

To: June Tierny

Department of Public Service

Director Tierny:

I listened to your recent testimony in front of the House Environment and Energy Committee and was stunned by your opening statement expressing pride in the report that was published after Hunter Thompson's so-called listening tour. Listening was precisely what was utterly absent from that report. Not one, **not one single recommendation from the public was recorded in his summary.** The report demonstrated a breathtaking absence of comprehension of what was presented by the public. The reports and the appended public comments, which you could not possibly have read, exist in different universes. Not one shred of understanding of the intense frustration with the 248a process was conveyed in a report that appeared to be political pablum to obviate the need for change. **To be proud of the report is to denigrate the public, to trivialize their concerns, and to whitewash the Department's callus disregard for those who must live with the consequences of your actions.**

Don't believe me. Read the public's comments. There is nothing to trivialize, nothing to dismiss, and certainly nothing to ignore. The report should have fairly stated that the public was incensed by Department's:

- Arrogant refusal to appreciate the public's concern over the Department's ignorance, given that it has no one indexing the research, no one reading the research, no one on staff capable of understanding the research, no hearings about the research, no toxicologists, no epidemiologists, no pediatricians, no medical researchers, absolutely no one who can comprehend the biological impacts of wireless telecommunications radiation;
- Conflating the desire for wireless telephony coverage throughout the State with wireless broadband, where wireless broadband is a deeply flawed substitute for fiber optic service;
- Inability to justify its disregard for the useful work of the New Hampshire State on locating cell towers to mitigate its negative public health and environmental consequences;
- Absurd definitions of project's scales, wherein doubling or tripling the radiation from cell tower is a de minimus action not requiring notification; and
- Pitifully obsequious adherence to the FCC's discredited maximum permissible exposure levels for wireless telecommunications radiation.

These and other concerns were disgracefully ignored. Likewise, here are just some of the recommendations that were incomprehensively omitted by the summary report.

1. **Notify everyone impacted**, certainly everyone within 500 meters of any antenna.
2. **Abandon the nonsensical distinctions between project scales.** By what conceivable logic is doubling or tripling the radiation emissions from a tower a minor

project? By what conceivable logic is a canister antenna small when the radiation emissions are likely more harmful hanging outside a child's bedroom than if suspended on a 150 foot high tower?

3. **Define precisely how you will administer substantial deference.**

4. Either defer to the good work of the New Hampshire Legislature or replicate it. At a minimum, **publish the current state of research** on the potential dangers of radiation that you either have chosen to ignore or are willfully ignorant of. Justify yourselves **if you are so convinced the research is wrong; prove it** with independently sourced research.

5. **Don't hide behind Federal Preemption.** You are complicit. If a small non-profit can successfully challenge the FCC, what is the Attorney General of Vermont doing? Did their office file an amicus brief in that case? Are they proposing a moratorium on applications until the FCC obeys the law? If not, you are furthering the FCC's corrupt practices, and potentially promoting harm. Certainly, there is precedent that allows one to disobey an illegal order and by extension to disobey fictitious and illegal rulemaking.

6. The Federal Delegation of the State should **vigorously oppose HR 4141 and HR 3557** both of which further erode the powers of states to control their fates, to protect their history, to limit damages to their citizens and to their natural environment. The State of Vermont is not powerless, and its position of subservience is intolerable.

7. **Include the following indisputably true statement on every wireless telecommunications approval**, "Given the absence of any rigorous, long-term independent studies of this technology, this certification does not warrant, insure, guarantee, or otherwise affirm that this facility is without negative public health and environmental consequences. Gestating fetuses, infants, and children may be particularly vulnerable. Safe exposure levels promulgated by the Federal Government may be without validity." By what criteria can you judge those statements are unimportant or untrue?

8. **Establish the required distance of 500 meters** from a cell tower or canister antennas to a place of human habitation or vocation. In instances where antennas are within 500 meters of homes or places of vocation, **require carriers to pay for radiation mitigation protection** if those impacted request it. Fundamental to our constitution, the government can't take from the public without just compensation, and for those forced to live adjacent to antennas, there is no opting out of being continually irradiated.

9. The primary regulatory authority over cell towers facilities is the State. The primary regulatory authority over the land that the cell tower sits upon is the local government. Reassessment of land values due to the income from property owners leasing their land to carriers should be formalized. The PUC should add to their

procedures the **identification of these property owners to the local land value assessors**, ensuring fair taxation. Income disclosures should be mandated.

10. Since federal law would likely prevent carriers from this requirement, property owners leasing their land to carriers should be **mandated to demonstrate commercial liability insurance** for claims from potential negative public health consequences of the technology being located on their land.

11. Since federal law would likely prevent carriers from this requirement, property owners leasing their land to carriers should **be required to pay a surety** to have the cell tower and associated facilities removed in the case of termination of service.

12. Carriers should be mandated to pay the Department of Public Service to **verify their propagation maps and adequate coverage determinations**. Failure to institute this basic check is a serious abrogation of your mandate. Every propagation map and coverage determination by the carriers should be **signed by an officer of the applicant company upon penalty of perjury**.

The report that you are so proud of grotesquely distorts the public input. It is self-justifying hogwash. Have the decency to respect those that you are dedicated to serve. Read the public comments and then **have someone without a direct conflict of interest write the report**.

Kim Hall