

GOACT PRESENTATION, MAY 26, 2009 TO GLENDALE CITY COUNCIL

Mayor Quintero and members of the Glendale city council: On April 8, the Federal Communications Commission asked for public comment on a national broadband plan for our country. The 60-day open comment period for public input expires June 8, 2009.

Our community group Glendale Organized Against Cell Towers, GOACT, came here in January to ask for a moratorium on wireless installations. At the time, we asked the city to send a message to Washington, D.C. condemning federal laws that restrict local control over wireless installations. The FCC's call for local governments' participation is an opportunity for Glendale to send such a message now.

As GOACT mobilized to fight the installation of a wireless facility in a residential neighborhood, and as we educated ourselves about the issues, we realized that the site we objected to was very likely part of a plan to go beyond offering basic cell phone service and compete in offering broadband services. The Federal Telecom Act says municipalities cannot "unreasonably discriminate among providers of functionally equivalent services". This means that even though our neighborhood has fiber optic internet service offered by one provider, and cable internet service offered by another, and these providers' hardware, electrical vaults, and wiring throughout residential areas, the city cannot say no to yet another company that applies to come in and build wireless towers all over the neighborhood and on our parkways.

The Telecom Act also states that "No State or local government may regulate...personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Commission's regulations concerning such emissions." This means that even though wireless facilities emitting high-frequency microwaves are widely believed to have adverse environmental and health effects, we cannot object to them on these grounds. This is an infringement of both individual and municipal rights to free speech.

The FCC has taken on the task of formulating a national broadband plan because many areas of the United States still lack high-speed internet service, and because our country is far behind many others in broadband transmission speeds. The regulations currently in place are not bringing our society the best service and the best products. Instead, telecom companies are using federal and state law to bypass local control, impose their infrastructure, and compete for market share in places like Glendale, while rural parts of the country go unserved. We may not need more wireless towers here, and we may not need less efficient wireless broadband service, but federal and state law prevent us from turning anyone away.

Federal law is restricting Glendale's control of the built environment, and the city's ability to promote the best technology. Glendale and other cities should be allowed to **reasonably discriminate in favor of less intrusive and more efficient technologies**. We urge the city to affirm this in a comment to the FCC.

This federal law is also undermining individual property rights and threatening property values as it allows potential or perceived hazards to be installed virtually at will by outside companies in any municipality. We urge the city to comment to the FCC that local authorities should be allowed to regulate wireless services facilities on the basis of the health and environmental effects of such facilities.

Petition to Glendale City Council, Tuesday, May 26, 2009

Glendale Organized Against Cell Towers

The Federal Communication Commission Notice of Inquiry, April 8, 2009 – June 8, 2009:
http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-09-31A1.pdf

We are proposing that the city of Glendale send the following to the FCC in response to its call for comments on the future of U.S. Broadband Policy in response to the Federal Communications Commission Notice of Inquiry, April 8, 2009, **Section III Discussion** -

Item 13: "we seek comment on how to provide 'an analysis of the most effective and efficient mechanisms for ensuring broadband access by all people of the United States.'"

...We also seek comment on how we should evaluate the development of a national broadband plan in light of a variety of other related statutory directives and whether additional elements should be included in the national broadband plan. Finally, because this plan will not be solely the Commission's to implement, we seek comment on how the Commission, in both the development and implementation of a national broadband plan, should work collaboratively with other agencies at all levels of government, with consumers, with the private sector, and with other organizations.

The city of Glendale, California condemns Section 704 of the 1996 Federal Telecommunications Act, which states that municipalities cannot "unreasonably discriminate among providers of functionally equivalent services." The city believes that the federal government should return control of the built environment to local municipalities and return the right to **reasonably discriminate** in favor of **less intrusive** and more **efficient technologies**.

The city of Glendale, California also condemns the portion of Section 704 of the 1996 Federal Telecommunications Act which states that no "State or local government or instrumentality thereof may regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Commission's regulations concerning such emissions." The city believes that it should be allowed to help neighborhoods and residents protect property values and defend against unknown effects of exposure to microwave radiation. Glendale, California calls for the U.S. Congress **to repeal limitations on state and local authority** imposed by the Telecommunications Act of 1996 and permit state and local governments to regulate the placement, construction, and modification of telecommunications towers and other personal wireless services facilities on the basis of the health and environmental effects of such facilities.