

**JOINT STATEMENT  
OF  
CELLCO PARTNERSHIP d/b/a VERIZON WIRELESS,  
AT&T CONNECTICUT, T-MOBILE AND  
SPRINT NEXTEL**

**Regarding Raised House Bill No. 5504  
An Act Concerning Siting of Cell Phone Towers Near Schools**

**Proposal:**

Raised House Bill No. 5504 would prohibit the Connecticut Siting Council ("Council") from permitting the siting of a wireless telecommunications tower within 750 feet of a school as defined in Connecticut General Statutes Section 10-154a.

**Comments:**

Cellco Partnership d/b/a Verizon Wireless, AT&T Connecticut, T-Mobile and Sprint Nextel (the "Wireless Carriers") oppose this bill and urge the Committee to reject it because it is pre-empted by federal law.

The basis for the siting restriction imposed by the proposed legislation has not been provided. Nevertheless, proposed legislation prohibiting the siting of wireless telecommunications facilities within a particular distance from a specified use or set of uses is frequently based on the perceived health effects of radio frequency ("RF") emissions. However, the Telecommunications Act of 1996 ("Telecommunications Act") pre-empts such legislation. In particular, Section 704 of the Telecommunications Act provides, in relevant part: "No State or local government or instrumentality thereof may regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the [Federal Communication] Commission's [FCC] regulations concerning such emissions."

When seeking approval for telecommunications towers, the Wireless Carriers provide the Council with the information necessary to determine whether or not a proposed facility will comply with the FCC's regulations regarding RF emissions. To the extent the proposed facility complies with those regulations, the Council does not have the authority to deny an application on the basis of the putative effects of RF emissions. Similarly, because the Telecommunications Act bars states from regulating the placement of wireless service facilities on the basis of RF emissions, the legislature is pre-empted by federal law from instituting a blanket ban on the siting of wireless telecommunication towers within a defined area based on the perceived effects of RF emissions.

Moreover, to the extent the proposed legislation is intended to serve another purpose (e.g., to address aesthetic concerns), it still may be pre-empted by the Telecommunications Act. Specifically, Section 704 of the Telecommunications Act

provides, in relevant part: “The regulation of the placement, construction and modification of personal wireless service facilities by any state or local government or instrumentality thereof . . . shall not prohibit or have the effect of prohibiting the provision of personal wireless services.” The proposed legislation would prohibit the Council from permitting the siting of a wireless telecommunications tower within 750 feet of a school as defined in Connecticut General Statutes Section 10-154a. School is defined very broadly in that statutory provision to include almost every public and private elementary, middle and high school within the State of Connecticut. As a consequence, the proposed legislation could have the effect of entirely prohibiting the siting of a telecommunications tower within a certain municipality or group of municipalities depending on the distance of each school from the next. Such a prohibition on service is pre-empted by Section 704 of the Telecommunications Act.

Lastly, the proposed legislation conflicts with other federal policy goals. For instance, President Obama identified wireless telecommunications facilities as “critical national infrastructure” in part for the continuous service that can be provided during times of natural and manmade disasters. Often, during these times, schools are used as shelters or outposts to provide needed services to an affected area. By prohibiting the siting of telecommunications towers within 750 feet of schools, the proposed legislation could thwart the siting of this “critical national infrastructure” and impact the ability of those living in or stationed at schools during times of disaster from communicating with emergency service providers and family members.

**Conclusion:**

Because the proposed legislation is pre-empted by federal law, the Wireless Carriers oppose HB 5504 and urge the Committee to reject it.