

California Wireless Association Official Newsletter

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California Public Utilities Commission Issues New General Order 170; AT&T and League of California Cities Seek Rehearing

By Robert Jystad

On December 16, 2010, the California Public Utilities Commission adopted new General Order 170 on a vote of 3-2. GO 170 purports to resolve a decade-old battle over the application of the California Environmental Quality Act ("CEQA") to telecommunications providers. The goals of the new general order includes ensuring compliance with CEQA and promoting the development of advanced infrastructure.

GO 170 clarifies, among other things, that the CPUC is the lead agency under CEQA for telecommunications projects and lays out four tiers of environmental review. The first tier contain a list of construction activities that do not qualify as "projects" and therefore do not require any CEQA analysis. The list includes service drops, replacement poles, and small aerial or underground installations. DAS nodes on existing poles are also included. The second tier addresses construction projects that qualify as categorically exempt under CEQA's express exemptions. These projects are not identified,



CalWA's Northern California Holiday Mixer was held in the Ducca Lounge at the Westin Market Street Hotel in downtown San Francisco. From left to right: Patti Ringo, ExteNet, Peter Summerville, rialto productions, and Steve Caplan, T-Mobile. Holiday Event Photos courtesy of Don Bishop/AGL Magazine.

although the order does list the exemptions. The order does not require any filing for these projects other but does require that any records relied upon to support the claim of an exemption be preserved. The last tier concerns projects that does not qualify under the first or second tiers and expressly includes placement of new poles. This group of projects requires a notice to proceed from the CPUC that is obtained by filing a notice of proposed construction under the advice letter process (the process used typically for amendments to tariffs). The final tier covers all remaining projects, including, e.g., projects under ex-

ceptional circumstances such as sensitive locations, scenic highways, etc. These projects require a proponents environmental assessment and may require a mitigated negative declaration or, although unlikely, an environmental impact report.

Rehearing on the new general order has been requested by a coalition of ILECs led by AT&T and by a coalition of municipal associations. The ILECs are concerned that their grandfathered deployment rights will be affected. The cities object to language in the new general order that impairs their ability to impose zoning (cont. on p. 6)

CalWA and AGL Magazine Team Up for Regional Event

AGL Magazine held its first quarterly regional seminar at the Westin Market Street in downtown San Francisco on December 3, 2010. The event provided a great opportunity for CalWA and AGL Magazine to collaborate both to the promote the AGL regional event and to pull industry professionals together for the CalWA Holiday Party held on December 2 in the Ducca Lounge at the Westin.

The AGL Regional Seminar, the first of its kind sponsored by AGL, was a tremendous success, with several panels on topics ranging from broadband data management to siting ordinances. (Pictures on page 5.)

**WATCH FOR INFO ON
CALWA LUNCH AND
LEARN
COMING SOON**

Message from the President



By Jon Dohm

Hello everyone, and welcome to CalWA 2011. This year is stacking up to be even busier than last year and I'm excited to share a few things with you in this article.

First however, a few final thoughts on 2010. Most importantly, CalWA expresses our deep appreciation to our 2010 sponsors including our Titanium sponsors: Talley, Cricket, Novacom; our Platinum sponsors: Crown Castle, American Tower, Lyle, AT&T Towers, Andrew, Trillium, Channel Law Group, Core Communications, Mobilitie, TowerCo and National Engineering; and our gold sponsor: Capi-

tal Telecom. In fact, we have been so grateful to our sponsors during this past year that the Board of Directors decided to create a new committee in order to work closer with and in support of our sponsors. This committee is headed up by Lauren Go and she's soliciting assistance from CalWA members. Any of you interested in helping out can contact Lauren directly.

Second, it was very exciting to see so many of you at our two holiday parties. Attendance at these two events, one in Irvine and the other in downtown San Francisco, was close to 300 people. In San Francisco, CalWA and AGL Magazine teamed-up on our social as well as the next day's educational conference. This was a great way to bring people together and we expect to do this type of event again in the near future.

One of the "growing pains" we experienced last year was certainly the sheer volume of work. It's incredibly gratifying for me to realize that everything accomplished by CalWA last year was by volunteer effort. This effort can come with a cost—too few people doing too much of the work. To address this, our committee

chairs will be personally reaching out to the membership for help.

Better and more frequent communication is certainly a theme we heard last year from the membership. It is a bit of a juggling act—we are leery of sending out too many email blasts, but we acknowledge the need to do more. We will this year. Our membership committee has some great ideas and we are very close to launching CalWA's new website. We are very grateful to Mike MacPherson and Daneen Wilder, who have spearheaded our website update. Our new website should be launched shortly.

Finally, it is with great pleasure that I introduce to you CalWA's newest board member—Linda Paul of T-Mobile. Many of you know and respect Linda as T-Mobile's zoning and governmental relations manager for the inland empire. Linda has managed to donate much of her time as a very active member of CalWA's regulatory committee in addition to assisting Lucas with the membership database scrub. If you have any reason to believe your contact information is out of date, please reach out to either Lucas or Linda. (cont. on p. 6)

Scientific American Weighs in on RF Safety; PCIA Issues a New RF Fact Sheet

The October 2010 issue of *Scientific American* contained a brief article debunking the purported negative health effects of radio frequency emissions.

The article is entitled "Can You Hear Me Now? — Physics show that cell phones cannot cause cancer." Written by Michael Shermer, whose SA column is called "The Skeptic," the article tackles head on the alleged scientific uncertainty about a possible link between cell phone radiation and cancer.

According to Shermer, the debate over RF safety reflects a logical fallacy known as the precautionary principle, which stands for the proposition that the quantity of potential harm is directly proportional to the degree of scientific certainty necessary to render a valid scientific conclusion. In other words, it is more palatable to rely on bad science if the risk involves large numbers of people.

The fallacy can be compelling. AIDs advocates for years demanded that FDA release new drugs that did not pass scrutiny under the FDA's testing methods. Advocates understood that there was risk associated with the new medicine, but they insisted on allowing the sick and dying to make the choice of whether or not to bear the risk.

Similarly, the zealots who fear RF emis-

sions ask the FDA and FCC to withhold advances in wireless technology — and localities to impede network deployment efforts — until there is certainty that no link to cancer exists. Shermer highlights a study in the *Int'l Journal of Epidemiology* as an example of the precautionary principle. The long term study covering 12,000 patients and 13 countries concludes that there is no causal connection between mobile phone use and gliomas or meningiomas, but adds more study is needed.

Shermer takes the bold step of suggesting that, in fact, no more study is needed. His analysis is simple: cancer occurs as the result of mutations caused by broken DNA strands and mobile phones — and therefore by definition cell sites — do not emit the energy necessary to break DNA. We have said this before as we ineffectually try to explain the distinction between ionizing radiation, such as x-rays and UV rays from the sun, and non-ionizing radiation, such as FM radio and microwaves. Shermer adds the detail: "...known carcinogens, such as x-rays...have greater than 480 kilojoules per mole, which is enough to break chemical bonds. Green-light photons hold 240 kj/mole of energy, which is enough to bend (but not break) the ...molecules in our retinas that trigger...rod cells to fire [so we can see]. A cell phone generates radiation of less than 0.001 kj/mole..."

"In fact," he adds, "if the bonds holding the key molecules of life could be broken at the energy levels of cell phones, there would be no life at all because the various natural sources of energy from the environment would prevent such bonds from forming in the first place."

The zealots delight in our inability to confirm the negative, It's time for a bolder approach such as PCIA's new RF Fact Sheet (See it in full on page 3). ‡





Wireless Networks and Your Health: THE FACTS

FACTS

- Wireless devices and facilities must adhere to radio frequency ("RF") emission guidelines established and enforced by the Federal Communications Commission ("FCC").

See FCC, Second Memorandum Opinion and Order and Notice of Proposed Rulemaking, 12 FCC Rcd 13494

- Under federal law, state and local governments may not regulate the placement, construction, and modification of wireless facilities on the basis of environmental effects of RF emissions if the facilities comply with FCC regulations governing RF emissions.

47 U.S.C. § 332(c)(7)(B)(iv)

- RF emissions from wireless facilities generally are significantly lower than permitted. According to recent studies, "RF exposures from base stations range from 0.002% to 2% of the levels of international exposure guidelines."

World Health Organization, Electromagnetic Fields and Public Health, <http://www.who.int/mediacentre/factsheets/fs304/en/>

- There is no credible scientific evidence that RF emissions from wireless base stations and wireless networks have adverse health or environmental effects.

CONCLUSIONS

- The World Health Organization has conducted a review of all available studies and concluded that "there is no convincing scientific evidence that the weak RF signals from base stations and wireless networks cause adverse health effects."

World Health Organization, Electromagnetic Fields and Public Health, <http://www.who.int/mediacentre/factsheets/fs304/en/>

- The U.S. Food and Drug Administration has determined that based on all available evidence, there is "no increased health risk due to radio-frequency (RF) energy."

U.S. Food and Drug Administration, Consumer Updates: No Evidence Linking Cell Phone Use to Risk of Brain Tumors, <http://www.fda.gov/ForConsumers/ConsumerUpdates/ucm212273.htm>

- The National Cancer Institute has concluded that despite the rise in cell phone use, brain cancer rates did not increase between 1987 and 2005.

U.S. Food and Drug Administration, Consumer Updates: No Evidence Linking Cell Phone Use to Risk of Brain Tumors, <http://www.fda.gov/ForConsumers/ConsumerUpdates/ucm212273.htm>

- The FCC has concluded that "[t]here is no scientific evidence to date that proves that wireless phone usage can lead to cancer or a variety of other health effects, including headaches, dizziness or memory loss."

FCC, Office of Engineering and Technology, RF Safety FAQs, <http://www.fcc.gov/oet/rfsafety/rf-faqs.html#Q6>

RFQuestions@pcia.com
www.pcia.com



CalWA Regulatory Committee Full Steam Ahead

A little déjà vu to start the New Year. At the end of 2009 we saw the FCC enact the "Shot Clock Ruling." It resulted in "some" recognition by local jurisdictions here in CA that wireless infrastructure needed to be deployed more quickly. Skip ahead one year to the end of 2010 and the California Public Utilities Commission (CPUC) issued their own "order" that initially ruled that local jurisdictions had no "discretionary" authority to regulate DAS within the public right-of-way. This recent action by the CPUC is now maneuvering through the "rehearing" process and we're keeping a close eye on things. While we applaud and support the efforts of these higher levels of government to provide more reasonable regulations at all levels of government, we also recognize the strong commitment of local governments to maintain control over development of all kinds in their jurisdictions. To this end CalWA's Regulatory Committee (CRC) is continuing to move towards improved relations and partnerships with local governments throughout the state.

Currently the CRC is engaged with 20 local jurisdictions across the state and is helping educate City/County Attorneys/Planning Departments and elected and appointed officials (decision makers). The CRC recently presented CalWA's latest educational video project, "You Can't Have One Without The Other," to the City's of Carson and Inglewood and plans on similar showings to the City of Calabasas and Burbank. Are we changing hearts and minds? In some cases there is some movement at the local level, but we have a lot of work ahead of us. To that end the CRC spent the better half of 2010 in development of our "Strategic Plan".

A few individuals/firms have really helped make a difference:

Fellow Chairman, Julian Quatlebaum, Channel Law

Group: Providing the legal expertise and leadership on CPUC and everything else we do!

Jamie T. Hall, Channel Law

Group: More legal expertise and the thankless job of

"facilitating" countless meetings with multiple stakeholders City/County Staff's that have resulted in a strong presence from the industry and tangible results in outcomes!

Patti Ringo, ExteNet Systems: "If you want something done give it to a busy woman"!

Entire CRC Membership: Anita Taff-Rice; Bill Stephens; Brian Regan; Charnel James; Christian Charbonnet; Dean Brown; Grant Heitman; Jacquelyn Murray (SCE); Jarryd Gonzales; Jim Lee; Jonathan Campbell; Karen McPherson; Kathleen Hill; Linda Paul; Lisa Johnson; Liz Hill; Matt Yergovich; Mike Roden; Natasha Ernst; Rahe Gorginfar; Robert Jystad; Stephen Bowen:

Showing up twice a month and sharing your expertise and stepping up for the "industry" when called upon! *Sean Scully, Regulatory Co-Chair ‡*

Social Committee Update

The Social Committee has been busy planning for the upcoming year. We have nine events in various planning stages on the calendar which include the following:

March: Annual Luncheon, Education Session and Networking Social in Southern California.

May: Networking Social in Newport Beach

June: San Francisco Giants Game Networking event and Breakfast & Learn Education Session

August: Los Angeles Angels Game Networking Eventbrite

September 22nd: Annual CalWA Golf Tournament, Mission Viejo CA

December: Holiday Social Networking Event San Francisco. Holiday Social Networking Event Orange County

If you would like to be a part of the CalWA Social Committee or volunteer at one of our events please email Lisa White at lwhite@wes-tec.com. *Lisa White, Social Cmte Co-Chair ‡*

PR Committee Moves to Phase II of Video Project

The PR Committee has formed a new sub-committee to oversee the second phase of the video project. The committee includes carrier and tower representatives as well as representatives from other state wireless associations. The second phase of the project looks to developing a product that can be used around the country and is not California specific. The video will also focus on a particular theme and we are leaning toward a public safety focus that also addresses concerns about RF emissions. We look forward to making rapid progress on the video.

We also want to give special thanks to Estaban Garcia for the great work he has done starting and managing CalWA's social networking functionality with active LinkedIn and Facebook web sites. *Robert Jystad, PR Co-Chair ‡*

Membership Committee Update

"I would like to welcome Linda Paul from T-Mobile as the new Membership Committee Co-Chair! The Membership Committee is very excited to have Linda on the team and is looking forward to gaining new insights with her 15 plus years of industry expertise! As a dearly valued CalWA member, you can bet that the committee as whole will be more actively engaged in keeping you informed about CalWA in the year 2011! *Lucas Turner, Membership Chair" ‡*

ANNUAL SPONSORSHIPS 2011!!

It's time to take your CalWA commitment to the next level and become an annual sponsor!! We have an AMAZING year planned for our annual sponsors...more benefits and opportunities for recognition than ever before. And this year our annual sponsors will have their own dedicated CalWA sponsor liaison...to ensure each sponsor is fully supported and represented within our organization.

This is the perfect time to become an annual sponsor or to renew your current sponsorship. (Cont. on p. 6)

SoCal Holiday Mixer at Bacchus Secret Wine Cellar in Irvine



NorCal Holiday Mixer at the Ducca Lounge in San Francisco*



* NorCal event photos courtesy of Don Bishop, AGL Mag.

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We reserve full editorial control copyright over all submissions.

California Wireless Association
2009-10 Executive Committee

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Robert Jystad — Vice President
Daniel Smith — Treasurer
Patti Ringo — Secretary
Julian Quattlebaum — Assistant Secretary
Richard Statler — Advisory Board Chair

Send queries to: Info@calwa.org

California Wireless Association Mission Statement

The California Wireless Association (CalWA) is a non-profit professional association that brings a unified voice to the wireless industry as we find ourselves facing the uniquely challenging marketing, operations and regulatory terrain of our state.

In addition to providing general awareness of the wireless industry, educating consumers and public officials about the wireless industry and the critical role it plays in California, CalWA cultivates and fosters relationships

GO 170 (cont. from p. 1)
or other discretionary permits on right-of-way projects.

Contrary to the cities' filing, GO 170 does not adopt new law restricting local authority over telecommunications projects. Rather, GO 170 articulates what has been the case since the early 1900s. The authority granted to the CPUC by the state constitution is superior to the local police power, which cannot be applied to public utilities in a manner that is inconsistent with the PUC's implementation of state-wide goals. Moreover, where the CPUC has authorized construction, telephone companies operating under the state franchise have the right to build their networks without being subject to a subordinate round of discretionary determinations made by local officials. The language in GO 170 addressing local authority simply makes it clear that when the CPUC grants a DAS provider the authority, e.g., to attach antennas to existing light standards or utility poles, the CPUC's decision cannot be undermined by a discretionary land use process that all too often is used to placate opponents of wireless infrastructure. If GO 170 withstands challenge, one of the clear winners will be DAS. DAS providers have battled jurisdiction throughout California, resisting zoning requirements on the grounds that authority to construct was granted by the CPUC. ‡

President's Message (Cont. from p. 2)

We should all feel very grateful to be involved in such a robust and exciting industry. Hope to see you at our next CalWA event soon. ‡

Sponsorships (Cont. from p. 4.) For more details or to complete your registration form, please visit www.eventbrite.com or contact Lauren Go at lauren@mobilitie.com. ‡

Thank you
Sharon Myl
From CalWA Board of Directors
Job well done! We will miss you...

FCC Holds Broadband Acceleration Conference to Address Regulatory Barriers to Deployment

On February 9, 2011, the FCC initiated an important new proceeding by holding a workshop entitled "Broadband Acceleration Conference." The workshop was assembled after President Obama's recent remarks during the State of the Union in which he highlight the global and strategic significance of a robust wireless broadband infrastructure. FCC Chair Julius Genachowski minced no words in his opening remarks: "One example of red tape that has delayed broadband infrastructure deployment is the tower siting process. Before a wireless company can erect a new cell tower or put an antenna on an existing tower, they need to

get approval from local authorities. **Companies have routinely had to wait for more than a year to get their applications approved** – leaving workers and investment dollars sitting idle, and consumers stuck dealing with dropped calls and dead spots." His remarks can be found at www.FCC.gov. The FCC has released a tentative schedule for the forthcoming proceeding. The agency is forming a new task force and will use an existing joint industry-government committee to report in March on specific steps that the FCC can take to reduce or eliminate permitting delays. In April, the FCC is expected to issue a Notice of Inquiry. ‡