



Edited by Ben Levi

Julie Levine: Welcome to the Ask the Lawyers portion of our meeting. I'll ask each of the lawyers to briefly introduce themselves, then we'll start with questions.

Andrew Campanelli: My name is Andrew Campanelli, I've been a litigation attorney for 27 years, handled over 7,000 cases. I handle cell tower cases across the entire United States. Every day someone in the United States contacts me to stop a cell tower or small cell facility. And I stop them roughly about 75% of the time right now. So I'm looking forward to answering your questions. It frustrates me that the site developers in the wireless industry submit false information to local governments to mislead them into granting applications for the placement of wireless facilities which should never go up.

Mark Pollack: Hi, I'm Mark Pollock, and I've been practicing environmental law for about 41 years. I'm a former environmental prosecutor, and I have an environmental law practice in Napa, CA. I've been contacted by numerous citizens groups in Newport Beach, Beverly Hills, Napa, Santa Rosa, South Lake Tahoe, Davis. I've written letters to city councils on the issue of NEPA compliance, the key to our case, and I'm attempting to help organize local grassroots groups to learn to require pollution exclusion-free insurance policies for cellphone companies attempting to deploy in local jurisdictions. The reason for that will be explained at length when we address the insurance issue.

Ariel Strauss: Good evening. My name is Ariel Strauss; I'm an attorney at Green Fire Law, as well as practice before the Public Utilities Commission in a number of regulatory settings, particularly relating to PG&E and other energy issues. Previously, I worked in affordable housing and fair housing, as well as representing cities as Assistant General Counsel. Over the past year, in particular, I represented a number of community groups that have been amending ordinances and policies and procedures across this state, as well as individuals seeking accommodation under the Fair Housing Act of the American Disabilities Act (ADA).

JL: So the first question: What legal arguments can be used to stop the installation of 5G and 4G antennas, whether they're near my home office or school or children's school? That's the first part of the question. And the second part was from somebody who's electro-hyper-sensitive, wanting to know if the ADA could help protect her from having a tower put up by her home.

AC: I just want to start out by saying that my answers are based upon actual cases. These are not theories. These are actual cases upon which I've successfully defeated applications for wireless facilities in 75% of the cases I've handled. There's essentially four main grounds upon which I use to defeat applications, both for macro towers, cell towers, small cells, and Distributed Antenna Systems (DAS) nodes. Now the majority of the 5G rollout are coming in the form of small cells, and DAS nodes. And they're not being installed by wireless carriers like Verizon and AT&T. They're being installed by site developers, which are companies that don't actually provide wireless services. They make money by installing these facilities.

The four bases upon which you can successfully prevent individual installations going in are as follows:

First, each of these comply with the requirements of the Telecommunications Act of 1996. Two very simple grounds are in cases where they install a facility where it will inflict an adverse aesthetic impact or reduction of property values on someone's private property, either because it's too close to their home, or in view of their home. These are both perfectly valid reasons to deny an application for any local zoning board or planning board. The key to this, however, is that any denial must be based upon substantial evidence. So if you want to kill a specific application, whether it's for a cell tower, or DAS node or a small cell, you must not only raise the argument, you must submit substantial evidence, and you have to know what that is. And that's because one of the constraints of the Telecommunications Act says, any denial of a wireless facility must be based upon substantial evidence. So you have to raise the argument, and you have to know what evidence to submit. It's not enough to get the Board to turn it down. If they don't turn it down for a valid reason, with substantial evidence, you're going to lose anyway. Because within 30 days after the denial, the site developer is going to file an accelerated federal lawsuit. And within 90 days, we'll get an order from a federal judge ordering the local government to allow them to put it in. So those are two big ones. The third one is that granting the application would be inconsistent with the local government's smart planning provisions. I think this is the most important issue that you're going to hear tonight.

You have to understand what Congress' intent was when it adopted the Telecommunications Act, what it says, and how local governments have applied it for the past 24 years. When Congress was adopting the Telecommunications Act, it actually considered giving the power to regulate the placement of wireless facilities to the FCC. There's actually a draft bill from 1995. When they adopted the 1996 Telecommunications Act, Congress did the opposite. They adopted the general provision of the Telecommunications Act, which says, the general rule is, local governments have the full power to regulate the installation of wireless facilities in their jurisdiction. Now, for more than two decades, local governments from New York to California have adopted smart planning provisions. These zoning ordinances are designed to obtain three objectives simultaneously. First, allow the wireless companies to saturate the area with coverage. Second, at the same time, to minimize the number of facilities you need to provide that coverage. Third, to the extent possible, minimize the adverse impacts on homes and residential areas. Armed with this, local governments have forced applicants to prove two things. If they want to put in a facility near a residential neighborhood, they have to prove that they suffer from a significant gap in personal wireless services, and that their installation is the least intrusive means of remedying that gap. In the world of 5G, in 90% of the applications, they can't meet that test. And so granted, the application would be inconsistent with their local zoning requirements. And again, 75% of the time, I will kill applications this way. And if a local government tells you, 'Oh, our hands are tied,' they have no idea what they're talking about. I'm talking about experience of having handled 7,000 cases. This is not speculation.

Finally, the fourth issue, because there was a mention of schools and things like that, is lack of a sufficient fall zone. There are many dangers associated with cell towers other than RF radiation. I'm putting that aside for a second. But there are structural failures, icefall, debris fall; and for these reasons, local governments enact fall zone requirements. It is often very easy to show, especially if they want to put it near a school, that the application doesn't afford a sufficient fall zone, so that no students or any member of the public would be within the danger zone of the tower, either for structural failure, icefall, debris fall.

Finally, when you mentioned schools and things like churches, those are what's called 'soft targets'. There's also a possible silver bullet. Many churches and schools acquire their property by donation. And one of the things you always want to look for, if they want to put a cell tower on a church or school district, you must look up the deeds. Because the way that many schools and churches get their properties is from donations. And when somebody donates property to a school or a church, one of the most common things they do is they put a restrictive covenant in the deed that says the property can't be used for commercial purposes. I've had many cases where I found that silver bullet and killed the application, even if they got zoning approval. So those are the general most effective ways to defeat these things on a case by case basis.

JL: Thanks Andrew. Scott, please introduce yourself.

Scott McCollough: I'm Scott McCollough, and I've been practicing telecommunications and utility law and other civil litigation for about 37 years. My specialty is administrative law. I've appeared in front of all but two of the state Commissions; I do FCC work and other related litigation whenever there's a telecommunications or an internet issue; and in bankruptcy court, for example, I may get called in to work on one side or the other for debtor or creditor or the trustee if there's a telecommunications or regulation question. So my specialty is really just administrative law, and in particular, the processing of administrative cases. So the only other thing about me that you need to know is, I'm new to this issue; just been brought in since January 2020. So please allow me to defer if somebody asks me about the science, or a whole lot of things, I certainly don't have the experience; Andrew does in the local zoning aspect, although I've done some zoning cases. With regard to the 2018 FCC order, I'm sure Andrew has some additional views on it. And I want to hear what he has to say. My general opinion is that that part of the order appears in the order, it does not show up in any of the rules that came from that FCC order. What that means, therefore, from an administrative law perspective, is that is what we call an 'interpretive rule.' And as a consequence, it is not binding on anyone. It is not binding on local zoning. It is not binding on a federal district court that's hearing it. My position is that when a federal district court receives one of these cases, it still has to follow whatever the law is in that Circuit [court], with regard to how you assess the effective prohibition language. I disagree with the FCC interpretation, but the fact is, it is merely as good as the words that are on it. It's not binding; at best, it is persuasive authority.

JL: Thank you, Scott. By the way, that you did not mention you do represent Children's Health Defense and the Irregulator's lawsuit, thank you very much.

AS: On the ADA part of this question... So the ADA is a standalone law, along with the Fair Housing Act. And it's important that any applicant or any person who seeks to remedy under those laws, makes a request specific to those laws. And those requests should be made, citing that law and identifying the requirement to engage in interactive process. This is distinct from somebody who's opposing the facility in an administrative proceeding, a zoning proceeding, or anything like that. It's important that they assert that they're entitled, based on disability, to have a particular proceeding, a particular interaction with the city or the county, that will be responsive to their specific needs, and that will assess specifically whether it's reasonable to relocate, or in some other way change the permit that would be issued for that site, based on the specific medical conditions of that individual.

JL: Thank you very much. Moving on to the next question: What legal arguments can be used to revoke a permit or license for a tower, once it is approved, or remove a tower once it is installed? For example, in residential neighborhoods and schools?

AC: So once a permit is issued, it's somewhat problematic, because it now gives the site developer vested property rights. And you can't deprive someone of s vested property right without due process of law. It's a difficult process. However, I have had towers ripped down after they were built, based upon a host of challenges. One of the things that's important in the 5G rollout is that very often, when a site developer submits plans, it will give designs of the plans, and then it gets approval, and then it will actually build something which is different than what's shown in the plans. If they do that, the municipality can immediately revoke the permit and make them start the whole process over again. I've had cases where the permit has been revoked, and they know they can't challenge it. So that's one thing.

Another grounds revoking the permit is if the applicant fails to comply with local zoning requirements for notice. For example, each local zoning code, if you have to get a special use permit to build a wireless facility, each local zoning code has their own notice requirements, and it requires them to give some formal notice to local property owners who may be adversely impacted. And if they fail to comply with those notice requirements, that's an easy one to get the permit revoked.

Finally, if there's some type of defect in the authorization. One of the first towers I had ripped down was when T-Mobile filed an application to build a cell tower on property owned by a water district, and it signed a lease with the water district, while in the state of New York, water districts have no legal authority to lease their own property. So under state law, the lease was invalid, and I made them rip down the tower after it was built.

So there are ways to get it ripped down after the fact, but it's far more difficult. I will tell you that when my assistance is enlisted before the application is granted, I kill it 75-80% of the time; but after the tower goes up, my success rate to get it removed drops to around 5%; it's very difficult. Not impossible, but very difficult.

AS: Yes, I think this relates as well to the first question, and it's very important that anyone who's concerned about a tower or any facility try to get involved at the earliest possible moment, and pay very close attention to those appeal timelines set forth in the county code. Once you miss those appeal deadlines, you have very few good options. As Andrew pointed out, and particularly in California, but it applies elsewhere, the city or county always has the authority to revoke a permit that was issued incorrectly. But the ability of a resident to go ahead and make that happen, it's very hard. There are examples in California where permits have been revoked 50 years later, because they found out there's some aspect of that permit that was issued incorrectly. And there's no estoppel or any of those standard arguments that would apply against the city, if they have done something that's non-compliant with their own requirements. But again, the ability of the resident to enforce that law is very limited. So it's critical that anyone who's concerned about it, both generate a good record, so that when it comes before the city council or the county board of supervisors, they have all the evidence that they need, as well as make sure that they don't miss their own appeal deadline.

SM: I want to mention something, because it came up in a decision on May 5<sup>th</sup>, and it could have some implications. Many people may think that in order to pursue their ADA rights, they would have to appear at a zoning hearing and seek relief using that process. I'm not so sure that's true. Under the ADA, you would have, at least in theory, a right to seek an accommodation from the wireless provider, and do so directly. And if the wireless provider does not give you an accommodation to which you are due, regardless of what that accommodation may be, perhaps not pointing the wireless radiation through your bedroom window, you would have a right to file your own action in an appropriate court, whether it be a state court or federal court, invoking the ADA itself. Indeed the North Carolina Court of Appeals on the 5<sup>th</sup> of May just released a decision from someone who claimed to have microwave sickness, and was not satisfied with what the North Carolina Utilities Commission had done. He did not want to pay for the removal of the wireless meter in the installation. That person took an administrative appeal, which in that state goes straight to the appeals court. And the appeals court ended up affirming the NCUC decision. They ruled that the tariff itself, which required payment of the fee, was legal under utilities law, but then they said, if you really got an ADA complaint, you're claiming discrimination. You don't take that to the North Carolina Utilities Commission. You take it to state or federal court on the original action. And so my point is, while I'm a regulatory lawyer, and a lot of people who do administrative law, they think everything needs to be or should be in a regulatory commission, sometimes you can find your rights just invoking the standard old cause of action, in a court, and not have to fool with the regulator, or state zoning, or a local zoning authority.

AS: Absolutely. One thing that does happen with after the fact towers is that when we invoke the ADA, the city or council has to assess whether the accommodation requested is reasonable. And a reasonableness evaluation involves weighing the interests of the person's disability, and determining whether there will be a non-insignificant burden on the city or county issuing that accommodation. So one problem that arises once it's built, that burden shifts a bit, because there's more of a burden perhaps on the county or city, or on the applicant, when you try to revoke that permit. And so while it's true that under the Fair Housing Act in the ADA, there are no statutes of limitations, the person is clear that, under the HUD and Department of Justice rules, they say explicitly requesting at any time. So whenever the person develops the

accommodation need, that is when the person should make the request. And if the tower is already there, then you can make the request at that point in time. But the willingness of the city or county to comply, because of that shifting notion of what might be reasonable, will make it more difficult to obtain that accommodation.

JL: Thank you. The next one is: Our city officials are afraid of the FCC and telecoms, and think their hands are tied. What legal arguments can be used to convince them that they not only have the authority, but the duty to take protective action?

AC: First, when you say 'afraid,' I want to make one thing clear. First of all, even if a local government somehow violates the Telecommunications Act of 1996, there's nothing to be fearful of. And the reason is, if a wireless company sues a local government under the Telecommunications Act, they don't win money damages and they don't win attorneys fees. So there's no threat of financial loss to the local government. I can give you plenty citations. As far as the hands being tied, quite the contrary is true. Congress specifically preserve power to local governments to regulate the placement of wireless facilities. I'm going to give you this specific citation for the section of the Telecommunications Act. It's 47 USC 332 C 7a, and you can read for yourself. It says that basically, the general rule is, local governments have that power. And the greater import, the reason that it's most important that they do something to regulate these things, what most people have no idea is, while the FCC has set general population exposure limits, meaning they set a limit, allegedly, on the maximum level of radiation they can expose members of the general public to, the FCC does virtually nothing to actually apply those limits. As a general rule, the FCC never ever tests wireless facilities, and never requires the owners to test them. So local governments are the first and only line of defense against their constituents being exposed to illegally excessive levels of radiation emanating from wireless facilities in their jurisdiction.

JL: What is the best legal argument against the claim that the 1996 Telecom Act prohibits consideration of health or environmental harms in challenging installation of cell towers? If the best argument is that the act unconstitutional? What is the best argument as to what specific constitutional article has been violated? Can we litigate based on constitutional rights?

SM: Certainly if you have a constitutional claim, it would be important that you raise it as soon as you are aware of a need to do so. There's a difference in the law between a 'facial' challenge to a statute and an 'as applied' challenge. The time to make a 'facial' challenge would be perhaps in the context of some action by the FCC, implementing or interpreting the statute. It might arise in the context of the zoning action, but an 'as applied' challenge would be available to any individual who can show injury and standing to do so at virtually any time. In most instances here, it's not going to be the individual who is going to be invoking 332.c, it's going to be the other side. And they would do so as a defense. And so, when that defense is raised, then what you would probably do is counter, by claiming an 'as applied' unconstitutional challenge. So I'm not really sure what the constitutional issue would be. It really would depend on context. I do think that you would have a hard time with the straight up challenge to 332C7, saying that it is unconstitutional on the facial ground, that Congress can override state police powers under the Commerce Act, perhaps under the Necessary and Proper clause, so straight up, that challenge I do not think would necessarily succeed. An 'as applied' challenge would be a completely different matter.

I think one of the most problematic things that we all run into, in dealing with this area is the fact that the telecom companies come in and advise the city council or the Planning Commission that there is federal preemption under 332, and that the municipality is not allowed to consider health or environmental impacts as part of their deliberative process, in putting up or allowing a permit to be issued for some of these facilities. If you examine the language of 332, the limitation on presenting health or environmental evidence before a tribunal before a city council is limited to the deployment. That is the placement, the maintenance or the modification of the facility. So if a municipality decides that they're going to go forward with one of these things, or 28 of them, and they advise the telecom company that they want the telecom company to

enter into a Master License Agreement (MLA) with the city, which is very common — Napa St. Alina, San Francisco, Newport Beach, all have entered into MLAs. And the reason they do this is because they want indemnity and insurance. Even though they have been told that functionality of these facilities within the FCC guidelines is safe, they still want insurance. And when we get to answer specific questions about insurance, I'll have a lot more to say on that issue and how this can work. But one of the things I wanted to point out is that when the discussion turns to insurance, a discussion of insurance has to include the discussion of risk. What are you insuring for? What are you insuring against? What liability are you protecting the city from by requiring insurance and that is the time when you can raise these questions about health and environment. You're not in violation of 332, you're coming in the back door, you're talking about insurance. 332 does not limit the ability of a municipality to protect itself with insurance. And so that becomes your platform that becomes your end run.

AC: The biggest problem with the application of the Telecommunications Act and Scott is correct. It's much easier to raise an 'as applied' challenge than a 'facial' challenge. And the problem with the way that the FCC is applying the Telecommunications Act is, it's essentially taking the position that local governments cannot regulate wireless facilities based upon environmental concerns, while at the same time failing to actually test these facilities. Now I've had clients who brought RF engineers into their homes. And I found testing. Testing has shown that in some of these cases, the worst case scenario, they found the RF emissions in their home in their bedroom exceeded the FCC limits general population exposure limits by 1,700%. And so in my view, someone can raise a challenge for the fundamental right of self-defense that as it is being applied, the Telecommunications Act not only violates the 10th amendment by stripping local governments of their power to protect their local citizens, but violates a fundamental right of self-defense under the Constitution because it prevents individuals from protecting themselves against intrusion into their homes of illegally excessive levels of RF radiation. And there are documented cases, I think it's a vulnerable case. I'm just looking for plaintiffs to file the case for.

SM: That would be an 'as applied' challenge.

AC: Correct. And I agree with you entirely, directly.

JL: There's a lawyer in Australia called Raymond Broomhall was that successful in blocking and reversing a lot of small cells, applying criminal law and basing the case on assault to the supplier. Are you lawyers familiar with his approach, and do you think that we could use this approach in the US? The definition of assault varies from one state to another, but an attempt to injure another? Has there been any attempt or success in filing a class action lawsuit for assault?

SM: I could point out that we actually used a variation of Broomhall's theory. In some recent comments that we filed at the FCC, in the over the air receiving device proceeding in California. It would not be an assault, it's more properly characterized as a battery. Just like from a property perspective. The intrusion of emissions is not a trespass. It's a nuisance. But Australian law is quite different than US law. I think there is a good argument under constitutional and common law principles that an individual could assert. In California, there's a right of self-defense, it's right there in your Constitution. And I think somebody could credibly say that they are defending themselves, and they need to use the courts as the vehicle to do so, rather than engaging in violence. Similarly, I think there are causes of actions that could be brought for both nuisance and battery. So those would not have to be brought up in a local zoning case, by the way, that would be a direct action, another variation of what I've been calling an 'as applied' challenge. The problem that you would have, is that the facts for each of these would be very particularized and individual to the plaintiff. And it is not well suited to something like a class action suit. Indeed, I'm certain the defense would be able to defeat any effort to bring a class action suit, simply because the facts and circumstances vary so considerably. So while I think there are lots of good plaintiffs out there, and it would be great to find a perfect plaintiff, the problem is the cost of prosecuting the case is more than any individual could probably handle. And so there needs to be some means by which one or two of these, what I would call a lodestar

case, could be prosecuted through the courts with some assistance and funding, because once that domino falls, then the rest of them will follow.

MP: Don't forget that if you bring a class action for battery or for assault, your defendant is going to be the telecom company, or the operating company which is operating the facility, you're not going to be suing the city. So it's not a mandamus action. It's not an action to compel the city to withdraw a permit, or cease and desist on an inappropriately issued permit, or caused the removal of the cell towers on the basis of the permit itself. Rather, this would be a damage claim on behalf of a group of people against the telecom, which means you're going to be fighting a much more funded entity than if you were suing a city.

AS: A U.S. version of this Australian situation would be a claim under the 5<sup>th</sup> amendment or the 14<sup>th</sup> amendment. And the due process clause, I'd say, in the sense that if a city official to come to your house and shoot you, the state or the federal government or the court couldn't then say, by interpretive rule, that somehow that doesn't hurt you. So if it were the case for an individual that this technology would be extremely harmful, let's say near fatal, that person would still have a right I think under the 5<sup>th</sup> amendment or 14<sup>th</sup> amendment to say that some sort of due process would be accorded to them before that harm is brought against them. I think a battery or assault case in the United States, though, runs into limitations that may not apply in Australia, because of numerous federal cases that have interpreted health, including environmental effects, and also limiting standing to bring tort suits for RF emissions. are within the FCC limit.

JL: Can we use anything from the Irregulators lawsuit as leverage with our municipality to use Fiber To The Premises instead of 5G? Following the Irregulators win in New York, how do state counties and cities go about recovering back the billions from telecoms that we now know were stolen from taxpayers and government coffers?

SM: Yes, there are many things that from the Irregulators case could be taken on the road, either at the local area or before your state commission. The whole premise of that case was to get this issue of people being charged very high local rates to pay for fiber they never got, which instead went to a wireless tower. The whole purpose of that case was to get the Court of Appeals in the District of Columbia to rule that, Yes, the states actually can deal with this issue. They're not preempted. And that's what the court ruled. So you could go to your cities, and we'd be happy to work with you build a little package of things you can take to them. Cities, consumers have been harmed. One of the other things that they can do when they're negotiating a local franchise agreement, like Mark mentioned, they can begin to insist on getting access to some of the dark fiber for local networks, maybe municipal network, or maybe at least one of their own institutional networks. One of the gems that we found in that case, while we were going through the accounting, is that many of these folks are significantly under-remitting the value of the property that they have in local taxing jurisdictions. And I can practically guarantee you, it doesn't matter which one of them it is, or what city it is, somebody who does an audit of some provider, with a view towards really calculating the value of the property there, whether it be fiber in the streets, or in the conduit, or even the towers, might just find that they've been underpaid for their taxes by a lot. And so when I'm talking with my cities, if you want to get the cities mad, just let them know that they've been underpaid for a very long time by these providers for the value of the assets that are in the city.

JL: How can we work together as communities with you as attorneys to stop the 5G rollout, including the satellites and ground stations? How can this be turned into a giant lawsuit against these telecom sharks? With all cities pulling together to fight it as one entity? We're in, give us your best strategies.

AC: Look, the biggest problem across the entire United States is that local governments have no idea what power they can exercise. Local ordinances are horrifically deficient in vesting local governments with maximum power. So individual lawsuits can be filed to attack pinpoint issues. For example, for determining that the recent interpretive ruling of the FCC, consistent with, I believe, what Scott's interpretation in March was, I can't remember which, is entirely correct. That local governments still have the power to regulate the

placement of these things. So you don't have to file a class action suit, it's very expensive and you have to serve notice on the world. Pinpointing legal issues, in finite lawsuits across the country, would be far more effective in stopping the 5G rollout. That's, that's, in a nutshell, the easiest way to kill the 5G rollout.

JL: Can a legal case be made that the telecoms cannot install small cells or antennas without liability insurance in place? It is our understanding that the wireless infrastructure is uninsurable, Lloyd's of London actuaries have actually excluded EMF RF radiation from future policies.

MP: Yes, that is correct. And as I mentioned before, what's going on is that municipalities recognize their exposure and their exposure is not only from EMF, but it's also from falling objects. It's also from fire. It's also from injury to installers. All of these things can subject the municipality to liability, and they attempt to protect themselves from this liability by requiring insurance. So the way that they require insurances, they have the telecom company execute a Master Licensing Agreement. Under the Master Licensing Agreement, the telecom company will list a shell company as a licensee. And then it may say, as an example, AT&T DBA... [SM: Verizon] Verizon Wireless LLC is a Delaware company. AT&T is not that same entity. So it can't DBA itself into another name. The reason that they're doing this is to avoid exposure, by promising indemnity instead of insurance. So when people get in front of these boards, these Planning Commission's these city councils, they should hammer home to the elected officials that they need to require as part of the licensing agreement, General Liability Insurance without a pollution exclusion, because of pollution exclusion under the policy lists EMF as a pollutant. If you require that kind of insurance, you can slow the process down to a halt, because they can't get EMF insurance.

JL: Thank you so much. Next question. What legal avenues can be taken to enact or strengthen city ordinances prohibiting or highly restricting 5G, that would most likely not be defeated in a suit filed by telecom companies? Where has this been done, that has survived a lawsuit, what law firms work in this area of interest that our city might utilize? How do we quickly stop cities from implementing changes to their ordinances, like taking out the part of their ordinance requiring a notice to residents, things like that. That's enabling the rollout. And then finally, one city in Northern California was told that it would cost a \$25,000 deposit to file an ordinance amendment application. Is that even legal?

AS: So I think one of the easiest answers here is look at what law firms work in the area. Green Fire Law, the firm I work with, has worked in that area, but I'm getting on to the questions I think are more interesting. And I'd say in terms of an ordinance, you want to understand whether you trust your city or not. If you think your city is working for you and trying to limit this, then you want to create an ordinance that is very rigid, but that has a master License Agreement option. And you want to shuffle as many of those permit applicants into the master license process and therefore require them, or negotiate with them, terms that are more restrictive than otherwise would be the case, The master license agreement that's negotiated can include restrictions that aren't in the ordinance. It can include restrictions on RF emissions, it can include additional procedures or timelines, it could waive a shot clock, it can do a whole host of things, so long as it's negotiated. If you don't trust your city, you probably don't want a Master License Agreement, because you don't really have any perspective into what they're going to do. You don't necessarily have, let's say, proper notice, things like that, because in the public right away with franchisees and their right of away, they are probably going to strip that from the Master License Agreement and just use it to obtain more fees.

Now, back to what you actually want in that ordinance, it has to have a constellation of features that's going to address all the various elements and impact of this technology:

- It's going to have to address RF to some extent, by recognizing that there isn't ADA and FHA responsibility there. So you clearly avoid staff disclaiming that that applies.
- You want to make sure that you have a search radius for comparison of alternatives that is at least as large as the possible propagation of the RF from the antenna.

- You want to make sure that there are locations that are off-limits, unless the applicant can demonstrate that they have an entitlement under state or federal law to put it there, so that you can bring in these issues like gap in coverage or that it's not providing personal wireless services.
- You want to make sure that you have a very detailed checklist of requirements, so that the city at the outset can determine whether an application is complete or not complete, and kick it back for not fulfilling the numerous requirements that would have connected to the design criteria, or to demonstration of the area to be served, or the safety features of it, or the ability to comply with the fire safety standards.

There are other aspects too. But I think that is a good overview. I'd say about the \$25,000 deposit, it's unfortunate that's common in California. I don't know if it's law or not. But it is common and many cities do it.

JL: By the way, somebody just asked the question, I know moms across America and other groups have a list of ordinances so you can take a look at them. There are some that are pretty good. I want to say to the panelists that if you have an opportunity to see what's going on in the chat box, and you can respond to anybody because we're not going to be able to get to everything, we're doing our very best. Feel free to do that. We'd love it. Okay. Anybody else want to respond on that question on ordinances before I

AC: I agree with what Ariel said, but there are really a lot of very important points that are not covered. For example, in 90% of the applications that I've seen across the entire United States, applicants submit false or misleading information. And unfortunately, ordinances do not empower local governments to understand when they're being deceived. And I'm talking about false FCC compliance reports, false propagation maps. A well drafted ordinance would not only require local zoning boards to make factual determinations, but would identify the types of evidence they require an applicant to provide, to show that the applicant is not deceiving the local zoning board. Right now, it is so commonplace for site developers to deceive local governments. What bothers me most is, they deceive some local government, whether it's California, Tennessee or Virginia, and then they walk away and they laugh at how gullible the local government was. Nobody knows, local governments don't know, when they see a false compliance FCC compliance report. So it is critical that any properly drafted wireless ordinance address the type of evidence that an applicant is required to submit. It's critically important; I can't overstate it.

SM: And everything that's submitted by the applicant needs to be under oath and penalty of perjury. Absolutely.

AC: 100% scholarly.

JL: Um, and there are, I believe, a few cities that have some ordinances like Noe Valley and stuff like that which haven't been challenged before, right.

AC: Well, not only that, in California, three cities have adopted random testing requirements; it's really, really good. Burbank, Berkeley and Davis have required and put in provisions that say the government can randomly test these facilities to ensure that they're not emitting radiation levels which exceed the FCC limits. And if they find that exceeding it, they can revoke it. The wireless industry has rattled their sabers that they're going to sue, but they haven't yet. That's also a great provision you can have.

JL: This is one that's close to my heart, living in Topanga, California. Regarding residential small cell fire hazards in high risk areas, regulating co-locations on existing cell locations. The overloading of utility poles with wireless collocation equipment was determined to be the cause of the 2007 Malibu fire, and likely almost all the fires in our area since. Utility companies are known to lease three to five co-locations to different wireless carriers per pole. Is there any way to regulate or restrict cell antenna co-locations and high fire hazard areas or high wind areas, and do fire prevention safety needs of cities trump the FCC order or other FCC rules for co-location?

MP: I'll jump in on this one. I'll begin, and I'm sure each of my colleagues has something additional to offer. But we're working on this from an interesting angle in Napa, CA. Under Title 8, California Code of Regulations subchapter V, group 2, Article 37, section 2946. It specifically prohibits the placement or operation of machinery, apparatus or materials above high tension power lines. The group that I'm working with in Napa was able to locate 12 projected placements, and photographed the lines and the polls, and show that they were going to be putting the antenna directly above the high tension power lines. So this is being attacked with the Department of Public Works in Napa, and collaterally with the Public Utilities Commission, so that we're trying to get the Utility Commission to come in, if they erect the towers, to have them removed.

AS: So the FCC is explicit in its 2015 order implementing the co-location statute, that it does not preempt public health and safety standards in building codes, fire codes, or other standard codes that apply to any other structure. So you have a choice or latitude in that area. And there are limitations on the number of attachments that there can be, at least with respect to the number of new cabinets that will be added. And it's very important that everyone look very closely at the federal code on that. I'll send that out to everybody. Since often the applications, as Andrew pointed out, are efficiently deficient. And often cities don't even have any particular code standards of their own to address these co-locations; they simply say they are exempt. And it's very important that cities address that explicitly. So I'll send out that citation.

JL: Does the NEPA NRDC lawsuit decision apply to those not on tribal lands, and how can we use it to prevent installations?

AS: The answer is yes, it does apply across United States. It applies. But what it does when it applies is different, depending on the actual circumstances where the facility is located. So there is a requirement in the federal code that every applicant is going to try to avail themselves of, the exemption from doing an environmental assessment; that they do an independent self-certification to confirm that they are eligible for an exemption from an environmental assessment under NEPA. And therefore, the FCC has directed them to complete this checklist. So every facility now has to complete a checklist. And a city or county would be under good authority to request that that checklist be provided to them, to confirm that the facility actually has the license that it is required to have from the FCC, and there's good case law saying that cities can require a combination compliance with federal law.

JL: From United Issues Reform: What is the best, most accurate site developer/telecom language to use in letters with City Council open comment periods and requests for information? How do we serve an injunction after a cease and desist has been ignored or rebutted? What are the implications if a record request is not accommodated within 10 days, and what recourse do we have? When information revealed and records requested in the case of the city taking money for over a decade from site developers and Telecom.

AS: I will take on some of it. So on the cease and desist, Civil Code of procedure, section 1094.6 provides a 90 day statute of limitations for appealing some action or inaction via city or county; that potentially would apply. With respect to Public Records Act requests, that some Government Code 6253 C, and that's the section that would apply that requires that cities and counties do respond within 10 days to identify whether they will be providing documents; they also can extend that by 14 days. And then there is a right under Section 6259 for an expedited hearing if the city does not provide the documents, either the documents that are responsive, or does not respond within that timeframe. So I can send out those codes in the chat box.

MP: A personal service on the injunction, whoever the defendant is has to be personally served in order for the injunction to be effective. So if the injunction was issued against the telecom, it could be served on any responsible manager. If it was an injunction issued in mandamus, against the municipality, it would probably be the clerk of the city, or the mayor or a chief executive officer.

JL: Next question from Zen Honeycutt. What can we do if the city already gave a telecom company a Master License, what can we do to prevent them from constructing after they have one? Do they have to

give us notice according to the FCC law, or do they only have to give us notice if it is written in the ordinance that they do? If they do not give us notice, what recourse do we have if they install the wireless facility within 1,500 feet of our home?

MP: So I'm going to jump in on that one. Just briefly, Julie. My advice to Zen is, start with the face of the document itself, get a hold of the Master License Agreement and take a look at who the licensee is. Then, subject to the Master License Agreement, somebody is going to have to come back to the city and get encroachment permits for each individual cell site. To do the installation, you will find that the entity that comes in to get the encroachment permits is not the licensee, which means that they can't go forward. You can object on the basis that they are not in compliance of the local ordinance, because they don't have a Master License Agreement with the city, and you can object and you can stop it on that basis.

JL: The next question is about the Nuremberg protocol from Corinne. Can the Nuremberg protocol be used in a lawsuit to stop 5G wireless infrastructure, based on testing a new technology on the general public without informed consent, since we know 5G has not been tested on people or proven safe in animal studies?

MP: I litigated a Nuremberg case years ago, representing the atomic veterans who were guys that were tested without their knowledge by exposing them to atomic bombs in Nevada and the South Pacific. And the court was very clear that the exposure has to be at the hands of a governmental entity. It's got to be a country or a government that's doing the exposing. The problem with applying Nuremberg here is the fact that the exposing is being done under contract with a governmental entity by a private company, Verizon, AT&T and so forth. So I don't think you're going to be successful using the Nuremberg protocols.

JL: Next. I recently received notice that the California Supreme Court ruled that cities can decide against having small antennas installed. Will this California ruling supersede federal FCC regs and give cities the authority to reject 5G? I assume she's talking about the CA League of Cities decision. And if so, will this authority extend to smaller towns in the rural areas surrounding? Well, if I don't have somebody who has an answer to that, I'm going to move on. These questions are now about private communities with homeowners associations. Can the HOA prohibit or limit cell antennas on rooftops, and restrict adding small cells if there are no poles currently, can they make their own rules? And also can private covenants and homeowner association rules be amended to keep 5G or any cell towers from deployment in their area?

AC: Bottom line is yes, private homeowners can restrict and associations can restrict in any way they want, as can, for example, school districts. There was a great case out of New York where a school district leased space on us on a school to lease space for a cell tower. And in doing so, they actually limited the level of radiation that the cell tower could emit; it was a Sprint case. And after Sprint agreed to limit the level of radiation that would be emitted from the tower in the lease, they changed their mind and they actually wanted to increase the radiation output. And they sued and the Federal Court ruled that a school district leasing space for a cell tower on a school is acting in a proprietary capacity, not a regulatory capacity. And thus it could limit the level of radiation in a homeowner's association. It's like a private property owner, they can limit it any way they want. So that's an easy one.

AS: Two notes of caution. One is that it's very important that the HOA ordinances be very explicit. There are a number of cases where there were some general parameters saying, 'no offensive uses,' or things like that. And the courts have found that that's not specific enough. So it's very important that it be language that would say, 'any commercial uses,' or some other type of language that would tie into a very explicit prohibition on it. There's other types of language that may already exist in the HOA rules which may not be adequate. I'd say the second important point is that often homeowners associations do cede or deed back the public right of way to the city to avoid paying for the upkeep of that. If that were the case, and they are building these antennas on, let's say, a telephone pole or something like that, you still may end up with those restrictions applying, even if your home itself is in the HOA.

SM: But you do need to know that there's an FCC proceeding right now where it may change. That's the proceeding that I mentioned earlier, when I told you all that Children's Health Defense had some comments. It's the over-the-air device rule making. And the Commission is actually contemplating allowing homeowners to put the equivalent of a cell tower, or any other kind of transmitting device, in their backyard and serve multiple premises. And part of the proposed rule purports to overrule any homeowners association, or municipal zoning, or other ordinance prohibitions that might otherwise prevent it. And it has a really arcane procedural rule about how somebody might contest it. And of course, the deck is stacked in favor of the wireless provider. So I agree with what they said about the present law, but the FCC is thinking about changing that.

AS: And the FCC has taken that step with respect to other types of technologies already. So I think you should expect that they're going to do it, if they're not stopped doing it.

SM: Well, we're trying to stop them. That's why we filed.

JL: Yes, thanks. Next question: Is the oath that our city, county, and state leaders take a contract with the citizens? And if so, could they be held personally liable for any damages to health for subjecting us to harm from 5G cell towers?

AC: It's very difficult to raise that type of challenge. The way that the wireless industry and the courts review this type of claim is that, so long as the wireless facility is emitting radiation levels which are within the FCC limits, there's really no breach of fiduciary duty. There is one great exception and that is fire districts. One of the soft targets that site developers try to put cell towers or wireless facilities on, is fire districts. Fire districts exists for the sole purpose of protecting properties that are in the geographic district. And when they agree to allow a cell tower go on, very often they will adversely impact the properties in their district. And in those cases, and only those cases, I've been successful in filing claims for breach of fiduciary duty, because the fire districts exist for the sole purpose of protecting those properties. But as far as the obligation on the part of local zoning officials to protect people from excessive RF radiation levels, it's a very difficult argument to succeed at.

AS: I agree with Andrew. I'd say though, it's a valid question, but I think the answer will be found in Government Code 820 5.6, which does lay out the standards for personal liability. It's a very narrow range of conditions. It's actual fraud, corruption, actual malice by an officer, so you'd have to show actual fraud actual malice against these people. And it's a very high bar.

JL: Right? Um, let me ask you a question. I'm at this point. I still have a lot here on our list, but there are more coming in that we're trying to get to as well. The issue of whether somebody is being told they can't get a landline anymore. That's not a legal question, right? I mean, but what if, what if we're not people who are electrosensitive or being told they can't even get a membership anymore?

MP: It sounds like it's more of a contractual question.

AS: Who is saying that they can't get a landline? Because there is an obligation of universal service under the PUC...

JL: She said: I need a landline, but our local carrier and AT&T are telling us we could not get it. How can we do it?

AS: There's a specific PUC order and a section of the public utilities code that requires that these utility services provide it universally. So I'm surprised to hear that.

SM: This is my wheelhouse. So I'll give you a really short answer. Yes, you can get a landline. It may not be over copper, it may be over fiber. And of course, if you have broadband of any type, then of course, you could get a voice type service over that. The FCC has taken some action recently to limit the availability of copper. Indeed, there was a ninth circuit decision not too long ago, where they threw out the people who were challenging the FCC's permission for, I believe it was Verizon in this case, to tear out the copper and use its fiber. They held that those petitioners could not show that they would, in fact, not be able to get

copper. And now of course, there's a whole bunch of people who cannot get copper. But the ultimate answer is, yes, you can get a landline.

JL: My county has recently amended the county code to now allow small wireless cells in residential areas, in response to the belief that by prohibiting cells in residential areas, it would prohibit, or have the effect of prohibiting under the Telecom Act and the declaratory ruling, and FCC order. They therefore amended the code to comply with the FCC order. How can I or how would you attack this argument?

AC: Okay, first of all, the FCC order as mentioned earlier, they're talking about the September 2018 order which has absolutely no effect on local government interpretation of the Telecommunications Act. I will tell you definitively, most local governments across the entire United States, what they do is, they adopt orders of priority, meaning they recognize top sites of priority for the placement of wireless facilities. So they will choose things like commercial areas, landfills, areas where the installation of a cell tower will not adversely impact residential areas. And they'll say, if you want to build a cell tower, there's five different areas of preference that we'd like them placed, and if you want to place in a residential area, it's the least favorable area, and you have to show that whatever wireless facility gap you have, this is the only place you can put it. And for the 5G rollout, they can't show that. And so that's pretty much the way we attack that. As far as the FCC ruling of September 2018, it has no effect. It's basically an interpretive ruling, which has no impact on the local government's ability to regulate the placement of wireless facilities as they've done for the past 24 years. Any time a wireless company wants to put a wireless facility in a residential area, the local government can still require them to prove two things. Number one, that they have a significant gap in personal wireless services. And number two, the proposed installation is the least intrusive means affirming that gap, and there's no potential less intrusive alternative locations. And in the realm of 5G, they can't meet that standard, which is exactly why they went to the FCC to get this ruling from the FCC to help them. But that's an easy case to kill if they try to put in a residential area. It's the easiest thing in the world to kill.

JL: Great. Next question. This one is actually probably for Mark on insurance coverage, but others can respond. Senator Feinstein said cities will be liable for damages caused by 5G and other wireless equipment accidents. Here's a quote from her what's worse, wireless companies won't bear the responsibility when things go wrong and polls come down they pose significant risk for physical harm, property damage, blackout, and even wildfires in dry regions. And under FCC rules, cities and residents would be on the hook for that damage. Can you explain how cities would be on the hook? Do you know what FCC rules she's referring to? How many and how much insurance should cities require of Telecom carriers per incident? How much liability insurance should the city have to protect the city per incident?

MP: Paul McGavin has put up a link in the chat to a series of slides on insurance. They're fabulous. But in a nutshell, just remember when you ask about how much insurance needs to be posted, and you're not even talking about EMF, think about the fact that PG&E in California is in bankruptcy over what it caused in the way of wildfires. That's the kind of exposure that you've got.

JL: Okay, great. The next question is about regulating or restricting upgrades from 4G to 5G with a mere software change. Orem Miller, a building biologist, recently wrote that all new 4G or 4G-light installations can be upgraded to 5G with just software changes. Can telecom carriers legally do those upgrades without even notifying the city about it? Wouldn't it be a violation of the existing building permit? Can the city regulate wireless cell antenna upgrades or modifications on an existing cell site?

AC: The answer is under the Middle Class Tax Relief And Job Creation Act, which was signed into law by President Obama. Wireless industries are able to change the frequencies and even the power output of their facilities, exempt from local authorities' ability to stop them. So unfortunately, due to the Act, they can not only change from 4G to 5G, they can increase the power output, they can also increase the size of the facility and increase the height of any tower, as long as the increase doesn't significantly increase the overall size of the wireless facility. So the short answer is: they're allowed to do it.

AS: The slightly longer version of that answer is that while they're allowed to do it, cities still can impose the regulations I identified earlier in the chat box. They still can impose any standard building or safety provisions, if they're going to overload the antenna, if they're going to have additional observable effects, if they're going to have more cabinets, things like that. But it sounds like the example that we're given here with the software update is, it probably wouldn't have any of those effects.

JL: Great. Next question: I read that satellites are regulated by the FCC and the ITU. What are they regulating?

SM: The satellite service is regulating the communications portion, the frequencies that are used. The International Bureau at the FCC is the one that oversees the SpaceX constellation, for example. Constantly getting FCC approvals for certain things. So while the FCC is not the one that tells them they can shoot up the rocket, they are the ones who decide largely where the orbit is supposed to be, and the spectrum that is used, and the emissions guidelines that we've mentioned several times here; the Commission has guidelines for satellite communications as well.

JL: Okay, a quick question here. A lot of people have had problems where they've either made requests from city planning for documents, and they've either not been given them or been given incomplete information or being lied to, what kind of remedy do we have in those situations.

AS: You can look back at the comment or perhaps I'll put up the code section. So those would be potential rights under the Public Records Act in California. Any request that's made to an official could be a Public Records Act request. There's no particular format. Cities in general can't impose a specific format requested that you have to be writing. So somebody does make requests to an official for a document that exists and they don't receive that document, or they get a falsified version of that document. That would be a violation of Public Records Act.

JL: Thank you. What about going for a temporary restraining order? Then preliminary and permanent injunctions. With a solid strategy in place, proof of irreparable harm, witnesses, data, etc.? Couldn't this be a very direct way to stop 5G deployment in your city?

MP: Well, the problem with injunctive relief is that before you can seek injunctive relief against the city, you have to exhaust all your administrative remedies. You've got to go through the Planning Commission, you've got to go through the city council, before the case is right for mandamus. At that point in time, these guys can be well along on their way to implementation. But I certainly would like to hear what Ariel or Andrew had to say on the timing of the thing.

AC: The difficulty with injunctive relief is, under most standards in most states and certainly federal court, you have to show irreparable injury, and that's difficult. Theoretically, if someone claimed EMF sensitivity that could constitute irreparable injury, but in most cases, plaintiffs can't establish irreparable injury, because even if a cell tower is constructed, you can always rip it down. So it's very tough to get irreparable relief, at least from my perspective on the front line.

JL: Great. There's a question about the media and liability. When media outlets which can be proven to have a vested interest in 5G through ownership and are advertising actively whitewash or lie about 5G health concerns or research, can they be held liable or otherwise accountable for knowingly misrepresenting the dangers of 5G? Most of the major media outlets in the US and around the world are owned, at least in part by telecom.

MP: The problem is the first amendment.

AC: Yeah, this is a hot topic, Julie. The problem is that, aside from being owned, the wireless industry is also one of the largest customers of the mass media, whether it's radio, television or newspaper. When we get really dramatic cases of adverse impacts of installations of wireless facilities, you can't get good favorable coverage of the people who are adversely impacted, because they don't want to print an article or tell a story that would adversely impact one of their clients. It's that simple.

JL: Thank you. Next question. Is there a way to prevent future government bailouts to phone companies if they get sued for damages caused by 5G?

AC: This is not my bailiwick, but I'll make one comment. The wireless industry has basically unlimited lobbying power. So take from that what you will.

JL: All right. A 1,000 foot setback would be interpreted as effectively banning small cells in the town, because most of the poles will not meet that requirement. AT&T has three pending applications that no longer meet the new municipal code. They sent a threatening letter to the town and city council. My question is, what legal recourse does AT&T have? Do they know how many cities or towns have actually been sued by a carrier? Who won? Who has had the most success in beating a carrier?

AC: The bottom line is, even if a local government enacts an ordinance which in some way violates the Telecommunications Act, there's minimal risk to the local government. If an applicant to install a wireless facility sues the local government, the only thing they get is an order directing the local government to allow them to build a wireless facility. They don't win damages. They don't get attorneys fees. So any threats of risks of bankrupting a local government are hollow. It's that simple.

AS: Particularly if the ordinance or the policy does have an out. Meaning, ultimately, if there's a way that the city can allow it to be placed there, then it is very hard to show that there's an effective prohibition. But if it is a strict 100 or 200 foot limit and they apply it inflexibly, then it does sound like under the FCC rules that could easily amount to an effective prohibition, if the area is large enough.

JL: Next question. If our city keeps referring everyone to the FCC for rules and regulations, does the FCC language address notification, residential neighborhood RF levels, and how far away homes should be from transmitters? Legally is it up to local health departments or building inspectors to test RF levels for safety?

AS: The FCC doesn't get too involved in any of this at the local level. And generally, it's not supposed to. Generally, the locality is supposed to set up proper land use laws that respect local character of that city or town, and that the FCC is not likely to be very helpful or a source for addressing those issues.

AC: Let me let me add one thing further to make this crystal clear. Under the FCC regulations, any facility under 200 feet in height does not have to be registered with the FCC. The FCC never tests the radiation emanating from one of these facilities, and doesn't requires the owners to test them. So in a practical world, this is what it means when you install a small cell or DAS system for the 5G rollout, the FCC doesn't know where these facilities are, and has no idea what level of RF radiation they're emitting. That's the simple truth.

JL: Next question: Our city council said that there's a federal preemption that prohibits states from deliberating the safety aspects of telecom installations. He said that those are stated in the FCC rulings and stated in the Telecom Act, therefore the members would not discuss the residents' concerns about safety, prior to voting on the Master License Agreement with Verizon for small cell 4G and 5G. Is this true? Do we have a chance to fight this for safety reasons, or do we need to take a different direction? This person was in New York state, but I will tell you the same thing came up in Studio City and other places here in Los Angeles.

AC: As a practical matter, it phrases two issues. The first issue is, pertaining to the constraint on local governments pertaining to concern over environmental effects. One of the finite limitations which the Telecommunications Act imposes upon local governments is, the provision which says local governments cannot regulate wireless facilities based upon concerns over environmental effects, to the extent that a facility is FCC compliant. Now, that's been interpreted by many local governments as saying, as long as the proposed facility will not expose members of the general public to levels of RF radiation which exceed the general population exposure limits, local governments can't consider adverse health impacts. One of the things that local governments worry about is when they have a hearing on a permit to install a wireless facility. If people mention concerns about health, if they deny the application, what ordinarily happens across the country, a site developer will bring a federal lawsuit, they'll say, 'well, the local government claims

it's denied the application because of adverse impacts on property values, but that was a pretext. Because if you look at the record, residents talked about health. And so we want this court to overturn their decision.' That's one issue. But the other issue is, to what extent can local governments regulate wireless facilities which are not FCC compliant? And what regulations can be imposed to make sure that they are? And three jurisdictions in California have imposed such restrictions. Burbank, Berkeley and Davis have adopted testing requirements to make sure that wireless facilities in their jurisdiction are in fact FCC compliant, simply because the FCC isn't doing it. So those are the two issues that are raised by this question.

JL: guys, you know, I feel that we should probably wrap up. It's nine o'clock now. And you all look tired. You've been doing an amazing job. You do this for free. You guys get paid a lot. I know. And we have a lot more questions, but we're always going to have a lot more question. So um, So I don't know if you want to make like a couple of clips. anybody has any closing remarks you want to make really appreciate your being here. We wanted to do this because people really need legal support. As you see. This is what you offer is when people are saying where can we find local lawyers? There aren't enough of you guys. But we will remind everybody we will have an audio recording next week, very important. Maybe we'll try to do a follow up some months down the line. If people don't have your questions answered, feel free to come back to me. We'll do what we can to get them answered. Really appreciate it. Anybody have any closing anything you want to say in closing here?

SM: One thing I would say is, you know, we lawyers, we work for money. Best thing y'all can do is support your local group and the national groups in their efforts. I know that Children's Health Defense would much appreciate assistance, and I'm sure that there are many other groups local, national and regional that desperately need funds and support. That is how you can get lawyers and advice and get assistance at the local level. Because Andrew's mentioned it several times - an individual person does not have the knowledge and the resources to fight this. You need an organized effort, and it needs to be funded, correct?

JL: Yes, you do Scott, I totally agree. And I want to mention that we at 5G Free California, we're all volunteers. We have a few people that really could use some stipends, but mostly what we're looking for are funds for us to support these lawsuits. So if you give to us and you earmark it for lawsuits, 100% of it will go to the lawsuits of your choice; we're just serving a conduit role.

AS: Really, thank you for putting this together. And thank you, everyone. I want to give the counterpoint in a sense to what Scott said, which is, I've found in working with local cities and counties, my law license as a person who doesn't live in their city doesn't do very much, frankly. What counts is politics, and the political power of the people at the local level, and people who vote people in and out of office. So if there's a powerful political group, an organized community that brings an attorney in, who can put those arguments in a way that makes sense, that can explain to the city that they have the authority to do it, and they're going to suffer politically if they fail to do it, then I can get something done. But frankly, I don't have any ability to make any change. And so it really depends on the ability of the communities to organize, and to know their elected officials, and to know one another, and to bring up these issues. Again and again, so that when they do bring them up in the sort of legal package, there's somebody who will listen to that.

AC: Julie, I just want to thank you for inviting me and it afforded me the opportunity to speak to everybody I really appreciate it. Thank you.

MP: Thanks.

JL: Alright. Well, thank you all and have a great evening and we'll be getting back together soon enough. Got a big fight ahead. Thank you all.