

TO: Pennsylvania House of Representatives, Consumer Affairs Committee

RE: Public hearing on small cell deployment, August 9, 2018

I am strongly opposed to your House Bill 2564 which would represent a major shift in telecommunications policy and law by requiring local governments to lease out the public's property, cap how much cities can lease this space out for, eliminate the ability for cities to negotiate public benefits, the public's input and full discretionary review in all communities of the state except for areas in historic districts, for the installation of "small cell" wireless equipment.

Despite the wireless industry's claim that the equipment would be "small" in their attempt to justify this special permitting and price arrangement solely for their industry, the bill would allow for antennas as large as six cubic feet, equipment boxes totaling 28 cubic feet with no size or quantity limitations for the following equipment: electric meters, pedestals, concealment elements, demarcation boxes, grounding equipment, power transfer switches, and cutoff switches.

Our environment is over saturated with electromagnetic frequencies now. Cancer clusters are occurring in those living near cell towers. California firefighters succeeded in being exempt from having cell towers placed near firehouses due to health effects including memory problems, fatigue, headaches, insomnia, depression and anxiety. The FCC's limit for RF's are hundreds of times higher than where biological damage begins to occur. Wireless radiation is also affecting the environment by contributing to death of trees and bees. 5G will be millimeter wave technology developed by the military as weaponry. It has a much smaller wave that pulses at a much higher frequency and has the potential for even greater damage to our health and the health of the environment. These are proposed to be installed every 2-10 houses on already overloaded utility poles. The frequencies do not travel through trees and in many areas perfectly good trees that we need for oxygen are being removed to prepare for 5G installation. The health effects we are realizing now from the present wireless infrastructure will speed up astronomically in a shorter period of time.

The industry also claims that House Bill 2564 retains local discretion, but by moving the bill into the ministerial process, also known as over-the-counter or check-the-box permitting, their "attempt" at giving locals discretion falls flat. Cities would have to live with the size parameters established by the bill for "small cells." Furthermore, cities would be unable to impose any meaningful maintenance requirements for the industry's small cells and are limited to requiring building and encroachment permits confined to the bill's parameters written by the industry. True local discretion exists only through the use of discretionary permits, not through building or encroachment permits, especially since the public has no say in the issuance of the latter.

Furthermore, the ability for cities to negotiate any public benefit would be eliminated by this bill. Benefits, such as network access for police, fire, libraries, and parks, negotiated lease agreements for the city general fund to pay for such services, or the ability to use pole space for public safety and/or energy efficiency measures are effectively stripped down or taken away entirely. Even if every single city resident complained about a particular "small cell" and its visual blight, cities and their councils would have no recourse to take them down, move them, or improve their appearance or any other community impacts under House Bill 2564.

What's truly perverse about House Bill 2564 is that it would actually fail to deliver on stated promises and make it especially tough for cities that always seem to be last in line for new technology to see deployment, while also completely cutting out these communities from the review process. For example, House Bill 2564 fails to require that their "small cells" deliver 5G, 4G, or any standard level of technology. The truth is that standards for 5G are still being developed, which is why the bill can't require it to meet that standard which begs the question as to why this bill is necessary at all. It also fails to impose any requirement for the wireless industry to deploy their networks to unserved or underserved parts of the state.

It's clear from the direction of this bill, that this is not about 5G wireless deployment, but more about local deregulation of the entire telecommunications industry. This bill places a new ban on city/county regulation of placement or

operation of “communication facilities” within and outside the public right of way far beyond “small cells.” This new language would extend local preemption of regulation to any “provider authorized by state law to operate in the rights of way,” which can include communications facilities installed for services such as gas, electric, and water, leaving cities and counties with limited oversight only over “small cells.”

Ultimately, cities and local governments recognize that the wireless industry offers many benefits in our growing economy, but a balance with community impacts must also be preserved. House Bill 2564, however, is the wrong approach and benefits corporate bottom lines rather than communities. The bill undermines our ability to ensure our residents have a voice and get a fair return for any use of public infrastructure. Residents that don’t happen to live in a historic district will have to wonder why their communities deserve such second-tier status. Furthermore, this bill is no longer about small cells; instead it’s about all telecommunications regulation. Such a massive shift in law and policy is unprecedented and would warrant statewide stakeholder meetings before even considering such a shift.

For these reasons, I oppose your House Bill 2564.

Sincerely,
Lori Flynn
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