 (2003))	ET Docket No. 03-137
)	
And)	
)	
Service Rules for the Advanced Wireless Services)	WT Docket No. 12-357
H Block---Implementing Section 6401 of the)	
Middle Class Tax Relief and Job Creation Act of)	
2012 Related to the 1915-1920 MHz and)	
1995-2000 MHz Bands ¶53 footnote 95)	

To: Office of the Secretary
Federal Communications Commission
Washington, DC 20554

Comment Filed by: Charyl Zehfus
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March 5, 2013

AFFIDAVIT OF

State of Wisconsin]

Sheboygan County]

I, ___Charyl Zehfus___, attest that my statements are true to the best of my knowledge.

Comment round for ET Docket No. 03-137 and WT Docket No. 12-357.

1. My name is _Charyl Zehfus_ . My address is ____N6158 N. 61st Street, Sheboygan, Wi 53083_____.

2. I am a retired librarian.

3. Please enter into the record, read and consider all the reply points and the complete documents in the seven attached files.

FCC Role in RF Safety Clear

4. FCC has a Congressional mandate to protect the public health and safety from harm from radiofrequency radiation.

"In the Telecom Act of 1996 Congress directed the FCC to set its own RF safety regulations for emissions from Personal Wireless Services Facilities (PWSF). The House Committee on Commerce said it was the Commission's responsibility to adopt uniform RF regulations "with adequate safeguards of the public health and safety." (H.R. Report No. 104-204, p. 94) The statute requiring the FCC to adopt and update RF safety regulations is not ambiguous, and therefore the clear intent of Congress applies." EMR Policy Institute Comment in FCC Docket

5. The following five quotes from Wisconsin Public Service Commission consumer complaints records demonstrate that the PSC and public utilities recognize the FCC's responsibility for RF exposure safety:

“We have been asked by Senator Herb Kohl to respond to your concerns regarding the newer automated meter reading meters, commonly referred to as ‘smart meters...’ Regulation, licensing, and safety of radio frequency equipment rests with the Federal Communications Commission (FCC). The FCC is required by the National Environmental Policy Act of 1969 to evaluate the effect of emissions from FCC-

regulated transmitters on the quality of the human environment. The smart meters used by both of the utilities that serve you...comply with FCC safety standards.”

--- **Exhibit A1:** Letter, Public Service Commission (PSC) of Wisconsin letter to Ms. C.Z., February 10, 2011

“...we are in compliance with applicable FCC regulatory statutes and rules in regard to our ongoing installation and use of the AMI metering technology we have implemented to serve our customers...we do not acknowledge that our AMI meters or systems represent any known health risks as we have installed and operated them.”

--- **Exhibit A2:** Letter, Alliant Energy (Wisconsin Power and Light) letter to Ms. C.Z., May 13, 2011

“In terms of possible health effects, the regulation, licensing, and safety of radio frequency equipments rests with the FCC, which is required to evaluate the effect of emissions from FCC-regulated transmitters on the quality of the human environment. I gave (customer) the phone number of Rick Kaplan, Bureau Chief, Wireless Telecommunications Bureau, FCC, to contact on his env. concerns.”

--- **Exhibit A3:** Narrative Report, PSC summarizes interaction with customer 103918, December 2011

“I stated that in terms of possible health effects, the regulation, licensing, and safety of radio frequency equipment rests with the Federal Communications Commission (FCC). I further stated that it was my understanding that the AMR meters used by Xcel comply with all FCC safety standards.”

--- **Exhibit A4:** Narrative Report, PSC summarizes Narrative Report, PSC summarizes interaction with customer 105411

“Our AMR meters ... use RF in order to send energy readings to us and all comply with Federal Communications Commission (FCC) adopted guidelines designed to protect the public from exposure to unsafe levels of RF.”

--- **Exhibit A5:** Letter, Xcel Energy to Mrs. C.S., June 4, 2012

6. In sum, both U.S. law and Wisconsin state agencies and utilities recognize the FCC’s role to keep residents safe from RF radiation over-exposure.

Current FCC Radiofrequency Standards Not Adequate to Protect

7. Dr. Poki Namkung, Santa Cruz Public Health Officer, explains how current RF limits do not protect the public from biological effects and impacts from non-thermal exposures.

“Meeting the current FCC guidelines only assures that one should not have heat damage from SmartMeter (or other RF devices) exposure. It says nothing about safety from the risk of many chronic diseases that the public is most concerned about such as cancer, miscarriage, birth defects, semen quality, autoimmune diseases, etc... When it comes to nonthermal effects of RF, FCC guidelines are irrelevant and cannot be used for any claims of SmartMeters safety unless heat damage is involved.”

---**Exhibit B, page 15**, Memorandum, Poki Stewart Namkung, M.D., M.P.H., Health Officer, Public Health Division, Santa Cruz CA to County Board of Supervisors, January 13, 2012

8. Dr. Namkung gives additional evidence of the adopted standard's inadequacy. "There are no current, relevant public safety standards for pulsed RF involving chronic exposure of the public, nor of sensitive populations, nor of people with metal and medical implants that can be affected both by localized heating and electromagnetic interference (EMI) for medical wireless implanted devices. Many other countries (9) have significantly lower RF/MW exposure standards ranging from 0.001 to 50 $\mu\text{W}/\text{cm}^2$ as compared with the US guideline of 200-1000 $\mu\text{W}/\text{cm}^2$. Note that these recommended levels are considerably lower than the approximately 600 $\mu\text{W}/\text{cm}^2$ (time-averaged) allowed for the RFR from SmartMeters...mandated by the FCC based on only thermal consideration." ---**Exhibit B, page 15**

9. In 2011, the World Health classified RF exposure as a class 2B (potential) carcinogen. Yet, federal regulatory agencies downplay or ignore it, despite acknowledgment that wireless technology is "still relatively new" and "more research is needed to clarify the question of safety."---**Exhibit C**, Environmental Protection Agency website statement, Wireless Technology Overview

10. Something is wrong with this picture. Since when is it acceptable to dose people – including children and elders, with increasing amounts of a potential carcinogen without their express informed consent?

11. And how can government justify the continued massive wireless roll-outs before "the question of safety" has been "clarifies" – or better yet, answered?

RF standards and proliferation plans should incorporate ADA recommendations

12. The FCC summarizes its Americans with Disabilities (ADA) responsibility on its website, as follows:

"The FCC addresses a variety of disability-related telecommunications matters, including telecommunications relay service, access to telecommunications equipment and services for people with disabilities, access to emergency information and closed captioning. The FCC also provides expert advice and assistance to consumers, industry and others on issues relevant to people with disabilities. The FCC initiates rulemakings for the development of disability policy, conforming with existing disability laws and policies and supporting the goal of increasing accessibility of communications services and technologies."---**Exhibit D**

13. The recently recognized ADA disability of Electromagnetic Sensitivity (ES), also known as Radiofrequency Sickness or Electro-hypersensitivity (EHS), affects an

estimated 3% of the population, according to a California Department of Health Service survey. That is nearly 9.5 million people nationwide. ---**Exhibit E1**

14. The Architectural and Transportation Barriers Compliance Board (Access Board) is responsible for developing and maintaining accessibility guidelines for the construction and alteration of facilities covered by the ADA of 1990. The ADA recognizes and protects the civil rights of people with disabilities.

15. The Access Board's Background statement for the July 23, 2004 Final Rule on new access recommendations asserts, "The Board recognizes that multiple chemical sensitivities and electromagnetic sensitivities may be considered disabilities under the ADA if they so severely impair the neurological, respiratory or other functions of an individual that it substantially limits one or more of the individual's major life activities." ---**Exhibit E2**

16. Though the FCC is not listed with the other standard setting agencies involved, the FCC's own policy to address disabled access would apply to people with ES – by definition and in spirit – as per the ADA Access Board's recognition of the disability. It is time for FCC to "conform with existing disability laws and policies" and address access issues for electromagnetically sensitive Americans.

Please hear some voices of ES people hurt by FCC open-wide RF policy in excerpts from customer complaints records of the Wisconsin PSC:

17. "(Xcel Energy) customer states that she has had issues ever since (the smart meter was installed at her house) and knows others who have had problems also. She said that she hears buzzing noises, has heart palpitations..She was told to call the PSC to get a "customer advocate." ---**Exhibit A1**, PSC on customer, May/June 2011

18. "Alliant Energy installed a smart meter on our home about two years ago...The meter is about six feet from our bed, so we are being radiated all night long and also throughout the day. I have noticed symptoms that are getting more pronounced – vertigo, dizzy spells, palpitations, insomnia, broken sleep patterns. I have been taking more and more sleep aids to get to sleep and keep waking during the night. When away from home, I get a much better and restful sleep. I am healthy and strong and do not have medical issues." -- **Exhibit A6**, PSC on customer 98653, September 2011

19. "Customer states he feels the (Alliant) meter is adversely affecting his health and wants the meter replaced with an analog. He states that Section 1252 of the 2005 Energy Policy Act gives customers the right to opt out of having a Smart Meter but that Alliant is denying this." ---
Exhibit A3, PSC on customer 103918, December 2011

20. "The (Xcel) Smart meter is causing me and my family to be ill. I am requesting an analog meter be returned to my home. I feel I should have had the option in the first place, instead of me having to request it back. I'll be glad to be on a budget plan, pay in

advance, whatever it takes to get this switched.” ---**Exhibit A4**, Customer text from web, May 2012

21. All these and more Wisconsin utility customers are routinely denied accommodation each year. This is happening nationwide. Two women were recently arrested in Naperville IL for trying to stop a smart meter installation. People just want safe, secure analog meters on their homes. Not everyone chooses to use wireless.

22. The involuntary exposures are not limited to smart meters, of course. Wireless broadband/WiMax pulses RF 24/7 throughout whole cities and rural areas. Cell phones spit out increasingly higher RF to handle more data and distance. Schools install WiFi that irradiates the children all day. The soup of emissions from these transmitters has never been tested for safety. It is “assumed” the mix will do no harm. But that assumption is not a sound scientific basis for setting exposure limits.

23. The people have no one else standing between us and RF harm but the FCC, FDA and other regulatory bodies. States usually follow federal standards. We have nowhere else to turn for justice and protection but to you. Please listen to our logic and situations. Read the studies and expert reports. And follow through on your formal and humane responsibility to adopt new, comprehensive biologically-based safeguards for all Americans.

Thank you.

P.S. Please see **Exhibits List** and all files for **Exhibits A-G** attached. **Exhibit F** contains policy suggestions to accommodate ADA protected people with ES. **Exhibit G** contains a bill that would have addressed some of the RF exposure issues (H.R. 6358).

Respectfully submitted by

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