To: Torrington Mayor Elinor Carbone {Elinor_Carbone@TorringtonCT.org} ; City Councilmembers Anne L. Ruwet, Drake L. Waldron, Frank J. Rubino, David L. Oliver , Paul Cavagnero, Sharon Waagner, Operational Coordinator, Communications & Technology David Tripp, Director of Information Technology Gerald Crowley, Data Processing Manager Rodolfo F. Pullano, Information Systems Administrator Steven Pienczykowski, City Planner Martin J. Connor AICP, Assistant City Planner/Zoning/ Wetlands Enforcement Officer Jeremy Leifert, Blight Enforcement Officer Ashley Clement and their Counsel Victor Muschell , [Victor_Muschell@torringtonct.org]

CC: US Senators Richard Blumenthal (senator@blumenthal.senate.gov), and Christopher Murphy (senator_@murphy.senate.gov), US Congresswoman Jahana Hayes (jahanahayes@mail.house.gov), US Congressman John B. Larson, State Representative Michelle l. Cook, (michelle.cok@cga.ct.gov) and State Senator Kevin D. Witkos (Kevin.Witkos@cga.ct.gov)

From: Susan Hill, [susanloishill@pm.me], Alfred Wesolowski, [alwes347@yahoo.com], Sally Cuatto, [cuattosc@yahoo.com], all Torrington constituents

Re: Notice of 8/9/19 and 10/1/19 D.C. Circuit Court Rulings; Notice of Cease and Desist for the processing of wireless facility applications; Notice of Request for Moratorium purposed for the preparation of an upgraded Communications Ordinance in compliance with these and other federal laws, precedents and policies

August 4, 2020 SENT BY EMAIL and CERTIFIED USPS

Notice to Agent is Notice to Principal; Notice to Principal is Notice to Agent

Dear Mayor Elinor Carbone, City Councilmembers et al:

Residents of Torrington are grateful for the opportunity to present the following information toward the creation of an excellent Communications Ordinance that allows in Torrington only those wireless infrastructural activities required by federal and other pertinent laws. It is clear that the U.S. Congress in the 1996 Telecommunications Act ("TCA") never intended that the Connecticut Siting Council or any other entity have authority to block City officials from their due responsiveness to their constituents about wireless and other communications matters, nor that the State effectively preempt local governance.

Our Communications Ordinance should be purposed to regulate all the activities that the U.S. Congress left in the hands of local officials: the **placement, construction, modification** and **operations of facilities.** You should have been receiving, all along, of one entity or another, applications requesting a permit to place, construct, modify and/or operate small wireless telecommunications facilities — which the wireless industry has branded "small cells"— on street lights, utility poles or other street furniture in the public rights-of-way, to facilitate the deployment of a close-proximity, microwave-irradiating network enabling not only internet data and voice and text transmissions, but also surveillance, data seizure for commercial use, crowd-control, personal injury and environmental degradation by means of ubiquitous pulsed, data-modulated, microwave irradiation. Fortunately, contrary to rumor, localities do have wide-reaching legal authorities over these facilities, including the capacity to require Need Tests, by which claims of a "significant gap in coverage" can be proven or disproven.

From our colleagues' December 12, 2019 and other discussions with Federal Communications

Commission ("FCC") National Environmental Policy Act ("NEPA") attorneys Aaron Goldschmidt, Erica Rosenberg and Paul D'Ari, we've learned that **"every new [wireless telecommunications facility ("WTF")] must undergo NEPA review"**, and that WTF applications cannot be batched for such purpose. This should be included in our Ordinance.

Kindly note that briefly, from 2015 to 2019, both wireline and wireless internet transmissions fell under FCC Title II, regulated as "Telecommunications Services." However, on October 1, 2019, the D.C. Circuit Courts of Appeals in Case No, 18-1051, *Mozilla et al. v. FCC*, confirmed internet "Services" to be reclassified by the FCC as Title I, unregulated "Information Services". At present, only wireline and wireless *voice and text* transmissions are classified as Title II, regulated "Telecommunications Services". Title I and Title II applications, therefore, need to be regulated differentially by local planning boards and commissions: for example, with separate file cabinets. Ideally, in larger cities, separate staff should evaluate the respective applications. This regulatory distinction means that no preemption applies to WTF applications purposed for internet transmissions.

Indeed, instead of permitting WTFs, various local governments around the country – such as Chattanooga, with its "fastest internet in the country" – have decided to supply public fiber-optics to the premises (FTTP) for internet services, which is superior in every way to wireless internet transmissions. Fiber provides the fastest, clearest transmissions over the greatest distances. It is reliable in storms and emergencies, energy-efficient and non-hackable, and transmits no radiation. Fiber is required, in any case, for fast internet, so the only question is whether to allow the signal freely to go all the way to the user, or to interrupt the signal, transform it into pulse-modulated microwave radiation and deploy it wirelessly, losing some of the integrity of the signal in the process. A decision for public FTTP can also enrich the local economy while preserving the quiet enjoyment of streets.

Every household, furthermore, has a contractual right to FTTP through a contract that the public already paid for in full in the amount of ~$500 Billion since the early 1990s. The Federal Government allowed all telecommunications companies to take an additional $5-7 fee from every monthly bill of both wired and wireless customers over the past three decades to ensure the full provision of FTTP to every home, school, and office. However, in a brutal cross-subsidization fraud scheme against the public, these companies instead used those $Billions to build out their wireless facilities, almost always against the will of local people. A group of industry-insider whistleblowers, The Irregulators, sued FCC in this matter, which received a ruling by the D.C. Circuit Court on March 13, 2020. Connecticut could benefit in the amount of ~$10 Billion owed to the State by suing the wireless industry for this fraud.

While TCA disallows at 47 U.S. Code § 332(c)(7)(B)(i)(II) discrimination specifically between *wireless* providers, the spirit of the law effectively disallows discrimination against wired communications providers, as well. Such discrimination is however evident in many local governments' presumption that all new and emerging communications must be wireless, often by means of discriminatingly titled "wireless ordinances", which effectively prohibit wired providers. Correction begins by entitling the local Communications Ordinance as such, even as the original Communications Act of 1934 would decree. This title provides the framework for clearing away any unlawful discrimination and welcoming the due competition prescribed at 47 U.S. Code § 332 (c)(1)(C).

Note also that the infrastructural copper wires and almost all fiber-optic cables already in place were financed with public money and reside in public conduits or on poles in the public rights-of-way. These publicly-financed fiber-optic cables and copper wirelines cannot lawfully be claimed or used, particularly not exclusively, by unregulated private wireless companies as if they were private property, purposed for

private profit. Nor can they lawfully be destroyed.

Positive ID

When the local government reviews incoming applications, its staff needs to determine the true identity (ID) of each applicant. As obvious as this may seem, the specific agent, shell company and franchise of the wireless carrier, in practice, often fails to appear correctly on the application. This applicant entity needs to be named as its true corporate identity, e.g., not as a "dba". Listing its board of directors on the application provides local staff the necessary positive identification: requirement therefore should be added to our local Ordinance.

Additionally, the entity filing application must be registered to do business in the State; so a copy of the registration with the Secretary of State in the true name of the Applicant should accompany the application. Even when these requirements do not appear in the Ordinance, the local government should refrain from permitting until such information comes forth.

Positive ID is essential for risk management: the smaller franchise, while uninsured or personally insured with few assets, holds liability passed along to it by the larger corporation. For this reason, requirement that the applicant provide proof of insurance and worthy assets needs to be added to our Ordinance. If the local government requires a master license agreement, then the Licensee under that agreement must also be the same entity as the Applicant. The certificate of insurance, which may be required by statute, ordinance, or the master license agreement, must name the Licensee as its insured – not a "dba". Should the local Commission find itself unable lawfully to deny an application, it must pass all liability to the Applicant/Permittee by requiring Commercial General Liability coverage without a "pollution exclusion". The applicant should be required to submit a copy of the insurance policy so that a risk manager can review the actual exclusions. Since major insurance companies do not cover damages from radiofrequency/microwave (RF/MW) radiation or extreme low-frequency EMF, municipalities are coerced sight-unseen into huge liability when they permit WTFs. Workers who install and modify equipment are not protected by the Occupational Safety and Health Administration (OSHA), which follows the FCC guideline only "voluntarily" and does not independently monitor transmissions. Similarly, no agency checks regularly on public microwave radiation exposures from WTFs. Since the State has failed to make these requirements, these additions to our Ordinance are necessary.

In so far as the CT Siting Council and PURA have failed to make these requirements, you have good reason to decline their permits for wireless equipment and operations in Torrington, holding undeserved liability.

CT Nuisance Statute, CGS § 47s-53 and Building Codes

A board of health or other enforcing agency "may declare as a public nuisance any…building, structure, excavation, business pursuit, or matter or thing (e. g., plumbing, sewerage, lighting, paint or ventilation) in or about such a house or the lot on which it is situated that is in a condition, or is in its effect, dangerous to public health. The enforcing agency may (among other remedies) order the removal, abatement, or cleaning of such a nuisance."

Typically, local governments do not give building permits to poorly designed structures that do not meet the standards and intent of local and national building codes – purposed for health, life, safety and public welfare. Equipment designed in such a way as to inflict biological harm upon the public should not be given a building permit or other permission to operate, as doing so would be in violation of the intent of established codes.

Existing standards and codes such as building codes, fire codes, general plans, and city and county guidelines, are purposed to avert harm, manage risk and liability, and protect and serve the public welfare. The failure to uphold codes constitutes malpractice – a legal liability – and is unjust to the public. The obvious precedents include authorities' handling of lead, asbestos, cigarette smoking, seatbelts and airbags, noise, flame retardants, and so on. Telecoms' aggressive intrusions into local governments often bypass these local protections, with pressures imposed upon officials to bend to the FCC's whims; however, such overreaching may be produced by, or result in, fraud.

WTFs cannot meet intent of local standards when:
· causing widespread biological harm – the root of myriad adverse health effects;
· compounding the effects of multiple, simultaneous frequency deployments, and wave amplification and peaks producing dynamic "hot spots" that are not accounted for in FCC guidelines;
· producing interacting mechanical vibrations, a form of sound and noise nuisance;
· ruining the quiet enjoyment of streets, the aesthetics of beautiful communities and their landscapes; and
· increasing fire risks from elevated electrical consumption of WTFs and the poorly designed Advanced Metering Infrastructure (AMI) grid, with the production of additional failure points; and from the construction and operations of industrial equipment above high-voltage electrical supply lines and near flammable trees and landscaping treated with volatile organic compound pesticides.

For your reference, the Uniform Building Code (here 1970, Part 1, Chapter 1, Section 102) states: "The purpose of this Code is to provide minimum standards to safeguard life or limb, **health, property, and public welfare** by regulating and controlling the design, construction, quality of materials, use and occupancy, location and maintenance of all buildings and structures within the city and certain equipment specifically regulated herein.

The State of Connecticut uses the 2018 International Building Code, which is intended **"to protect public health and safety".**

State building codes may differ slightly; but, according to the U.S. Federal Emergency Management Agency (FEMA), the purpose of building codes is to "specify the minimum requirements to safeguard the **health, safety, and general welfare** of building occupants." (Emphasis added in all building code quotes.)

Therefore, under the Tenth Amendment and other federal and state provisions, any federal law, or rule, such as from FCC, or state law or rule, such as from the Siting Council or PURA, purporting to override the health, safety, and / or general welfare of the public, and thereby leading to public health and other harm, and local liabilities therefrom, can and must be overridden by our local government as prior superseded. It is not surprising that the U.S. Congress preempted *solely* something not protected by building codes: environmental effects.

2019 Federal Precedents
We call to your attention that, on August 9, 2019, the D.C. Circuit Court of Appeals, in its Ruling in Case 18-1129, vacated FCC Order 18-30's deregulation of sWTFs and remanded this to the FCC. In Case 18-1129, the judges stated that "the FCC failed to justify its determination that it is not in the public interest to require review of [sWTF] deployments" and ruled that "the Order's deregulation of [sWTFs] is arbitrary and capricious."

The D.C. Circuit judges, whose Court is esteemed as superseding, and not part of, the other eleven Circuit Courts – a Court subsidiary solely to the U.S. Supreme Court and of equivalent weight in the absence of an appeal, which appeal does not exist in this case – published reasons for their 8/9/19 Ruling, concluding:

- The FCC failed to address that it was speeding densification "without completing its investigation of . . . health effects of low-intensity radiofrequency [microwave] radiation".
- The FCC did not adequately address the harms of deregulation.
- The FCC did not justify its portrayal of those harms as negligible.
- The FCC's characterization of the Order as consistent with its longstanding policy was not "logical and rational." . . . because the FCC mischaracterized the size, scale and footprint of the anticipated nationwide deployment of 800,000-unit network of small WTFs.
- Such WTFs are "crucially different from the consumer signal boosters and Wi-Fi routers to which the FCC compares them".
- "It is impossible on this record to credit the claim that [WTF] deregulation will 'leave little to no environmental footprint.'".
- The FCC fails to justify its conclusion that small WTFs "as a class" and by their "nature" are "inherently unlikely" to trigger potential significant environmental impacts.

Therefore, this 8/9/19 D.C. Circuit Ruling renders every WTF application in Torrington incomplete, where the application does not contain substantial written evidence of NEPA review. The D.C. Circuit judges provided judicial reasoning for remanding the matter back to the FCC so that FCC could write rules specific to small WTFs "as a class". Such rules would address the need for the FCC and the wireless industry to complete Environmental Assessments ("EA") and / or Environmental Impact Statements ("EIS") for the then-anticipated nationwide deployment of an 800,000-unit network of small WTFs. This judicial reasoning pertains to the class of small WTFs that includes the antennas, radios, and ancillary equipment that are often attached to utility poles, light poles and other street furniture.

As printed in the Federal Register on 11/5/19, the repeal of FCC 18-30 — a section of the Commission's rules implementing the small WTF exemption — resulted in a lack of small WTF-specific rules on the effective date of December 5, 2019.

The nationwide deployment of 800,000 additional WTFs is clearly a *federal undertaking*, since the wireless industry licenses its wireless spectrum frequencies from the federal government. Every single WTF planned for Torrington is part of this federal undertaking.

Until such time as any and every applicant for any WTF(s) in Torrington places substantial written evidence in the public record proving that the applicant has completed NEPA and NHPA review for the applied-for WTF, the application remains incomplete, and any claimed shot-clock remains stopped.

On October 1, 2019, the D.C. Circuit Court of Appeals further ruled against FCC overreach in Case 18-1051, which states on page 146, re: Restoring Internet Freedom, 33 FCC Rcd. 311 (2018) ("2018 Order"):

"[Because] the Commission's Preemption Directive, see 2018 Order ¶¶ 194–204, lies beyond its authority, we vacate the portion

of the 2018 Order purporting to preempt 'any state or local requirements that are inconsistent with [the Commission's] deregulatory approach,]' see id. ¶ 194."

This Ruling confirms that internet transmissions fall under Title I, which is regulated by localities and is not subject to the TCA or any preemption therein. However, at this time, to our knowledge, Torrington officials are at present incorrectly considering applications for internet transmissions to fall under Title II.

This letter therefore urges Torrington public officials to declare a Moratorium during which to create our Communications Ordinance in compliance with the above-cited precedents and more, and during this moratorium specifically to cease and desist from allowing the Siting Council, PURA, and any other entity to engage in:

1. the processing of any and all local WTF applications,
2. the placement of any new, local WTF,
3. the construction of any new, local WTF, and
4. the modification of any local WTF that would result in the addition of any antenna, the alteration of frequency, or in the increase in any Effective Radiated Power (ERP) from the WTF;
5. allowing any operations of any local sWTF whose post-August 9, 2019 application's final inspection date was in any way incomplete, e.g., per required review under NEPA/NHPA, or otherwise deficient.

The following testimony from Attorney Edward B. Myers, an intervenor in Case 18-1129, was delivered at a November 19, 2019 hearing in Montgomery County, Maryland and again at a November 20, 2019 San Francisco hearing. The testimony was entered into the respective public records at each of these hearings:

> "I am an attorney and was an intervenor in the D.C. Circuit Case 18-1129. I worked closely with the Natural Resources Defense Council on the briefs filed with the Court. My reading of the Court decision is summarized in the following:
>
> "The Federal Communications Commission issued a rulemaking order on March 30, 2018 to expedite the deployment of Densified 4G/5G and other advanced wireless facilities (what the FCC called "small cell" facilities). The FCC's order exempted all of these 4G/5G facilities from two kinds of previously required review: historic-preservation review under the National Historic Preservation Act (NHPA) and environmental review under the National Environmental Policy Act (NEPA).
>
> "On August 9, 2019, the US Court of Appeals for the District of Columbia Circuit vacated the FCC's rulemaking order. The legal effect of vacating the FCC's rule necessarily means that the prior rule was reinstated: any actions taken on the basis of the vacated rule must be reconsidered under the terms of the prior rule.
>
> "The prior rule required the FCC to apply NEPA to the construction of 4G/5G facilities. Consequently, it is not lawful that any such facility be constructed without prior NEPA review. While other actions of Congress and the FCC have attempted to circumscribe local authority over the construction of Densified 4G/5G facilities, in light of the Court's decision, the localities are, nevertheless, within their rights to **require the sponsors of** Densified 4G/5G facilities to provide evidence that the FCC has conducted a NEPA review prior to approving any request for construction.
>
> "Moreover, in as much as the Court's decision vacated the FCC's rule, the decision applies nationwide: its effect is not limited to the District of Columbia."

Attorney Ingrid Evans Testified at a Nov 20, 2019 San Francisco Board of Appeals Hearing, stating

"impact" where she meant "review":

> "I would also like to add that this case that came up earlier, the United Keetoowah vs the FCC case, which was recently decided by the DC Circuit, is very instrumental here, and I think it is going to change the game on this, and I think it is something to which the Board should pay attention. It is going to be required that these small cell towers and these wireless permits be required to do an environmental impact. . . I would request that all of these permits be delayed until DPH has gotten back to you on the health effects and an environmental impact study has been done. Thank you."

Per this map, after the U.S. Supreme Court, the D.C. Circuit is generally considered the most prestigious of American courts. Its jurisdiction contains the U.S. Congress and many of the U.S. government agencies, and therefore is the main appellate court for many issues of American administrative and constitutional law. Its Rulings apply to the entire United States, as admitted at 3:34:55 in the public record video by Verizon Wireless Outside Counsel Paul Albritton at the San Francisco Board of Appeals on November 20, 2019: "My colleague, Melanie Sangupta, reminded me that NEPA does apply nationwide."

Further, many applications classified as "administrative" or "ministerial" at state and local levels are not and cannot be so classified, as increases in antenna number, power output, and frequency constitute significant, not minor, changes, per the D.C. Circuit Court.

FCC Overreach

The FCC's overreach extends to its radiation exposure "guideline", which is currently under litigation in the D.C. Circuit Court of Appeals. The guideline's history involves 1980s and earlier experimentation, some of such study at once unscrupulous and irrelevant to infrastructural radiation effects upon humans. A set of ~120 pre-1990s biological studies, all of which concluded harm, were claimed falsely by the guideline-setting ANSI-IEEE Committee [American National Standards Institute (ANSI) with the Institute for Electronic and Electrical Engineers (IEEE)] to establish, in 1991, a Hazard Threshold upon which the FCC guideline was based. Unfortunately, some studies chosen to establish this Threshold beneath which no harm could purportedly occur actually did show harm at lower intensities, positively disproving the Threshold. The ANSI-IEEE Committee's Chair, John Osepchuk PhD, has claimed his Committee had "reviewed over 20,000 studies", out of which ~120 were chosen to establish the Hazard Threshold. However, some of these studies showed harm even at <10% of the Hazard Threshold, indicating scientific fraud. FCC has not allowed any study published since 1990 to influence its guideline, which in any case pertains only to ambient power [flux] density, not to the many more potent biological factors, e.g., duration, modulation characteristics, wavelength in proximity to body dimensions, and the complexity of many simultaneous, overlapping signals. Nor does it consider or acknowledge, despite EPA's warning to the contrary, vulnerable subgroups in the population. Nevertheless, the guideline was rubber-stamped in 1996.

In the ~30 years since the setting of the "guideline", many new peer-reviewed, journal-published studies have concluded harm at much lower intensities, particularly where exposure occurs over a long period of time. With many more WTFs now operating in residential and sensitive areas such as schools, hospitals and nursing homes, vulnerable populations are being exposed to ever-increasing radiation intensities, without cease, 24-7-365. Since ongoing exposure has cumulative effects, people are incurring more serious harm, even if they are unable consciously to attribute observed impairments, illnesses and early deaths to WTFs' highly xenobiotic, pulse-modulated radiofrequency/microwave ("RF/MW") radiation exposures.

Even by the mid-1960s, the science of RF/MW radiation bioeffects was considered so well established that, in 1968, the U.S. Congress amended the Public Health Service Act, declaring, "[T]he public health and safety must be protected from the dangers of electronic product radiation." The volume of research since that time has not only further confirmed the known effects, but has shown effects at ever lower exposure intensities.

Note, also, the FCC guideline is based upon the *averaging*, over time, of digital signals containing spikes. Averaging suppresses actual intensities – the radiation peaks that are most bioactive. The heart and brain are especially sensitive to sudden moderate to high-intensity spikes of microwaves. Pulse-modulation is a more harmful form of amplitude modulation, in which the signal is off much of the time but with peaks that last only for tiny fractions – thousandths – of a second, with as many as thousands of spikes per second. In fact, modulated waves have been shown to be more harmful than continuous or analog waves. Although a person may not be conscious of each spike of radiation, the central nervous system and every cell in the body responds in the moment, without limitation, by means of altered efflux kinetics. The microwave auditory effect (MAE), for example, is a well-known bioeffect caused by pulsed or modulated microwaves impinging on the head. Frey et al. in 1962 demonstrated that the human auditory system is able to detect sounds generated by the absorption of microwaves impinging on the human head *at relatively low power*. A plethora of subsequent studies revealed that microwave-induced sounds are detectable across a broad range of frequencies (<0.5 GHz to 10+ GHz) *at power densities well below current FCC guidelines* using modulations consistent with those transmitted by 4G/5G wireless devices (Chou et al. 2003). It is not surprising, therefore, that 4G/5G wireless devices have been implicated as a causal factor in tinnitus, an increasingly common condition characterized by ringing, hissing, buzzing and clicking in the ears (Hutter et al. 2010).

The complex interactions of the many simultaneous, overlaid signals present in Scottsdale, particularly those in the millimeter ("mm") microwavelengths, can combine via a process known as "heterodyning" to approach or achieve resonance with the oxygen (O_2) molecule, which has a strong resonant frequency at 60 GHz – a wavelength of 5mm. Since 60 GHz is unregulated and FCC allows anyone to place a tiny antenna upon a rooftop without official knowledge, chronic exposure to its presence is, or will soon be, all-too common to incur. Additionally, the first harmonic of a 30 GHz signal, the second harmonic of a 20 GHz signal, and the third harmonic of a 15 GHz signal, are 60 GHz: these are but four means by which chronic exposure to 60 GHz could occur in a "5G" world – even without a 60 GHz signal in operation. An infinite number of combinations of fundamental wavelengths and harmonics can produce 60 GHz – a yet larger infinity when considering heterodyning, as well. When O_2 molecules absorb the energy from 60 GHz radiation, the charge state of the oxygen is changed, which in turn alters its normal chemical reactivity. When signals in, for example, the 3-5 GHz range, which can penetrate roughly 1.5 cm to 9 cm into the body through the skin (with deeper penetration yet into the eyes and ears, with little or no impedance), combine to achieve this 60 GHz resonance, such signals are well within the range of blood vessels found in humans and animals. Even where perfect 60 GHz is not quite achieved, nearby frequencies of 57 – 63 GHz still affect the O_2 molecule somewhat. Alteration of the charge states of oxygen located in human or animal blood may inhibit the binding of hemoglobin with oxygen, resulting in hypoxia – a low blood-oxygen level. This constitutes the basic biophysics of O_2 resonance. Many other bioeffects of 5G millimeter waves (e.g., cataracts, stress response, skin disorders) are well-established in the extremely large body of scientific literature (Kostoff 2020).

Federal Preemption

Kindly remember that the federal Telecommunications Act of 1996 ("TCA"), at 47 U.S. Code

§ 332 (c)(7)(B)(4), recognizes the *actual environmental effects* of the RF/MW radiation from WTFs, indicating by extension its recognition of actual health effects therefrom. Despite the existence of a few wrong "precedents" constituting encroachment of the Third Branch upon the Second, this Act unambiguously left the regulation of the health effects of WTFs' RF/MW radiation entirely within state and local officials' authorities, *obligating* said officials to protect their residents against health effects with regard to all related activities of WTFs: placement, construction, modification and operations.

All preemptive law can only be understood in *plain reading*. See 47 U.S. Code § 332 (c)(7)(B)(4):

> **"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 you can clearly read here, all operations of all WTFs remain, and have always been, under the regulatory authorities of state and local officials. "Operations", which pertain to the RF / MW radiation transmissions of WTFs, and the transformation of electrical energy into such, were attempted to have been preempted by the authors of the original draft of TCA. However, Congress removed "operations" from the preemption clause codified at 47 U.S. Code § 332 (c)(7)(B)(4), positively leaving the regulation of operations within state and local authorities' hands, where they had previously resided, for any and all reasons and grounds: health effects, environmental effects, agricultural effects, energy conservation, atmospheric effects, weather forecasting effects, astronomy effects, aesthetic effects, historic preservation, property values, aviation safety, local and state economies, and more.

"Operations" authorities allow public officials, without limitation, to require and place fuses, filters, and fiber-optic sharing boxes on, without limitation, public utility poles with WTFs. Simple fuses ensure that the effective radiated power (wattage) does not exceed municipality limits, else fees can be charged. Since FCC regulates in-home wifi so as not to exceed 0.1W ERP, in protection against neighborly interference, this 0.1W limit is reasonable to apply to all sWTFs. Further, it provides more than adequate coverage: 5 bars even at a half-mile away from the facility, exceeding the wishes of the telecommunications "service" providers.

Filters reduce or eliminate from electrical wiring the transients or "dirty electricity" induced by WTFs in municipality electrical lines. Local residents should neither be forced to suffer such electropollution in their home wiring by means of the operations of WTFs nor to suffer the need to pay for in-home filters to remove it; as this pollution cleanup is rightfully the duty of the wireless carriers, themselves.

Fiber-optic sharing boxes allow the public to make direct use of that optimal fiber service rather than having it transformed into the poor engineering of wireless transmission.

Throughout TCA, Congress confirmed local authorities over the placement, construction, modification and operations of WTFs. The FCC allows local residents to file "controversies" when they are at odds with their local officials regarding these activities. Claims that residents are blocked from addressing their local officials directly on these matters, i.e., claims removing or further preempting local authorities, are not in accordance with federal law, and where nevertheless in effect, require your legal challenge.

Legislative purposes cannot be ignored, as they supersede specific laws and rules thereunder. The primary purpose of the U.S. Congress's TCA "mobile services" is to "to promote the safety of life and

property". Congress set up FCC, for, among other purposes, "promoting safety of life and property". Therefore, where a local government sees actual and potential consequences of WTFs contrary to the said purposes, it is authorized to ensure that U.S. Congressional intent is rather fulfilled.

TCA intent is further evidenced in its Conference Report, pp. 207-209:

> "The conferees also intend that the phrase 'unreasonably discriminate among providers of functionally equivalent services' will provide localities with the flexibility to treat facilities that create different visual, aesthetic, or safety concerns differently to the extent permitted under generally applicable zoning requirements even if those facilities provide functionally equivalent services. For example, the conferees **do not intend** that if a State or local government grants a permit in a commercial district, it must also grant a permit for a competitor's **50-foot tower in a residential district.**"

The U.S. Congress **never intended 50-foot towers in residential areas,** nor macro-tower antennas just 6 feet off the ground. Such WTFs are clearly *ultra vires*: outside the law and beyond the intent of the underlying law, against which all FCC rules must be measured. Furthermore, Congress clearly never intended any interference from a public utility or a "siting council" with zero authority and experience in regulating, without limitation, the operations of wireless facilities. Nor did Congress require the driverless cars that have already killed people, dangerous distance surgeries interruptible by a simple rainstorm, or the Internet of Bodies – all perverse notions that are not only not needed but nonexistent in TCA, and extremely harmful to all living beings and their most fundamental rights.

The U.S. Supreme Court has, of course, taken notice of FCC overreach. According to Attorney John Bergmayer, Legal Director at Public Knowledge, as of August 1, 2019:

> "The FCC's effort to dramatically expand its power at the expense of traditional state and local government prerogatives contradicts numerous federal and state courts that have read the statute and found it contains no such broad preemption authority. It also contradicts several decisions decided by the Supreme Court last term, notably *Virginia Uranium, Inc. v. Warren* (federal jurisdiction does not extend beyond bounds of comprehensive federal statute to intrude on related state authority) and *Kisor v. Wilkie* (statutory interpretation that fails to identify genuine ambiguity deserves no deference)".

The preemption clause's circumscribed language is unambiguous. Claims that "environment" means what is *not* environment, and that operations are preempted though *not* preempted, are irrational, deserving no more deference than a king without clothes. Laughter might be due, were the consequences of official error not severe.

Public officials might question whether the wireless industry attorneys' demands that they dutifully parrot "Our hands are tied [by federal law]" constitute anything other than cultish indoctrination. The 24-year repetition of this rumor fails to substantiate it. Along with this false doctrine, industry attorneys' urgings that public officials suppress constituents' speech should be recognized as the very fronting of officials on behalf of a mob-like criminal enterprise to coerce by fraud in the inducement the placement, construction, modification and operations of WTFs that, without said *prima facie* First Amendment violation, would never have otherwise occurred. Certainly, the U.S. Congress cannot override or preempt the very Constitution that establishes its own existence, nor can it *take* from the Constitutions establishing the States, these further protected by the former's Tenth Amendment and the People's Ninth. Nor can Congress *take* building codes, negligence statutes, or oaths of office

Torrington Residents urge your rejection of any such official absurdity, incoherence, and irrationality;

State officials' standing cannot be made questionable by any of the wireless industry's deceptive games.

Thus, in addition to the Moratorium, with its aforelisted cessations, we finally call for the rejection of false pronouncements in repetition of industry misrepresentations, i.e., denying the actual, legal rights of constituents under our yet-extant, neither preempted nor preemptible Connecticut State Constitutional rights, our building codes and your oaths of office. As a reminder from said Constitution:

SEC. 1. All men when they form a social compact, are equal in rights; and no man or set of men are entitled to exclusive public emoluments or privileges from the community.

SEC. 2. All political power is inherent in the people, and all free governments are founded on their authority, and instituted for their benefit; and they have at all times an undeniable and indefeasible right to alter their form of government in such manner as they may think expedient.

SEC. 4. Every citizen may freely speak, write and publish his sentiments on all subjects, being responsible for the abuse of that liberty.

SEC. 5. No law shall ever be passed to curtail or restrain the liberty of speech or of the press.

SEC. 7. The people shall be secure in their persons, houses, papers and possessions from unreasonable searches or seizures; and no warrant to search any place, or to seize any person or things, shall issue without describing them as nearly as may be, nor without probable cause supported by oath or affirmation.

On these essential constitutional points, we note that you and we, together, are the proper co-creators of our local laws, not any outside counsel, interfering agency or other perversely presumptive authority. There can be no waste of a single tax dollar put contrary to the interests of the People by means of exogenous force, no giving away of the house by rules clearly in the wrong, no shirking of the lawmaking duties that public officials hold the honor to carry out. Our constitutions gave us the means – and encouragement – to overcome dictatorial overreach. We will rather be proud of this co-creation for ourselves and our progeny, even as our ancestors gave us these beautiful constitutional provisions to cherish and use to the benefit of all.

Thus, we trust you shall, by your courage and integrity, realize constituents' full and primary rights to health, safety, property value, and a clean and energy-efficient environment; as well as our freedom from assault, warrantless surveillance, privacy invasion and data-seizure in our homes and communities, and shall thereby provide us the quiet enjoyment of our streets and homes.

Kindly inform us of your position on the hopefully soon to be enacted moratorium and the activities to be ceased. We ask you to reply by 5pm, Friday, August 14, 2020.

Signed, this 4th day of August 2020,

[Signature, Printed Name, Town, Email]

Susan Hill	Sally Ceatto	
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