Good evening. Provided in this manila folder for public records are key exhibits I will be addressing.

The City of xxxxx hands are not tied. Any FCC’s created so-called “Report and Order" is not law. They are only regulations. They are trumped by US constitutional, federal and state laws. As a result, the FCC has no jurisdiction over public rights of way and any rules and regulations such as handling of shot clocks, fees, etc.

There is serious redundancy in the proposed locations of all 5G/4G lease applications. We have an over-densification of antennas and cell towers everywhere. Gap in coverage is required under the Telecommunications Act of 1996 ad is NOT frequency specific. The City of xxxxx currently proves to have NO GAP in coverage.

The US Congress has dictated a system of “Cooperative Federalism” which preserves dual regulatory authority for state and local Wireless Telecommunications Facilities siting decisions, subject to only minimal federal limitations. The United States Supreme Court said this about the Telecommunications Act of 1996: “Congress ultimately rejected the national approach and substituted a system based on cooperative federalism. State and local authorities would remain free to make siting decisions. They would do so, however, subject to minimum federal standards, both substantive and procedural, as well as federal judicial review.” US Supreme Court 544 U.S. 113 (2005)

We are not banning wireless service. There is serious redundancy in the proposed locations of all 5G/4G “Close Proximity Microwave Radiation Antennas” (CPMRA) lease applications. We already have an over-densification of CPMRA’s and cell towers everywhere. Gap in coverage is the requirement of the Telecommunications Act of 1996, which of course, xxxxx has no gap in coverage. To note, the TCA is NOT frequency specific.

In 2005, the 9th Circuit Court states “least intrusive means” requiring the least minimal amount necessary. It is up to the city to decide what “least intrusive” and local RF values mean.

The California Supreme Court reminded cities they have local police power to regulate public rights-of-way to preserve the quiet enjoyment of streets and common areas, the court went on to say “may be incommoded beyond the obstruction of travel….cause negative health consequences or creates safety concerns”.

The word “health” is found nowhere in the TCA. The TCA also do not state “operations” of RF equipment. That control is left to the City of xxxxx and the city can demand emissions be reduced to a safer RF level based on the D.C. Case 18-1129 2018 court recognition of the Biolnitiative Working Group comments on radio-frequency exposure as relevant in any environmental analysis.

The national environmental impact review, the NEPA, has been ushered back in by a recent court ruling and now all antenna emissions require impact assessment. This, too, negates the TCA.

The deployment of 5G/4G also violates the United States Access Board and Americans with Disabilities Act, which recognizes electro-sensitivity as a disability and grants protection through Section 8 Housing.

In addition, the FCC has produced no legitimate safety testing guidelines past 6GHz, and therefore, any use of the MMW between 30-300 GHz within the 5G is deathly, dangerous and unlawful.

The City of xxxxx is not without power and control.

The 5G/4G antennas is a trespassing technology and weapons of assault directing dangerous frequencies of all kinds including the millimeter waves into the private dwellings of the residents of the City of xxxxx, including the constant threat of surveillance & hacking against safety & privacy both digital & personal within these private dwellings. Thank you.

Date:

September 24, 2019

To:

The City of xxxxx, xxxxx

From:

Lena Pu

Resident of the City of xxxxx, xxxxx

Subject:

Agenda Item 8: Wireless Telecommunications - Small Wireless Facilities

Exhibits:

1.) United States Court of Appeals for the District of Columbia Circuit No. 18-1129 2019

2.) United States Access Board IEQ Indoor Environmental Quality Project

3.) In the Supreme Court of California T-Mobile West LLC et al., v. City and County of San Francisco et al., April 4, 2019

4.) CASE: DPMN 2017-70219

5.) Firstenberg v. City of Santa Fe, N.M. No.11-2156, United States Court of Appeals, Tenth Circuit October 9, 2012

6.) United States Supreme Court City of Rancho Palos Verdes et.al. v. Abrams (2005) No. 03-1601

7.) United States Court of Appeals, Ninth Circuit. MetroPCS, INC., v. The City and Country of San Francisco Now. 03-16759, 03-16760

8.) United States Supreme Court Burton v. Wilmington PKG. AUTH. (1961) No. 164