

Total, 58 - Apr/09/2018
Pages

+ 3 - Appendix D
added on Apr/10/2018

+ 1 - Susan's signature
added on Apr/10/2018

CITY OF PALO ALTO
Office of the City Clerk
**APPEAL FROM THE DECISION OF DIRECTOR OF PLANNING
AND COMMUNITY ENVIRONMENT***

For appeals of final decisions on Architectural Review Board and Home Improvement Exception applications (rendered after public hearing), this appeal form shall be completed and submitted by appellant within fourteen days from date of the Director's decision. Appeals of final decisions on Individual Review applications (rendered after public hearing) must be submitted within ten days of the Director's decision. Complete form, the current fee and a letter stating reasons for the appeal shall be submitted to front desk staff of the Planning Division, 5th floor, City Hall, 250 Hamilton Avenue, except for 980 Fridays when City Hall is closed, when these items shall be submitted to Planning staff at the Development Center, 285 Hamilton Avenue (glass storefront across from City Hall on the corner of Bryant and Hamilton).

* Director of Planning includes his designees, which are Planning Managers or the Chief Planning Official

Appeal Application No. 18-AP-8 Receipt No. 2018099001-79
Name of Appellant AMIRUTHA KATTAMURI Phone (408) 226-8821
Address 3189 Berryessa St, Unit #1, Palo Alto, CA, 94303
Street City ZIP

LOCATION OF PROPERTY SUBJECT TO APPEAL: Node #129: CPAU Pole # 3121, Node #130: CPAU Pole #24
Street Address Node #131: CPAU Pole # 3315, Node #133E: CPAU Pole # 2856, Node #134:
CPAU POLE # 2964, Node #135: CPAU Pole # 3610, Node #137: CPAU POLE # 3351, Node #138: CPAU Pole #247
Name of Property Owner (if other than appellant) NA | Node #143: CPAU POLE # 3867,
Property Owner's Address -NA - | Node #144: CPAU POLE # 1506,
Street City ZIP Node #145: CPAU POLE # 3288

The decision of the Director of Planning and Community Environment dated March 26th, 2018

whereby the application 17 PLN-00169 by Verizon wireless
(file number) (original project applicant)

was approved, is hereby appealed for the reasons stated in the attached letter (in duplicate)
(approved/denied)

Date: Apr/9/2018 Signature of Appellant K. Amruthavelli

Received
APR 10 2018
Department of Planning
& Community Environment

PLANNING COMMISSION RECOMMENDATION TO THE CITY COUNCIL (TO BE FILLED OUT BY STAFF):

Date _____ Approved _____ Denied _____

Remarks and/or Conditions:

CITY COUNCIL DECISION (TO BE FILLED OUT BY STAFF):

Date _____ Approved _____ Denied _____

Remarks and/or Conditions:

Received
APR 09 2018

SUBMITTAL REQUIREMENTS SATISFIED:

- Letter stating reasons for appeal 4/9/18 Received by: Kim Lent
- Fee (currently \$280.00) 4/9/18 Received by: Kim Lent

Department of Planning
& Community Environment

18 APR -9 PM 5:01
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**CITY OF
PALO
ALTO**

PLANNING & COMMUNITY ENVIRONMENT

250 Hamilton Avenue, 5th Floor
Palo Alto, CA 94301
650.329.2441

March 26, 2018

Mary Diesch, Site Acquisition Manager, Small Cells
Vinculums Services
575 Lennon Lane
Walnut Creek CA 94598

Subject: 250 Hamilton Avenue [17PLN-00169]; Tier 3 Wireless Communication Facility Permit Applications for 11 Small Cell Nodes – Vinculums/Verizon Cluster 1

Dear Mary Diesch:

On March 26, 2018 the Director of Planning and Community Environment (Director) approved 11 small cell nodes referenced below, under file 17PLN-00169.

These Director's approvals (known as Tier 3 Wireless Communication Facility (WCF) permits) were granted pursuant to the Palo Alto Municipal Code (PAMC) Sections 18.42.110 (c)(3), 18.42.110 (h)(1), 18.42.110 (h)(2), 18.42.110 (i), and 18.42.110 (j). These decisions were based on the review of all information contained within the project file, all public comments received to date, and the review of the proposal in comparison to applicable Comprehensive Plan goals and policies, as well as zoning and other municipal code requirements. These Director's approvals correspond with the recommendations of the Architectural Review Board from March 15, 2018.

APPROVED PROJECT LOCATIONS: Tier 3 Wireless Communication Facilities (small cell wireless communication equipment) are hereby approved on eleven utility poles in the public right of way within the Mid-Town, Palo Verde, St. Claire Gardens, and South of Mid-Town neighborhoods, as follows:

- Node #129: CPAU Pole# 3121 (near 2490 Louis Road APN 127-30-062)
- Node #130: CPAU Pole #2461 (near 2802 Louis Road APN 127-28-046)
- Node #131: CPAU Pole #3315 (near 891 Elbridge Way APN 127-26-067)
- Node #133E: CPAU Pole #2856 (near 949 Loma Verde APN 127-23-009)
- Node #134: CPAU Pole #2964 (near 3409 Kenneth Drive APN 127-09-028)
- Node #135: CPAU Pole # 3610 (near 795 Stone Ln APN 127-47-001)
- Node #137: CPAU Pole #3351 (near 3090 Ross Rd APN 127-52-031)
- Node #138: CPAU Pole #2479 (near 836 Colorado Av APN 127-27-063)
- Node #143: CPAU Pole #3867 (near 419 El Verano Av APN 132-15-017)
- Node #144: CPAU Pole #1506 (near 201 Loma Verde Av APN 132-48-015) and
- Node #145: CPAU Pole #3288 (near 737 Loma Verde Av APN 127-64-039).



Pursuant to the California Environmental Quality Act (CEQA), the Director determined that each WCF is Categorically Exempt under CEQA Class 3, Guidelines Section 15303 (New Construction or Conversion of Small Structures).

The Director's decision on each of the 11 nodes shall become final and effective fourteen (14) calendar days from the postmark date of the March 26, 2018 mailing (or on the next business day if it falls on a weekend or holiday), unless appeal(s) are filed pursuant to PAMC Section 18.77.070(e). Any appeal(s) shall be in writing and submitted to the Planning Division prior to the end of the business day of the fourteenth day. The Director's decisions for nodes that are not appealed within this time shall become final, notwithstanding any timely appeal of one or more of the other nodes included in this letter.

Any appeal(s) shall be placed on the City Council consent calendar within 45 days pursuant to PAMC Section 18.77.070(f). The appeal form, which contains brief instructions, can be found on the City website (<https://www.cityofpaloalto.org/civicax/filebank/documents/61907>). Each appealed node should be specifically listed by node number on the appeal form and in the letter stating the reason(s) for the appeal.

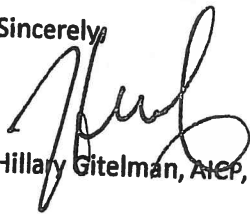
As outlined in the Fiscal Year 2018 Municipal Fee Schedule found on the City's website (<https://www.cityofpaloalto.org/civicax/filebank/documents/61512>), the total fee to file an appeal for one or more nodes is two-hundred and eighty dollars (\$280.00). The fee is refunded if the City Council chooses not to hear an appeal.

Approvals shall be effective for one year from the date they become final, within which time construction of the project shall have commenced. Applications for extensions may be made prior to approval expiration.

According to PAMC Section 18.42.110(l), the Director may revoke any WCF permit if the permit holder fails to comply with any conditions of approval.

Should you have any questions regarding this approval, please do not hesitate to contact Rebecca Atkinson, at (650) 329-2596, or e-mail Rebecca.Atkinson@CityofPaloAlto.org.

Sincerely,



Hillary Gitelman, AICP, Director of Planning and Community Environment

Cc:

Jennifer Haas, Verizon Wireless, 2785 Mitchell Drive, Building 9, Walnut Creek, CA 94598
Paul Albritton, Esq. Mackenzie & Albritton LLP, 155 Sansome St., Ste. 800, San Francisco, CA 94104
Hamid Ghaemmaghami, Manager Real Property for Administrative Services, City of Palo Alto
Jim Fleming, Senior Management Analyst for Utilities Department, City of Palo Alto

Attachment:

Findings and Conditions of Approval

17PLN-00169

Page 2 of 2

City of Palo Alto

April 9, 2018

City of Palo Alto
Office of the City Clerk
City Hall, 250 Hamilton Avenue
Planning Division, 5th floor
Palo Alto, CA 94301

Appeal and Claim re: Director of Planning and Community Environment's Decision to Approve — in Residential Zones — the Installation of 11 Small Cell Nodes, called Vinculums/Verizon Cluster 1

Ref: 250 Hamilton Avenue [17PLN-00169]; Tier 3 Wireless Communication Facility Permit Applications

Appellants and Claimants

Amrutha Kattamuri
3189 Berryessa St, Unit #1
Palo Alto, CA 94303
408-226-8821
vkattamuri@yahoo.com

Dr. Susan Downs
228 Ramona Street
Palo Alto, CA 94301
510-847-7157
susanrdowns@hotmail.com

Amrutha Kattamuri and Susan Downs live in Palo Alto, in Cluster 1 or not far from the locations where Vinculums/Verizon is applying to install 11 so-called "Small Cell" nodes, which are Close Proximity Microwave Radiation-emitting Antennas, including the bulky, intrusive ancillary equipment each installation requires for power and radio services (CPMRA). This first group of 11 CPMRAs in Cluster 1's residential zones represent just a small part of a large planned network of hundreds of CPMRAs that would have a cumulative CEQA impact throughout Palo Alto's residential neighborhoods.

These CPMRA installations are unnecessary because they are not needed to close a significant gap in Verizon coverage. The substantial evidence in the public record from the 12/7/17 and 3/15/18 Palo Alto Architectural Review Board (ARB) hearings shows that there is **no significant gap in Verizon coverage** in Cluster 1. In addition, if installed, as approved, these CPMRAs will create multiple instances of **dangerous conditions of public property** as they would create significant fire and other hazards and nuisances in residential neighborhoods that would effectively incommode the public's use of the public rights-of-way in Cluster 1.

California Government Code - GOV

- TITLE 1. GENERAL [100 - 7914]
 - DIVISION 3.6. CLAIMS AND ACTIONS AGAINST PUBLIC ENTITIES AND PUBLIC EMPLOYEES [§ 810 - 998.3]
 - PART 2. LIABILITY OF PUBLIC ENTITIES AND PUBLIC EMPLOYEES [§ 814 - 895.8]
 - CHAPTER 2. Dangerous Conditions of Public Property [§ 830 - 840.6]
 - ARTICLE 1. General[830 - 831.8]

§ 830.

(a) "**Dangerous condition**" means a condition of property that creates a substantial (as distinguished from a minor, trivial or insignificant) risk of injury when such property or adjacent property is used with due care in a manner in which it is reasonably foreseeable that it will be used.

(b) "**Protect against**" includes repairing, remedying or correcting a dangerous condition, providing safeguards

against a dangerous condition, or warning of a dangerous condition.

(c) "Property of a public entity" and "public property" mean real or personal property owned or controlled by the public entity, but do not include easements, encroachments and other property that are located on the property of the public entity but are not owned or controlled by the public entity.

Appellants/Claimants Oppose the Installation of any CPMRAs in Residential Zones and Ask the City of Palo Alto to do the following:

1. Not allow in, or within 1500 feet of, residential zones — the installation of privately-owned Close Proximity Microwave Radiation-emitting Antennas (CPMRA) and ancillary equipment, on or adjacent to city-owned utility poles, light poles and other street furniture because doing so would create a **dangerous condition of public property**. In addition, melding private telecommunications equipment onto public property would **transfer massive liability for injuries from this equipment to the city of Palo Alto and its tax payers** as explained in Attorney Harry Lehmann's 7/19/17 letter to the CA Senate Appropriations Committee, included in Appendix A.
2. Amend the Palo Alto Municipal Code to allow the installation of CPMRAs only in commercial and industrial zones -- not in or within 1,500 feet of residential zones.
3. Amend the Palo Alto Municipal Code to establish an effective setback for the installation of CPMRAs in commercial and industrial zones -- **a 1,500-foot setback** from any of the following:
 - o Residential Zones
 - o Firefighter facilities (protections guaranteed by CA AB.57)
 - o Police facilities
 - o Medical facilities
 - o Schools
 - o Day care facilities
 - o Parks and sports fields
4. Allow the installation of a Wireless Communications Facility (WCF) in commercial and industrial zones **only if there is a significant gap in coverage**, as proven by substantial evidence in the public record. To address a proven significant gap in coverage, direct all Wireless Carriers and their subcontractors to propose and install WCFs that represent the **least intrusive means** that will close a proven significant gap in coverage.

Background

Substantial information from the public opposing this 11 CPMRA project and the full build-out of hundreds of CPMRAs in Palo Alto's residential neighborhoods was entered into the public record in preparation for and at the two Architectural Review Board (ARB) Hearings for this project on 12/7/17 and on 3/15/18.

Appendices B and C below highlight excerpts from and contain the full text of emails from Paul McGavin from *Scientists for Wired Technology*, who has asked important, relevant questions about the existing and planned CPMRA installations in Palo Alto. Unfortunately, Palo Alto's Planning staff did not adequately answer these questions, despite having four months to do so (from 12/7/17 to 4/6/18). All of the information referenced to by the links in this appeal/complaint and in all of the emails from Paul McGavin are considered to be part of the Palo Alto public record for this 11 CPMRA Cluster 1 project in Palo Alto.

In addition, all information contained within the project file, all public comments received to date, and the various reviews of the proposal are also considered to be part of the Palo Alto public record for this 11 CPMRA Cluster 1 project in Palo Alto.

On March 26, 2018, Tier 3 WCFs/CPMRAs were approved by Palo Alto's Director of Planning and Community Environment for 11 utility poles in the public-rights-of way within the Mid-Town, Palo Verde, St. Claire Gardens, and South of Mid-Town neighborhoods, as follows:

1. Node #129: CPAU Pole #3121 (near 2490 Louis Road APN 127-30-062)

2. Node #130: CPAU Pole #2461 (near 2802 Louis Road APN 127-28-046)
3. Node #131: CPAU Pole #3315 (near 891 Elbridge way APN 127-26-067)
4. Node #133E: CPAU Pole #2856 (near 949 Loma Verde APN 127-23-009)
5. Node #134: CPAU Pole #2964 (near 3409 Kenneth Drive APN 127-09-028)
6. Node #135: CPAU Pole #3610 (near 795 Stone Ln APN 127-47-001)
7. Node #137: CPAU Pole #3351 (near 3090 Ross Rd APN 127-52-031)
8. Node #138: CPAU Pole #2479 (near 836 Colorado Av APN 127-27-063)
9. Node #143: CPAU Pole #3867 (near 419 El Verano Av APN 132-15-017)
10. Node #144: CPAU Pole #1506 (near 201 Loma Verde Av APN 132-48-015)
11. Node #145: CPAU Pole #3288 (near 737 Loma Verde Av APN 127-64-039)

We are asking the City Council to reverse Director of Planning and Community Environment's decision and deny the installation of all 11 of these CPMRA installations.

Basis of Appeal/Claim

The reasons to deny all 11 CPMRA installations, listed above, are the following:

1. Substantial evidence in the public record establishes that **there is no significant gap in Verizon coverage** in Cluster 1, which is the legal test for preemption of local authority over the placement, construction and modification of personal wireless facilities. With no significant gap in coverage and no prohibition of Wireless Service in Cluster 1, there is no basis for the preemption clauses listed in Section 704 of the 1996 Telecommunications Act (1996-TCA).
2. Even if a significant gap in Verizon coverage had been proven by the applicant (which it had not), then these bulky, ugly CPMRA installations are **not the least intrusive means** to provide additional Verizon Wireless coverage to Palo Alto neighborhoods. Importantly, and other less intrusive means, such as co-location on existing macro towers, were not considered by the applicant, the ARB or the City of Palo Alto Planning staff.
3. Comparing the penultimate and ultimate versions of the 1996-TCA, shows Congressional intent for municipalities to retain authority over regulating the **operations** of personal wireless facilities, since the word "operations" was dropped from the list of preemptions in the ultimate version of the 1996-TCA.
 - o Read the **penultimate** version of the 1996-TCA here: <http://scientists4wiredtech.com/legislation/1995-federal-communications-act-hr-1555/>
 - o Read the **ultimate** version of the 1996-TCA here: <http://scientists4wiredtech.com/legislation/1996-federal-telecommunications-act-s-652/>
 - o The duty to **regulate the operations** of cell phone towers falls squarely on the City of Palo Alto which must protect their residents' inalienable, constitutional rights to safety and privacy (as guaranteed by the CA Constitution's Article I, Section 1). Palo Alto can use any relevant RF Microwave radiation exposure guideline it wishes -- such as signal strength from all frequencies to collectively **not exceed -75 dBm** — the signal strength needed for five bars on a cell phone.
4. Palo Alto homeowners, Amrutha Kattamuri and her spouse may face real estate devaluation of \$200,000 or more due to the installation of these unnecessary CPMRA installations in Cluster 1. These are significant financial damages caused by the City of Palo Alto **not adequately exploring less intrusive means** to address any alleged Verizon significant gaps in coverage.
5. Palo Alto homeowner, Dr. Susan Downs may face real estate devaluation of \$500,000 or more due to the installation of unnecessary CPMRA installations in Palo Alto. These are significant financial damages caused by the City of Palo Alto **not adequately exploring less intrusive means** to address any alleged Verizon significant gaps in coverage.
6. Palo Alto resident and medical doctor, Susan Downs, MD, has been diagnosed with a brain tumor (acoustic neuroma) and has **disability rights due to her diagnosis. Her rights are protected by the Federal Americans with Disabilities Act.** Palo Alto cannot create an access-barrier to her home or to her community by installing these unnecessary CPMRA installations. Cancer survivors like Dr. Downs, Palo Alto residents and visitors with medical implants that contain metal or batteries, and other Palo Alto residents who are Electromagnetically Sensitive (EMS) have medical conditions which are exacerbated by RF microwave radiation exposure levels that are millions of times lower than the irrelevant FCC RF

microwave radiation maximum public exposure guideline (see <http://scientists4wiredtech.com/regulation/rf-microwave-exposure-guidelines/>).

- 7. EMS Californians testified at the California Public Utilities Commission (CPUC) hearings and eventually achieved an opt-out program in response to the forced installation of so-called "Smart Meters" on people's homes. The City of Palo Alto must respect the reasons why EMS-Californians and others have exercised their rights to opt out of "Smart Meter" program (to reduce RF microwave radiation exposures in one's home). The City of Palo Alto, therefore, **cannot force 24/7/365 RF microwave radiation exposures into one's home from the public rights-of-way** — effectively canceling the benefit of such an opt out, for which Californians have already paid. Fiber optic to the premises (FTTP) avoids all of these problems as described here: <http://mystreetmychoice.com/press.html>
- 8. Amrutha Kattamuri is raising two children in Palo Alto and walks/drives to various school, shopping and recreation areas (parks, sports fields et al.) in and around Cluster 1 with her children. She is well-aware that her children absorb RF microwave radiation more deeply into their brains and bodies because her children are smaller and have thinner skulls and bones when compared to that of adults. She does not want her children to develop the environmentally-induced illness, microwave sickness, which can create permanent EMS-symptoms similar to those already affecting other children in Palo Alto today.
- 9. The 11 CPMRAs in Cluster 1 are not designed to automatically shut down in the event of a fire. Any ancillary equipment cabinets or vaults must be environmentally controlled and watertight. The equipment cabinets and vaults must also be able to temporarily contain any fire.
- 10. The 11 CPMRAs in Cluster 1 are not consistent with the City's undergrounded equipment requirements.
- 11. The 11 CPMRAs in Cluster 1 are not necessary, desirable for or compatible with the neighborhood or community because the record does not demonstrate substantial evidence of a significant gap in Verizon coverage.
- 12. Any exception is not warranted because the record reflects that there is no significant gap in Verizon coverage and there are less intrusive alternatives, such as undergrounded equipment and locating CPMRAs in commercial zones, nearby, with 1500 foot setbacks from residential and sensitive areas, listed above.
- 13. There has been **no independent assessment of technical information related to RF microwave radiation exposures** from these 11 CPMRAs in Cluster 1. PAMC code authorizes the Planning Director to employ, at his/her discretion, an **independent** technical expert to review any technical materials submitted, at the applicant's expense. No independent expert has been retained by the City to examine the accuracy of Verizon's FCC Compliance Assessment and Radio Frequency assessment. **William Hammett from Hammett & Edison has a specific conflict of interest in this role** because he and his employees are a front-men for Verizon in many Bay Area communities. In addition, Hammett & Edison has produced sub-standard work on behalf of Cities and School Districts in California, as described in Appendix D.
- 14. The City of Palo Alto, working as an agency of the State of California has taken specific action to enter into a Master License Agreement approved by the City Council in June 2016 — a joint-venture with Verizon Wireless and its various subcontractors. **This action has opened up the city and its taxpayers to massive liability** from the melding of private telecommunications equipment onto public property (city-owned light poles, utility poles and other street furniture) as explained in the 7/19/17 letter from Attorney Harry Lehmann, included in Appendix A. Due to the City's contract with Verizon, an agreement which can be canceled due to fraud in the inducement, **many significant harms can be tied to this City action**. The action is forcing Palo Alto residents to give up property rights and forcing them to endure lowered property values, resulting from the installation of CPMRAs in residential zones. **Many CPMRAs are just 15-50 feet from homes in Palo Alto**. Finally, this agreement has opened up the City to a **series of costly and unavoidable ADA claims from EMS-Californians**, who have rights to non-discrimination and rights to be free from access-barriers to their homes and their community — which CPMRAs in residential zones create.

Signatures

K. Amrutha Kattamuri
Apr 09 2018

Amrutha Kattamuri — Date

Dr. Susan Downs — Date

AMRUTHA KATTAMURI

Print name here

Print name here

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with Susan's signature

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Subject: Unre.
From: Paul McC
Date: Tue, 1
To: ,

microwave radiation maximum public exposure guideline (see <http://scientists4wiredtech.com/regulation/rf-microwave-exposure-guidelines/>).

7. EMS Californians testified at the California Public Utilities Commission (CPUC) hearings and eventually achieved an opt-out program in response to the forced installation of so-called "Smart Meters" on people's homes. The City of Palo Alto must respect the reasons why EMS-Californians and others have exercised their rights to opt out of "Smart Meter" program (to reduce RF microwave radiation exposures in one's home). The City of Palo Alto, therefore, **cannot force 24/7/365 RF microwave radiation exposures into one's home from the public rights-of-way** — effectively canceling the benefit of such an opt out, for which Californians have already paid. Fiber optic to the premises (FTTP) avoids all of these problems as described here: <http://mystreetmychoice.com/press.html>
8. Amrutha Kattamuri is raising two children in Palo Alto and walks/drives to various school, shopping and recreation areas (parks, sports fields et al.) in and around Cluster 1 with her children. She is well-aware that her children absorb RF microwave radiation more deeply into their brains and bodies because her children are smaller and have thinner skulls and bones when compared to that of adults. She does not want her children to develop the environmentally-induced illness, microwave sickness, which can create permanent EMS-symptoms similar to those already affecting other children in Palo Alto today.
9. The 11 CPMRAs in Cluster 1 are not designed to automatically shut down in the event of a fire. Any ancillary equipment cabinets or vaults must be environmentally controlled and watertight. The equipment cabinets and vaults must also be able to temporarily contain any fire.
10. The 11 CPMRAs in Cluster 1 are not consistent with the City's undergrounded equipment requirements.
11. The 11 CPMRAs in Cluster 1 are not necessary, desirable for or compatible with the neighborhood or community because the record does not demonstrate substantial evidence of a significant gap in Verizon coverage.
12. Any exception is not warranted because the record reflects that there is no significant gap in Verizon coverage and there are less intrusive alternatives, such as undergrounded equipment and locating CPMRAs in commercial zones, nearby, with 1500 foot setbacks from residential and sensitive areas, listed above.
13. There has been **no independent assessment of technical information related to RF microwave radiation exposures** from these 11 CPMRAs in Cluster 1. PAMC code authorizes the Planning Director to employ, at his/her discretion, an **independent** technical expert to review any technical materials submitted, at the applicant's expense. No independent expert has been retained by the City to examine the accuracy of Verizon's FCC Compliance Assessment and Radio Frequency assessment. **William Hammett from Hammett & Edison has a specific conflict of interest in this role** because he and his employees are a front-men for Verizon in many Bay Area communities. In addition, Hammett & Edison has produced sub-standard work on behalf of Cities and School Districts in California, as described in Appendix D.
14. The City of Palo Alto, working as an agency of the State of California has taken specific action to enter into a Master License Agreement approved by the City Council in June 2016 — a joint-venture with Verizon Wireless and its various subcontractors. **This action has opened up the city and its taxpayers to massive liability** from the melding of private telecommunications equipment onto public property (city-owned light poles, utility poles and other street furniture) as explained in the 7/19/17 letter from Attorney Harry Lehmann, included in Appendix A. Due to the City's contract with Verizon, an agreement which can be canceled due to fraud in the inducement, **many significant harms can be tied to this City action**. The action is forcing Palo Alto residents to give up property rights and forcing them to endure lowered property values, resulting from the installation of CPMRAs in residential zones. **Many CPMRAs are just 15-50 feet from homes in Palo Alto**. Finally, this agreement has opened up the City to a **series of costly and unavoidable ADA claims from EMS-Californians**, who have rights to non-discrimination and rights to be free from access-barriers to their homes and their community — which CPMRAs in residential zones create.

Signatures

K. Amrutha Kattamuri
Apr 10 9 2018

Amrutha Kattamuri — Date

AMRUTHA KATTAMURI

Print name here

S

Dr. Susan Downs — Date 4/10/18

SUSAN DOWNS, MD

Print name here

Received

APR 10 2018

Department of Planning
& Community Environment

1912 June 20

Subject: Unreasonable Failure to Respond
From: Paul McGavin <paul.mcgavin@scientists4wiredtech.com>
Date: Tue, 12 Dec 2017 17:17:28 -0800
To: Amy French <amy.french@cityofpaloalto.org>
CC: Jodie Gerhardt <jodie.gerhardt@cityofpaloalto.org>, Rebecca Atkinson <rebecca.atkinson@cityofpaloalto.org>

December 12, 2017

Ms. Amy French <amy.french@cityofpaloalto.org>
Planning Manager
City of Palo Alto
250 Hamilton Avenue
Palo Alto, California 94301-2531
650-329-2336

cc: Jodie Gerhardt <jodie.gerhardt@cityofpaloalto.org>
Rebecca Atkinson <rebecca.atkinson@cityofpaloalto.org>
Jim Fleming <jim.fleming@cityofpaloalto.org>

Re: Wireless 17PLN-0016: Unreasonable Failure to Respond

Will you please place this email/letter into the public record (both in the paper file and on the Palo Alto web site) for the current Small Cell applications for Palo Alto's residential zones (Wireless 17PLN-00169)?

From our telephone conversation on Fri 12/8/17, it is clear that you were unwilling to give me any estimate of when I might get the list of unanswered questions, listed below, adequately answered by the City of Palo Alto planning staff. Today, Tue 10/12/17 **marks ten days** since I asked the original 12 unanswered questions, listed below, and **seven days**, since I asked an additional four questions, also listed below.

I am dismayed that your staff continues to stonewall and communicate nothing of substance that could qualify as answers to these questions. We received one email from Jodie Gerhardt on 12/6/17: she forwarded a 12/6/17 email from Hammett & Edison, which, unfortunately, **did not answer any of the questions. I therefore, consider that the City of Palo Alto has not adequately addressed any of the 16 questions**, listed below.

Please respond to this email with either:

- **A.** Your staff intends to answer the questions and we can expect answers by a specific date (please provide the date), **OR**
- **B.** Your staff intends to never answer these questions.

As your staff has returned no calls or emails since 12/6/17, I can only assume that with no

response from you or your staff (either **A** or **B**, above) by the close of business on Wed 12/13/17 that the City of Palo Alto's choice is **B**.

I will then take the next steps to address the City of Palo Alto's negligence in completing its required due diligence in processing this Wireless 17PLN-0016 application.

A. I am still waiting for answers to the **following ten questions** that we understand from Amy French that **Jodie Gerhardt** will be answering:

>>> On 12/5/17 @ 4:02 pm, Paul McGavin wrote to Palo Alto City Planning Officials:

Q1: When can I expect the answers to the questions about the Hammett & Edison (H/E) postmortem analysis of the pulsed, data-modulated, Radiofrequency Microwave (RF/MW) Radiation exposures from the 19 Small Cells that were powered on in November, 2016? **No answer, as of 12/6/17 @ 10:30 am**

Q2: If these antennas were run at max power, what is the ERP coming out of the antennas and how much higher are the resulting RF Microwave Radiation exposures?

Q3: What keeps Crown Castle/Verizon from turning up the power at will from 6 Watts to some higher setting between 6 and 2,400 Watts of input power?

Q4: Is the City of Palo Alto currently monitoring and regulating the operations of these antennas to ensure that they don't run hotter than the specs communicated to the public?

>>> On 12/2/17 @ 7:40 am, Paul McGavin wrote to Palo Alto Planning Officials:

Before we consider Mr. Hammett's 6/8/17 RF Microwave radiation exposure analysis and letter a misleading whitewash, will the City of Palo Alto please answer the following questions?

- **Q1:** At what time of the day were Mr. Hammett's measurements taken?
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French: This is a question for **Rebecca**.

McGavin: Do you have an answer, **Rebecca**?

Thank you for your prompt attention to this matter.

--

Regards,

Paul McGavin

Scientists For Wired Technology

415-382-4040

skype: paulmcgavin

Subject: Re: Palo Alto Wireless 17PLN-00169: Questions and Solutions
From: Paul McGavin <paul.mcgavin@scientists4wiredtech.com>
Date: Thu, 07 Dec 2017 14:15:15 -0800
To: Amy French <amy.french@cityofpaloalto.org>
CC: Tom DuBois <tom.dubois@cityofpaloalto.org>, Eric Filseth <eric.filseth@cityofpaloalto.org>, Adrian Fine <adrian.fine@cityofpaloalto.org>, Karen Holman <karen.holman@cityofpaloalto.org>, Liz Kniss <liz.kniss@cityofpaloalto.org>, Lydia Kou <lydia.kou@cityofpaloalto.org>, Greg Tanaka <greg.tanaka@cityofpaloalto.org>, Cory Wolbach <cory.wolbach@cityofpaloalto.org>, arb@cityofpaloalto.org, Jodie Gerhardt <jodie.gerhardt@cityofpaloalto.org>, Rebecca Atkinson <rebecca.atkinson@cityofpaloalto.org>, Jim Fleming <jim.fleming@cityofpaloalto.org>, Gregory Scharff <greg.scharff@cityofpaloalto.org>, gregscharff@aol.com

December 7, 2017

Ms. Amy French <amy.french@cityofpaloalto.org>
Planning Manager
City of Palo Alto
250 Hamilton Avenue
Palo Alto, California 94301-2531
650-329-2336

cc: Mayor Gregory Scharff <greg.scharff@cityofpaloalto.org>
Council Member Tom DuBois <tom.dubois@cityofpaloalto.org>
Council Member Eric Filseth <eric.filseth@cityofpaloalto.org>
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Re: Palo Alto Wireless 17PLN-00169: Questions and Solutions

Dear Ms. French,

Will you please place this email/letter into the public record (both in the paper file and on the Palo Alto web site) for the current Small Cell applications for Palo Alto's residential zones (Wireless 17PLN-00169)?

As a member of the public, I was disadvantaged by not being able to prepare the most relevant and accurate public testimony for this morning's Architectural Review Board Meeting because I am **still lacking reasonable answers** to the important questions that I asked the City of Palo Alto on 12/2/17, summarized in Sections **A** and **B**, below. I did not get answers from the City of Palo Alto in time for 12/7/17 ARB meeting from either Jodie Gerhardt or from Rebecca Atkinson; I hope to get more thorough, accurate and thoughtful answers to our questions from the City of Palo Alto in the next week or so.

I am following up to get your estimate, Ms. French, of **when** I can expect such answers from the City of Palo Alto. As detailed at this web page, <http://scientists4wiredtech.com/2017/12/broadband-fail-palo-alto-1/>, Hammett and Edison wrote an email on 12/6/17, but the email **did not answer a single question**.

>>> On 12/6/17 @ 1:24 pm, Paul McGavin wrote:

The obvious follow up questions from your 12/6/17 email are these:

1. **When** can I expect answers to my important and as-yet-unanswered questions, listed below?
2. **Why should the City of Palo Alto continue** with its review of the Wireless 17PLN-0016 application in the 12/7/17 ARB meeting if the City of Palo Alto does not provide answers before the 12/7/17 ARB meeting?

I would appreciate your answers to **these two questions today, 12/6/17**.

I will look forward to hearing the timing estimate from you after you have checked in with your staff and directed your team's resources. I would also like to be alerted by email when the next ARB meeting is scheduled. The ARB vote today (5-0) was for a time-uncertain continuance.

This morning, I chose not to attend the ARB Hearing and watched the live stream on Channel 26, and heard the Verizon attorney say that Crown Castle -- the firm that proposed nine Crown Castle/Verizon so-called "Small Cell" cell towers in Piedmont, CA in and around Piedmont park and in residential zones -- is suing the City of Piedmont. I immediately fact-checked this and found the following :

Plaintiff: Crown Castle NG West LLC

Defendant: City of Piedmont and City Council of the City of Piedmont

Case Number: 4:2017cv06595

Filed: November 15, 2017

Court: California Northern District Court

Office: Oakland Office

Case assigned to Federal Court, to

Magistrate Judge Donna M. Ryu

Oakland Courthouse, Courtroom 4 - 3rd Floor

1301 Clay Street, Oakland, CA 94612

Apparently Crown Castle is suing Piedmont over eight of the nine proposed cell towers:

- The five cell towers that were denied
- Three of the four cell towers that were approved because these three were approved with conditions-of-approval: undergrounding the ancillary (non-antenna) equipment.

Not only does this seem like an extreme bullying tactic by Crown Castle for what was very much a "compromise": the City approved four of the nine applications with conditions of approval for undergrounding the ancillary (non-antenna) equipment for three of the cell towers.

This is relevant to Palo Alto because this morning the ARB voted 4-1 to require undergrounding of all ancillary (non-antenna) equipment. The key issue referenced by the Verizon attorney was that undergrounding in Piedmont caused so much noise (from cooling fans) that it violated the City's Noise ordinance -- which is, actually a **very easily-addressable issue**.

Check with any geek that you know who has ever built his/her own gaming PC with one of the latest graphics cards -- a rig that must address overheating. The geek has a choice to stick with smaller, high-rpm fans (**low cost, high noise**), larger, low-rpm fans (**mid-cost, mid-noise**) or liquid cooling/heat sinks (**high cost, no noise**), just like your car's radiator.

Liquid cooling and heat sinks is a simple noise solution for undergrounding ancillary equipment. Trust me. Verizon can afford it.

Solving the noise problem, however, doesn't solve the following remaining problems:

1. **Problem: Hazardous exposures** to pulsed, data-modulated, Radiofrequency Microwave (RF/MW) Radiation from these antennas which are unnecessarily too close to where people live and sleep. **Solution:** effective vertical and horizontal setbacks.
2. **Problem:** Allowing **24/7/365 operation** of antennas in residential zones. **Solution:** The City **can regulate** that the antennas operate only from 6:00 am to 6:00 pm, leaving residential neighborhoods free of RF/MW radiation during evening time and sleep time because it has been scientifically established that Radiofrequency Microwave (RF/MW) Radiation exposures cause sleep/healing problems by suppressing melatonin production in humans.
3. **Problem: Not monitoring in real-time** the power levels of these antennas. Over 15% of current cell towers operate at power levels that exceed FCC pulsed, data-modulated, Radiofrequency Microwave (RF/MW) Radiation exposure guidelines -- and there is no effective policing of these violations. **Solution:** The City **can regulate and monitor in real-time** that power density, measured as peak or instantaneous maximum does not

exceed what modern science is showing causes adverse biological reactions (i.e. no higher than 10 microwatts per square meter; 1 microwatt per square meter is sufficient to make a call/text). This can be achieved by requiring both vertical and horizontal setbacks and setting up real-time Radiofrequency Microwave (RF/MW) Radiation "thermometers-of-sorts" that report the results to a 24-hour-manned dashboard at the City of Palo Alto, equipped with City-controlled kill switches that are engaged whenever RF Microwave Radiation exceeds what Science determines are safe levels. This can be required as a condition for approval.

All of these effective solutions are allowed by the 1996 Telecommunications Act and the 2012 Spectrum Act. With all ancillary equipment undergrounded, Palo Alto would be better served by fewer antennas installed only in commercial areas **with antennas much higher -- at least 100 feet higher** than the highest floor where people live. Please consider these solutions in your next ARB hearing. Doing this would have the added benefit of not impeding Palo Alto's current program to underground all utilities and rid their streets of these unsightly utility poles.

Finally, Crown Castle and companies like them (who lease Wireless installations to Verizon, AT&T, T-Mobile and Sprint) are not acting as public utilities, because they are not serving all communities -- only the wealthy communities like Piedmont and Palo Alto. Therefore, these firms should not be offered the benefits of public utilities and should have their public utility status revoked, based on their current practices, such as suing Piedmont over their unwillingness to compromise or to solve simple noise and other engineering problems.

12/2/17 Questions Still Need Answers

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>>> On 12/5/17 @ 4:02 pm, Paul McGavin wrote to Palo Alto City Planning Officials:

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Q2: If these antennas were run at max power, what is the ERP coming out of the antennas and how much higher are the resulting RF Microwave Radiation exposures?

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--

Regards,

Paul McGavin

Scientists For Wired Technology

415-382-4040

skype: paulmcgavin

Subject: Wireless 17PLN-00169: Palo Alto Whitewashes RF Microwave Radiation Exposure Hazards -- Updated
From: Paul McGavin <paul.mcgavin@scientists4wiredtech.com>
Date: Thu, 07 Dec 2017 08:03:04 -0800
To: Gregory Scharff <greg.scharff@cityofpaloalto.org>, gregscharff@aol.com
CC: Tom DuBois <tom.dubois@cityofpaloalto.org>, Eric Filseth <eric.filseth@cityofpaloalto.org>, Adrian Fine <adrian.fine@cityofpaloalto.org>, Karen Holman <karen.holman@cityofpaloalto.org>, Liz Kniss <liz.kniss@cityofpaloalto.org>, Lydia Kou <lydia.kou@cityofpaloalto.org>, Greg Tanaka <greg.tanaka@cityofpaloalto.org>, Cory Wolbach <cory.wolbach@cityofpaloalto.org>, arb@cityofpaloalto.org, Amy French <amy.french@cityofpaloalto.org>, Jodie Gerhardt <jodie.gerhardt@cityofpaloalto.org>, Rebecca Atkinson <rebecca.atkinson@cityofpaloalto.org>, Jim Fleming <jim.fleming@cityofpaloalto.org>

December 7, 2017

Mr. Gregory Scharff
Mayor, City of Palo Alto
250 Hamilton Avenue
Palo Alto, California 94301-2531

cc: Council Member Tom DuBois <tom.dubois@cityofpaloalto.org>
Council Member Eric Filseth <eric.filseth@cityofpaloalto.org>
Council Member Adrian Fine <adrian.fine@cityofpaloalto.org>
Council Member Karen Holman <karen.holman@cityofpaloalto.org>
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ARB member Alexander Lew <arb@cityofpaloalto.org>
ARB member Peter Baltay <arb@cityofpaloalto.org>
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ARB member Robert Gooyer <arb@cityofpaloalto.org>
ARB member Kim Kyu <arb@cityofpaloalto.org>
Amy French <amy.french@cityofpaloalto.org>
Ms. Jodie Gerhardt <jodie.gerhardt@cityofpaloalto.org>
Rebecca Atkinson <rebecca.atkinson@cityofpaloalto.org>
Jim Fleming <jim.fleming@cityofpaloalto.org>

Dear Mayor Scharff,

The following web page was updated with the 12/6/17 (lack of) answers provided by the City of Palo Alto.

Broadband Fail: Palo Alto Whitewashes RF Microwave Radiation Exposure Hazards

<http://scientists4wiredtech.com/2017/12/broadband-fail-palo-alto-1/>

What appears on the web page, above and on this one

Palo Alto 4G Small Cells: An Extreme Health Hazard

<http://scientists4wiredtech.com/2017/04/palo-alto-4g-small-cells/>

... communicates critically important information for the Architectural Review Board and the Palo Alto City Council members to review **before** the ARB considers any design issues with respect to the so-called "Small Cell" cell towers in Palo Alto residential neighborhoods (Wireless 17PLN-00169).

Please also find attached Attorney 7/19/17 letter from attorney Harry Lehmann to the CA Assembly members that explains how melding private Wireless antennas onto public utility poles and light poles creates a **dangerous condition of public property** and **transfers the huge financial and uninsured liabilities** from Verizon Wireless to the local communities: the City of Palo Alto and its residents -- a potential financial catastrophe the City must consider

- <http://scientists4wiredtech.com/wp-content/uploads/2017/10/2017-0719-SB649-CA-Liability-Lehmann-to-Galehouse.pdf>
- <http://scientists4wiredtech.com/2017/10/gov-brown-be-smart-veto-sb649/#lehmann>
- 2017-0719-SB649-CA-Liability-Lehmann-to-Galehouse.pdf also attached to this email

Finally, the City Council and the ARB must realize that **nothing** in the 1996 Telecommunications Act limits or affects the authority of a State or local government from regulating the **operations** of personal communications services, including power output and hours of operation of these Wireless antennas (Wireless 17PLN-00169). When regulating the operations of personal communications services, the State or local government or instrumentality **can** consider environmental effects, including health effects. Read the law here:

<http://scientists4wiredtech.com/legislation/1996-federal-telecommunications-act-s-652/>

--

Regards,

Paul McGavin

Scientists For Wired Technology

415-382-4040

skype: paulmcgavin

— Attachments:

2017-0719-SB649-CA-Liability-Lehmann-to-Galehouse.pdf

134 KB

Subject: Palo Alto Wireless 17PLN-00169: Questions and Solutions
From: Paul McGavin <paul.mcgavin@scientists4wiredtech.com>
Date: Thu, 07 Dec 2017 16:49:01 -0800
To: "French, Amy" <Amy.French@CityofPaloAlto.org>
CC: Rebecca Atkinson <rebecca.atkinson@cityofpaloalto.org>

December 7, 2017

Dear Ms. French,

>>> On 12/7/17 @ 4:40 pm, Amy French wrote to Paul McGavin:

I have forwarded the below email to Rebecca Atkinson for inclusion in the public file.

Do you usually treat members of the public this disrespectfully? Would you please address the timing for the answers to the questions?

>>> On 12/6/17 @ 1:24 pm, Paul McGavin wrote:

The obvious follow up questions from your 12/6/17 email:

1. **When** can I expect answers to my important and as-yet-unanswered questions, listed below?

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Q3: What is the City of Palo Alto's commitment to getting sufficient data from any RF Microwave radiation contractor to be able to accurately characterize the pre and post construction RF Microwave radiation exposure environment in Palo Alto where densified "Small Cells" have been or are planned to be installed? Having sufficient RF Microwave Radiation exposure data (**simple averages are not sufficient**) placed in the public record is critically important **before** any new "Small Cell" towers are approved for Palo Alto's residential zones.

French: I do not have an answer for this question. **Rebecca** may be able to respond to this question - or Jim Fleming if City Council had made past statements about City commitments.

McGavin: From **Rebecca**, Jodie, Jim and/or Hammett and Edison, I am still seeking an answer to this question.

Q4: The 17PLN-00169 document reports "Environmental Assessment: Pending . . . The project is under review in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the environmental regulations of the City.". Will you please describe the scope and timing required to complete this Environmental Assessment? What's the plan to complete this?

French: Basically, the City's consultants for this project are reviewing the submittal for compliance with the applicable codes, policies, requirements and regulations, to assist staff in making a CEQA determination. The consultants will also assist staff for additional submittals following the ARB meeting this Thursday. **Rebecca** may have more to add.

McGavin: What are the name of the consultants who are responsible for doing this work to ensure CEQA determination? **Rebecca**, will we be able to review this work before the 12/7/17 ARB meeting? **Rebecca**, do you have more to add?

Q5: The 17PLN-00169 document says "The applicant submitted a statement on maximum buildout within their project description, which is still under analysis." Is this complete? If not, when is the City of Palo Alto expecting this?

French: This is a question for **Rebecca**.

McGavin: Do you have an answer, **Rebecca**?

Q6: What specific real-life evidence (not projections/calculations) has the applicant provided to prove that there is a significant gap in Verizon coverage? Verizon coverage maps from Verizon's web site are not sufficient for this purpose.

French: This is a question for **Rebecca**.

McGavin: Do you have an answer, **Rebecca**?

--

Regards,

Paul McGavin

Scientists For Wired Technology

415-382-4040

skype: paulmcgavin

Subject: Re: Wireless 17PLN-0016: Unanswered Questions and Conflicts in Due Process/Due Diligence

From: Paul McGavin <paul.mcgavin@scientists4wiredtech.com>

Date: Wed, 06 Dec 2017 13:24:01 -0800

To: Amy French <amy.french@cityofpaloalto.org>

CC: Gregory Scharff <greg.scharff@cityofpaloalto.org>, gregscharff@aol.com, Tom DuBois <tom.dubois@cityofpaloalto.org>, Eric Filseth <eric.filseth@cityofpaloalto.org>, Adrian Fine <adrian.fine@cityofpaloalto.org>, Karen Holman <karen.holman@cityofpaloalto.org>, Liz Kniss <liz.kniss@cityofpaloalto.org>, Lydia Kou <lydia.kou@cityofpaloalto.org>, Greg Tanaka <greg.tanaka@cityofpaloalto.org>, Cory Wolbach <cory.wolbach@cityofpaloalto.org>, arb@cityofpaloalto.org, Jodie Gerhardt <jodie.gerhardt@cityofpaloalto.org>, Rebecca Atkinson <rebecca.atkinson@cityofpaloalto.org>, Jim Fleming <jim.fleming@cityofpaloalto.org>

December 6, 2017

Ms. Amy French <amy.french@cityofpaloalto.org>

Planning Manager

City of Palo Alto

250 Hamilton Avenue

Palo Alto, California 94301-2531

650-329-2336

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ARB member Alexander Lew <arb@cityofpaloalto.org>

ARB member Peter Baltay <arb@cityofpaloalto.org>

ARB member Wynne Furth <arb@cityofpaloalto.org>

ARB member Robert Gooyer <arb@cityofpaloalto.org>

ARB member Kim Kyu <arb@cityofpaloalto.org>

Jodie Gerhardt <jodie.gerhardt@cityofpaloalto.org>

Rebecca Atkinson <rebecca.atkinson@cityofpaloalto.org>

Jim Fleming <jim.fleming@cityofpaloalto.org>

Re: Wireless 17PLN-0016: Unanswered Questions and Conflicts in Due Process/Due Diligence

Will you please place this email/letter into the public record (both in the paper file and on the Palo Alto web site) for the current Small Cell applications for Palo Alto's residential zones (Wireless 17PLN-00169)?

I am writing following a 9:45 am call this morning with Rebecca Atkinson. While writing this, I

received your email, quoted below. I am asking you for your clarification about the due process and due diligence that the City of Palo Alto will follow with respect to the Wireless 17PLN-0016 application.

It seems that in addition to our Federal/State laws currently being in conflict, well-described by Dr. Ron Powell at the following link:

So-Called Small Cell Towers Are About Life and Death

<http://scientists4wiredtech.com/2017/11/dr-ron-powell-opposes-small-cell-towers/>

. . . the City of Palo Alto's due process and due diligence procedures with regards to the review of the Wireless 17PLN-0016 application also seem to be in conflict, as communicated in your email today, Ms. French, quoted below.

RF Microwave Radiation Exposures

It is one thing to agree to endure voluntary exposures to pulsed, data-modulated, Radiofrequency Microwave (RF/MW) Radiation, such as when one turns on a cell phone antenna, makes a call and then turns that antenna back off. When one does this, they experience an event that is a discrete, often short RF Microwave radiation exposure.

It is wholly a different thing to endure RF Microwave radiation exposures from the Wireless infrastructure far too close to homes -- from these so-called "Small Cell" cell towers installed on publicly-owned utility and light poles -- **which represents involuntary, forced RF Microwave radiation exposures 24/7/365 from the curb** -- where one lives, sleeps and heals, even if one is not a Verizon customer.

Melding private Wireless antennas on public property creates a **dangerous condition of public property** and **transfers the huge financial and uninsured liabilities** from Verizon Wireless to the local communities: the City of Palo Alto and its residents -- as fully explained here:

- <http://scientists4wiredtech.com/wp-content/uploads/2017/10/2017-0719-SB649-CA-Liability-Lehmann-to-Galehouse.pdf>
- <http://scientists4wiredtech.com/2017/10/gov-brown-be-smart-veto-sb649/#lehmann>

Conflicts in Due Process/Due Diligence

Therefore, it is a real problem that the City of Palo Alto's due process and due diligence procedures with regards to the review of the Wireless 17PLN-0016 application also **seems to be in conflict**, as communicated in your email today, Ms. French. Your email is another volley of **bureaucratic ping pong**: nice sounding responses with no real information.

>>> On 12/6/17 @ 10:15 am, French, Amy wrote to Paul McGavin:

Mr. McGavin,

City staff cannot answer your questions by tomorrow, because we have other pressing work. As Rebecca noted to you, we appreciate your comments and hope you will participate tomorrow at the ARB meeting. We'll look into your questions as our staff resources allow.

The obvious follow up questions from your email are these:

1. **When** can I expect answers to my important and as-yet-unanswered questions, listed below?
2. **Why should the City of Palo Alto continue** with its review of the Wireless 17PLN-0016 application in the 12/7/17 ARB meeting if the City of Palo Alto does not provide answers before the 12/7/17 ARB meeting?

I would appreciate your answers to **these two questions today**.

I am working politely and diligently to attempt to engage in a dialogue with the City of Palo Alto to provide the Palo Alto City Planning Officials, the Architectural Review Board and the City Council members with thorough and accurate data and analysis that will provide sufficient evidence for the City of Palo Alto to deny all so-called "Small Cell" cell tower applications in residential zones. This is similar evidence to the evidence that proved effective at changing the Senate vote on SB.649 in the CA Senate from 32-1 in May, 2017 to just **22-18** in September, 2017. It was this division in the Senate that gave Governor Brown the comfort to veto SB.649 in October, 2017.

<http://scientists4wiredtech.com/2017/10/gov-brown-be-smart-veto-sb649/>

We appreciate the professionalism of the Palo Alto City Planning Officials, but **we are stuck less** than 24 hours from the first of two ARB meetings without answers to the questions we posed over the weekend. We understand that it takes time for thorough answers and we would be happy to wait for the time needed, **if the review process of the Wireless 17PLN-00169 application also stops**, until we get answers to the as-yet-unanswered questions.

Here are some problems:

1. Simultaneously, the City asks for more time to respond to questions and **still insists** on holding one of only two ARB Reviews of the Wireless 17PLN-0016 application on 12/7/17. Doing so disadvantages the public to be able to prepare the best testimony and bring the best evidence to the table, so the **City of Palo Alto can make the wisest decisions for its residents**.
2. It is also difficult for the residents of Palo Alto and others to appear at **8:30 am meetings**, which are scheduled during the work day. In Petaluma, where I live, all Planning Review meetings, and City Council meetings and School Board meetings are scheduled in the evenings, after the work day ends, to encourage and maximize the opportunities for public participation. Holding **only morning meetings** on the Wireless 17PLN-0016 application, will ensure that many members of the public will not be able to address their

government face-to-face on an issue which violates the Palo Alto residents' **inalienable rights to both privacy and safety**, as guaranteed by the CA Constitution and the US Constitution.

3. Finally, it seems inexplicable that the City of Palo Alto is requiring citizens to **pay \$280 x 15 towers = \$3,750** just to get this issue before the City Council, where it belongs. This policy discourages many Palo Alto residents' ability to face their government over an issue that violates their constitutional rights.

Here are some solutions:

I am making the following reasonable suggestions to align the stated intent of the City of Palo Alto (to encourage the public's participation in the review of the Wireless 17PLN-0016 application) with its actions.

1. **Postpone/continue** the planned 12/7/17 @ 8:30 am review of the Wireless 17PLN-0016 application **to 1/16/18 @ 7:00 pm**, which will give the City of Palo Alto sufficient time to address the important questions, listed below, and will enable more Palo Alto residents to participate in the review of this project.
2. Alternatively, direct your department's resources to answer the questions listed below by 5:00 pm on 12/6/17.
3. **Waive all fees** for appeal and send every application for So-Called "Small Cell" Cell Towers to the City Council to enable all Palo Alto residents (even those who cannot afford \$280 per proposed tower) to address their government face-to-face regarding projects that violate their constitutional rights

Ms. French, will you please respond today with your recommendations for either supporting or opposing these three reasonable solutions and your rationale for your position? Thank you.

I am also respectfully asking for answers to the following questions by the close of business today or asking for the City of Palo Alto to postpone/continue the Wireless 17PLN-0016 application until 1/16/18.

A. I am still waiting for answers to the **following ten questions** that we understand from Amy French that **Jodie Gerhardt** will be answering:

>>> On 12/5/17 @ 4:02 pm, Paul McGavin wrote to Palo Alto City Planning Officials:

Q1: When can I expect the answers to the questions about the Hammett & Edison (H/E) postmortem analysis of the pulsed, data-modulated, Radiofrequency Microwave (RF/MW) Radiation exposures from the 19 Small Cells that were powered on in November, 2016? **No answer, as of 12/6/17 @ 10:30 am**

Q2: If these antennas were run at max power, what is the ERP coming out of the antennas and how much higher are the resulting RF Microwave Radiation exposures?

Q3: What keeps Crown Castle/Verizon from turning up the power at will from 6 Watts to some higher setting between 6 and 2,400 Watts of input power?

Q4: Is the City of Palo Alto currently monitoring and regulating the operations of these antennas to ensure that they don't run hotter than the specs communicated to the public?

>>> On 12/2/17 @ 7:40 am, Paul McGavin wrote to Palo Alto Planning Officials:

Before we consider Mr. Hammett's 6/8/17 RF Microwave radiation exposure analysis and letter a misleading whitewash, will the City of Palo Alto please answer the following questions?

- **Q1:** At what time of the day were Mr. Hammett's measurements taken?
- **Q2:** For each location, how many minutes did Mr. Hammett take these measurements? More or less than 30 minutes, the standard for general public exposure RF Microwave radiation exposure measurements?
- **Q3:** Once we know the answer to Q2, do you then have a data log for all of the measurements during this time period?
- **Q4:** Did you compare RF/MW radiation levels during different activities and at different times of day? We all know that network traffic varies by activity and throughout the day. Specifically, how did the average and peak readings compare during the following activities:
 - **a:** Beacon signals only, with no one in the office was connecting a device to the antenna on the light pole
 - **b:** While making a Verizon call
 - **c:** When sending/receiving a Verizon text
 - **d:** When streaming a video from the Verizon antenna
 - **e:** When downloading a software update from the Verizon antenna
- **Q5:** What was the maximum instantaneous power/density RF/MW radiation reading (a configuration option available on the NBM-520 Broadband Field Meter)?
- **Q6:** How do the maximum instantaneous power/density RF/MW radiation readings and compare to the average readings?

B. I am still waiting for answers to the **following six questions** that we understand from Amy French that **Rebecca Atkinson** will be answering:

>>> On 12/5/17 @ 4:02 pm, Paul McGavin wrote to Palo Alto City Planning Officials:

Q1: I read that appeals require a form and \$280 fee, but am not clear: would \$280 appeal all 15 towers or will it require \$280 x 15 towers = \$3,750, which seems like a **very high cost** for public due process?

French: The form and fee are required for each location, because each location will receive a separate decision letter. It may be some locations are appealed and others are not appealed.

McGavin: This can get pretty costly. This fee seems like an unnecessary barrier to due process, **Rebecca**, will you please provide the citation in Palo Alto Municipal code that provides a justification for this fee?

Q2: What RF Microwave radiation exposure data did the City of Palo Alto request from Hammet & Edison for the report/letter H/E completed on 6/8/17 about the 19-Small Cell project completed and turned on in downtown Palo Alto in November 2016?

French: I did not request this report you refer to and have not seen the report. Jodie was overseeing the project you refer to in this question. **Rebecca** may have a response on this question.

McGavin: As you took over for Jodie, it makes sense you may not be familiar with the Hammet and Edison report, but Jodie is familiar because I spoke to Jodie about the data the City of Palo Alto needed before she started the project with Hammett and Edison. From **Rebecca**, Jodie and/or Hammett and Edison, I am still seeking an answer to this question.

Q3: What is the City of Palo Alto's commitment to getting sufficient data from any RF Microwave radiation contractor to be able to accurately characterize the pre and post construction RF Microwave radiation exposure environment in Palo Alto where densified "Small Cells" have been or are planned to be installed? Having sufficient RF Microwave Radiation exposure data (**simple averages are not sufficient**) placed in the public record is critically important **before** any new "Small Cell" towers are approved for Palo Alto's residential zones.

French: I do not have an answer for this question. **Rebecca** may be able to respond to this question - or Jim Fleming if City Council had made past statements about City commitments.

McGavin: From **Rebecca**, Jodie, Jim and/or Hammett and Edison, I am still seeking an answer to this question.

Q4: The 17PLN-00169 document reports "Environmental Assessment: Pending . . . The project is under review in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the environmental regulations of the City.". Will you please describe the scope and timing required to complete this Environmental Assessment? What's the plan to complete this?

French: Basically, the City's consultants for this project are reviewing the submittal for compliance with the applicable codes, policies, requirements and regulations, to assist staff in making a CEQA determination. The consultants will also assist staff for additional submittals following the ARB meeting this Thursday. **Rebecca** may have more to add.

McGavin: What are the name of the consultants who are responsible for doing this work to ensure CEQA determination? **Rebecca**, will we be able to review this work before the 12/7/17 ARB meeting? Rebecca, do you have more to add?

Q5: The 17PLN-00169 document says "The applicant submitted a statement on maximum buildout within their project description, which is still under analysis." Is this complete? If not, when is the City of Palo Alto expecting this?

French: This is a question for **Rebecca**.

McGavin: Do you have an answer, **Rebecca**?

Q6: What specific real-life evidence (not projections/calculations) has the applicant provided to prove that there is a significant gap in Verizon coverage? Verizon coverage maps from

Verizon's web site are not sufficient for this purpose.

French: This is a question for **Rebecca**.

McGavin: Do you have an answer, **Rebecca**?

Thank you for your prompt attention to this matter.

--

Regards,

Paul McGavin

Scientists For Wired Technology

415-382-4040

skype: paulmcgavin

Follow Up Questions to Hammett and Edison RF Microwave Radiation Exposure Analysis Were NOT Answered

Subject: Follow Up Questions to Hammett and Edison RF Microwave Radiation Exposure Analysis Were NOT Answered
From: Paul McGavin <paul.mcgavin@scientists4wiredtech.com>
Date: Wed, 06 Dec 2017 20:32:03 -0800
To: "Gerhardt, Jodie" <Jodie.Gerhardt@CityofPaloAlto.org>
CC: Gregory Scharff <greg.scharff@cityofpaloalto.org>, Tom DuBois <tom.dubois@cityofpaloalto.org>, Eric Filseth <eric.filseth@cityofpaloalto.org>, Adrian Fine <adrian.fine@cityofpaloalto.org>, Karen Holman <karen.holman@cityofpaloalto.org>, Liz Kniss <liz.kniss@cityofpaloalto.org>, Lydia Kou <lydia.kou@cityofpaloalto.org>, Greg Tanaka <greg.tanaka@cityofpaloalto.org>, Cory Wolbach <cory.wolbach@cityofpaloalto.org>, arb@cityofpaloalto.org, Amy French <amy.french@cityofpaloalto.org>, Rebecca Atkinson <rebecca.atkinson@cityofpaloalto.org>, Jim Fleming <jim.fleming@cityofpaloalto.org>

December 6, 2017

Ms. Jodie Gerhardt <jodie.gerhardt@cityofpaloalto.org>
Manager of Current Planning
City of Palo Alto
250 Hamilton Avenue
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cc: Mayor Gregory Scharff <greg.scharff@cityofpaloalto.org>
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Jim Fleming <jim.fleming@cityofpaloalto.org>

Re: Follow Up Questions to Hammett and Edison RF Microwave Radiation Exposure Analysis Were NOT Answered

Dear Ms. Gerhardt,

Will you please place this email/letter into the public record (both in the paper file and on the Palo Alto web site) for the current Small Cell applications for Palo Alto's residential zones (Wireless 17PLN-00169)?

How is what Bill Hammett from Hammett & Edison (H/E) writes at all an answer to the following questions? Does he think this is a joke?

- **Q1:** At what time of the day were Mr. Hammett's measurements taken?

McGavin: Not answered.

- **Q2:** For each location, how many minutes did Mr. Hammett take these measurements? More or less than 30 minutes, the standard for general public exposure RF Microwave radiation exposure measurements?

McGavin: Not answered. I can only assume H/Ed did not measure for the full 30 minutes required by the FCC for each antenna.

- **Q3:** Once we know the answer to Q2, do you then have a data log for all of the measurements during this time period?

McGavin: Not answered. I can only assume H/Ed did not take a datalog for any of the current 19 small cells which was an error either on H/E's part for not doing so or on the City of Palo Alto's part for not asking H/E to do so.

- **Q4:** Did you compare RF/MW radiation levels during different activities and at different times of day? We all know that network traffic varies by activity and throughout the day. Specifically, how did the average and peak readings compare during the following activities:

McGavin: Not answered. I can only assume that H/E made only one average measurement for each antenna based on a nominally-short (how short?) and **non-FCC compliant** period of time. The data the City of Palo Alto received from Hammett & Edison are insufficient to accurately characterize the RF Microwave Radiation exposure environment in downtown Palo Alto.

- **a:** Beacon signals only, with no one in the office was connecting a device to the antenna on the light pole **McGavin:** Not answered.
- **b:** While making a Verizon call **McGavin:** Not answered.
- **c:** When sending/receiving a Verizon text **McGavin:** Not answered.
- **d:** When streaming a video from the Verizon antenna **McGavin:** Not answered.
- **e:** When downloading a software update from the Verizon antenna **McGavin:** Not answered.

- **Q5:** What was the maximum instantaneous power/density RF/MW radiation reading (a configuration option available on the NBM-520 Broadband Field Meter)?

McGavin: Not answered. I can only assume H/E did not take any maximum instantaneous power/density RF/MW radiation readings, which was an error either on H/E's part for not doing so or on the City of Palo Alto's part for not asking H/E to do so.

- **Q6:** How do the maximum instantaneous power/density RF/MW radiation readings and compare to the average readings?

McGavin: Not answered. I can only assume H/E did not take any maximum instantaneous

power/density RF/MW radiation readings, so these comparisons are not possible with the insufficient data provided by H/E.

I would strongly suggest that the City of Palo Alto ask a different firm repeat the work, so they are able to answer the important questions, above.

This is not the first time we have encountered Hammett and Edison declining to provide reasonable answers to clarifying questions about their work. We will enter substantial information into the public record about previous substandard work performed by Hammett and Edison in 2016 -- and H/E's refusal to answer any clarifying questions about this work, which you can hear about here, which is already in the public record.

<https://youtu.be/CgldhZiA7jc>

I strongly suggest that the City of Palo Alto needs to look carefully at the methodology and the veracity of Hammett and Edison's work that was performed on behalf of the City of Palo Alto.

It is clear that we did not get answers in time for 12/7/17 ARB meeting from either you, Jodie, or from Rebecca Atkinson; we hope to get more thorough, accurate and thoughtful answers to our questions from the City of Palo Alto in the next week or so.

Please see my other comments below.

>>> On 12/6/17, Jodie Gerhardt wrote:

Mr. McGavin,

Given the quick turn around, below is the response H&E is able to give at this time.

Jodie

From: Bill Hammett [mailto:bhammett@h-e.com]

Sent: Wednesday, December 06, 2017 2:47 PM

To: Gerhardt, Jodie

Cc: Mail; French, Amy

Subject: Re: Follow Up Questions to Hammett and Edison RF Microwave Radiation Exposure Analysis

Jodie -

Thanks for sending along certain questions from Paul McGavin regarding the compliance certification we had prepared for the City of Palo Alto, dated June 9, 2017, for the network of low-power antennas on light poles constructed by Crown Castle. Mr. McGavin and I have already discussed these questions about our measurements.

McGavin: This is not true. I have never discussed with Bill Hammett the actual RF Microwave Radiation exposure measurements H/E made on behalf of the City of Palo Alto.

It is important to put this issue into proper context, since Mr. McGavin does not take

exception to our conclusion that the Verizon operations from these antennas are in compliance with the FCC standard limiting human exposure.

McGavin: The perspective is that Hammett is merely avoiding answering the questions. The important point is that there is much more to consider than "compliance with the FCC standard limiting human exposure" to accurately understand and evaluate the pulsed, data-modulated, Radiofrequency Microwave (RF/MW) Radiation exposures on the streets, sidewalks, parks and front yards in Palo Alto.

Instead, he argues that the federal standard itself is inadequate and that therefore permitting jurisdictions should use some other criteria for evaluating possible human health risk from such facilities.

McGavin: I am saying that the truth matters, regardless of which RF Microwave Radiation exposure guideline one chooses to follow.

However, as you know, federal law would prohibit that, as local jurisdictions are pre-empted from applying any standard tighter than what the FCC has adopted.

McGavin: This statement by Hammett is false. The 1996 Telecommunications act, the Federal law to which he is referring, says the following (my emphases in red):

<http://scientists4wiredtech.com/legislation/1996-federal-telecommunications-act-s-652/>

SEC. 704. FACILITIES SITING; RADIO FREQUENCY EMISSION STANDARDS.

(a) National Wireless Telecommunications Siting Policy. — Section 332(c) (47 U.S.C. 332(c)) is amended by adding at the end the following new paragraph:

(7) Preservation of local zoning authority. —

*(A) General authority. — Except as provided in this paragraph, nothing in this Act shall limit or affect the authority of a State or local government or instrumentality thereof over decisions regarding the **placement, construction, and modification** of personal wireless service facilities.*

(B) Limitations. —

(i) The regulation of the placement, construction, and modification of personal wireless service facilities by any State or local government or instrumentality thereof —

(I) shall not unreasonably discriminate among providers of functionally equivalent services;
and

(II) shall not prohibit or have the effect of prohibiting the provision of personal wireless

services.

(ii) *A State or local government or instrumentality thereof shall act on any request for authorization to place, construct, or modify personal wireless service facilities within a reasonable period of time after the request is duly filed with such government or instrumentality, taking into account the nature and scope of such request.*

(iii) *<<NOTE: Records.>Any decision by a State or local government or instrumentality thereof to deny a request to place, construct, or modify personal wireless service facilities shall be in writing and supported by substantial evidence contained in a written record.*

(iv) *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.*

(v) *Any person adversely affected by any final action or failure to act by a State or local government or any instrumentality thereof that is inconsistent with this subparagraph may, within 30 days after such action or failure to act, commence an action in any court of competent jurisdiction. <<NOTE: Courts.>The court shall hear and decide such action on an expedited basis. Any person adversely affected by an act or failure to act by a State or local government or any instrumentality thereof that is inconsistent with clause (iv) may petition the Commission for relief.*

(C) *Definitions. — For purposes of this paragraph —*

(i) *the term 'personal wireless services' means commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services;*

(ii) *the term 'personal wireless service facilities' means facilities for the provision of personal wireless services; and*

(iii) *the term 'unlicensed wireless service' means the offering of telecommunications services using duly authorized devices which do not require individual licenses, but does not mean the provision of direct-to-home satellite services (as defined in section 303(v))."*

McGavin: Nothing in this 1996 TCA limits or affects the authority of a State or local government or instrumentality for regulating the **operations** of personal communications services, including power output and hours of operation of these Wireless antennas. When regulating the operations of personal communications services, the State or local government or instrumentality **can** consider environmental effects, including health effects. Read the law.

I hope that this is helpful information, should the Architectural Review Board consider this issue at its meeting tomorrow morning.

Regards,

Bill

Hammett & Edison, Inc. • Consulting Engineers
Regulatory Compliance Services for Wireless Telecommunications
RF Exposure, Noise, Interference & Coverage Studies
707/996-5200 office • 707/953-5200 cell

--

Regards,

Paul McGavin

Scientists For Wired Technology

415-382-4040

skype: paulmcgavin

Subject: Re: Follow Up Questions to Hammett and Edison RF Microwave Radiation Exposure Analysis
From: Paul McGavin <paul.mcgavin@scientists4wiredtech.com>
Date: Wed, 06 Dec 2017 13:43:20 -0800
To: "Gerhardt, Jodie" <Jodie.Gerhardt@CityofPaloAlto.org>
CC: Amy French <amy.french@cityofpaloalto.org>, Rebecca Atkinson <rebecca.atkinson@cityofpaloalto.org>

Thank you. I am looking forward to receiving the answers.

Gerhardt, Jodie wrote:

Mr. McGavin,

I just spoke with Bill Hammett. He is working on answers to your questions, which we should have by the end of the day.



Jodie Gerhardt, AICP | Manager of Current Planning | P&CE Department
250 Hamilton Avenue | Palo Alto, CA 94301
T: 650.329.2575 | E: jodie.gerhardt@cityofpaloalto.org

--
Regards,

Paul McGavin
Scientists For Wired Technology
415-382-4040
skype: paulmcgavin

— Attachments: —

image.jpg

0 bytes

Subject: Wireless 17PLN-0016: Will You Please Provide Answers to These Questions Today?

From: Paul McGavin <paul.mcgavin@scientists4wiredtech.com>

Date: Tue, 05 Dec 2017 09:09:37 -0800

To: Amy French <amy.french@cityofpaloalto.org>

CC: Jodie Gerhardt <jodie.gerhardt@cityofpaloalto.org>, Rebecca Atkinson <rebecca.atkinson@cityofpaloalto.org>, Russ Reich <russreich@cityofpaloalto.org>, Jim Fleming <jim.fleming@cityofpaloalto.org>, Amrutha Kattamuri <vkattamuri@yahoo.com>, Ann Yeawon <annyeawon@gmail.com>

December 5, 2017

Ms. Amy French <amy.french@cityofpaloalto.org>

Planning Manager

City of Palo Alto

250 Hamilton Avenue

Palo Alto, California 94301-2531

650-329-2336

cc: Jodie Gerhardt <jodie.gerhardt@cityofpaloalto.org>

Rebecca Atkinson <rebecca.atkinson@cityofpaloalto.org>

Russ Reich <russreich@cityofpaloalto.org>

Jim Fleming <jim.fleming@cityofpaloalto.org>

Amrutha Kattamuri <vkattamuri@yahoo.com>

Ann Yeawon <annyeawon@gmail.com>

Dear Ms. French,

Will you please place this email/letter into the public record for the current Small Cell applications for Palo Alto's residential zones (Wireless 17PLN-00169)?

I am following up with you at the request of Jodie Gerhardt with whom I spoke briefly last night. I am working with Palo Alto residents to prepare testimony and documents that we wish to enter into the public record at the 12/7/17 Palo Alto ARB meeting regarding the first phase of the 120+ so-called "Small Cell" cell towers planned for residential zones in Palo Alto.

I have a few procedural questions about this process from my first review of the project documents. I assume Rebecca Atkinson can answer most of the immediately following questions but I understand from Jodie that you, Ms. French, are the right person to answer the questions (highlighted in red, below): questions about the information needed to accurately characterize the pulsed, data-modulated, Radiofrequency Microwave (RF/MW) Radiation exposures from the 19-Small Cells project completed and turned on in downtown Palo Alto in November, 2016.

Questions for Rebecca Atkinson

1. With the following Architectural Review Board (ARB) Recommendations in the 2017-1207-Wireless 17PLN-00169.pdf (Tier 3 WCF - Vinculums/Verizon - Cluster 1 -- 1st Formal) I am confused about the **minimum process** needed to approve these cell towers

- "(1) conduct a public hearing and provide comments to the applicant
(2) continue the public hearing to January 18, 2018"
- o Could the towers be approved, as is, after the 12/7/18 meeting, if there are no appeals?
 - o Or, is a second ARB meeting on 1/18/18 **required** before approval, assuming no appeals?
 - o I read that appeals require a form and \$280 fee, but am not clear: would \$280 appeal all 15 towers or will it require \$280 x 15 towers = \$3,750, which seems like a **very high cost** for public due process?
2. What RF Microwave radiation exposure data did the City of Palo Alto request from Hammet & Edison for the report/letter H/E completed on 6/8/17 about the 19-Small Cell project completed and turned on in downtown Palo Alto in November 2016?
 3. What is the City of Palo Alto's commitment to getting sufficient data from any RF Microwave radiation contractor to be able to accurately characterize the pre and post construction RF Microwave radiation exposure environment in Palo Alto where densified "Small Cells" have been or are planned to be installed? Having sufficient RF Microwave Radiation exposure data (**simple averages are not sufficient**) placed in the public record is critically important **before** any new "Small Cell" towers are approved for Palo Alto's residential zones.
 4. The 17PLN-00169 document reports "Environmental Assessment: Pending . . . The project is under review in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the environmental regulations of the City.". Will you please describe the scope and timing required to complete this Environmental Assessment? What's the plan to complete this?
 5. What is the best way for Palo Alto residents to enter into the public record substantial evidence that refutes the false statements in the 17PLN-00169 document? We have identified multiple significant false statements in the 17PLN-00169 document.
 6. Does Palo Alto have/use a municipal code definition for "Colocation" that differs from Federal law? It seems that the term is being used differently in the 17PLN-00169 document than in the 1996 TCA or 2012 Spectrum Act.
 7. Do you have any documents/video/public comment from the meeting described in the 17PLN-00169 document: "Verizon Wireless sent notices to owners and occupants within over six hundred feet (600') for a March 30, 2017 community meeting*, held at the Palo Alto Art Center. Community feedback was obtained and incorporated into the project prior to application submittal"?
 8. The 17PLN-00169 document says "The applicant submitted a statement on maximum buildout within their project description, which is still under analysis." Is this complete? If not, when is the City of Palo Alto expecting this?

9. What specific real-life evidence (not projections/calculations) has the applicant provided to prove that there is a significant gap in Verizon coverage? Verizon coverage maps from Verizon's web site are not sufficient for this purpose.
10. How many minutes will each public speaker be given on 12/7/17? Is there a limit to how many can speak? Are there any restrictions for who can speak?

Questions for Amy French

Ms. French, I published the following analysis over the weekend after reviewing the 6/8/17 letter/RF Microwave Radiation exposure analysis by Hammett and Edison that Jodie sent me on Friday, last week.

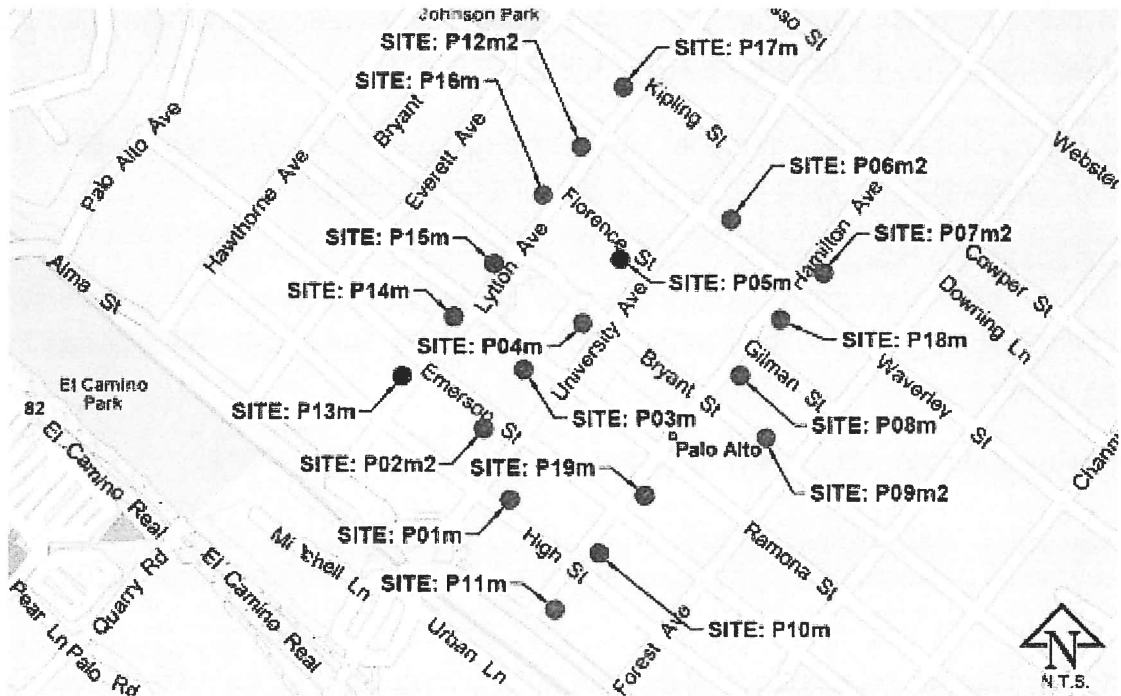
The following links are very relevant to Palo Alto project 17PLN-0016:

- <http://scientists4wiredtech.com/2017/12/nasa-engineer-letter-to-editor/>
- <http://scientists4wiredtech.com/regulation/rf-microwave-exposure-guidelines/>
- <http://scientists4wiredtech.com/2017/12/broadband-fail-palo-alto-1/>

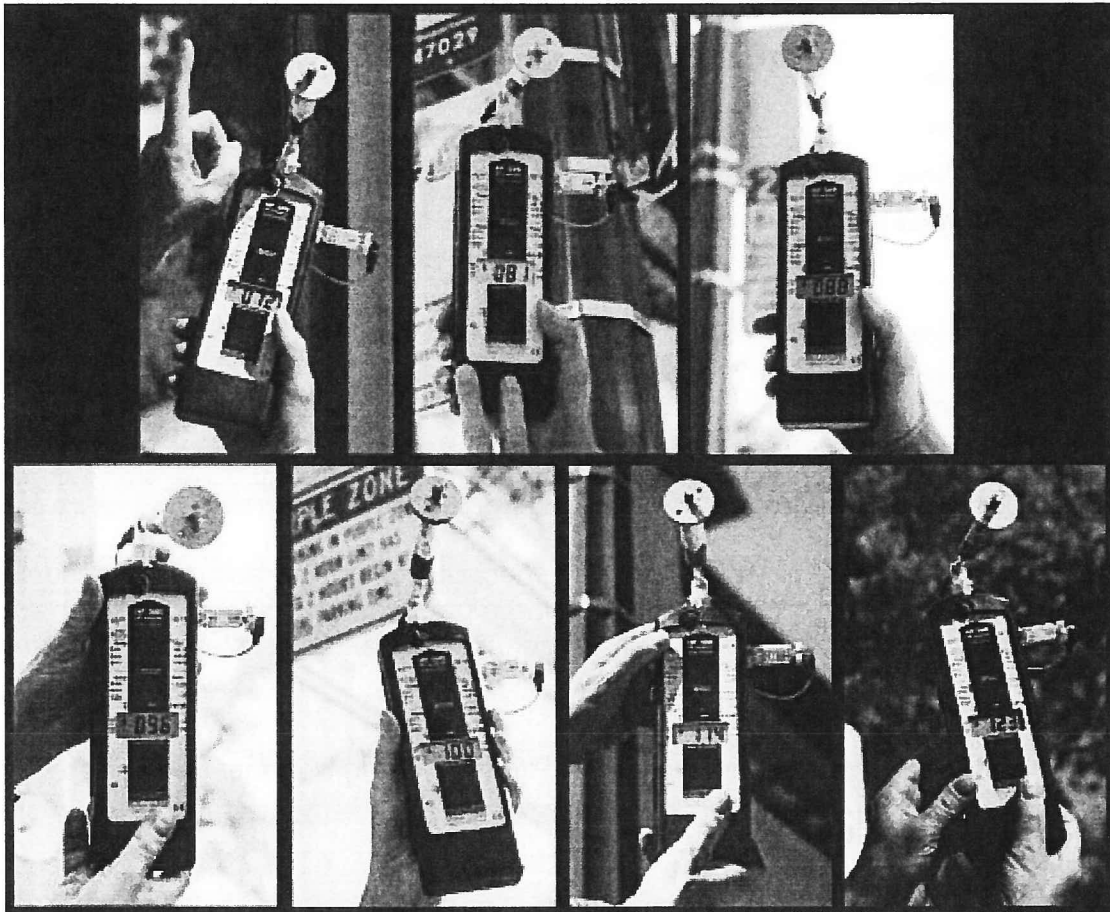
Before we consider Mr. Hammett's analysis and letter a misleading whitewash, will the City of Palo Alto please answer the following questions?

- **Q1:** At what time of the day were Mr. Hammett's measurements taken?
- **Q2:** For each location, how many minutes did Mr. Hammett take these measurements? More or less than 30 minutes, the standard for general public exposure RF Microwave radiation measurements?
- **Q3:** Once we know the answer to Q2, do you then have a data log for all of the measurements during this time period?
- **Q4:** Did you compare RF/MW radiation levels during different activities and at different times of day? We all know that network traffic varies by activity and throughout the day. Specifically, how did the average and peak readings compare during the following activities:
 - **a:** Beacon signals only, with no one in the office was connecting a device to the antenna on the light pole
 - **b:** While making a Verizon call
 - **c:** When sending/receiving a Verizon text
 - **d:** When streaming a video from the Verizon antenna
 - **e:** When downloading a software update from the Verizon antenna
- **Q5:** What was the maximum instantaneous power/density RF/MW radiation reading (a configuration option available on the NBM-520 Broadband Field Meter)?
- **Q6:** How do the maximum instantaneous power/density RF/MW radiation readings compare to the average readings?

Comparison of Average vs. Peak RF Microwave Radiation Exposure Readings



The red dots on this map represent locations of 19 so-called "small cell" antennas that are **forcibly exposing** Palo Alto residents, workers and visitors to extremely hazardous levels of Radio-Frequency Microwave Radiation (RF/MW radiation) 24/7/365



The screen of the HF-59B meter (equipped with a DG20_G10 -20 dB attenuator) shows peak RF/MW radiation readings of 72,000 to 123,000 microwatts per square meter ($\mu\text{W}/\text{m}^2$) when standing on the sidewalk below the "Small Cells". Applying the correction factor for the high-speed, pulsed, digital signals of 4G/LTE, the peak levels of 4G/LTE RF/MW radiation are actually over 720,000 to 1,230,000 $\mu\text{W}/\text{m}^2$, per the GigaHertz Solutions' product manual and [product video](#).

Tower	Address	Average by H/E	Peak on meter screen*	Peak is x higher
P01m	Across from 514 High Street	1,200 $\mu\text{W}/\text{m}^2$	123,000 $\mu\text{W}/\text{m}^2$	103x
P02m2	Across from 471 Emerson Street	900 $\mu\text{W}/\text{m}^2$	N/A	N/A
P03m	Across from 470 Ramona Street	540 $\mu\text{W}/\text{m}^2$	N/A	N/A
P04m	Across from 450 Bryant Street	960 $\mu\text{W}/\text{m}^2$	88,000 $\mu\text{W}/\text{m}^2$	92x
P05m	Across from 461 Florence Street	1,600 $\mu\text{W}/\text{m}^2$	96,000 $\mu\text{W}/\text{m}^2$	60x
P06m2	Across from 502 Waverley Street	1,900 $\mu\text{W}/\text{m}^2$	N/A	N/A
P07m2	400 Hamilton Avenue	5,000 $\mu\text{W}/\text{m}^2$	N/A	N/A
P08m	300 Hamilton Avenue	2,200 $\mu\text{W}/\text{m}^2$	N/A	N/A
P09m2	635 Bryant Street	4,000 $\mu\text{W}/\text{m}^2$	72,000 $\mu\text{W}/\text{m}^2$	18x
P10m	158 Hamilton Avenue	2,400 $\mu\text{W}/\text{m}^2$	N/A	N/A
P11m	100 Hamilton Avenue	2,600 $\mu\text{W}/\text{m}^2$	N/A	N/A
P12m2	379 Lytton Avenue	4,000 $\mu\text{W}/\text{m}^2$	N/A	N/A
P13m	181 Lytton Avenue	2,200 $\mu\text{W}/\text{m}^2$	81,000 $\mu\text{W}/\text{m}^2$	37x
P14m	245 Lytton Avenue	1,500 $\mu\text{W}/\text{m}^2$	N/A	N/A
P15m	265 Lytton Avenue	1,600 $\mu\text{W}/\text{m}^2$	114,000 $\mu\text{W}/\text{m}^2$	71x

Tower	Address	Average by H/E	Peak on meter screen*	Peak is x higher
P16m	325 Lytton Avenue	2,800 $\mu\text{W}/\text{m}^2$	N/A	N/A
P17m	437 Lytton Avenue	7,000 $\mu\text{W}/\text{m}^2$	N/A	N/A
P18m	380 Hamilton Avenue	1,700 $\mu\text{W}/\text{m}^2$	N/A	N/A
P19m	220 Hamilton Avenue	2,200 $\mu\text{W}/\text{m}^2$	100,000 $\mu\text{W}/\text{m}^2$	46x

- H/E = Hammett and Edison, RF Microwave Radiation readings reported on 6/8/17; read original here.
- $\mu\text{W}/\text{m}^2$ = microWatts per square meter; a microWatt is a millionth of a Watt and represents a **rate of exposure**, not total exposure over time.
- * Applying the correction factor for the high-speed, pulsed, digital signals of 4G/LTE, **the peak levels of 4G/LTE RF/MW radiation are 10x higher than what appears on screen**, per the GigaHertz Solutions' product manual and product video. The RF meter and the RF/MW Radiation specialist that completed these readings are detailed here.

In April 2017, a certified RF Microwave Radiation specialist completed accurate measurements of peak RF Microwave Radiation exposure levels using a precision instrument with a current certificate of calibration for the 19-Small-Cell Verizon/Crown Castle installation in downtown Palo Alto.

This work, we understand, resulted in the City of Palo Alto hiring Hammet and Edison (H/E) to complete a postmortem RF Microwave Radiation exposure assessment of these 19-Small-Cell Verizon/Crown Castle antennas.

Before the City embarked on this project, I spoke to Jodie Gerhardt, I believe, by phone and I encouraged her or someone else on the City of Palo Alto staff to get the following raw data from H/E, so the City could **accurately characterize the RF Microwave Radiation exposures in downtown Palo Alto**:

- **A data log** and plot of the power density of peak pulsed, data-modulated, Radiofrequency Microwave (RF/MW) Radiation, showing the actual peaks of RF/MW radiation over a 30 minute exposure for each so-called "Small Cell" antenna where people live and sleep near these microwave transmitters.
- **Both the peak and average readings** of the RF/MW Radiation emitting from these antennas during **different times of day**: 9:00 am, Noon, 3:00 pm, 6:00 pm, 9:00 am and 3:00 am
- RF/MW Radiation power density readings taken **both outdoors and indoors** where people walk, live and sleep.

Please read the following response to William Hammett's 6/8/17 letter, quoted below.

William Hammett Letter Begins

| June 8, 2017

*Ms. Jodie Gerhardt
Manager of Current Planning
City of Palo Alto
250 Hamilton Avenue
Palo Alto, California 94301-2531*

Dear Jodie:

Thanks for accompanying me on the recent visit to the offices at 635 Bryant Street in Palo Alto, across the street from City Hall. As you requested, our visit on May 25 was to assess the actual RF exposure conditions in those offices from operation of the Crown Castle directional antenna mounted on the light pole on the sidewalk in front of the two-story office building.

We met there with two people, Mr. David Saul [the owner of the building] and Ms. Ellen Ehrenpreis [the tenant on the second floor], whose office was on the second floor and at the front of the building, closest to the antenna. Using our Narda Type NBM-520 Broadband Field Meter with Type EF-0391 Isotropic Broadband Electric Field Probe (Serial No. D-0454), under current calibration by the manufacturer, we measured a maximum level of 0.0001 mW/cm² attributed to the Crown Castle operation

Comment:

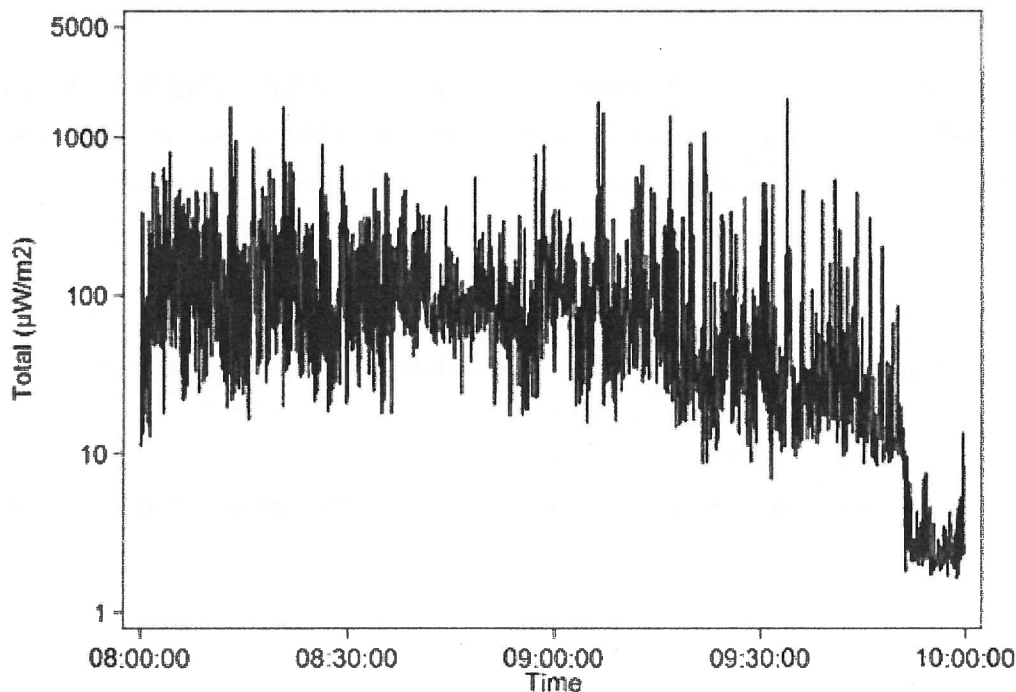
Google the following phrase: "**mW/cm² to μ W/m²**" and use the calculator that appears to convert the Wireless industry-speak RF Microwave Radiation unit, **mW/cm²** — to the unit most often used by scientists who do active research in this field, **μ W/m²**. Mr. Hammett, therefore, reports an **average of 1,000 μ W/m²**, which could be comprised of a series of RF Microwave Radiation micro-second peaks as high as **100,000 μ W/m²**, as demonstrated here:

- <http://responsibleipad.com/urgent.html>
- <http://responsibleipad.com/truth.html#truth>
- <https://www.frontiersin.org/articles/10.3389/fpubh.2017.00279/full>

Next, let's compare a range of **1,000 μ W/m² – 100,000 μ W/m²** to RF Microwave Radiation exposure guidelines that are based on current scientific research:

- <http://scientists4wiredtech.com/regulation/rf-microwave-exposure-guidelines/>
- **2016:** \$25 million, 16-year US Government NIEHS study: National Toxicology Program Carcinogenesis Studies of Radiofrequency Microwave Radiation
<http://biorxiv.org/content/biorxiv/early/2016/05/26/055699.full.pdf>
- **2016:** a study by Dr. Trevor Marshall, Electrosmog and Autoimmune Disease <https://link.springer.com/article/10.1007/s12026-016-8825-7>

- **2012:** BioInitiative Report <http://www.bioinitiative.org/conclusions/>
- **2011:** review by Yakymenko et al, Long-Term Exposure To Microwave Radiation Provokes Cancer Growth: Evidence From Radars And Mobile Communication Systems <http://exp-oncology.com.ua/wp/wp-content/uploads/2011/11/110.pdf>
- Measurements of Radiofrequency Radiation with a Body-Borne Exposimeter in Swedish Schools with Wi-Fi



BioInitiative, 2012: "A scientific benchmark of **30 μW/m²** for lowest observed effect level for RFR is based on mobile phone base station-level studies. Applying a ten-fold reduction to compensate for the lack of long-term exposure (to provide a safety buffer for chronic exposure) or for children as a sensitive subpopulation yields **a 3 to 6 μW/m² RF Microwave Radiation exposure guideline**"

Similar scientifically-based RF Microwave Radiation Exposure Guidelines are published by the **International Institute for Building-Biology & Ecology**

- <http://www.createhealthyhomes.com/richtwerte-2015-englisch.pdf>

No Hazard	Slight Hazard	Severe Hazard	Extreme Hazard
< 0.1 μW/m ²	0.1 μW/m ² to 10 μW/m ²	10 μW/m ² to 1000 μW/m ²	> 1000 μW/m ²

William Hammett Letter, Continues

this is some 10,000 times below the 1 mW/cm² FCC public limit applying for exposures of unlimited duration. Therefore, compliance with the FCC standard is ensured for this location from the Crown

Castle antenna, as installed and operating at the time of our visit.

As you will recall, Ms. Ehrenpreis described an earlier visit by a third party, who used bulky equipment

Comment:

The bulky equipment to which Mr. Hammett refers is the following professional RF/MW Radiation precision instrument **with current calibration certificate**: Gigahertz HFW-58B RF Meter, which was also specified on the original page that reports the irrefutable results: <http://scientists4wiredtech.com/2017/04/palo-alto-4g-small-cells/>

William Hammett Letter, Continues

and reported levels as high as "1,230,000 microwatts per square meter ($\mu\text{W}/\text{m}^2$)," which would be 0.123 mW/cm² in the more standard nomenclature. That figure is more than 1,000 times higher than what our calibrated meter indicated, though that, too, would comply with the FCC limit.

Comment:

This is nonsense. Mr. Hammett is implying the GigaHertz Solutions meter was not calibrated and was used by a person who lacked the training to properly operate it. **Both of his implications are false.** Hammett then proceeds to compare Apples to Oranges, in an apparent attempt to mislead. A careful reading of

- <http://scientists4wiredtech.com/2017/04/palo-alto-4g-small-cells/>
- <http://scientists4wiredtech.com/2017/03/rfr-hazards/>

... clearly explains the following readings taken on 4/21/17 in Palo Alto at specific locations, with photos to document the careful work:

• **Site P09m2: Bryant/Hamilton Streets, across from City Hall**

- The screen of the HF-59B meter shows a peak RF/MW radiation reading of **38,000 $\mu\text{W}/\text{m}^2$** , while standing across the street, about 75 feet away from the "Small Cell". Applying the correction factor for high-speed pulsed digital signals (explained [here](#)), **the peak levels of 4G/LTE RF/MW radiation are actually over 380,000 $\mu\text{W}/\text{m}^2$** . This is an extreme health hazard.

• **Site P09m2: Bryant/Hamilton Streets, under the antenna**

- The screen of the HF-59B meter shows a peak RF/MW radiation reading of **72,000 $\mu\text{W}/\text{m}^2$** , while standing on the sidewalk beneath the "Small Cell". Applying the correction factor for high-speed pulsed digital signals (explained [here](#)), **the peak levels of 4G/LTE RF/MW radiation are actually over 720,000 $\mu\text{W}/\text{m}^2$** . This is an extreme health hazard.

- **Site P01m: High Street/University Avenue**

- The screen of the HF-59B meter shows a peak RF/MW radiation reading of **123,000 $\mu\text{W}/\text{m}^2$** , while standing on the sidewalk beneath the "Small Cell". Applying the correction factor for high-speed pulsed digital signals (explained [here](#)), **the peak levels of 4G/LTE RF/MW radiation are actually over 1,230,000 $\mu\text{W}/\text{m}^2$** . This is an extreme health hazard.

... no measurements are reported inside the second floor office, to accommodate Mr. David Saul's request. The web pages also clearly explain the following conclusions:

- <https://youtu.be/owCeCC6B69k?t=4m8s>
- **Dr. Paul Dart @ 5:35:** "From 1953 to 1978, the Russians beamed microwave radiation into the US Embassy and researchers found that the US embassy personnel had a statistically significant increase in depression, irritability, concentration problems, memory loss, ear problems, skin problems, vascular problems and other health problems. The longer they worked there, the worse these problems were likely to be . . . the exposure levels inside the building were measured at between **20,000 to 280,000 $\mu\text{W}/\text{m}^2$** "
- **Dr. Neil Cherry:** "A highly remarkable result is the dose-response relationship for a range of illnesses. Despite the small numbers, the lack of long latency period and dilutionary factors, the Lillienfeld data shows **significant increases in:**
 - Cardiac problems
 - Neurological and psychological symptoms
 - Altered blood cell counts
 - Increased chromosome aberrations, and
 - Elevated cancer in children and adults
 - Sickness increasing in a dose-response manner with years of residence"
- This irrefutable data in the public record and the scientifically-based RF/WM exposure guidelines from BioInitiative and the HBELC form the basis for concluding that peak RF/MW radiation levels measured on the streets of Palo Alto of **38,000 $\mu\text{W}/\text{m}^2$ to 1,230,000 $\mu\text{W}/\text{m}^2$** are an extreme health hazard. It is immaterial how these power density levels compare to any existing commercial/procedural guideline that the FCC adopted in August, 1996. **The damages continue no matter what the FCC adopted as a guideline.**

Think about it. Why, in 2017, are we still relying on a RF/MW radiation exposure guideline that was selected in 1996 and that is based on a scientifically invalidated and obviously outdated [1986 Review](#) of only declassified research through 1982? **This makes no sense.**

The world has learned a great deal about the hazards of RF Microwave radiation exposures since 1982 and we have troves of now-declassified military research upon which to rely. **The Wireless industry and the FCC are clinging to this "Emperor has no Clothes" RF/MW radiation exposure guideline because it leads to more profits for all in the Wireless industry, including Mr. Hammett.**

William Hammett Letter, Continues

I did speak on the phone with that person on my drive home that afternoon; he is not an engineer and, while he promised to provide the specifications for the equipment he used, has not yet done so.

The specifications for the equipment that the certified RF/MW radiation specialist used have been published at the following web page for all to read, long before Mr. Hammett completed his work and reported it on 6/8/17. Did Mr. Hammett not do his research?

- <http://scientists4wiredtech.com/2017/04/palo-alto-4g-small-cells/>

In any case, he discounts the FCC standard entirely, especially its measurement protocols.

Comment:

For the solid reasons, cited above, the measurements made and conclusions reached on 4/21/17 are accurate, despite what Mr. Hammett might be implying.

William Hammett Letter, Continues

Please let me know if any questions arise on the visit, our measurements, or the analysis.

Sincerely yours,

William F. Hammett

--
Regards,

Paul McGavin

Scientists For Wired Technology

415-382-4040

skype: paulmcgavin

Attachments:

das-palo-alto-map.jpg	0 bytes
00-2017-0421.jpg	0 bytes
fig-04-fpubh-05-00279-g004.jpg	0 bytes

Re: Wireless 17PLN-0016: When Will You Please Provide Answers to These Questions?

Subject: Re: Wireless 17PLN-0016: When Will You Please Provide Answers to These Questions?

From: Paul McGavin <paul.mcgavin@scientists4wiredtech.com>

Date: Tue, 05 Dec 2017 16:02:47 -0800

To: "Gerhardt, Jodie" <Jodie.Gerhardt@CityofPaloAlto.org>

CC: "French, Amy" <Amy.French@CityofPaloAlto.org>, "Atkinson, Rebecca" <Rebecca.Atkinson@CityofPaloAlto.org>, "Reich, Russ" <Russ.Reich@CityofPaloAlto.org>, "Fleming, Jim" <Jim.Fleming@CityofPaloAlto.org>, Amrutha Kattamuri <vkattamuri@yahoo.com>, Ann Yeawon <annyeawon@gmail.com>

Ms. Gerhardt,

>>> On 12/5/17, Jodie Gerhardt wrote to Paul McGavin:

Mr. McGavin,

Amy and I spoke and I will answer any questions you have regarding the two H&E reports on the existing/installed Crown Castle project. Amy and Rebecca will answer any questions you have about currently pending wireless projects.



Jodie Gerhardt, AICP | Manager of Current Planning | P&CE Department

250 Hamilton Avenue | Palo Alto, CA 94301

T: 650.329.2575 | E: jodie.gerhardt@cityofpaloalto.org

This sounds good to me. Please see my additional questions, below.

Q1: When can I expect the answers to the questions about the Hammett & Edison (H/E) postmortem analysis of the pulsed, data-modulated, Radiofrequency Microwave (RF/MW) Radiation exposures from the 19 Small Cells that were powered on in November, 2016?

One aspect of that project, which which I would like addressed by H/E or your other RF consultant is the **disconnect** about the power specs for these small cell antennas. used on the Palo Alto planning docs <https://www.cityofpaloalto.org/civicax/filebank/documents/49415> ... the R/F analysis was completed based on just **6.3 watts of input** power which yields **97 Watts of Effective Radiated Power (ERP)** for each frequency (1,900 MHz and 2,100 MHz).

Each antenna is to be driven with a power input of 6.32 watts for an effective radiated power (ERP) of 97 watts in each of the two bands of operation. A summary of the main operations parameters is provided below in Table 1.

Transmitter Frequency Band	Maximum Power Input	Antenna Gain	Effective Radiated Power (ERP)	Horizontal Beamwidth	Vertical Beamwidth
1,900 MHz	6.32 watts	11.86 dBd (14 dBi)	97 watts	63 deg	18 deg
2,100 MHz	6.32 watts	11.86 dBd (14 dBi)	97 watts	61 deg	18 deg

Table 2 – Antenna Operating Parameters

... but the antennas used in these small cells can accept **much higher input powers** -- Why?

- 3 connectors x 500 Watts of input power for 700 MHz = **1500 Watts of input power**
- 3 connectors x 300 Watts of input power for 2100 MHz = **900 Watts of input power**
- **Total = 2,400 Watts of input power, outputs how much ERP?**

Q2: If these antennas were run at **max power**, what is the ERP coming out of the antennas and how much higher are the resulting RF Microwave Radiation exposures?

Q3: What keeps Crown Castle/Verizon from turning up the power at will from 6 Watts to some higher setting between 6 and 2,400 Watts of input power?

Q4: Is the City of Palo Alto currently monitoring and regulating the operations of these antennas to ensure that they don't run hotter than the specs communicated to the public?

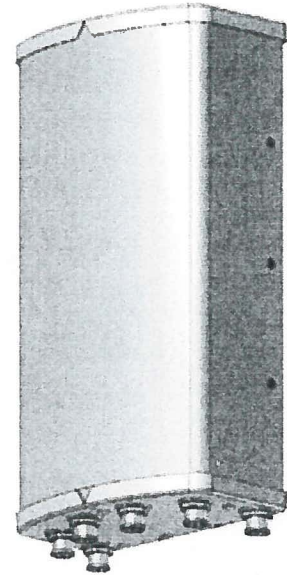
Antenna Spec for Palo Alto Antennas

HTXCWW63111414Fx00

Replace "x" with desired electrical downtilt

XXX-Pol | Tri Band FET Panel | 63° | 11.0 / 14.0 / 14.0 dBi

Electrical Characteristics	696-960 MHz		2 x 1710-2170 MHz		
	696-806	806-960	1710-1880	1850-1990	1900-2170
Frequency bands (MHz)	696-806	806-960	1710-1880	1850-1990	1900-2170
Polarization	±45°		±45°		
Horizontal beamwidth	70°	65°	65°	63°	61°
Vertical beamwidth	37°	35°	18°	18°	18°
Gain	10.5 dBi	11.0 dBi	13.5 dBi	14.0 dBi	14.0 dBi
Electrical downtilt (x)	0		0		
Impedance	50Ω		50Ω		
VSWR	≤1.5:1		≤1.5:1		
Front-to-back ratio	> 25 dB	> 25 dB	> 25 dB	> 25 dB	> 25 dB
Isolation between ports	25 dB		> 25 dB		
Input power	500 W		300 W		
IM3 (2x20W carriers)	< -153 dBc		< -153 dBc		
Lightning protection	Direct Ground				
Connector(s)	6 Ports / 7/16 DIN / Female / Bottom				
Mechanical Characteristics					
Dimensions Length x Width x Depth	589 x 305 x 180 mm		23.2 x 12.0 x 7.1 in		
Weight without mounting brackets	5.9 kg		13 lbs		



--
Regards,

Paul McGavin
 Scientists For Wired Technology
 415-382-4040
 skype: paulmcgavin

Attachments:

image.jpg	0 bytes
image.jpg	0 bytes
image.jpg	0 bytes

Subject: Wireless 17PLN-0016: Will You Please Provide Answers to These Questions Today?

From: Paul McGavin <paul.mcgavin@scientists4wiredtech.com>

Date: Tue, 05 Dec 2017 12:17:46 -0800

To: "French, Amy" <Amy.French@CityofPaloAlto.org>, "Gerhardt, Jodie" <Jodie.Gerhardt@CityofPaloAlto.org>

CC: "Atkinson, Rebecca" <Rebecca.Atkinson@CityofPaloAlto.org>, "Reich, Russ" <Russ.Reich@CityofPaloAlto.org>, "Fleming, Jim" <Jim.Fleming@CityofPaloAlto.org>

December 5, 2017

Ms. Amy French <amy.french@cityofpaloalto.org>

Planning Manager

City of Palo Alto

250 Hamilton Avenue

Palo Alto, California 94301-2531

650-329-2336

Dear Ms. French,

Will you please place this email/letter into the public record (both in the paper file and on the Palo Alto web site) for the current Small Cell applications for Palo Alto's residential zones (Wireless 17PLN-00169)?

Thank you for your responses below. In response to your answers in red, I have provided additional comments, responses and questions in green and request that the **City of Palo Alto engage whichever parties are necessary to get answers to these important questions before the 12/7/17 ARB meeting**, which is less than 48 hours from now.

French: answer, such as "I do not know."

McGavin: additional response/question

I would hope that it is not the City of Palo Alto's intention to play **bureaucratic ping pong** with members of the public, including residents of Palo Alto. On Fri 12/1/17, Rebecca Atkinson responded to me at the end of the business day; she referred me to Jodie Gerhardt. I then wrote to Ms. Gerhardt on 12/2/17 and followed up by phone and email throughout the day on Mon 12/4/17. Ms. Gerhardt didn't return my emails or phone call on Monday, but I caught her by phone in her office at 5:30 pm; she referred me to you. . You now writing me that you are not familiar with the material, will not get the questions answered, so **will the City of Palo Alto please identify the responsible parties** and get them to answer these important questions today or tomorrow?

My suggestion would be for Jodie Gerhardt to contact Hammett & Edison, so they can provide thorough and accurate answers to these questions. At the moment, there is not sufficient evidence to know if H/E followed the proper procedures to accurately characterize the RF Microwave radiation exposure environment on the streets of Palo Alto. Knowing this information is critically important to determine if the City of Palo Alto has completed its due

diligence to discharge its duties to its residents with respect to previous so-called "Small Cell" projects in Palo Alto.

Thank you for following up and letting me know which parties will be answering the questions that you were not able to answer. See my other comments, responses and questions in green, below.

>>> On 12/5/17, Amy French, wrote to Paul McGavin:

Paul, thank you for the email. Please see my responses to your questions below in red. I have answered some of the questions you targeted for Rebecca. The questions you targeted for me I cannot answer as noted.

From: Paul McGavin [mailto:paul.mcgavin@scientists4wiredtech.com]
Sent: Tuesday, December 05, 2017 9:10 AM
To: French, Amy
Cc: Gerhardt, Jodie; Atkinson, Rebecca; Russ Reich; Fleming, Jim; Amrutha Kattamuri; Ann Yeawon
Subject: Wireless 17PLN-0016: Will You Please Provide Answers to These Questions Today?

December 5, 2017

Ms. Amy French <amy.french@cityofpaloalto.org>
Planning Manager
City of Palo Alto
250 Hamilton Avenue
Palo Alto, California 94301-2531
650-329-2336

cc: Jodie Gerhardt <jodie.gerhardt@cityofpaloalto.org>
Rebecca Atkinson <rebecca.atkinson@cityofpaloalto.org>
Russ Reich <russreich@cityofpaloalto.org>
Jim Fleming <jim.fleming@cityofpaloalto.org>
Amrutha Kattamuri <vkattamuri@yahoo.com>
Ann Yeawon <annyeawon@gmail.com>

Dear Ms. French,

Will you please place this email/letter into the public record for the current Small Cell applications for Palo Alto's residential zones (Wireless 17PLN-00169)?

French: Yes - I printed your email and placed the hard copy in the public file folder, which can be examined by the public at City Hall during business hours.

McGavin: Will you also ensure that all of my correspondence is also included in the online record. The easy way to do that is "print as pdf" and upload the email to the appropriate public comment spots on the City of Palo Alto web site.

I am following up with you at the request of Jodie Gerhardt with whom I spoke briefly last night. I am working with Palo Alto residents to prepare testimony and documents that we

wish to enter into the public record at the 12/7/17 Palo Alto ARB meeting regarding the first phase of the 120+ so-called "Small Cell" cell towers planned for residential zones in Palo Alto.

I have a few procedural questions about this process from my first review of the project documents. I assume Rebecca Atkinson can answer most of the immediately following questions but I understand from Jodie that you, Ms. French, are the right person to answer the questions (highlighted in red, below): questions about the information needed to accurately characterize the pulsed, data-modulated, Radiofrequency Microwave (RF/MW) Radiation exposures from the 19-Small Cells project completed and turned on in downtown Palo Alto in November, 2016.

Questions for Rebecca Atkinson

1. With the following Architectural Review Board (ARB) Recommendations in the 2017-1207-Wireless 17PLN-00169.pdf (Tier 3 WCF - Vinculums/Verizon - Cluster 1 -- 1st Formal) I am confused about the **minimum process** needed to approve these cell towers

"(1) conduct a public hearing and provide comments to the applicant
(2) continue the public hearing to January 18, 2018"

- o Could the towers be approved, as is, after the 12/7/18 meeting, if there are no appeals?

French: No - the project application cannot be acted on until after the second public ARB hearing. The continuance to January 18 (or to a date thereafter) will allow the applicant to modify the proposal based upon direction from the ARB this Thursday and to respond to public comments, and will allow staff to prepare draft findings for the ARB to review and for Director action following the second ARB hearing.

McGavin: Thank you. This is clear.

- o Or, is a second ARB meeting on 1/18/18 **required** before approval, assuming no appeals?

French: The second hearing on January 18 (or thereafter) **is required** for this first application by Vinculums; the application is not ready for action following the first hearing, given modifications under consideration and environmental review that is still underway.

McGavin: Thank you. This is clear.

- o I read that appeals require a form and \$280 fee, but am not clear: would \$280 appeal all 15 towers or will it require \$280 x 15 towers = \$3,750, which seems like a **very high cost** for public due process?

French: The form and fee are required for each location, because each location will receive a separate decision letter. It may be some locations are appealed and others are not appealed.

McGavin: This can get pretty costly. This fee seems like an unnecessary barrier to

due process, Rebecca, will you please provide the citation in Palo Alto Municipal code that provides a justification for this fee?

2. What RF Microwave radiation exposure data did the City of Palo Alto request from Hammet & Edison for the report/letter H/E completed on 6/8/17 about the 19-Small Cell project completed and turned on in downtown Palo Alto in November 2016?

French: I did not request this report you refer to and have not seen the report. Jodie was overseeing the project you refer to in this question. Rebecca may have a response on this question.

McGavin: As you took over for Jodie, it makes sense you may not be familiar with the Hammet and Edison report, but **Jodie is familiar** because I spoke to Jodie about the data the City of Palo Alto needed **before she started the project with Hammett and Edison**. From Rebecca, Jodie and/or Hammett and Edison, I am still seeking an answer to this question.

3. What is the City of Palo Alto's commitment to getting sufficient data from any RF Microwave radiation contractor to be able to accurately characterize the pre and post construction RF Microwave radiation exposure environment in Palo Alto where densified "Small Cells" have been or are planned to be installed? Having sufficient RF Microwave Radiation exposure data (**simple averages are not sufficient**) placed in the public record is critically important **before** any new "Small Cell" towers are approved for Palo Alto's residential zones.

French: I do not have an answer for this question. Rebecca may be able to respond to this question - or Jim Fleming if City Council had made past statements about City commitments.

McGavin: From Rebecca, Jodie, Jim and/or Hammett and Edison, I am still seeking an answer to this question.

4. The 17PLN-00169 document reports "Environmental Assessment: Pending . . . The project is under review in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the environmental regulations of the City.". Will you please describe the scope and timing required to complete this Environmental Assessment? What's the plan to complete this?

French: Basically, the City's consultants for this project are reviewing the submittal for compliance with the applicable codes, policies, requirements and regulations, to assist staff in making a CEQA determination. The consultants will also assist staff for additional submittals following the ARB meeting this Thursday. Rebecca may have more to add.

McGavin: What are the name of the consultants who are responsible for doing this work to ensure CEQA determination? Rebecca, will we be able to review this work before the 12/7/17 ARB meeting? Rebecca, do you have more to add?

5. What is the best way for Palo Alto residents to enter into the public record substantial evidence that refutes the false statements in the 17PLN-00169 document? We have identified multiple significant false statements in the 17PLN-00169 document.

French: You can provide comments by email or mail or in person, to include in the

public file.

McGavin: We will do both email and in-person public comments. Thank you for placing all of these communications in the public record, both in the paper file and online at the City of Palo Alto web site.

6. Does Palo Alto have/use a municipal code definition for "Colocation" that differs from Federal law? It seems that the term is being used differently in the 17PLN-00169 document than in the 1996 TCA or 2012 Spectrum Act.

French: The Palo Alto Municipal Code Chapter 18.42 Section 18.42.110 provides the definition for collocation (item 4). I have not compared the definition to the definition in the law to which you refer.

McGavin: I will make the comparison and point out the confusion so we are all working from the same definition for co-location.

7. Do you have any documents/video/public comment from the meeting described in the 17PLN-00169 document: "Verizon Wireless sent notices to owners and occupants within over six hundred feet (600') for a March 30, 2017 community meeting*, held at the Palo Alto Art Center. Community feedback was obtained and incorporated into the project prior to application submittal"?

French: The community meeting the applicant held was not a public hearing held by the City of Palo Alto, so there is no video documentation or minutes of the meeting.

McGavin: Too bad. So this was a private Verizon pre-sell/propaganda delivery meeting and, at this time, the public has no visibility into what was communicated at this meeting.

8. The 17PLN-00169 document says "The applicant submitted a statement on maximum buildout within their project description, which is still under analysis." Is this complete? If not, when is the City of Palo Alto expecting this?

French: This is a question for Rebecca.

McGavin: Do you have an answer, Rebecca?

9. What specific real-life evidence (not projections/calculations) has the applicant provided to prove that there is a significant gap in Verizon coverage? Verizon coverage maps from Verizon's web site are not sufficient for this purpose.

French: This is a question for Rebecca.

McGavin: Do you have an answer, Rebecca?

10. How many minutes will each public speaker be given on 12/7/17?

French: Typically, speakers have 3 minutes to speak. Depending upon the number of speakers, the ARB can reduce the time per speaker.

McGavin: Thank you. This is clear.

Is there a limit to how many can speak?

French: There is no limit to the number of people who can speak.

McGavin: Thank you. This is clear.

Are there any restrictions for who can speak?

French: There are no restrictions as to who can speak, just that the speaker addresses the ARB for the same project that is being heard (and not for an item that is not being heard at that time - so speakers should not speak to this item during the hearing of another item).

McGavin: Thank you. This is clear.

Questions for Amy French

Ms. French, I published the following analysis over the weekend after reviewing the 6/8/17 letter/RF Microwave Radiation exposure analysis by Hammett and Edison that Jodie sent me on Friday, last week.

The following links are very relevant to Palo Alto project 17PLN-0016:

- <http://scientists4wiredtech.com/2017/12/nasa-engineer-letter-to-editor/>
- <http://scientists4wiredtech.com/regulation/rf-microwave-exposure-guidelines/>
- <http://scientists4wiredtech.com/2017/12/broadband-fail-palo-alto-1/>

Before we consider Mr. Hammett's analysis and letter a misleading whitewash, will the City of Palo Alto please answer the following questions?

- **Q1:** At what time of the day were Mr. Hammett's measurements taken?
French: I do not know the answer to this question. I have not reviewed the report you refer to, which was prepared for a previous project for which Jodie provided management oversight. I became Rebecca's manager during the summer this year.
McGavin: From Rebecca, Jodie, Jim and/or Hammett and Edison, I am still seeking an answer to this question.
- **Q2:** For each location, how many minutes did Mr. Hammett take these measurements? More or less than 30 minutes, the standard for general public exposure RF Microwave radiation measurements?
French: I do not know.
McGavin: From Rebecca, Jodie, Jim and/or Hammett and Edison, I am still seeking an answer to this question.
- **Q3:** Once we know the answer to Q2, do you then have a data log for all of the measurements during this time period?
French: I do not know.
McGavin: From Rebecca, Jodie, Jim and/or Hammett and Edison, I am still seeking an answer to this question.
- **Q4:** Did you compare RF/MW radiation levels during different activities and at different times of day? **French:** As above, I have not been involved in the above report.
McGavin: From Rebecca, Jodie, Jim and/or Hammett and Edison, I am still seeking an answer to this question.
We all know that network traffic varies by activity and throughout the day. Specifically,

how did the average and peak readings compare during the following activities:

- **a:** Beacon signals only, with no one in the office was connecting a device to the antenna on the light pole
 - **b:** While making a Verizon call
 - **c:** When sending/receiving a Verizon text
 - **d:** When streaming a video from the Verizon antenna
 - **e:** When downloading a software update from the Verizon antenna
- **Q5:** What was the maximum instantaneous power/density RF/MW radiation reading (a configuration option available on the NBM-520 Broadband Field Meter)?
French: As above, I have not been involved in the above report.
McGavin: From Rebecca, Jodie, Jim and/or Hammett and Edison, I am still seeking an answer to this question.
- **Q6:** How do the maximum instantaneous power/density RF/MW radiation readings compare to the average readings?
French: As above, I have not been involved in the above report.
McGavin: From Rebecca, Jodie, Jim and/or Hammett and Edison, I am still seeking an answer to this question.

--

Regards,

Paul McGavin

Scientists For Wired Technology

415-382-4040

skype: paulmccgavin

Re: Wireless 17PLN-0016: Unanswered Questions and Conflicts in Due Process/Due Diligence

Subject: Re: Wireless 17PLN-0016: Unanswered Questions and Conflicts in Due Process/Due Diligence
From: Paul McGavin <paul.mcgavin@scientists4wiredtech.com>
Date: Wed, 06 Dec 2017 13:24:01 -0800
To: Amy French <amy.french@cityofpaloalto.org>
CC: Gregory Scharff <greg.scharff@cityofpaloalto.org>, gregscharff@aol.com, Tom DuBois <tom.dubois@cityofpaloalto.org>, Eric Filseth <eric.filseth@cityofpaloalto.org>, Adrian Fine <adrian.fine@cityofpaloalto.org>, Karen Holman <karen.holman@cityofpaloalto.org>, Liz Kniss <liz.kniss@cityofpaloalto.org>, Lydia Kou <lydia.kou@cityofpaloalto.org>, Greg Tanaka <greg.tanaka@cityofpaloalto.org>, Cory Wolbach <cory.wolbach@cityofpaloalto.org>, arb@cityofpaloalto.org, Jodie Gerhardt <jodie.gerhardt@cityofpaloalto.org>, Rebecca Atkinson <rebecca.atkinson@cityofpaloalto.org>, Jim Fleming <jim.fleming@cityofpaloalto.org>

December 6, 2017

Ms. Amy French <amy.french@cityofpaloalto.org>
Planning Manager
City of Palo Alto
250 Hamilton Avenue
Palo Alto, California 94301-2531
650-329-2336

cc: Mayor Gregory Scharff <greg.scharff@cityofpaloalto.org>
Council Member Tom DuBois <tom.dubois@cityofpaloalto.org>
Council Member Eric Filseth <eric.filseth@cityofpaloalto.org>
Council Member Adrian Fine <adrian.fine@cityofpaloalto.org>
Council Member Karen Holman <karen.holman@cityofpaloalto.org>
Council Member Liz Kniss <liz.kniss@cityofpaloalto.org>
Council Member Lydia Kou <lydia.kou@cityofpaloalto.org>
Council Member Greg Tanaka <greg.tanaka@cityofpaloalto.org>
Council Member Cory Wolbach <cory.wolbach@cityofpaloalto.org>
ARB member Alexander Lew <arb@cityofpaloalto.org>
ARB member Peter Baltay <arb@cityofpaloalto.org>
ARB member Wynne Furth <arb@cityofpaloalto.org>
ARB member Robert Gooyer <arb@cityofpaloalto.org>
ARB member Kim Kyu <arb@cityofpaloalto.org>
Jodie Gerhardt <jodie.gerhardt@cityofpaloalto.org>
Rebecca Atkinson <rebecca.atkinson@cityofpaloalto.org>
Jim Fleming <jim.fleming@cityofpaloalto.org>

Re: Wireless 17PLN-0016: Unanswered Questions and Conflicts in Due Process/Due Diligence

Will you please place this email/letter into the public record (both in the paper file and on the Palo Alto web site) for the current Small Cell applications for Palo Alto's residential zones (Wireless 17PLN-00169)?

I am writing following a 9:45 am call this morning with Rebecca Atkinson. While writing this, I

received your email, quoted below. I am asking you for your clarification about the due process and due diligence that the City of Palo Alto will follow with respect to the Wireless 17PLN-0016 application.

It seems that in addition to our Federal/State laws currently being in conflict, well-described by Dr. Ron Powell at the following link:

So-Called Small Cell Towers Are About Life and Death

<http://scientists4wiredtech.com/2017/11/dr-ron-powell-opposes-small-cell-towers/>

... the City of Palo Alto's due process and due diligence procedures with regards to the review of the Wireless 17PLN-0016 application also seem to be in conflict, as communicated in your email today, Ms. French, quoted below.

RF Microwave Radiation Exposures

It is one thing to agree to endure voluntary exposures to pulsed, data-modulated, Radiofrequency Microwave (RF/MW) Radiation, such as when one turns on a cell phone antenna, makes a call and then turns that antenna back off. When one does this, they experience an event that is a discrete, often short RF Microwave radiation exposure.

It is wholly a different thing to endure RF Microwave radiation exposures from the Wireless infrastructure far too close to homes -- from these so-called "Small Cell" cell towers installed on publicly-owned utility and light poles -- **which represents involuntary, forced RF Microwave radiation exposures 24/7/365 from the curb** -- where one lives, sleeps and heals, even if one is not a Verizon customer.

Melding private Wireless antennas on public property creates a **dangerous condition of public property** and **transfers the huge financial and uninsured liabilities** from Verizon Wireless to the local communities: the City of Palo Alto and its residents -- as fully explained here:

- <http://scientists4wiredtech.com/wp-content/uploads/2017/10/2017-0719-SB649-CA-Liability-Lehmann-to-Galehouse.pdf>
- <http://scientists4wiredtech.com/2017/10/gov-brown-be-smart-veto-sb649/#lehmann>

Conflicts in Due Process/Due Diligence

Therefore, it is a real problem that the City of Palo Alto's due process and due diligence procedures with regards to the review of the Wireless 17PLN-0016 application also **seems to be in conflict**, as communicated in your email today, Ms. French. Your email is another volley of **bureaucratic ping pong**: nice sounding responses with no real information.

>>> On 12/6/17 @ 10:15 am, French, Amy wrote to Paul McGavin:

Mr. McGavin,

City staff cannot answer your questions by tomorrow, because we have other pressing work. As Rebecca noted to you, we appreciate your comments and hope you will participate tomorrow at the ARB meeting. We'll look into your questions as our staff resources allow.

The obvious follow up questions from your email are these:

1. **When** can I expect answers to my important and as-yet-unanswered questions, listed below?
2. **Why should the City of Palo Alto continue** with its review of the Wireless 17PLN-0016 application in the 12/7/17 ARB meeting if the City of Palo Alto does not provide answers before the 12/7/17 ARB meeting?

I would appreciate your answers to **these two questions today**.

I am working politely and diligently to attempt to engage in a dialogue with the City of Palo Alto to provide the Palo Alto City Planning Officials, the Architectural Review Board and the City Council members with thorough and accurate data and analysis that will provide sufficient evidence for the City of Palo Alto to deny all so-called "Small Cell" cell tower applications in residential zones. This is similar evidence to the evidence that proved effective at changing the Senate vote on SB.649 in the CA Senate from 32-1 in May, 2017 to just **22-18** in September, 2017. It was this division in the Senate that gave Governor Brown the comfort to veto SB.649 in October, 2017.

<http://scientists4wiredtech.com/2017/10/gov-brown-be-smart-veto-sb649/>

We appreciate the professionalism of the Palo Alto City Planning Officials, but **we are stuck less** than 24 hours from the first of two ARB meetings without answers to the questions we posed over the weekend. We understand that it takes time for thorough answers and we would be happy to wait for the time needed, **if the review process of the** Wireless 17PLN-00169 application **also stops**, until we get answers to the as-yet-unanswered questions.

Here are some problems:

1. Simultaneously, the City asks for more time to respond to questions and **still insists** on holding one of only two ARB Reviews of the Wireless 17PLN-0016 application on 12/7/17. Doing so disadvantages the public to be able to prepare the best testimony and bring the best evidence to the table, so the **City of Palo Alto can make the wisest decisions for its residents**.
2. It is also difficult for the residents of Palo Alto and others to appear at **8:30 am meetings**, which are scheduled during the work day. In Petaluma, where I live, all Planning Review meetings, and City Council meetings and School Board meetings are scheduled in the evenings, after the work day ends, to encourage and maximize the opportunities for public participation. Holding **only morning meetings** on the Wireless 17PLN-0016 application, will ensure that many members of the public will not be able to address their

government face-to-face on an issue which violates the Palo Alto residents' **inalienable rights to both privacy and safety**, as guaranteed by the CA Constitution and the US Constitution.

3. Finally, it seems inexplicable that the City of Palo Alto is requiring citizens to **pay \$280 x 15 towers = \$3,750** just to get this issue before the City Council, where it belongs. This policy discourages many Palo Alto residents' ability to face their government over an issue that violates their constitutional rights.

Here are some solutions:

I am making the following reasonable suggestions to align the stated intent of the City of Palo Alto (to encourage the public's participation in the review of the Wireless 17PLN-0016 application) with its actions.

1. **Postpone/continue** the planned 12/7/17 @ 8:30 am review of the Wireless 17PLN-0016 application **to 1/16/18 @ 7:00 pm**, which will give the City of Palo Alto sufficient time to address the important questions, listed below, and will enable more Palo Alto residents to participate in the review of this project.
2. Alternatively, direct your department's resources to answer the questions listed below by 5:00 pm on 12/6/17.
3. **Waive all fees** for appeal and send every application for So-Called "Small Cell" Cell Towers to the City Council to enable all Palo Alto residents (even those who cannot afford \$280 per proposed tower) to address their government face-to-face regarding projects that violate their constitutional rights

Ms. French, will you please respond today with your recommendations for either supporting or opposing these three reasonable solutions and your rationale for your position? Thank you.

I am also respectfully asking for answers to the following questions by the close of business today or asking for the City of Palo Alto to postpone/continue the Wireless 17PLN-0016 application until 1/16/18.

A. I am still waiting for answers to the **following ten questions** that we understand from Amy French that **Jodie Gerhardt** will be answering:

>>> On 12/5/17 @ 4:02 pm, Paul McGavin wrote to Palo Alto City Planning Officials:

Q1: When can I expect the answers to the questions about the Hammett & Edison (H/E) postmortem analysis of the pulsed, data-modulated, Radiofrequency Microwave (RF/MW) Radiation exposures from the 19 Small Cells that were powered on in November, 2016? **No answer, as of 12/6/17 @ 10:30 am**

Q2: If these antennas were run at max power, what is the ERP coming out of the antennas and how much higher are the resulting RF Microwave Radiation exposures?

Q3: What keeps Crown Castle/Verizon from turning up the power at will from 6 Watts to some higher setting between 6 and 2,400 Watts of input power?

Q4: Is the City of Palo Alto currently monitoring and regulating the operations of these antennas to ensure that they don't run hotter than the specs communicated to the public?

>>> On 12/2/17 @ 7:40 am, Paul McGavin wrote to Palo Alto Planning Officials:

Before we consider Mr. Hammett's 6/8/17 RF Microwave radiation exposure analysis and letter a misleading whitewash, will the City of Palo Alto please answer the following questions?

- **Q1:** At what time of the day were Mr. Hammett's measurements taken?
- **Q2:** For each location, how many minutes did Mr. Hammett take these measurements? More or less than 30 minutes, the standard for general public exposure RF Microwave radiation exposure measurements?
- **Q3:** Once we know the answer to Q2, do you then have a data log for all of the measurements during this time period?
- **Q4:** Did you compare RF/MW radiation levels during different activities and at different times of day? We all know that network traffic varies by activity and throughout the day. Specifically, how did the average and peak readings compare during the following activities:
 - **a:** Beacon signals only, with no one in the office was connecting a device to the antenna on the light pole
 - **b:** While making a Verizon call
 - **c:** When sending/receiving a Verizon text
 - **d:** When streaming a video from the Verizon antenna
 - **e:** When downloading a software update from the Verizon antenna
- **Q5:** What was the maximum instantaneous power/density RF/MW radiation reading (a configuration option available on the NBM-520 Broadband Field Meter)?
- **Q6:** How do the maximum instantaneous power/density RF/MW radiation readings and compare to the average readings?

B. I am still waiting for answers to the **following six questions** that we understand from Amy French that **Rebecca Atkinson** will be answering:

>>> On 12/5/17 @ 4:02 pm, Paul McGavin wrote to Palo Alto City Planning Officials:

Q1: I read that appeals require a form and \$280 fee, but am not clear: would \$280 appeal all 15 towers or will it require \$280 x 15 towers = \$3,750, which seems like a **very high cost** for public due process?

French: The form and fee are required for each location, because each location will receive a separate decision letter. It may be some locations are appealed and others are not appealed.

McGavin: This can get pretty costly. This fee seems like an unnecessary barrier to due process, **Rebecca**, will you please provide the citation in Palo Alto Municipal code that provides a justification for this fee?

Q2: What RF Microwave radiation exposure data did the City of Palo Alto request from Hammet & Edison for the report/letter H/E completed on 6/8/17 about the 19-Small Cell project completed and turned on in downtown Palo Alto in November 2016?

French: I did not request this report you refer to and have not seen the report. Jodie was overseeing the project you refer to in this question. **Rebecca** may have a response on this question.

McGavin: As you took over for Jodie, it makes sense you may not be familiar with the Hammet and Edison report, but Jodie is familiar because I spoke to Jodie about the data the City of Palo Alto needed before she started the project with Hammett and Edison. From **Rebecca**, Jodie and/or Hammett and Edison, I am still seeking an answer to this question.

Q3: What is the City of Palo Alto's commitment to getting sufficient data from any RF Microwave radiation contractor to be able to accurately characterize the pre and post construction RF Microwave radiation exposure environment in Palo Alto where densified "Small Cells" have been or are planned to be installed? Having sufficient RF Microwave Radiation exposure data (**simple averages are not sufficient**) placed in the public record is critically important **before** any new "Small Cell" towers are approved for Palo Alto's residential zones.

French: I do not have an answer for this question. **Rebecca** may be able to respond to this question - or Jim Fleming if City Council had made past statements about City commitments.

McGavin: From **Rebecca**, Jodie, Jim and/or Hammett and Edison, I am still seeking an answer to this question.

Q4: The 17PLN-00169 document reports "Environmental Assessment: Pending . . . The project is under review in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the environmental regulations of the City.". Will you please describe the scope and timing required to complete this Environmental Assessment? What's the plan to complete this?

French: Basically, the City's consultants for this project are reviewing the submittal for compliance with the applicable codes, policies, requirements and regulations, to assist staff in making a CEQA determination. The consultants will also assist staff for additional submittals following the ARB meeting this Thursday. **Rebecca** may have more to add.

McGavin: What are the name of the consultants who are responsible for doing this work to ensure CEQA determination? **Rebecca**, will we be able to review this work before the 12/7/17 ARB meeting? Rebecca, do you have more to add?

Q5: The 17PLN-00169 document says "The applicant submitted a statement on maximum buildout within their project description, which is still under analysis." Is this complete? If not, when is the City of Palo Alto expecting this?

French: This is a question for **Rebecca**.

McGavin: Do you have an answer, **Rebecca**?

Q6: What specific real-life evidence (not projections/calculations) has the applicant provided to prove that there is a significant gap in Verizon coverage? Verizon coverage maps from

Verizon's web site are not sufficient for this purpose.

French: This is a question for **Rebecca**.

McGavin: Do you have an answer, **Rebecca**?

Thank your for your prompt attention to this matter.

--

Regards,

Paul McGavin

Scientists For Wired Technology

415-382-4040

skype: paulmcgavin

Subject: Follow Up Questions to Hammett and Edison RF Microwave Radiation Exposure Analysis
From: Paul McGavin <paul.mcgavin@scientists4wiredtech.com>
Date: Sat, 02 Dec 2017 07:40:43 -0800
To: Jodie Gerhardt <jodie.gerhardt@cityofpaloalto.org>
CC: Amrutha Kattamuri <vkattamuri@yahoo.com>, Ann Yeawon <annyeawon@gmail.com>, Russ Reich <russreich@cityofpaloalto.org>, Rebecca Atkinson <rebecca.atkinson@cityofpaloalto.org>, Jim Fleming <jim.fleming@cityofpaloalto.org>

December 2, 2017

Ms. Jodie Gerhardt <jodie.gerhardt@cityofpaloalto.org>
Manager of Current Planning
City of Palo Alto
250 Hamilton Avenue
Palo Alto, California 94301-2531

cc: Russ Reich <russreich@cityofpaloalto.org>
Rebecca Atkinson <rebecca.atkinson@cityofpaloalto.org>
Jim Fleming <jim.fleming@cityofpaloalto.org>
Amrutha Kattamuri <vkattamuri@yahoo.com>
Ann Yeawon <annyeawon@gmail.com>

Will you please place this email/letter into the public record for the current Verizon and AT&T Small Cell applications for Palo Alto's residential zones?

I received the two documents yesterday (both attached) from Ms. Gerhardt and read them. Before we consider Mr. Hammett's 6/8/17 RF Microwave radiation exposure analysis and letter a misleading whitewash, will the City of Palo Alto please answer the following questions?

- **Q1:** At what time of the day were Mr. Hammett's measurements taken?
- **Q2:** For each location, how many minutes did Mr. Hammett take these measurements? More or less than 30 minutes, the standard for general public exposure RF Microwave radiation exposure measurements?
- **Q3:** Once we know the answer to Q2, do you then have a data log for all of the measurements during this time period?
- **Q4:** Did you compare RF/MW radiation levels during different activities and at different times of day? We all know that network traffic varies by activity and throughout the day. Specifically, how did the average and peak readings compare during the following activities:
 - **a:** Beacon signals only, with no one in the office was connecting a device to the antenna on the light pole
 - **b:** While making a Verizon call
 - **c:** When sending/receiving a Verizon text
 - **d:** When streaming a video from the Verizon antenna
 - **e:** When downloading a software update from the Verizon antenna
- **Q5:** What was the maximum instantaneous power/density RF/MW radiation reading (a

configuration option available on the NBM-520 Broadband Field Meter)?

- **Q6:** How do the maximum instantaneous power/density RF/MW radiation readings and compare to the average readings?

I will follow up with you on Monday morning. The rest of my response is here:

<http://scientists4wiredtech.com/2017/12/broadband-fail-palo-alto-1/>

--

Regards,

Paul McGavin

Scientists For Wired Technology

415-382-4040

skype: paulmcgavin

Attachments:

2017-0608-HE-Palo-Alto-Small-Cell-Compliance-Report.pdf

2.5 MB

2017-0608-HE-to-Gerhardt-Letter.pdf

199 KB

Subject: Follow Up Questions to Hammett and Edison RF Microwave Radiation Exposure Analysis
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December 2, 2017

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--

Regards,

Paul McGavin

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Attachments:

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2.5 MB

2017-0608-HE-to-Gerhardt-Letter.pdf

199 KB

Subject: RF Microwave Radiation Exposures From So-Called "Small Cell" Antennas in Palo Alto

From: Paul McGavin <paul.mcgavin@scientists4wiredtech.com>

Date: Fri, 01 Dec 2017 09:38:50 -0800

To: Russ Reich <"Russ Reich"@cityofpaloalto.org>, Jodie Gerhardt <jodie.gerhardt@cityofpaloalto.org>, Rebecca Atkinson <rebecca.atkinson@cityofpaloalto.org>, Jim Fleming <jim.fleming@cityofpaloalto.org>

CC: Amrutha Kattamuri <vkattamuri@yahoo.com>, Ann Yeawon <annyeawon@gmail.com>

December 1, 2017

To: Russ Reich <russreich@cityofpaloalto.org>, 650.617.3119

Jodie Gerhardt <jodie.gerhardt@cityofpaloalto.org>, 650.617.3xxx

Rebecca Atkinson <rebecca.atkinson@cityofpaloalto.org>, 650.617.3xxx

Jim Fleming <jim.fleming@cityofpaloalto.org>, 650.617.3xxx

Re: RF Microwave Radiation Exposures From So-Called "Small Cell" Antennas in Palo Alto

Russ Reich and I spoke about a year ago and I was able to speak to Rebecca Atkinson last evening. Thank you, Rebecca for all of the helpful links, I have reviewed many of the links and want to read more about these applications.

Rebecca told me that Jodie Gerhardt managed Hammet and Edison's postmortem analysis of pulsed, data-modulated, Radiofrequency Microwave (RF/MW) Radiation exposures from the 19-Small Cell installation that was powered on on November 2016. It is this report that I seek to review.

>>> On 11/30/16, Paul McGavin wrote:

Yesterday late in the day, **Russ Reich**, Planning Manager, City of Palo Alto Development Services (285 Hamilton Avenue, Palo Alto, CA 94301) returned my call me from his landline. We talked for 30 minutes or so about access to public records at Palo Alto City Hall, about the hazards of Microwave Radio-Frequency Radiation (RFR) and about how so called "Small Cells" make things worse by bringing antennas closer to people. He listened to me and provided some good information:

- There is no need for a CA Public Records Act requests from Palo Alto, according to Russ, because the application records are open for public inspection at City Hall: either in paper form or in digital form, once the applications have been scanned into their document system (there is a computer there for people to search for the records)
- The Crown Castle application for the 19-Small-Cell **Verizon/Crown Castle** installation -- a project that started in April 2015; the work has now been completed and the final construction permit was approved by Palo Alto on 11/10/16. He says Crown Castle is planning another large DAS application for Palo Alto right now
- Similar applications for AT&T DAS systems have already been approved and construction completed in the Palo Alto residential neighborhoods in 2014-2016. Therefore, one

need to inspect these applications from 11/1/2014 to the present.

I read last night on the City of Palo Alto web site:

"The City wrote a letter urging the Governor to veto SB 649, which attempted to further limit local government discretion over such installations"

As background, I worked six months full-time for and was instrumental in opposing SB.649 and securing Governor Brown's veto to SB.649: <http://scientists4wiredtech.com/2017/10/gov-brown-be-smart-veto-sb649/>

- The Governor heard opposition from many groups that were very dedicated to defeating this bill, including from over 300 CA Cities and a majority of CA counties
- His staff was made well-aware of the downsides of SB.649 for six months
- I was able to speak directly with Governor Brown at the Community meeting in Santa Rosa on 10/14/17 (about the CA Fires) 24 hours before he made his veto decision; we discussed how Small Cells would be a fire hazard and how the Wireless alert systems failed to warn Californians, while the Wireline reverse-911 calls worked on traditional copper landlines to warn Californians (we have about 250 dead/missing in Sonoma County alone)

In addition, both your **State Senator Jerry Hill** and Governor Jerry Brown evaluated the evidence at the links below and voted against SB.649

- <http://scientists4wiredtech.com/2017/03/rfr-hazards/>
- <http://scientists4wiredtech.com/2017/04/palo-alto-4g-small-cells/>

As detailed at this last link, in April 2017, I worked with a certified RF Microwave Radiation specialist to document his accurate measurements of peak RF Microwave Radiation exposure levels from the 19-Small-Cell **Verizon/Crown Castle** installation in downtown Palo Alto.

This work, I understand, resulted in the City of Palo Alto hiring Hammet and Edison (H/E) to complete a post-construction RF Microwave Radiation exposure assessment of these 19-Small-Cell Verizon/Crown Castle antennas. Before the City embarked on this project, I spoke to Jodie Gerhardt, I believe, and I encouraged her or someone else on the City of Palo Alto staff to get the following raw data from H/E, so you could accurately characterize the RF Microwave Radiation exposures in downtown Palo Alto:

- **A data log** and plot of the power density of peak pulsed, data-modulated, Radiofrequency Microwave (RF/MW) Radiation, showing the actual peaks of RF/MW radiation over a 30 minute exposure **for each** so-called "Small Cell" antenna where people live and sleep near these microwave transmitters.
- **Both the peak and average levels** of the RF/MW Radiation emitting from these antennas

during different times of day: 9:00 am, Noon, 3:00 pm, 6:00 pm, 9:00 am and 3:00 am

- RF/MW Radiation power density readings taken **both outdoors and indoors** where people walk, live and sleep.

Immediate Requests

1. I wish to review the Hammet and Edison report to assess its accuracy and completeness. If the H/E report is on the City's web site, will you please provide the link to the report? After searching, I could not find it.
2. If the H/E report is not on the web site, will you please email it and publish the report on the City's web site?

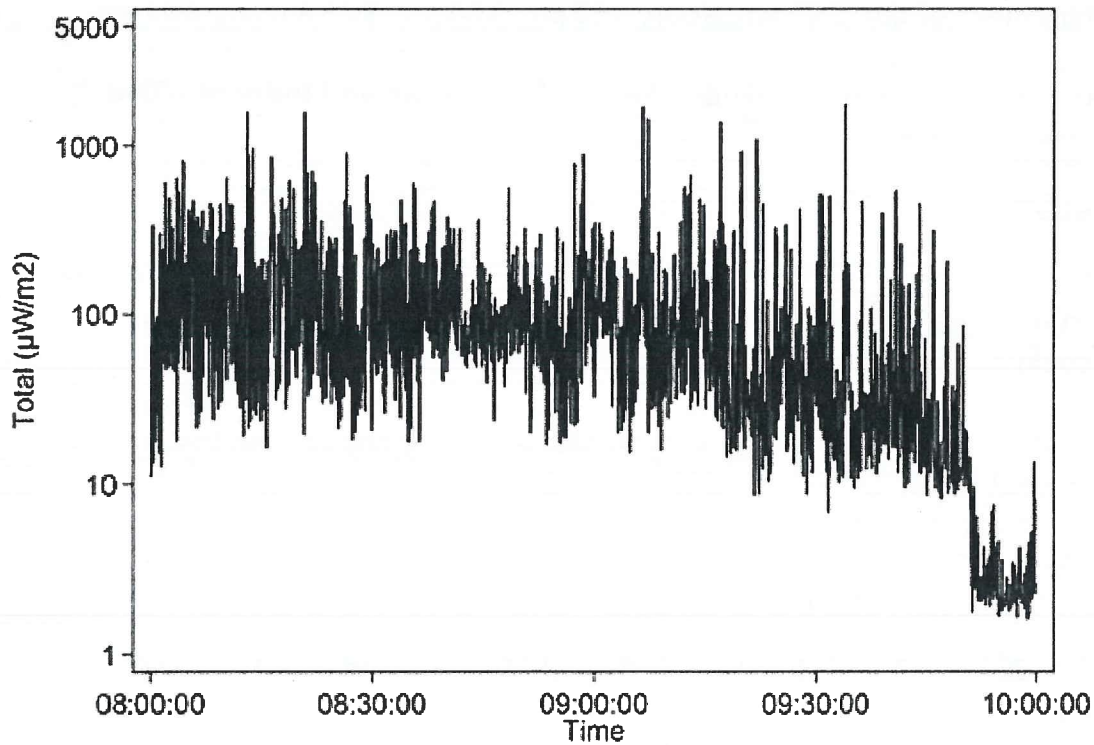
Why this is Important

As you can learn from this recently study published by:

- Lennart Hardell, Department of Oncology, Faculty of Medicine and Health, University Hospital, Örebro, Sweden
- Michael Carlberg, Department of Oncology, Faculty of Medicine and Health, University Hospital, Örebro, Sweden
- Tarmo Koppel, Department of Work Environment and Safety, Tallinn University of Technology, Tallinn, Estonia
- Lena K. Hedendahl, Independent Environment and Health Research Lulea, Sweden

Measurements of Radiofrequency Radiation with a Body-Borne Exposimeter in Swedish Schools with Wi-Fi

<https://www.frontiersin.org/articles/10.3389/fpubh.2017.00279/full>



"The often short duty cycle in [Wireless] networks can give **low-average** measured values but **still consist of high peaks** . . . The different modulations result in signals with different spectral characteristics within the channel for the device. If these modulations would be shown to be important variables in accessing risk, the need for RF radiation protection would probably change.

The **maximum values could be high** when connecting to mobile phone base stations outside of the school building, up to 82,857.3 $\mu\text{W}/\text{m}^2$ usually from uplink from GSM 1800, 3G or 4G.

. . . Downloading large files and stream videos . . . will give high exposure to RF Microwave radiation. In contrast, surfing on the Internet or working mostly on already downloaded programs gives lower exposure. The RF Microwave radiation could be **minimized by using wired connections**.

Reducing children's exposure to RF radiation [at home or school] would require **removing mobile phone base station antennas from adjacent buildings [or rights of way]**. In case of finding locations for new schools, these should be located away from the mobile phone base stations."

Next, Learn about modulation and RF/MW Microwave Radiation Exposures

LTE Architecture Basics (4G) - Introduction

<https://www.youtube.com/watch?v=1j4UwsdD9Qs>

Fundamentals of 4G/LTE: OFDM/ OFDMA

<https://www.youtube.com/watch?v=rKy5dOI3Et4>

Please understand that the Federal RF/MW radiation guidelines are only commercial/procedural guidelines, **not safety guidelines**, as often described by the Wireless industry

- <http://scientists4wiredtech.com/regulation/rf-microwave-exposure-guidelines/>

I need to review the H/E report as soon as possible in order to prepare my substantial evidence/testimony in opposition to the current applications for additional, unnecessary So-Called "Small Cell" Antennas in Palo Alto's residential zones.

Thank you for your attention to this time-sensitive matter.

--

Regards,

Paul McGavin

InterSight, Inc.

415-382-4040

skype: paulmcgavin

Attachments:

fig-04-fpubh-05-00279-g004.jpg

0 bytes

Harry Vere Lehmann
Principal Attorney

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4 Vineyard Court
Novato, California 94947

Area Code 415
Telephone: 897-2121
Facsimile: 898-6959

Via fax: 916-319-2181

August 24, 2017

The Hon. Assemblymember Lorena Gonzalez-Fletcher, District 80
Chair, Assembly Appropriations Committee,
Care Of: Ms. Jennifer Galehouse, Deputy Chief Consultant
Assembly Appropriations Committee

RE: Due to multi-axial EMF crossfire, SB 649 will disproportionately injure the poor, in District 80, and in the rest of urban and suburban California.

Dear Assemblymember Gonzalez-Fletcher:

Due to multi-axial overlapping signal saturation, if SB 649 is enacted as intended, the negative health consequences will fall disproportionately upon the poor. Below are relevant factors supporting this fact:

1. One goal of installing 50,000 new cellular distribution antennas is that 5G customers will be able to receive the digital entertainment now provided by cable through the 5G network.
2. The cellular broadcast signals from these incorrectly-labeled 'small cell,' microwave transmitters are not cohesive, but rather spherical; not like a laser, more like a lightbulb.
3. With the 5G approach a single local microwave broadcast antenna can carry many different programs simultaneously.
4. When non-coherent broadcasts are from the same or nearby towers, their signals will overlap, think of overlapping 3D Venn Diagrams, or like a yard lit by lights of many different colors from the same pole.
5. It is therefore unavoidable that such differing signals from the same (or separate and nearby local) 'small cell' 5G antennas will overlap.
6. The result of overlapping of non-coherent radio-frequency broadcasts is expanded signal concentration, **with an increase in received signal density proportional to the proximity of recipient sites to each other.**

7. Anyone familiar with the lives of our more recently arrived Hispanic residents knows that their living situations tend to be more dense than the density experienced by financially secure residents. People of all races who live in assisted circumstances are in the same situation: The square footage in apartment units is proportional to what can be afforded.
8. For example, if on any given evening at 8 p.m. there are 16 units in an apartment building, and each one is viewing 5G digital entertainment, ***then all 16 units will be saturated from each of the non-coherent broadcasts being made from the 'small cell' antenna(s) involved.***
9. While there will also be increased signal density in apartments occupied by well-to-do residents, the radiation saturation experienced by the poor will be greater, because the units are closer together.
10. Poorer residents, in addition to living in more tightly packed units, due to financial circumstance will sometimes live with more people in each unit than the well-to-do. With 5G entertainment, an increase in people using tablets in any given also increases saturation density.
11. Well established science already supplied to Appropriations shows that cellular radiofrequency non-ionizing radiation causes harm to the human biological system, including glioblastoma, and that this harm is caused in part by breakage of the DNA molecule strands as well as disruption of cellular calcium ion utilization. Even 'ordinary' single unit cellular phones will cause a kill-off of 50% of the sperm in a male who keeps a cellular device in his front pants pocket. A recent Israeli study showed a kill-rate at 47%. The poor will be hurt worse than people who live in single family homes far from the streets.

The above noted effects are not tied to race but they *are* tied to money and resulting density of occupation. People who are living in the most congested circumstances will experience far greater levels of signal density. My father was a truly great man who worked as a school custodian in his later years and I was working full time in a restaurant while a freshman in high school. I am glad to still see the world in many ways with the eyes of a person from the serving classes. This is a time when each of us, regardless of background, should recognize that the deployment of so-called 'small cell' 5-G will hurt the poor more than the rich. As a lawyer and as CEO of Green Swan, our advocacy company, I volunteer to debate this with whatever lawyer the telecom industry wishes to sacrifice for that process.

Very truly yours,



Harry V. Lehmann, as a lawyer
and as CEO of Green Swan, Inc.

Harry Vere Lehmann
Principal Attorney

Law Offices of Harry V. Lehmann PC
4 Vineyard Court
Novato, California 94947

Area Code 415
Telephone: 897-2121
Facsimile: 898-6959

August 10, 2017

Ms. Jennifer Galehouse, Deputy Chief Consultant
Assembly Appropriations Committee
State Capitol, Room 2114
Sacramento, CA 95814
Via fax: 916-319-2181 &
Original via Federal Express

Dear Ms. Galehouse-

I was recently asked to comment on the following issue: "Assuming the liability of the subordinate agencies such as the counties and cities has been established, does this mean that the State of California will have liability for damages resulting from the installation of the same antennas which led to the county and municipal liability?" I would gladly meet with you and answer, to the best of my ability, any question that you might have, without any limitation. In the meantime this will letter will provide a skeletal overview of the many reasons why California will remain liable for injuries and damages, including to the cities themselves, if SB-649 were to be signed into law.

I decided in 2009 to devote a substantial portion of my days time to wherever my skills could do the most good for the largest number of people. Having been invited to attend by the epidemiologist Dr. Devra Davis, I attended the International EMF Conference in Stavanger, Norway, in late November of 2009. As a result of my background and request, at Stavanger I was allowed credentialed access at will to the presenting scientists, and later allowed to travel by sea ferry with them and lodge in mountains over Bergen. From scientific insights received from this experience, I concluded that my remaining time would be most efficiently spent fighting against the irradiation of the human population with cellular non-ionizing radiation. As a result I have worked primarily in that regard with most of my time for the past seven years, having closed my law office in very late 2015. This led to the formation Green Swan Inc. in 2010, for which I serve as CEO, and which is not focused on radiation from the wireless telecommunications base stations that SB 649 seeks to install statewide, but rather focused education and tools relating to radiation coming from the smartphones themselves. However, when the severity of risk presented by S-19 in the federal Senate was explained to me and later SB-649 I was morally compelled to oppose those Bills. I have utter confidence that the best lawyers the State has or can retain will agree with the seriousness of each issue treated here and in my letter of July 19th, but this is a skeletal overview based on the materials I have on hand, without the tools of active practice at hand: Several times in this presentation the position is urged that SB-649 should not go further forward in the Legislature without the prior obtainment of a comprehensive analysis by serious and trial-hardened State lawyers, or sufficiently experienced retained counsel.
Joint Venture Liability

Although the cities object to the installation of these cancer-generators onto the their utility poles, often on property rights grounds, it nonetheless remains certain that the State and the municipal entities under SB-649 will be engaged in a cooperative endeavor. There are many indicators of the cooperative nature of this endeavor, including the provisions of the Bill which provide mechanisms through which the pricing shall be established. As to Dangerous Condition of Public Property, there is no question at all but that the State of California has been given far more than ample Notice of the dangers which SB-649 will rain down upon us all.

In essence, although the cities and counties are in the position of being married in this endeavor as a result of a shotgun wedding, nonetheless they are wed. The State has given the order, and the municipalities in the instance of passage will be cooperatively engaged with the State and the execution of this *Industry-contrived process*. It is well established that when individuals, or public entities, set out to do an act intentionally together, and injury results from that endeavor, Joint and Several liability will attach to both entities. Therefore as a result of Joint Venture, from a liability standpoint like any other Joint Venture, the State will be held liable for the actions of its co-venturer, the individual cities and counties involved. A lawyers' holiday !

Therefore the State will be found liable on the basis of it's engagement in a Joint Venture with the cities. It is pertinent to keep in mind that under the rules of Joint and Several Liability, if the State is found to have contributed by even 1% to the liability pie chart, the State is responsible financially for the entire damages resulting therefrom from this Joint Venture.

It is an inevitable procedural development that each of these local entities, once sued by a party claiming damage (including via Inverse Condemnation from a private party, such as an apartment building owner for diminution of value), will file and serve a Cross-Complaint For Indemnification against the State of California.

Joint Liability for the Concurring Acts of Independent Tortfeasors.

An agreed Joint Venture is not the sole method upon which two parties may be found responsible, even when they did not set out together in a common plan. The classic example of this, Summers v. Tice 33 Cal.2d 80, 199 P.2d 1 (1948), is still taught in Torts classes and modernly still cited in Law & Motion pleadings. Summers v. Tice is well known, even to first year law students, as 'the shotgun case.' In that case, the plaintiff was out in the middle of a field when two independent hunters shot at game birds from different sides of that field. The hunters discharged their respective shotguns at the same time, neither one of them, independently, being careful enough to take into account that the plaintiff Tice was out in the middle of that very same field, hunting himself. Tice caught a shotgun pellet in the eye and another in the face, causing serious injury. ***The Court held that the concurring negligent acts of independent tortfeasors will result in the joint liability of each such defendant for the entire damages involved.*** Thus for example, if one of these shotgun-wielding hunters was without funds, then the other tortfeasor is left to pay for the entire damages resultant from the concurring negligent actions of each and both.

Here, the State, despite overwhelming evidence showing that the microwaves involved are carcinogenic, nonetheless forces a multi-axial saturation by radiation upon the citizenry, and the county and municipal entities. Here, as in *Summers V. Tice*, both the state and the municipal entities will be found jointly and severally liable. However, the practical reality is that the State has a lot more money than any of these municipalities, which are likely enough to be bankrupted in some, many, or all instances as a result of the magnitude of harm which is to be inflicted as result of the passage of SB – 649.

The State's Exposure via Inverse Condemnation

CA SB-649 is opposed by more than 210 cities. Each public entity, in some instances independently, and in other instances through retained advocates, has by repeated objection to SB-649, preserved the position that the local entities involved have 'exhausted administrative remedies.' So, for example, when the League of Cities comes before Committee(s), and even in short words expresses its objection on behalf of its members, this is enough to show that the entities involved tried in good faith to stop the Bill - those brief objections in Committee provide pitons for the cities as they climb into action against S-19. Through such exhaustion of remedies, rights are preserved, including for Dangerous Condition of Public Property. These local entities have properly protected *all* of their rights.

Inverse Condemnation is typically where *private property* is wrongfully damaged in the course of a governmental undertaking and the constitutional eminent domain provisions allows a recovery from the responsible governmental entity. Here, as they relate to the State regarding their ownership of the poles, the municipalities are in the exact role of a separate owner of private property, the city testimony illustrates this in the repeated focus on property rights. Additionally, many poles are in private ownership, such as poles owned by PG&E. So as not to ignore this 'private property,' issue: *The State cannot argue that the cities do not have this separate and independent stature to privately own property vis a vis the State, because to so would acknowledge the cities as mere subordinate creatures of the State itself, which would by itself prove State liability on every theory.* It is noted in passing that Inverse Condemnation can even be brought where the person or entity involved has not even previously filed a Claim, an exception to the generally prevailing law. Even a late claim will not stop an Inverse Condemnation suit, unless the governmental entity can prove prejudice.

We all have a general understanding of Condemnation: The government, or more recently a corporation having governmental friends and a project of supposed public good, can seize property, like Mr. Bush's group seized the stadium grounds in Texas for the Rangers baseball team. Here in California we have a substantial compensation system for Condemnation *which provides for the award of attorneys fees and engineering fees and professional appraisal fees, to the person or entity whose property was seized by the Condemnation involved.* The law provides reimbursement, as a practical matter often near the higher end of market values, for entities whose property is taken by the State.

There is no serious legal or Constitutional question but that the operation of SB-649, when implemented, is a 'Taking,' within the meaning of the Constitutions of both California and the federal government. Just consider the "Before and After," situation: **Before:** The

cities and counties and/or service districts *own* their poles, albeit very heavily regulated by the CPUC, a point of importance mentioned later. Each such entity, as compensation for the use of the pole(s) involved can 'charge what the market will bear.' **After:** The cities and counties affected by SB-649 no longer 'own,' their poles, because *they can no longer insist upon their own valuation standards for what used to be their property*. This is so clearly a Taking that no serious experienced governmental claim lawyer will dispute that conclusion, and anybody who does is toying with you. It is noted as a matter of fairness that the limited protections from the installation of these devices in historical zones will tend to protect the well-to-do, as there is little chance that public housing facilities will be viewed as historical.

Inverse Condemnation is the alternative provided in our legal system for situations where the Taking by government occurs prior to any formal Condemnation procedures. There are situations where this come up where the operation of a governmental program or project damages the property of another. One handy way for you to test the accuracy of an ultimate position taken here is simply to ask a deeply experienced trial lawyer with a lot of governmental litigation experience whether I am right or not.

Here, as illustrated best by the universal opposition of cities and counties, there is no serious question but that the deployment of the antennas contemplated in SB-649 is a mandatory California State program. That this is a mandatory compliance mandate of the State of California is self-evident in SB-649, underlined by the cities' opposition. This utility pole Taking is a State of California program on its face and California acts from a position of considerable regulatory control over utility poles, see for example A Brief Introduction to Utility Poles, a 27-page outline produced under the auspices the California Public Utilities Commission.

http://www.cpuc.ca.gov/uploadedFiles/CPUC_Public_Website/Content/About_Us/Organizat ion/Divisions/Policy_and_Planning/PPD_Work/PPDUtilityPole.pdf

Further, the fact that the under SB-649 State has gone so far into control of the financial details by itself demonstrates further that this is a situation of direct State liability in Inverse, see for example the testimony below from the SF-PUC, emphasis in red is mine:

1:24:16 in the 7/12/17 Assembly Communications and Conveyance Video:

"Don Gilbert for San Francisco PUC: We have no quarrell with the industry or the technology. We hold both in high regard. This is not about that. One thing that hasn't come up is the fact that under this Bill, SF-PUC negotiated in 2014 a master license agreement with the Carriers that covers all the issues in the bill: design, fee, etcetera. Like almost every agreement like this in the state, it has a termination provision so that the elegant way this bill is going to work is: the Carriers on January 1 2018 will terminate the agreement and they will superimpose the terms of this legislation, which they are allowed to do, in place of this agreement. That doesn't seem right to us. We negotiated an agreement with

the carriers. They rely on contracts to conduct their business. We have a contract here that will be blown up and the terms, if passed by this body, this body will decide what those terms are. We just don't think that's right. Also, I have read all of the analyses of every committee of this Bill, including this one and I may be mistaken and I don't recall any third party validation for the proposition that 5G cannot be successfully rolled out without this Bill because that's the implicit argument for the bill: we have to have this Bill to roll out 5G, to get all of those economic benefits. We agree there are economic benefits. We don't agree that you need this bill to get there. Lastly, Mr. Chair, I just want to thank you and the Committee for a very fair process. Much appreciated."

The State of California will lose the many Inverse Condemnation cases filed on behalf of the municipalities, etc., however severally consolidated, and not: Where cities, counties and service districts sue the State for lost revenue or diminution of value from the Inverse Condemnation of their poles by the State of California, they will win. However, long before the final decisions awarding damages, the State will experience hemorrhagic financial bleeds for the many teams of lawyers and experts that California will be forced to field. There will be *massive defense expenses* even before the ultimate award of damages, attorneys fees, appraisal fees, and expert witness fees for scientific & engineering testimony.

Whereas it would be normal for the State to fight Certification of Classes in this situation, the State might well not fight hard on that this time, in the hope that the resulting consolidation(s) will save fees. Also, a Coordinated Action, as was the case in the Yuba Flood Cases is possible. However even the extent to which consolidation of suits will occur, will itself involve protracted litigation at massive expense; considering, for one example, that the proper venue for a matter involving a real estate property claim is normally the county in which the subject property is located, just one of the several barriers to statewide consolidation of these suits.

Ask Your Lawyers, including about preemption under the new U. S. Senate passage of S-19

One way of getting a good feel for the State's liability in this instance of the passage of SB-649 is for you to ask three separate lawyers from separate institutions or firms, the following question: "Here is Mr. Lehmann's letter of July 19th, along with his letter of August 10th, please send me a report on your letterhead explaining why the State has no liability." Have trial-seasoned lawyers provide their views. Don't listen, on this, to lawyers who do not have major trial experience. The reasons that actually experienced trial lawyers should be found and/or retained to advise on this Bill is due to the tendency of the more purely academic to mistake idealistic intention for likely result.

In compliance with even a minimum standard of legislative care, that this Bill and its legal and financial consequences should be examined by your best trial-seasoned lawyers

prior to passage. An in-depth fully researched legal analysis would be a week-long project for a team made up of a trial-experienced lawyer, an solid Associate, and supported by a fine paralegal. ***SB-649 should be thoroughly examined by retained and State professionals prior to any passage, due to the previously hidden seriousness of the legal an health issues.***

As a sudden example of a new legal element urgently requiring legal analysis prior to any vote by the Assembly: We've had very bad news on August 4th, and the news is deadly serious. Federal Senate Bill, S-19, which had been on Hold since late March, was just suddenly passed, by Unanimous Consent in the Senate ***without a hearing***. The argument will be made that this will result in total federal preemption, rendering the SB-649 fight moot. I elect not to take a position on that issue here, but S-19 will be argued to contain 'occupy the field,' preemptive language. ***It would be foolhardy at great legal expense to send this Bill to the Governor without, in addition to legal-financial liability analysis, an analysis of this suddenly-pertinent preemption question.*** For this unfortunate ***and sudden*** reason alone, claimed federal preemption, this Bill should not be passed by the Assembly this term.

Respondeat Superior: Liability based on Agency relationship.

The municipal and county governments of the State of California appear to be uniform in their objection to the passage of SB – 649. The opposition of the municipal and county governments to this Bill has been evident at every hearing so far on this, growing in scope, both in the Senate and in the Assembly committee hearings that have so far taken place. Therefore, it is obvious that the counties and cities, if they are forced to comply with the provisions of SB – 649, will be doing so involuntarily. This will be correctly noted by plaintiff's counsel in these cases to show the existence of an Agency relationship, and which the State is the Principal, and the local entities are the mirror Agents of the state. While doubtless many hundreds of pages could be recited to demonstrate the core legal principle that a principal is responsible for the acts of its Agent, suffice to say that ordinary common sense ideas also apply: for example, if a plaintiff is injured as the result of negligent driving by the driver of a truck owned by a large company, in course and scope of the driver's employment, it is exceedingly well established in the law that the principal (in that instance the company) the company is responsible for the negligence of the driver. The same thing clearly applies here, the municipalities are acting, albeit involuntarily, as agents of the State, and because of that ***Agency*** the State is responsible for the damages caused by the Stat –ordered melding of cellular antennas into the public utility poles.

The State has indirect liability for Inverse Condemnation in the instance of a third party claim against a municipality: The State has direct Joint Venture liability: The State has Joint and Several Liability because the concurring acts of separate negligent tortfeasors results in Joint liability for both: The State has direct liability for Inverse Condemnation: The State has liability based on Agency. In addition, there are Non-Delegable Duty issues here which, while beyond the scope of this letter for me to treat fully, in summary mean that the State cannot delegate away its responsibility to avoid injury to its residents from its activities.

Cordially,



Harry V. Lehmann

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July 19, 2017

Ms. Jennifer Galehouse, Deputy Chief Consultant
Assembly Appropriations Committee
State Capitol, Room 2114
Sacramento, CA 95814
Via 10 page fax: 916-319-2181
& Federal Express overnight

- Re: 1. Incorrect data given in Telecom testimony regarding
Liability: The State faces liability exposure from SB 649
2. Whether exquisitely planned for this inevitable result, or
'just lucky' for Telecom, SB 649 once deployed will have the
effect of shifting massive Industry liability to the State of
California.

Dear Ms. Galehouse -

The liability-shift component of the SB 649 issue set has not been previously addressed. I didn't see the underlying liability-shift until after the testimony last Wednesday. The liability-shift consequence of SB 649 is a difficult point to see, but essential to be recognized. This letter is divided into two sections, the **GENERAL OVERVIEW** which appears next below presents the gist in three pages, and then a larger section titled **IN GREATER DETAIL**. Because the liability shifting aspect of this analysis was not seen by the undersigned until after the close of testimony on July 12th, and because the Appropriations Committee hearing on SB 649 is only a week away, and because this analysis implies possible billions in losses to the State, an Appropriations issue, this is an initial overview of the situation in the expectation that seasoned and competent unbiased legal analysis will be made of the most startling of the two issues here addressed, before passage of this Bill: In-depth legal analysis is encouraged.

GENERAL OVERVIEW

This letter reaches the conclusions stated through several vectors of analysis but bottom line this boils down to two core points: 1. During the hearings on SB 649, assurances were given by industry that the telecom companies would be the only entities affected by liability from radiation injuries. That is not true. Rather and instead, through SB 649 California faces potential liability for any injuries claimed to have resulted from the allegedly 'small cell,' antennas delivered to our residents from SB 649. 2. More profound in implication if true, and difficult to see, **there is a heretofore non-disclosed sequella from SB 649; the potential transfer all financial liability for cellular injury cases from the telecom corporations to the State.**

The State of California faces liability for damages sustained from Senate Bill 649

Typically any very serious or catastrophic injury case will be handled by experienced counsel - I believe any experienced lawyer who has been long engaged in plaintiffs work with governmental entities would agree with the following points, not one involves rocket science:

- 1) The defendants in a lawsuit do not get to choose whether to be sued. That choice is made by plaintiffs' counsel. There is no way for any industry representative to honestly claim that the State will not be sued for such injuries.
- 2) Once the involved cellular antenna box is attached to the involved governmental utility pole, for several reasons including the Doctrine of Fixtures as often used in tenancy situations, a melding takes place, and plaintiffs counsel will allege, as is consistent with the law, that the melded unit as a whole is Public Property.
- 3) Though plaintiffs can't sue the State for negligence or other Common Law causes of action, under our Government Code suit can be brought for Dangerous Condition of Public Property.
- 4) These *public* utility poles are demonstrably 'Dangerous' within the meaning of Government Code 835, because the radiation they emit has been scientifically proven to be carcinogenic, and the radiation is damaging to the human biological system. This is most dramatically proven by the \$25 million NIH study released on May 27, 2016, showing that cellular radiation causes the malignant cancer cell glioma, which is what causes the deadly brain cancer: glioblastoma.
- 5) The State of California, as a result of the Firefighters's Exemption, or Firehouse Exemption as it is alternatively called, is, a unique development, ***admitting the dangerous nature of the about-to-be-built 'small cell,' system, because, as a matter of provable Legislative Intent, the firehouses were exempted due to health concerns.*** So our Legislature is poised to create at least 30,000 different pieces of Public Property while in one fell swoop also branding each one as Dangerous. Other examples supportive of this point will appear below, in the discussion of the liability-shifting aspects of SB 649.

Senate Bill 649 can shift liability exposure from the telecom industry to the State of California.

The most important purpose of this letter is to alert Assemblymembers of previously undisclosed economic consequences which to the undersigned appear legally very likely to ensue from the passage of SB 649. State lawyers with extensive trial experience should evaluate what is said here and advise Appropriations and the Assembly whether the warnings here represent real issues. The consequence of greatest concern is that passage of SB 649, contrary to appearances, ***will result in the mass transfer of***

liability for cellular microwave injury from the telecom industry to State government, with \$Billions involved. Whether this here-disclosed consequence is the result of a brilliant and intricate multiple-stage legal stratagem by the best lawyers that Telecom could retain, or whether the industry just got lucky, the result for the State of California will be the same, financial ruin. Consider the following factors:

1. The State can't be sued for 'negligence' or other basic common-law theories of relief, and Claimants can only sue as allowed in the Government Code.
2. The main CA Government Code section which is virtually always pled by all experienced public entity lawyers is Dangerous Condition of Public Property, Government Code 835. .
3. If the 'taking,' of county and city properties in SB 649 is allowed, then what next follows when the cell tower is affixed to the publicly-owned utility pole, due to the 'fixtures,' doctrine and other legal reasons, is the merger of antenna and pole into Public Property. This is a complex issue with other criteria supporting the same Public Property finding.
4. Through the 'Firefighters Exemption' to SB 649, prohibiting cellular antenna construction near where firefighters sleep, based on health grounds as pushed by their unions, ***the State is acknowledging that its new melded-exposure property is Dangerous.***
5. As a result of the above the enabling legislation makes the resulting Public Property Dangerous in character in the light of Government Code 835, which in turn makes lawsuits against the State much easier.
6. There is now overwhelming evidence of DNA and cellular damage from radio-frequency EMF as emitted by cellular phones and towers. If you have doubt about this, set up a debate between me and the best they've got. See prior letters, notably of May 23rd to Senate Appropriations, with integrated sworn Declaration of McGavin.
7. It is a matter of well-established public record that the international re-insurance industry has long refused to insure any aspect of the telecom industry for injuries caused by cellular devices or installations. There is no net.
8. ***The only avenue left to the cellular industry, other than just honestly facing up to this mess and helping us solve it, is to shift the legal responsibility to government.***
9. Though good challenge may be on the horizon, the current stance of federal law under the Telecommunications Reform Act of 1996 it is not possible to prevail against a cellular company for liability for a phone made in roughly the last two decades.

10. Seasoned and competent counsel, where injuries occur of a sort consistent with EMF injury to DNA, including glioblastoma as indicated by glioma from the NIH study, will file suit against responsible corporate entities, broadly, and also sue the State of California. Right now many serious lawyers avoid this area due to the 1996 Telecommunications Reform Act. However the practical immunity offered to telecom under the act is conditional upon compliance with FCC standards, and there are now material means available to show that none of the currently marketed smart phones meet FCC standards when measured *as actually used in the field*, namely up against the face.
11. In the instance of the successful bar to civil prosecution which is currently provided by said industry-inspired 1996 Act, and in a State where 'joint and several liability' means that a 5% liability contributor has 100% of financial responsibility from a loss, ***the result of the combination of the factors stated above is that in the instance of suit, including 'friendly,' all financial burdens from cellular injury are shifted to the State of California, under the results from SB 649 as here-projected, through exercise of the federal regulatory bar to such prosecution of cases against the telecom industry.***

I assert no position as to whether the stream of results capsulized above will arise from the prior formation of an intricate plan from very smart lawyers, or whether the industry just 'got lucky,' in regard to the seemingly inevitable consequences of signing SB 649 into law. It doesn't matter, but when you look five or six moguls down this hill, the financial crash is inevitable. The above introductory language has provided the essential elements. A more detailed section below will provide related details.

IN GREATER DETAIL

Below is described in numerical sub-sections is the financial burden-shifting hidden in SB-649, which exists regardless of whether that liability-shifting aspect is inherent in the Bill from actual intention or lucky accident: The effect of S-649 being signed into law and then the antennas deployed thereunder, will shift liability for massive numbers of cellular device injuries from industry to Government.

1. Under SB 649 and as a result of the corporate 'taking' of municipal, county, and State property, in the form of forced corporate seizure of previously publicly owned utility poles, the cellular antenna placed thereupon by such installation, including in real estate law, become an integrated 'fixture,' of said public property, ***in several ways legally indivisible therefrom.*** Other examples to the point of shared conduct imbuing with Public character arise from joint venture, etc. ***Once industry puts these antennas up on public poles, all risks and injuries from such antennas will be from a Dangerous Condition of Public Property, as defined in Government Code 835.*** The resulting Jury Instructions can be seen at CACI 1100.
2. In California law, state, regional and local governments cannot be sued for 'negligence.' Rather, the basis for which a suit may go forward against the State or an element thereof will, and must, be grounded in a statutorily prescribed Cause of

Action. Most commonly in these governmental tort situations, seasoned counsel will file, first, a Governmental Tort Claim alleging **Dangerous Condition of Public Property**, and thereafter, post-denial of the claim, the central plead liability theory of most such cases is just that, **Dangerous Condition of Public Property**, as provided for in Government Code 835.

3. It is established by clear and convincing evidence that cellular microwave broadcasts have adverse health consequences. The recent positive demonstration of the causation of malignant glioma (thus glioblastoma) cells from cellular energy in perfectly Faraday protected environments from our National Institutes of Health was only the most recent of similar and earlier findings. Much of these data and citations thereto have been provided to all Senators and Assemblymembers, including from my own letters. There can be arguments about varying danger of differing exposure routines, *but the fact that the danger exists is overwhelmingly demonstrated*, including by exposure standards for technicians engaged in cellular tower work. The epidemiological proof of non-thermal effect on the human biological system is now beyond reasonable dispute, as shown for just one example in the work of DeKun Li, the senior epidemiologist from Kaiser, Oakland, showing statistically significant increases in asthma and obesity in children of mothers who experienced higher level of EMF exposure during pregnancy. The data are readily accessible to all legislators. *With the Firefighters Exemption, the Bill itself is stating that the installation of small cell antennas on poles is "Dangerous,"* else no reason for the Exemption.
4. It is well established in publicly available records and news reports that the re-insurance industry has refused, for decades, to insure or even defend manufacturers or carriers or others in telecom against lawsuits on behalf of persons claiming to have been injured by cellular radiation exposure. Therefore, the Telecom industry, now the largest dollar industry in the world, is on the high wire without a net. **The industry likely has no insurance for injuries from cellular radiation, and it is not the proper job of the People of the great State of California to insure industry for that exposure.**
5. *In this situation, lawyers for the industry have almost certainly been tasked with examining ways through which the burden of this possible cellular injury exposure could be deflected onto other entities.* These people are too smart not to have seen this far down the road.
6. Recent news reports have speculated that SB 649 may result in as many as 50,000 new cellular towers in California; in his recent correspondence Dr. Joel Moskowitz has indicated a range of between 30,000 and 50,000: The total may not reach 50K in the near term, as there are no provisions in SB 649 to truly extend past the Divide in rural areas. If for illustration we assume the lower number, it becomes a simple math problem: **LEGISLATIVELY CONFESSED DANGER x 30,000 PUBLIC POLES = 30, 000 SEPARATE INSTANCES OF DANGEROUS PIECES OF PUBLIC PROPERTY.**

We have all heard allegations of people jumping on municipal transit buses immediately post crash, seeking to participate in recoveries. I think that is actually very uncommon, but recognition of tort opportunity will be easier here as these are stationary Dangerous Public Properties, which conveniently bring the carcinogenic radiation right into your living room, especially if you live in a crowded building, which with 5G exponentially expands the field density to which residents are exposed, the broadcasts not being cohesive EMF, each neighbor is affected by his or her neighbor's use of 5G.

7. Our Assembly should insist upon detailed legal analysis before passing SB 649: Under current constructions of The Telecommunications Reform Act of 1996, the companies are protected from liability, whereas it appears that the State is unlikely to benefit from the liability avoidance aspects of the 1996 Act. This is a complex area, to be further litigated, hopefully to correction for the benefit of the consumer, but there is a widely prevailing current legal view that current constructions of the Act protect the companies from any injury claims stemming from radio-frequency exposure. *After the SB 649 cellular towers are up, and claims come forward, in any such resulting suits, until the law is more to the benefit of consumers than is currently the apparent case, where manufacturers and Telecom companies and the governmental body are all sued, and telecom can dodge out, there is a substantial legal argument the government entity involved cannot.* This Bill sets up the State for massive losses by putting it in the place of an insurance company insuring against losses based on cellular exposure.
8. Causation will be a core issue of proof in the wave of Claims and then Complaints on this issue that is inevitable to come, given the science. Ultimate adjudication may be by Court, which is all we have at this point, or perhaps as some now visualize, something akin to the National Vaccine Injury Program, which has dispensed billions of dollars to injured claimants since its inception. Given that with the Firefighter's Exemption the State is acknowledging that its conduct of putting these antennas on every block is intentional conduct being pursued despite clear repeated science-based Notice of the risk. Here, if SB 649 goes forward, despite the repeated clear warnings of harm that have been given in submitted written records, a Court may also reasonably conclude that such further engagement in such State activity is an Extra-Hazardous Activity. The legal point that derives from this is that in Extra-Hazardous Activity the scope of Proximate Cause will be allowed to expand, a factor which puts the State at risk.

If the Assembly goes forward despite this risk, bankruptcy of the State of California can be reasonably expected to result. Just think of the testimony that we've recently heard, on July 12th, from residents who have suffered from and are still fighting brain cancer, which they attribute, with science-based cause, to extensive long term up close exposure to cellular telephony. Thus, if there is a phone-based lawsuit, where the claim derives from an area of SB 649 saturation, the lawyers involved, in order to meet the ordinary standards of care of the work, will be compelled to sue the State. It is further noted that the effective immunities enjoyed by mobile telecom service providers and manufacturers under the 1996 Act are conditional upon the device(s) involved radiating

within the FCC designated range of radiation values, yet our measurements in Palo Alto, for example, show that the strength of the allegedly 'small' cellular devices on poles there are in some instances *multiples* of the approved safety standards for human tissue saturation. In the urban context, with many households, including children, using 5G where cable used to work, most residents of dense apartment buildings will receive radiation saturation not only from what people (multiple TV's) in *their* apartment, but also from broadcast, which is not a cohesive signal, as received by nearby neighbors.

With wide-spread increasing rates of long term use, the inevitable will be put forward based upon alleged injury from a cell phone: Because of the cumulative nature of DNA damage, even with only episodic breakage increases, an upward numerical trend of DNA strand breakage percentage over time appears inevitable if SB 649 is allowed to pass. In normal balance against damaging influences, our bodies rely upon the abilities of the human biological system to self-repair, including at a DNA level, but where the capacity for repair is exceeded by direct exposure (*as distinguished from environmental exposure*) from a carcinogenic radio source, the potential for increased levels and rates of mutagenic process can reasonably be expected to occur as a result of the overwhelm of such repair capacities: Once the entire urban and suburban areas are densely saturated with so-called 'small cell' 5G (+ ?) cellular signal, and additionally given the overlapping EMF factors involved, seasoned counsel would always name the telecommunications company, the manufacturer, the seller, the service provider, and now the State, based on SB 649-rooted liability exposure. The State will be permanently exposed to liabilities so numerous and great that all other California state government programs will suffer, from roads to good policing, to schools, to public safety, to pensions.

Our laws recognize both concurrent cause, and joint and several liability where the injury resulted from multiple entities acting in concert. Joint and several liability also results in the instance of the concurring negligence of independent tortfeasors, such as in the classic Summers v. Tice context. As is not uncommon in civil lawsuits, an entity with only a tiny factual contribution to the occurrence of the liability inducing event, say 5% of the negligence pie, under Joint and Several Liability is liable for the whole quantum of the injury involved in the instance of legal unavailability of the other defendants. Therefore, if, post SB 649, there is a cellular device based lawsuit, and 5G radio-frequency saturation was present during time of injury recognition, then normal standard of care obligations, in most instances, would require the naming of that entity by name, if known, as a defendant. Due to the admitted Dangerous Condition of Public Property recognized as dangerous by the Firefighter's exemption) inherent in the melded 'small cell' 5G antenna/pole Public Property, if SB 649 passes, given Joint and Several Liability, if the companies are excluded from liability by federal law, then the State will be the full-paying defendant in such suits. Next discussed below is the question of causation, forced upon us by the looming nightmare of SB 649.

On the Subject of Causation

A science-compliant discussion of non-thermal causation of damage to people by cellular devices is forced upon us here by the incomplete physics analysis which industry lobbyists attempt to repeat in their rebuttal to claims of injury. After the Senate

Appropriations hearing which included SB 649, I was approached in the corridor by a lead lobbyist from a very major telecom company. He said to me, I paraphrase ". . .you know, Mr. Lehmann, in order to affect tissue molecules without heat, you have to move the neutrons . . .and there's not enough energy in cellular signal to affect those neutrons."

The above-described exchange with this lobbyist is described in the 14 page letter and sworn Declaration that Mr. McGavin and I presented to the Senate Appropriations Committee. That kindly lobbyist was actually mis-stating the company line: Contrary to the above lobbyist's remarks, the long-stated industry position has not been about 'neutrons,' but rather that: 1) Cellular non-ionizing radiation doesn't have enough energy to directly modify an electron's shell position in an atom, *so that the valence of that atom cannot by such cellular radiation be directly changed*, and: 2) Therefore direct, non-thermal DNA damage to human tissue is not possible from cellular radiation because the energy involved is not sufficient to occasion molecular re-combination except via heat.

The industry position on the disclosed part of their physics to chemistry argument makes sense: That there is not enough energy in current or anticipated civilian cellular radiation to cause an electron to jump a shell position. However, this electron-shell-no-can-go routine is defective in its predicate: The industry position, choir sung by most industry engineers (not the late great Robert C. Kane), is predicated upon the incorrect assumption that the only mechanism of non-thermal damage is ionic forced change, meaning situations in which so much energy is by radiation placed into the molecules involved that over-loading of charge forces electron migration resulting in molecular re-combination, experienced as tissue damage.

Ionic-forced-immediate-direct chemical change, which *does* occur with ionizing radiation, does not occur with less powerful non-ionizing radiation from cellular devices. However, clear science shows that DNA strand breakage is occurring from the non-ionizing radiation from these sources. As you likely know, it is well proven scientifically that high frequency sound can, for example, shatter glass. The data indicate that DNA breakage is resulting from mechanical vibration of the DNA molecule as DNA molecules dissipate the energy which is undeniably pumped into them via radio-frequency EMF. In this regard, the 1983 interferometer findings of Swicord and Brown at the University of Maryland were mentioned in the 14 page compendium which submitted to Senate Appropriations, containing my 7 page letter and Mr. McGavin's Declaration, under Penalty of Perjury, which was also 7 pages, and which 14 page letter to Senator Lara, dated May 23rd, is integrated herein by this reference as though more fully set forth herein. It was found by Swicord/Brown's work that the addition of DNA salts to plain water, to a 7.43 percentage in the resulting fluid, ***caused a twenty-four fold increase in Specific Absorption Rate, and that this massive 24X change was non-ionic***, but rather 'acoustic,' meaning as a result of the mechanical receipt of vibration energy from the cellular frequency by the DNA molecular structure.

Swicord and Brown, as stated in their paper on their interferometer testing of SAR levels, were verifying prior peer-reviewed projections that this level of SAR change in DNA would result. It is my current understanding that Dr. Swicord was at FDA when that agency, which usually passes judgement on radiation-generating consumer products,

exempted cell phones, and then, as I understand it as informed opinion, Dr. Swicord lived out his remaining career at Motorola. So, bottom line, we have extreme vibrational change in DNA from cellular range radiation, namely a drastic 24 fold increase in Specific Absorption Rate. The importance of this repeated finding is best illustrated by the work of Dr. Henry Lai, when this work was published he was with the University of Washington School of Medicine I heard Dr. Lai's presentation of his experimental findings at the International EMF Conference in Stavanger, Norway, in late 2009, and later in Norway was honored to travel to and reside for a while in the mountains over Bergen with the world's top scientists in this field, including people at the level of Dr. Martin Blank of Columbia and Dr. Olle Johansson of the Karolinska Institute, Stockholm.

Dr. Lai's experiments unequivocally proved the fact of DNA strand breakage from cellular telephone radiation. So, once the reader understands that: 1) Through the interferometer work of Swicord and Brown at Maryland, 1983, that DNA change occurs via acoustic means, while also understanding that: 2) The work of Dr. Lai, showing that such cellular signal causes DNA breakage, then it may be responsibly suggested that the occurrence of DNA breakage, not by ionic means, but via acoustic receipt of the vibrational energy. That's how people are getting hurt. Plus the calcium ion findings, noted, supra, from the elegant work of Dr. Pall at the Washington State University, and propriety requires the mention of the ground breaking work of Dr. Andrew Galsworthy of Imperial College London, whose pioneering work regarding the stripping action of cellular and other microwave on intra-cellular calcium is forth in Dr. Galsworthy's March 2012 paper The Biological Effects of Weak Electromagnetic Fields - Problems and Solutions. As to vibrational fracture of the DNA molecule, see *also Electrosmog and autoimmune disease*, by scientists Trevor G. Marshall and Trudy J. Rumann Heil. The core point sought to be communicated here is that the industry dirge; 'it can't be us, cause non-ionizing radiation can't force an ionic change,' is an incomplete as an analysis of cell damage causation, because it is a red herring of belief that has distracted the busy from seeing the actual causation.

Many environmental influences can contribute to the formation of the more serious illnesses. The book *The Secret History of the War On Cancer*, by epidemiologist Dr. Devra Davis is the best available professional source towards an understanding of the relationships between industrial toxins and health patterns in the population. This section on Causation is here only because the industry excuse sheds less light than smoke. By background, I have practiced trial based law for four decades, specializing in engineering and scientific proof cases since 1983. After the deaths of four friends and colleagues from brain cancer, I became a student of the EMF issues, to which issues myself and many others are dedicated to public education, including through our ongoing work at Green Swan, Inc.

SB 649 Seeks to Keep Cellular Telecom Off The Ropes at California's Expense.

Telecom is giant and powerful, but the truth, science, ethics and the law are far more important than the \$1.43 trillion that industry has poured into lobby efforts since 1998 (www.opensecrets.org). But even with all its massive funding, the industry has not been able to buy insurance for this industry regarding potential mobile phone casualties.

The re-insurance industry, giants like Zurich, Lloyds, long ago announced that they would not insure for personal injuries caused by cellular devices. As a result the telecom companies are at this point on their own. If they don't shift liability responsibility to another entity or entities, they face massive and potentially ruinous. Perhaps this led to a multiple stage, difficult to see legal tactic of risk shifting to the public. If something like this were going on, it would all of a sudden make a lot of sense if there were an *extreme rush* placed on this legislation. Senate Bill 649 mimics legislation that the industry tried to get through the federal Senate (S-19), which didn't work out for them, it was placed on Hold at the end of March, where it now remains, *and directly thereafter commenced this massive hard push to get California on board with the same 'seize the light poles' effort, to which obviously immense professional lobby effort is being devoted to an ongoing ongoing push for fast passage.* Normally, we could say, 'well, that's life, sometimes you've got to let the big dog eat.' But this situation is very different from ordinary because lives and souls are at stake here. This isn't a game or a hobby, this is serious.

Whether planned or not, after infrastructure is established resulting from SB 649, one crucial result *is to transfer the financial burden of impending severe liability exposure from the industry to the government.* In the instance of S-19, a substantially duplicate Bill now sensibly remaining on Hold at the federal Senate, the transference of liability exposure would have been to the federal government. With the failure of S-19 at the federal level the telecom industry went immediately to work in California. With the telecom industry having consumed a great feast at the restaurant of commerce, the effect of signing SB-649 into law would be to stick California with the tab for that very feast.

Lawmakers in California to insure that any legislation which is passed will not harm the public. Any member of our Legislature who, *knowing that there is scientific evidence of harm*, votes for SB 649 will be no different than those in power over Flint Michigan, who knew of the health hazards in the water, and yet allowed that public health hazard to continue. However, in terms of the number of people to be severely harmed, the situation with SB 649 is far more severe even than what tragically happened in Flint.

Very truly yours,



Harry V. Lehmann

ARB Dec 7th 2018

Hello, my name is Amrutha Kattamuri and I am a Palo Alto resident. My background is in computer science and mathematics.

After doing some research into cell tower technology, I request the ARB to reject the Wireless 17PLN-00169 application for installation of **privately owned** cellular equipment on **public** poles and facilities for the following reasons :

1. Cell tower antennas with the associated cabling can weigh up to hundreds of pounds. The board needs to consider what could happen when a teenager or drunk driver should run into one of these poles that has a hundred pound weight on the top and how much of a life threatening risk this would be when the tower falls, not to mention literally millions of dollars in property damage it could cause to the surrounding residential areas.
2. When these **private** companies install their **privately-owned** equipment on **publically-owned** facilities, there is no legal safeguard protecting the public from liability due to any hazard that could be caused by this equipment, including fires. According to Harry Lehmann, attorney at law in the state of California, defendants in a lawsuit do not get to choose whether to be sued. That choice is made by the plaintiff's counsel and there is no way for Verizon or the telecom industry representative to honestly claim that the City will not be sued for such injuries. Once the involved cellular antenna box is attached to the governmental utility pole, for several reasons including the Doctrine of Fixtures as often used in tenancy situations, a melding takes place, and plaintiff's counsel will allege, as is consistent with the law, that the melded unit as a whole is Public Property.
If they want to install these heavy, potential fire hazards on poles in our residential neighborhoods right in front of our homes, they need to build durable structures themselves that they can ensure will be safe and for which they will be responsible if the structure should collapse or become damaged in any way.
3. According to the Center for Responsive Politics, the telecom industry poured \$1.43 trillion dollars into lobbying efforts since 1998. But even with all its massive funding, the industry has not been able to buy insurance for

itself to cover for any potential health hazard caused by wireless technology. Wireless technology being a health hazard is established by law in the Firefighter's Exemption which prohibits the installation of cell towers on fire stations due to adverse health effects experienced by California fire fighters. For some reason, the telecom industry is avoiding installation of cell towers on fire stations but think it is okay to install them in front of our homes with children. Re-insurance industry giants like Zurich and Lloyds announced long ago that they would not insure for personal injuries caused by cellular devices. As a result, the telecom companies shift the responsibility of liability to another entity or entities, otherwise they could face massive and potentially ruinous risk. If this application is approved, that liability would shift to the Palo Alto public. It is appalling that the residents of Palo Alto are not made aware of this potentially significant fiscal responsibility or, because of Verizon's Master License Agreement, not even given the opportunity to bring up these issues to the council without paying a stiff fee.

ARB, Mar 15th 2018

Hello, my name is Amrutha Kattamuri and I am a Palo Alto resident. My background is in computer science and mathematics.

I am here to request the ARB to reject the placement of these privately owned, extremely powerful, Close Proximity microwave radiation emitting Antennas, the so-called "small cells" on public utility poles and facilities.

It is unconstitutional for these close proximity microwave radiation emitting antennas to be erected in residential zones close to 15 to 50 feet away from homes where people sleep, live and heal. Because doing so would be a health, safety and liability hazard.

I will list the reasons why the ARB must deny these applications:

1. According to the 1996 Telecommunications Act, local governments have the authority and duty to regulate the operations of these antennas including power levels and hours of operation to protect its residents' privacy and safety -- because operations of cell phone towers were not pre-empted by the 1996 TCA - - only placement, construction, and modification were preempted.
2. Because operations were not pre-empted, consideration of environmental effects (and health effects) is squarely on the City's shoulders for how much power these antennas output and for what hours of the day.
3. It is obvious that the 1996 Telecommunications Act confers a great favor on the **Wireless** industry, by bestowing the power to surmount any opposition to their plans of erecting an indiscriminate number of cell towers in utter disregard of the health hazards these antennas pose to the public, **especially to children**
4. This provision of the **1996 TCA** threatens the **rights to life, safety and privacy** guaranteed by **US and CA** constitutions.
5. Re-insurance industry giants like Zurich, **Swiss Re and Lloyds of London** announced in **2015** that they would not **re-insure** for personal injuries caused by RF Microwave radiation exposures. As a result, the Telecom companies **are acting to transfer their massive liability** to another entity or entities. If this application is approved, that liability would shift to the Palo Alto public because the melding of private microwave radiating antennas onto public property creates a **dangerous condition of public property**. It is appalling that

the residents of Palo Alto have not been made aware of this significant fiscal liability.

6. **It is also appalling that the residents of Palo Alto have to pay a stiff fee to appeal the ARB's decision in order to discuss these financial issues with the City council.**

I have been entering into the public record **many** independent, peer-reviewed and non-industry funded scientific studies, about the extreme health hazards of pulsed, data-modulated, RadioFrequency Microwave Radiation, especially on developing children and the most vulnerable population. **The ARB and the City Council have the duties to examine this substantial evidence that has been placed in the public record.**

The city of Palo Alto **refused for months** to provide answers to the following questions about microwave radiation levels at the already existing Close Proximity Microwave Radiation Antennas installed in a three-block area of downtown and turned on in November 2016.

I don't have time to read all of these questions, but they have been emailed to all of the City staff and City Council members and have been published online for months (<http://scientists4wiredtech.com/2017/12/broadband-fail-palo-alto-1/>).

Hammett and Edison wrote a report about these Antennas (CPMRAs):

- **Q1:** At what time of the day were Mr. Hammett's measurements taken?
- **Q2:** For each location, how many minutes did Mr. Hammett take these measurements? More or less than 30 minutes?
- **Q3:** Is there a data log for all of the measurements during this time period, if these measurements were taken?
- **Q4:** Were the radiation levels during different activities and at different times of day compared? We all know that network traffic varies by activity and throughout the day. Specifically, how did the average and peak readings compare during the following activities:
 - o **a:** Beacon signals only, with no one in the office was connecting a device to the antenna on the utility pole
 - o **b:** While making a Verizon call

- o **c:** When sending/receiving a Verizon text
- o **d:** When streaming a video from the Verizon antenna
- o **e:** When downloading a software update from the Verizon antenna
- **Q5:** What was the maximum instantaneous power/density RF/MW radiation reading?
- **Q6:** How do the maximum instantaneous power/density RF/MW radiation readings compare to the average readings?
- **Q6:** What is the City of Palo Alto's commitment to getting sufficient data from any RF Microwave radiation contractor to be able to accurately characterize the pre and post construction RF Microwave radiation exposure environment in Palo Alto where densified "Small Cells" have been or are planned to be installed? Having sufficient RF Microwave Radiation exposure data at peak levels (simple averages are not sufficient) placed in the public record is critically important before any new "Small Cell" towers are approved for Palo Alto's residential zones.

Therefore, keeping these close proximity microwave radiation emitting antennas away from residential areas and erecting them in commercial areas, would clearly be in the best interest of warding off liability and protecting health, safety, and well-being of all the residents of Palo Alto.

Thank You!!

Appendix B

List of and excerpts from email communications from Paul McGavin, Scientists for Wired Technology, to Palo Alto's Planning Staff and City Council

1. **12/1/17 @ 9:38 am** re: *RF Microwave Radiation Exposures From So-Called "Small Cell" Antennas in Palo Alto* to Gerhardt, Reich, Atkinson, Fleming, Kattamuri, Yeawon
2. **12/2/17 @ 7:40 am** re: *Follow Up Questions to Hammett and Edison RF Microwave Radiation Exposure Analysis* to Gerhardt, Reich, Atkinson, Fleming, Kattamuri, Yeawon
3. **12/4/17 @ 2:09 pm** re: *Follow Up Questions to Hammett and Edison RF Microwave Radiation Exposure Analysis, Round 2* to Gerhardt, Reich, Atkinson, Fleming, Kattamuri, Yeawon
4. **12/5/17 @ 9:09 am** re: *Wireless 17PLN-0016: Will You Please Provide Answers to These Questions Today?* to French, Gerhardt, Reich, Atkinson, Fleming, Kattamuri, Yeawon
5. **12/5/17 @ 12:17 pm** re: *Wireless 17PLN-0016: Will You Please Provide Answers to These Questions Today?, Round 2* to French, Gerhardt, Reich, Atkinson, Fleming
6. **12/5/17 @ 4:02 pm** re: *Wireless 17PLN-0016: When Will You Please Provide Answers to These Questions?* to Gerhardt, French, Reich, Atkinson, Fleming, Kattamuri, Yeawon
7. **12/6/17 @ 1:24 pm** re: *17PLN-0016: Unanswered Questions and Conflicts in Due Process/Due Diligence* to to French, Scharff, DuBois, Filseth, Fine, Holman, Kniss, Kou, Tanaka, Wolbach, Lew , Baltay, Furth, Gooyer, Kyu, Gerhardt, Atkinson, Fleming
8. **12/6/17 @ 1:43 pm** re: *Follow Up Questions to Hammett and Edison RF Microwave Radiation Exposure Analysis* to Gerhardt
9. **12/6/17 @ 8:32 pm** re: *Follow Up Questions to Hammett and Edison RF Microwave Radiation Exposure Analysis Were NOT Answered* to Gerhardt, Scharff, DuBois, Filseth, Fine, Holman, Kniss, Kou, Tanaka, Wolbach, Lew , Baltay, Furth, Gooyer, Kyu, French, Atkinson, Fleming
10. **12/7/17 @ 8:03 am** re: *Wireless 17PLN-00169: Palo Alto Whitewashes RF Microwave Radiation Exposure Hazards -- Updated* to to Scharff, DuBois, Filseth, Fine, Holman, Kniss, Kou, Tanaka, Wolbach, Lew , Baltay, Furth, Gooyer, Kyu, French, Gerhardt, Atkinson, Fleming
11. **12/7/17 @ 2:15 pm** re: *Palo Alto Wireless 17PLN-00169: Questions and Solutions* to Scharff, DuBois, Filseth, Fine, Holman, Kniss, Kou, Tanaka, Wolbach, Lew , Baltay, Furth, Gooyer, Kyu, French, Gerhardt, Atkinson, Fleming
12. **12/7/17 @ 4:49 pm** re: *Palo Alto Wireless 17PLN-00169: Questions and Solutions* to French, Atkinson
13. **12/12/17 @ 9:38 am** re: *Unreasonable Failure to Respond* to French, Atkinson

12/1/17 @ 9:38 am email:

Both State Senator Jerry Hill and Governor Jerry Brown evaluated the evidence at the links below and voted against SB.649

- <http://scientists4wiredtech.com/2017/03/rfr-hazards/>
- <http://scientists4wiredtech.com/2017/04/palo-alto-4g-small-cells/>

As detailed at this last link, in April 2017, I worked with a certified RF Microwave Radiation specialist to document his accurate measurements of peak RF Microwave Radiation exposure levels from the 19-Small-Cell Verizon/Crown Castle installation in downtown Palo Alto.

This work, I understand, resulted in the City of Palo Alto hiring Hammett and Edison (H/E) to complete a post-construction RF Microwave Radiation exposure assessment of these 19-Small-Cell Verizon/Crown Castle antennas. Before the City embarked on this project, I spoke to Jodie Gerhardt and I encouraged her or someone else on the City of Palo Alto staff to get the following raw data from H/E, so you could accurately characterize

the RF Microwave Radiation exposures in downtown Palo Alto.

- **A data log and plot of the power density of peak pulsed, data-modulated, Radiofrequency Microwave (RF/MW) Radiation**, showing the actual peaks of RF/MW radiation over a 30 minute exposure for each so-called "Small Cell" antenna where people live, sleep and work near these microwave transmitters.
- **Both the peak and average levels of the RF/MW Radiation** emitting from these antennas during different times of day: 9:00 am, Noon, 3:00 pm, 6:00 pm, 9:00 am and 3:00 am
- **RF/MW Radiation power density readings taken both outdoors and indoors**

Please understand that the US Federal RF/MW radiation guidelines are only commercial/procedural guidelines, not safety guidelines, as often inaccurately described by the Wireless industry and William Hammett

- Radiofrequency Microwave Radiation Exposure Guidelines <http://scientists4wiredtech.com/regulation/rf-microwave-exposure-guidelines/>
- LTE Architecture Basics (4G) - Introduction <https://www.youtube.com/watch?v=1j4UwsdD9Qs>
- Fundamentals of 4G/LTE: OFDM/ OFDMA <https://www.youtube.com/watch?v=rKy5dOI3Et4>
- Dr. Lennart Hardell "The often short duty cycle in [Wireless] networks can give low-average measured values but still consist of high peaks . . . The different modulations result in signals with different spectral characteristics within the channel for the device. If these modulations would be shown to be important variables in accessing risk, the need for RF radiation protection would probably change." from Measurements of Radiofrequency Radiation with a Body-Borne Exposimeter in Swedish Schools with Wi-Fi <https://www.frontiersin.org/articles/10.3389/fpubh.2017.00279/full>

I need to review the H/E report as soon as possible in order to prepare my substantial evidence/testimony in opposition to the current applications for additional, unnecessary So-Called "Small Cell" Antennas in Palo Alto's residential zones

12/2/17 @ 7:40 am email:

I received the two documents yesterday (both attached) from Ms. Gerhardt and read them. Before we consider Mr. Hammett's 6/8/17 RF Microwave radiation exposure analysis and letter a misleading whitewash, will the City of Palo Alto please answer the following questions?

- **Q1:** At what time of the day were Mr. Hammett's measurements taken?
- **Q2:** For each location, how many minutes did Mr. Hammett take these measurements? More or less than 30 minutes, the standard for general public exposure RF Microwave radiation exposure measurements?
- **Q3:** Once we know the answer to Q2, do you then have a data log for all of the measurements during this time period?
- **Q4:** Did you compare RF/MW radiation levels during different activities and at different times of day? We all know that network traffic varies by activity and throughout the day. Specifically, how did the average and peak readings compare during the following activities:
 - **a:** Beacon signals only, with no one in the office was connecting a device to the antenna on the light pole
 - **b:** While making a Verizon call
 - **c:** When sending/receiving a Verizon text
 - **d:** When streaming a video from the Verizon antenna e: When downloading a software update from the Verizon antenna
- **Q5:** What was the maximum instantaneous power/density RF/MW radiation reading (a configuration option available on the NBM-520 Broadband Field Meter)?
- **Q6:** How do the maximum instantaneous power/density RF/MW radiation readings and compare to the

average readings?

I will follow up with you on Monday morning. The rest of my response is here:

<http://scientists4wiredtech.com/2017/12/broadband-fail-palo-alto-1/>

12/4/17 @ 2:09 pm email

Earlier today, I followed up by email and by phone with you, Rebecca Atkinson and Russ Reich. Will you please return my call at 415-382-4040 at your earliest convenience so we can discuss the following?

- What RF Microwave radiation exposure data the City of Palo Alto requested from Hammet & Edison for the report/letter H/E completed on 6/8/17?
- The City of Palo Alto's commitment to getting sufficient data from any RF Microwave radiation contractor that accurately characterizes the RF Microwave radiation exposure environment and consequences to Palo Alto residents -- exposures that result from installing so-called "Small Cell" cell phone towers in residential neighborhoods so close to homes and parks.
- Answers to the questions from my 12/2/17 email/letter.

12/5/17 @ 9:09 am email

- What is the City of Palo Alto's commitment to getting sufficient data from any RF Microwave radiation contractor to be able to accurately characterize the pre and post construction RF Microwave radiation exposure environment in Palo Alto where densified "Small Cells" have been or are planned to be installed? Having sufficient RF Microwave Radiation exposure data (simple averages are not sufficient) placed in the public record is critically important before any new "Small Cell" towers are approved for Palo Alto's residential zones.
- The 17PLN-00169 document reports "Environmental Assessment: Pending . . . The project is under review in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the environmental regulations of the City." Will you please describe the scope and timing required to complete this Environmental Assessment? What's the plan to complete this?
- The 17PLN-00169 document says "The applicant submitted a statement on maximum buildout within their project description, which is still under analysis." Is this complete? If not, when is the City of Palo Alto expecting this?
- What specific real-life evidence (not projections/calculations) has the applicant provided to prove that there is a significant gap in Verizon coverage? Verizon coverage maps from Verizon's web site are not sufficient for this purpose.

Ms. French, I published the following analysis over the weekend after reviewing the 6/8/17 letter/RF Microwave Radiation exposure analysis by Hammett and Edison that Jodie sent me on Friday, last week.

The following links are very relevant to Palo Alto project 17PLN-0016:

- <http://scientists4wiredtech.com/2017/12/nasa-engineer-letter-to-editor/>
- <http://scientists4wiredtech.com/regulation/rf-microwave-exposure-guidelines/>
- <http://scientists4wiredtech.com/2017/12/broadband-fail-palo-alto-1/>

12/5/17 @ 12:17 pm email

I request that the City of Palo Alto engage whichever parties are necessary to get answers to these important

[still unanswered] questions before the 12/7/17 ARB meeting, which is less than 48 hours from now.

I would hope that it is not the City of Palo Alto's intention to play bureaucratic ping pong with members of the public, including residents of Palo Alto. On Fri 12/1/17, Rebecca Atkinson responded to me at the end of the business day; she referred me to Jodie Gerhardt. I then wrote to Ms. Gerhardt on 12/2/17 and followed up by phone and email throughout the day on Mon 12/4/17. Ms. Gerhardt didn't return my emails or phone call on Monday, but I caught her by phone in her office at 5:30 pm; she referred me to you. . You now writing me that you are not familiar with the material, will not get the questions answered, so will the City of Palo Alto please identify the responsible parties and get them to answer these important questions today or tomorrow?

My suggestion would be for Jodie Gerhardt to contact Hammett & Edison, so they can provide thorough and accurate answers to these questions. **At the moment, there is not sufficient evidence to know if H/E followed the proper procedures to accurately characterize the RF Microwave radiation exposure environment on the streets of Palo Alto.** Knowing this information is critically important to determine if the City of Palo Alto has completed its due diligence to discharge its duties to its residents with respect to previous so-called "Small Cell" projects in Palo Alto.

12/5/17 @ 4:02 pm email

One aspect of that project, which which I would like addressed by H/E or your other RF consultant is the disconnect about the power specs for these small cell antennas. used on the Palo Alto planning docs <https://www.cityofpaloalto.org/civicax/filebank/documents/49415> . . . the R/F analysis was completed based on **just 6.3 watts of input power** which yields 97 Watts of Effective Radiated Power (ERP) for each frequency (1,900 MHz and 2,100 MHz).

. . . but the antennas used in these small cells can accept much higher input powers -- Why?

- 3 connectors x 500 Watts of input power for 700 MHz = 1500 Watts of input power
- 3 connectors x 300 Watts of input power for 2100 MHz = 900 Watts of input power
- Total = **2,400 Watts of input power**, which outputs how much ERP?

Q2: If these antennas were run at max power, what is the ERP coming out of the antennas and how much higher are the resulting RF Microwave Radiation exposures?

Q3: What keeps Crown Castle/Verizon from turning up the power at will from 6 Watts to some higher setting between 6 and 2,400 Watts of input power?

Q4: Is the City of Palo Alto currently monitoring and regulating the operations of these antennas to ensure that they don't run hotter than the specs communicated to the public?

12/6/17 @ 1:24 pm email

It seems that in addition to our Federal/State laws currently being in conflict, well-described by Dr. Ron Powell at the following link:

So-Called Small Cell Towers Are About Life and Death <http://scientists4wiredtech.com/2017/11/dr-ron-powell-opposes-small-cell-towers/>

. . . the City of Palo Alto's due process and due diligence procedures with regards to the review of the Wireless 17PLN-0016 application also seem to be in conflict, as communicated in your email today, Ms. French, quoted below.

It is one thing to agree to endure **voluntary exposures** to pulsed, data-modulated, Radiofrequency Microwave (RF/MW) Radiation, such as when one turns on a cell phone antenna, makes a call and then turns that antenna back off. When one does this, they experience an event that is a discrete, often short RF Microwave radiation exposure.

It is wholly a different thing to endure RF Microwave radiation exposures from the Wireless infrastructure far too close to homes -- from these so-called "Small Cell" cell towers installed on publicly-owned utility and light poles -- which represents **involuntary, forced RF Microwave radiation exposures 24/7/365 from the curb** -- where one lives, sleeps and heals, even if one is not a Verizon customer.

Melding private Wireless antennas on public property creates a dangerous condition of public property and transfers the huge financial and uninsured liabilities from Verizon Wireless to the local communities: the City of Palo Alto and its residents -- as fully explained here:

- <http://scientists4wiredtech.com/wp-content/uploads/2017/10/2017-0719-SB649CA-Liability-Lehmann-to-Galehouse.pdf>
- <http://scientists4wiredtech.com/2017/10/gov-brown-be-smart-veto-sb649/#lehmann>

12/6/17 @ 8:32 pm email

How is what Bill Hammett from Hammett & Edison (H/E) writes at all an answer to the following questions?

Q1: At what time of the day were Mr. Hammett's measurements taken? Result: **Not answered.**

Q2: For each location, how many minutes did Mr. Hammett take these measurements? More or less than 30 minutes, the standard for general public exposure RF Microwave radiation exposure measurements? Result: **Not answered.** I can only assume H/Ed did not measure for the full 30 minutes required by the FCC for each antenna.

Q3: Once we know the answer to Q2, do you then have a data log for all of the measurements during this time period? Result: **Not answered.** I can only assume H/Ed did not take a datalog for any of the current 19 small cells which was an error either on H/E's part for not doing so or on the City of Palo Alto's part for not asking H/E to do so.

Q4: Did you compare RF/MW radiation levels during different activities and at different times of day? We all know that network traffic varies by activity and throughout the day. Specifically, how did the average and peak readings compare during the following activities: Result: **Not answered.** I can only assume that H/E made only one average measurement for each antenna based on a nominally-short (how short?) and non-FCC compliant period of time. The data the City of Palo Alto received from Hammett & Edison are insufficient to accurately characterize the RF Microwave Radiation exposure environment in downtown Palo Alto.

- a: Beacon signals only, with no one in the office was connecting a device to the antenna on the light pole? Result: **Not answered.**
- b: While making a Verizon call? Result: **Not answered.**
- c: When sending/receiving a Verizon text? Result: **Not answered.**
- d: When streaming a video from the Verizon antenna? Result: **Not answered.**
- e: When downloading a software update from the Verizon antenna? Result: **Not answered.**

Q5: What was the maximum instantaneous power/density RF/MW radiation reading (a configuration option available on the NBM-520 Broadband Field Meter)? Result: **Not answered.** I can only assume H/E did not take any maximum instantaneous power/density RF/MW radiation readings, which was an error either on H/E's part

for not doing so or on the City of Palo Alto's part for not asking H/E to do so.

Q6: How do the maximum instantaneous power/density RF/MW radiation readings and compare to the average readings? Result: **Not answered.** I can only assume H/E did not take any maximum instantaneous power/density RF/MW radiation readings, so these comparisons are not possible with the insufficient data provided by H/E.

I would strongly suggest that the City of Palo Alto ask a different firm repeat the work, so they are able to answer the important questions, above.

This is not the first time we have encountered Hammett and Edison declining to provide reasonable answers to clarifying questions about their work. We will enter substantial information into the public record about previous substandard work performed by Hammett and Edison in 2016 -- and H/E's refusal to answer any clarifying questions about this work, which you can hear about here, which is already in the public record.

<https://youtu.be/CgldhZiA7jc>

I strongly suggest that the City of Palo Alto needs to look carefully at the methodology and the veracity of Hammett and Edison's work that was performed on behalf of the City of Palo Alto.

It is clear that we did not get answers in time for 12/7/17 ARB meeting from either you, Jodie, or from Rebecca Atkinson; we hope to get more thorough, accurate and thoughtful answers to our questions from the City of Palo Alto in the next week or so.

12/7/17@ 8:03 am email:

The following web page was updated with the 12/6/17 (lack of) answers provided by the City of Palo Alto.

Broadband Fail: Palo Alto Whitewashes RF Microwave Radiation Exposure Hazards

<http://scientists4wiredtech.com/2017/12/broadband-fail-palo-alto-1/>

What appears on the web page, above and on this one

Palo Alto 4G Small Cells: An Extreme Health Hazard

<http://scientists4wiredtech.com/2017/04/palo-alto-4g-small-cells/>

... communicates critically important information for the Architectural Review Board and the Palo Alto City Council members to review **before** the ARB considers any design issues with respect to the so-called "Small Cell" cell towers in Palo Alto residential neighborhoods (Wireless 17PLN-00169).

The [Palo Alto] City Council and the ARB must realize that **nothing** in the 1996 Telecommunications Act **limits or affects the authority** of a State or local government **from regulating the operations of personal communications services**, including power output and hours of operation of these Wireless antennas (Wireless 17PLN-00169). When regulating the operations of personal communications services, the State or local government or instrumentality can consider environmental effects, including health effects. Read the law here: <http://scientists4wiredtech.com/legislation/1996-federal-telecommunications-act-s-652/>.

12/7/17 @ 2:15 pm email:

As a member of the public, I was disadvantaged by not being able to prepare the most relevant and accurate public testimony for this morning's Architectural Review Board Meeting because I am still lacking reasonable answers to the important questions that I asked the City of Palo Alto on 12/2/17, summarized in Sections A and

Appendix C

B, below. I did not get answers from the City of Palo Alto in time for 12/7/17 ARB meeting from either Jodie Gerhardt or from Rebecca Atkinson; I hope to get more thorough, accurate and thoughtful answers to our questions from the City of Palo Alto in the next week or so.

This morning the ARB voted 4-1 to require undergrounding of all ancillary (non-antenna) equipment. The key issue referenced by the Verizon attorney was that undergrounding in Piedmont caused so much noise (from cooling fans) that it violated the City's Noise ordinance -- which is, actually a very easily-addressable issue.

Check with any geek that you know who has ever built his/her own gaming PC with one of the latest graphics cards -- a rig that must address overheating. The geek has a choice to stick with smaller, high-rpm fans (low cost, high noise), larger, low-rpm fans (mid-cost, mid-noise) or liquid cooling/heat sinks (high cost, no noise), just like your car's radiator.

Liquid cooling and heat sinks are simple noise solutions for undergrounding ancillary equipment. Trust me. Verizon can afford it

12/12/17 @ 9:38 am email:

Ms. French, I am dismayed that your staff continues to stonewall and communicate nothing of substance that could qualify as answers to these questions. We received one email from Jodie Gerhardt on 12/6/17: she forwarded a 12/6/17 email from Hammett & Edison, which, unfortunately, did not answer any of the questions. I therefore, consider that the City of Palo Alto has not adequately addressed any of the 16 questions, listed below.

Please respond to this email with either:

A. Your staff intends to answer the questions and we can expect answers by a specific date (please provide the date), OR

B. Your staff intends to never answer these questions.

As your staff has returned no calls or emails since 12/6/17, I can only assume that with no response from you or your staff (either A or B, above) by the close of business on Wed 12/13/17 that the City of Palo Alto's choice is B.

I will then take the next steps to address the City of Palo Alto's negligence in completing its required due diligence in processing this Wireless 17PLN-0016 application.

Appendix C

Email communications from Paul McGavin, Scientists for Wired Technology, to Palo Alto's Planning Staff and City Council

City of Palo Alto Revenue Collections

Received From: Amrutha

Date: 4/9/18

In Payment Of: Appeal

By: _____

ITEM

() Certified Mail Fee	40050009	18990	\$	
() False Alarm Late Fee	70020002	13110	\$	
() Miscellaneous Revenue	10200000	18990	\$	
() Transient Occupancy Tax	10200000	11850	\$	
() Sales Tax	10200000	60050	\$	
() Utility User Tax	10300000	11870	\$	
() ZoneMapSales	60020201	17030	\$	
() Univ Ave Parking	23600000	14510	\$	
() Calif Ave Parking	23700000	14520	\$	
() Lot S Parking	23600000	14500	\$	
<input checked="" type="checkbox"/> Other	<u>60020402</u>	<u>13290</u>	\$	<u>280-</u>
Total			\$	

Copies to: _____

22-37 REV 10/03

Cash () Check

City of Palo Alto
City of Palo Alto
Revenue Collection

Reference Number: 2018099001-79
Date/Time: 04/09/2018 4:46:52 PM

Miscellaneous
2018099001-79-1

Reference: amrutha kattamuri appeal
Allocation 29 1@ \$280.00
GL #: 60020402..13290...

Total: \$280.00

1 ITEM TOTAL: \$280.00

TOTAL: \$280.00

Check \$280.00

Check Nbr: 0921
Total Received: \$280.00



Customer Copy

Appendix D

William F. Hammett of Hammett & Edison Inc. is a problem for many communities because he plays fast and loose with the term "safety", something the FCC RF microwave radiation exposure guideline has never and can never claim. He has made a career defending a fraudulent commercial guideline and misleading people into thinking it is a safety guideline. Like his book, his analysis is stuck in 1997 and he has not kept pace with the tens of thousands of biological studies that have concluded significant harm from RF microwave radiation exposures at levels far below the levels set by the **ludicrously-high FCC RF microwave radiation exposure guideline**.

Hammett is a Professional Engineer who signs all kinds of specious pulsed, data-modulated, Radiofrequency Microwave (RF/MW) Radiation Exposure reports based on his 'proprietary' methods of calculating RF Microwave Radiation exposures (a proprietary spreadsheet that allegedly takes reflection into account from buildings and topography). Hammett wrote a thin text book (172 pages) in 1997 and has never updated it: "*Radio Frequency Radiation: Issues & Standards*"

<https://www.amazon.com/Radio-Frequency-Radiation-Issues-Standards/dp/0070259291/>

He wrote the reports for RF microwave radiation exposure reports for Monterey and Piedmont and was called in to do a post-construction report for Palo Alto, CA after we posted Eric Windheim's professional RF microwave radiation exposure measurements at the link below. As an engineer, **Hammett has no expertise in biology, does not read/evaluate the biological literature with any expertise and is unqualified to make statements about RF microwave radiation safety, other than for preventing acute burns.**

Hammett & Edison In Palo Alto, CA

Take a look at the results from these two important analyses of existing Close Proximity Microwave Radiation Antennas (CPMRA) already installed in Palo Alto.

- **Palo Alto 4G Small Cells: An Extreme Health Hazard** <http://scientists4wiredtech.com/2017/04/palo-alto-4g-small-cells/>
- **Palo Alto Whitewashes RF Microwave Radiation Exposure Hazards** <http://scientists4wiredtech.com/2017/12/broadband-fail-palo-alto-1/>

Received
APR 10 2018

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From personal conversations with William Hammett in Santa Rosa, it is clear that Hammett does not even seem curious about the current science and **Hammett is unwilling to collect the data that would accurately characterize the reality of the pulsed, data-modulated, Radiofrequency Microwave Radiation exposure environment**: a data log of exposure over time that shows the peaks of the radiation, from which, one can calculate the misleading average. Hammett's Narda meters can collect such a log -- he simply refuses to collect the data -- which is a real sticking point in Palo Alto:

Before we consider Mr. Hammett's analysis and letter a misleading whitewash, will the City of Palo Alto please answer the following questions?

- **Q1:** *At what time of the day were Mr. Hammett's measurements taken?*
- **Q2:** *For each location, how many minutes did Mr. Hammett take these measurements? More or less than 30 minutes, the standard for general public exposure RF Microwave radiation measurements?*
- **Q3:** *Once we know the answer to Q2, do you then have a data log for all of the measurements during this time period?*
- **Q4:** *Did you compare RF/MW radiation levels during different activities and at different times of day? We all know that network traffic varies by activity and throughout the day. Specifically, how did the average and peak readings compare during the following activities:*
 - **a:** *Beacon signals only, with no one in the office was connecting a device to the antenna on the light pole*

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- **b:** While making a Verizon call
- **c:** When sending/receiving a Verizon text
- **d:** When streaming a video from the Verizon antenna
- **e:** When downloading a software update from the Verizon antenna
- **Q5:** What was the maximum instantaneous power/density RF/MW radiation reading (a configuration option available on the NBM-520 Broadband Field Meter)?
- **Q6:** How do the maximum instantaneous power/density RF/MW radiation readings compare to the average readings?

The City of Palo Alto and Hammett, so far, have refused to answer these reasonable questions. You can read more about my assessment about Hammett's incomplete and misleading responses on this web page:

<http://scientists4wiredtech.com/2017/12/broadband-fail-palo-alto-1/>

Hammett & Edison In Elk Grove, CA

We also ran into Hammett & Edison at the Elk Grove school District. In this case, he signed an RF Microwave Radiation exposure report for the schools even though his employee used a meter/probe combo that measured only the 2.4 GHz portion of the Wi-Fi exposures, not the 5.8 GHz portion. We know from the schools Wireless Access Point (WAP) specs that the WAPS transmit at both 2.4 GHz and 5.8 GHz. **This was unprofessional and misleading work from Hammett & Edison** — which we got that into the public record:

- <https://www.youtube.com/watch?v=CgldhZiA7jc>
- <http://scientists4wiredtech.com/2017/12/broadband-fail-palo-alto-1/>

Hammett & Edison In Monterey, CA

In Monterey, Hammett was stumping for the Close Proximity Microwave Radiation Antennas (CPMRA) antennas, **which were denied**. Listen to what Hammett says in the following Monterey video (**view MPC 03-15-18 6 pm** (currently #11 on the list, as of 4/9/18).

<https://monterey.org/City-Hall/The-Monterey-Channel/Planning-Commission-Video-on-Demand>

William Hammett at 2:18:38:

"the issue of compliance with health standards is preempted by the FCC, as an act of Congress to the extent -- the issue of RF Exposure is off the table -- to the extent that it meets the Federal standards"

William Hammett at 4:26:38:

"It was an act of Congress that preempted local jurisdictions from applying anything tighter than the FCC standard. It wasn't just an FCC rulemaking, it was Congress . . . the underlying science has been updated with all the continuing research that happens, most of it concerns the actual phones themselves, rather than the plane wave fields that come from the towers, but the standard has been updated, without being tightened, as more and more science is done. They are voting now on a new standard -- uh IEEE standard -- uh we expect it out this year 2018, or early 2019. I've seen the early drafts of it. It's still the same standard. There is no change from the science that's been happening that would cause them to tighten the standard."

These statements are inaccurate in many ways. How does these statements square with the findings of actual PhD Biologists and Toxicologists? They don't. **Conclusion: Hammett is a Wireless Industry shill.**

- **International EMF Scientist Appeal** <https://emfscientist.org/>
- **FCC Review of RF Exposure Policies:** <https://www.fcc.gov/document/fcc-review-rf-exposure-policies>
- **2018 NTP Conclusions re: RF Microwave Radiation Studies in Rats:**

https://ntp.niehs.nih.gov/ntp/about_ntp/trpanel/2018/march/actions20180328_508.pdf

The topline results from the March, 2018 National Toxicology Program (NTP) Public Review of Cell Phone Radiofrequency Microwave Radiation Exposures, are summarized here: <http://scientists4wiredtech.com/2018/03/2018-ntp-conclusions-re-rf-microwave-radiation-studies-in-rats/> The National Toxicology Program (NTP) convened the NTP Technical Reports Peer Review Panel ("the Panel") on March 26-28, 2018, to peer review two Draft NTP Technical Reports on Cell Phone Radiofrequency Microwave Radiation. Meeting information, including the draft reports, is available at the NTP website (<https://ntp.niehs.nih.gov/go/36051>). A meeting report will be prepared and posted to the NTP website when completed.

Neoplastic Lesions: GSM Modulation

Male Hsd:Sprague Dawley SD rats, exposed to GSM-modulated cell phone RF Microwave Radiation at 900 MHz

Panel 2 voted to recommend (8 yes, 3 no, 0 abstentions) the conclusion,

- **Clear evidence of carcinogenic activity** of male Hsd:Sprague Dawley SD rats based on incidences of malignant schwannoma in the heart

Panel 2 voted to recommend (7 yes, 4 no, 0 abstentions) the conclusion,

- **Some evidence of carcinogenic activity** of male Hsd:Sprague Dawley SD rats based on incidences of malignant glioma in the brain.

Panel 2 voted to recommend (6 yes, 4 no, 1 abstention) the conclusion,

- **Some evidence of carcinogenic activity** of male Hsd:Sprague Dawley SD rats based on incidences of pheochromocytoma (benign, malignant, or complex combined) in the adrenal medulla

Nonneoplastic Lesions: GSM Modulation

Panel 2 voted to accept unanimously (11 yes, 0 no, 0 abstentions) the conclusion as written,

- **Increases in nonneoplastic lesions in the heart, brain, and prostate gland** of male rats occurred with exposures to GSM cell phone RF Microwave Radiation at 900 MHz.

Panel 2 voted to accept unanimously (11 yes, 0 no, 0 abstentions) the conclusion as written,

- **Increases in nonneoplastic lesions in the heart, thyroid gland, and adrenal gland** in female rats occurred with exposures to GSM cell phone RF Microwave Radiation at 900 MHz.

What Hammett reports is Wireless industry spin. It is part of a long con job perpetrated by Wireless industry lobbyists back in 1996 and perpetuated by close-minded City Councils, Planning Staff, ARB/Planning Commissioners, State and Federal legislators and many attorneys. These people are often "captured" by their education and are unable to think outside of the box. The best attorneys do think outside of the box. Hammett happily remains in the box -- it makes him a lot of money.

A **careful reading of the actual law**, the 1996 Telecommunications Act, proves that Palo Alto has clear duties to uphold the CA constitution and protect both the safety and privacy of their residents, regardless of what some lower court judge may have incorrectly decided. The only things that can preempt local officials' duties are Federal or State laws passed by our elected representatives. Case law cannot make preemption law or contradict our constitutions.

The Federal Telecommunications Law (with which all FCC rules and regulations must be consistent) says the following:

SEC. 704. (a) (7) (B) (iv) "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."

As anyone can plainly read:

- Environmental effects **do not equal health effects**; any judge that may have previously made such an error, stating the two are equivalent, can be overturned.
- Only **placement, construction, and modification** were preempted — nothing else.

There has **never** been a prohibition of discussing or considering health impacts of pulsed, data-modulated, Radiofrequency Microwave Radiation on humans or other living organisms. There is full text to review at the following two links:

- **Penultimate** Version of TCA, Section 107 has the words operate and operation throughout
<http://scientists4wiredtech.com/legislation/1995-federal-communications-act-hr-1555/>
- **Ultimate** Version of TCA the words operate and operation have been removed, expressing Congressional intent
<http://scientists4wiredtech.com/legislation/1996-federal-telecommunications-act-s-652/>

In addition, **Hammett insists on looking only at average RF microwave radiation readings**. Looking at only averages is misleading and forces people to continue to play on a field defined by Telecom Lobbyists back in 1996 with the passage of the controversial 1996 Telecommunications Act in Feb 1996 and the acceptance of an existing RF Microwave radiation exposure guideline by the FCC in August, 1996 -- read the history on this page: <http://scientists4wiredtech.com/regulation/rf-microwave-exposure-guidelines/>.

Even the main paper the FCC based its standard on, <http://ncrponline.org/publications/reports/ncrp-report-86/>, discusses non-thermal effects. The paper just picked the "easier-to-measure" principle: heating-of-tissue. A lot happens to one's biology on-the-way to heating tissue. The body reacts negatively to the high crest peaks, as described well in laymen's terms by Dr. Andrew Marino in this short video.

<https://youtu.be/a2PNFEdmYok?t=1m36s>

Hammett & Edison In In San Francisco, CA

Here is some more dubious work from Hammett & Edison in San Francisco.

AT&T Mobility Proposed Base Station (Site No. CC2260)

577 Castro Street, San Francisco, California

The following is from page 37 of the 2014 87-page pdf, attached.

Hammett & Edison:

4. Location (and number) of Applicant's antennas and back-up facilities per building and location (and number) of other WTS at site. AT&T proposes to install nine Andrew Model SBNHH-ID65A directional panel antennas behind view screens surrounding the elevator penthouse above the roof of the four-story mixed-use building located at 577 Castro Street. The antennas would be mounted with up to 40 down-tilt and would be oriented in groups of three toward 1300 T, 2250 T, and 3300 T. The antennas oriented toward 2250T and 3300T would be mounted an effective height of about 52 feet above ground, 101/2 feet above the roof, and the antennas oriented toward 1300T would be mounted at an effective height of about 54.5 feet above ground 13 feet above the roof.

5. Power rating (maximum and expected operating power) for all existing and proposed backup equipment subject to application. The expected operating power of the AT&T transmitters is reflected in the resulting effective radiated power given in Item 6 below; the transmitters may operate at a power below their maximum rating.

6. Total number of watts per installation and total number of watts for all installations at site. The maximum

effective radiated power proposed by AT&T in any direction is **9,910 watts**, representing simultaneous operation at

- **1,340 watts** for 700 MHz service [has 4,666,667 $\mu\text{W}/\text{m}^2$ limit]
- **800 watts** for cellular [850 MHz has 5,666,667 $\mu\text{W}/\text{m}^2$ limit]
- **5,030 watts** for PCS [1,900 MHz has 10,000,000 $\mu\text{W}/\text{m}^2$ limit]
- **2,740 watts** for WCS [2,300 MHz has 10,000,000 $\mu\text{W}/\text{m}^2$ limit]
- *Estimated ambient RF levels for proposed site and identify three-dimensional perimeter where exposure standards are exceeded. For a person anywhere at ground, the maximum RF exposure level due to the proposed AT&T operation is calculated to be 0.022 mW/cm², which is 3.1% of the applicable public exposure limit."*

Note: 24/7/365 Ground Exposure due to 9 new antennas

- 0.022 mW/cm² is average RF Microwave radiation
- 220,000 $\mu\text{W}/\text{m}^2$ is equal average RF Microwave radiation
- 22,000,000 $\mu\text{W}/\text{m}^2$ is corresponding peak RF Microwave radiation (100x average)

"Ambient RF levels at ground level near the site are therefore estimated to be below 4.1% of the limit."

Note: 24/7/365 Ground Exposure current levels plus 9 new antennas

- 0.041 mW/cm² is average RF Microwave radiation
- 410,000 $\mu\text{W}/\text{m}^2$ is equal average RF Microwave radiation
- 41,000,000 $\mu\text{W}/\text{m}^2$ is corresponding peak RF Microwave radiation (100x average)

Hammett & Edison: *"The maximum calculated level at any nearby building is 92% of the public limit."*

Note: 24/7/365 Neighbor exposure from 9 new antennas

- 0.920 mW/cm² is average RF Microwave radiation
- 920,000 $\mu\text{W}/\text{m}^2$ is equal average RF Microwave radiation
- 92,000,000 $\mu\text{W}/\text{m}^2$ is corresponding peak RF Microwave radiation (100x average)

Hammett & Edison: *"Based on the information and analysis above, it is the undersigned's professional opinion that operation of the base station proposed by AT&T Mobility at 577 Castro Street in San Francisco, California, can comply with the prevailing standards for limiting human exposure to radio frequency energy and, therefore, need not for this reason cause a significant impact on the environment. The highest calculated level in publicly accessible areas is much less than the prevailing standards allow for exposures of unlimited duration. This finding is consistent with measurements of actual exposure conditions taken at other operating base stations."*

In reality, how safe are any of the people living near this cell tower installation in San Francisco?

William F. Hammett is a party that is aiding and abetting the Wireless industry to damage a large portion of the population with hazardous levels of pulsed, data-modulated, Radiofrequency Microwave Radiation — it matters little that these hazardous levels are far below the fraudulent FCC RF microwave radiation exposure guideline. One can't lie to one's biology — **the body reacts to the peaks of RF microwave radiation which gets worse when large data payloads (like HD/4k videos) are transmitted wirelessly.**

Received

APR 10 2018

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