Testimony to xxxxx City Council January 28, 2020

We are 18 Distributed Antennas Systems too many. You allowed Crown Castle to pillage our city back in 2012, and you are allowing them back in. When is it enough?

We gave you legal and lawful means to stop the telecom from continuing their activities in our town. In fact, NEPA compliance is a federal requirement, one you’ve decided independently to shirk your duties based on no legal reason. You cannot avoid the NEPA compliance.

A 3 mile by 6 mile city, 18 square mile area with over 70 cell towers already with approximately 4 cell towers for every square mile. Based on this fact, the City of xxxxx is already in serious violation of every single measure stated in our currently standing wireless ordinance. Until all of these current outstanding problems are rectified should you even think about allowing any more towers in, small or not.

It is obviously clear we have no gap in coverage. In fact, we need to remove most of them as each tower has a range of coverage that goes for miles. And voice transmission is the only thing industry has preemptive powers of control over. Not data, not even text!, nor the so called internet of things. This preemptive control is also consistent with the Telecommunications Act of 1996. This is also somehow missing in the draft ordinance. This fact needs to be in there. This reaffirms local city's control.

Therefore, if the City of xxxxx pursues action in allowing the placement of more macro antennas throughout our town and near homes and within neighborhoods, we will view this as racketeering. Deliberate obstruction of many accounts against the will of the people, through withholding action to exercise federal policy that mandates NEPA compliance on every single 5G application present and future.

NEPA issue is between the FCC and industry. The industry has to get the approval from the FCC before they can play ball with the city. Your excuse for not asking for NEPA proof of compliance is because you state you are not a federal agency, then the same can be said about the TCA of 1996. Why don’t you abandon that one from which you hang all your excuses on? Why all of a sudden one law is relevant and the other one isn’t? Are we cherry picking which laws we want to follow and eliminate the ones we don’t according to fulfill an agenda here? Sounds like a conspiracy. Or more like racketeering!

There will be compensation demands on damages to individuals who have been injured, maimed, and loss of life through the wrongful conduct of another party, in this instance, the City of xxxxx. They have been informed repeatedly to find creative ways to protect its citizens their health and safety, life and death, from the unchecked over reach by industry and the deployment of 5G and its associated unleashing of all potential 3,000 bio-hazardous microwave frequencies.

Stop the shot clocks by demanding proof of NEPA compliance, and put NEPA compliance back into the wireless ordinance where it belongs. It’s not up to you to continue to ignore a federal mandate and cherry pick your way to creating an ordinance that is industry friendly.

15 simple but significant points I described for our asks, and not a single one of them made it into the ordinance. Instead, I find one word added. It is the only change to the massive work we had put into editing the ordinance. And the one word couldn’t even contain the full original phrase! This is outrageous and insanely unprofessional. City attorney xxxxx xxxxx could not even highlight the changes for ease of review. Then I realized, she had MADE NO changes to be highlighted, and this is the draft ordinance from three months ago, plenty of time to solicit dialogue between the community our wants and asks! Stonewalling the public once again.

My edits to the wireless ordinance represent the agreement of the entire group of residents here. And even then, we wait three months later to find Khalsa added one word. That is the entire change she offered. And even then, she couldn’t even complete the phrase, ‘noticing radius’. She added, ‘notice’. That is the only change. What are we paying her for?

It is apparent the City has been ignoring our current wireless ordinance, is clearly in violation of most cell towers currently in place. The City therefore, cannot legally proceed forward with more deployment of cell antennas of any kind without recourse on past actions.

In today’s discussion over the newly revised draft ordinance is the inclusion of a Master License Agreement that has never been made public. There can be no legitimate discussion over any issues on this draft ordinance until the MLA is addressed first. As a result, the draft ordinance MUST be tabled! City Council cannot vote this one through as is. Written by industry, you and the public are misinformed on what a Master License Agreement really entails.

The Master License Agreement should under no circumstance, EVER, be signed by the City. This agreement written strips all City rights away. Before we move forward accepting any draft ordinance, all board of directors must be disclosed, meaning the real applicant names behind the corporate titles such as Verizon, Crown Castle, Nexius, and Sprint, but not limited to these.

In addition, there is no need for an MLA. Back in 2018, California overturned the 5G “small” cell deployment and industry control when Governor Jerry Brown vetoed SB 649. This was a significant overturn of industry interests, thus empowering every local city in California including the City of xxxxx.

We are looking for fair reporting. This should not go to vote tonight also because of the misleading information in both the Staff Report as well as the inconsistent statements found in the xxxxx Enterprise’s reportage regarding misstatements regarding the ordinance and NEPA issues. There is clearly controversy going on.

Ms. xxxxx, you give only one quote, from Jerold Bushberg, a professor admitted to having deep industry ties whom is also the so-called expert who wrote the RF report for the 18 DAS’s for the City, now if that isn’t a conflict of interest, I don’t know what is. If you really want balanced reporting based on factual scientific data, there are hundreds of EMF scientists whom you could easily quote from, such as the ones found in this International Appeal from scientists calling for protection against 5G and other wireless radiation.

In the report, there are incorrect statements made about what the TCA of 1996 can and cannot do, as well as mixing up CEQA with NEPA compliance issues. This has nothing to do with CEQA but a following of the August 2019 DC Court decision that ALL 800,000+ small cell antennas as part of the federal undertaking require NEPA review - the FCC recognizes this and have retracted many parts of their Report and Order, as a result.

We need to table to draft ordinance and stop the shot clocks on all applications pending NEPA compliance. There are too many legal issues and problems that still are outstanding new ones and old ones that are not being properly addressed, leaving the City and its residents completely vulnerable in the hands of the industry. We, the residents, are here to help you, as well as help you help us. We don’t want to see our city reps go down in flames with this dangerous order. Especially when there is a Master License Agreement designed to serve no one but the industry.