

July 30, 2002

Carol Mitten, Chair
D.C. Zoning Commission
441 4th Street, NW
Suite 210 South
Washington, DC 20001

D.C. ZONING
COMMISSION
JUL 31 PM 2:04

Re: Proposed zoning text amendments regarding Antennas, Antenna towers and Monopoles

Dear Chairman Mitten:

The undersigned counsel to District of Columbia's wireless telecommunications service providers (AT&T Wireless, Cingular Communications, Nextel, Sprint Wireless, Verizon Wireless and VoiceStream Wireless, collectively the "providers") wish to enter into the record of this proceeding their response to the Zoning Text Amendments proposed by the Office of Planning ("OP"), which was set down for hearing at the June 10, 2002 Zoning Commission Regular Meeting.

While the wireless providers commend the OP staff for its diligent efforts on this issue and supports the objectives of the OP to harmonize the wireless zoning regulations into one section, we take exception to overly burdensome and costly regulations recommended in the OP's Preliminary Report. Further, it is clear from the discussion at the June 10th meeting that the Commission has a desire to attempt to regulate in areas that are preempted by federal law, including the 1996 Telecommunications Act.

As noted in the Prehearing Report, the wireless providers participated in the Antenna Regulations Review Group, which was formed and coordinated by the Office of Planning. The Review Group was comprised of the OP representative, five citizen representatives and the providers' representatives. Over the course of the Review Group's many meetings, the providers endeavored to explain their antenna siting needs and policies, their technologies and the limitations of those technologies. Further, the wireless providers provided an assessment of the many ways that the current zoning requirements are working in a positive fashion. Throughout the process, the wireless providers did their best to respond to questions by the citizen participants and to OP's questions.

ZONING COMMISSION
District of Columbia

Case 01-02
Exhibit 57

ZONING COMMISSION
District of Columbia
CASE NO.01-02
EXHIBIT NO.57

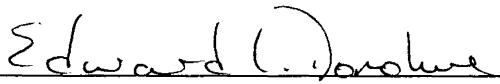
The Review Group spent an inordinate amount of time addressing questions and concerns about alleged “health effects” from wireless base stations. The Review Group had the benefit of an extensive briefing from the Federal Communications Commission’s Office of Engineering and Technology. Many, many hours were spent explaining the nature of the devices in use today, comparing the levels associated with wireless phones and antennas as compared with broadcast and transmissions facilities, and the protections already in place because of federal regulations. Moreover, the representatives cautioned staff and the Group about the prohibitions contained the Telecommunications Act. This information was not reflected in the OP report and was apparently not communicated to the Commission.

Throughout, we remained hopeful that the end result would be a proposal for revised local antenna siting policies and regulations that would reflect a balancing of the community’s concerns over aesthetics and safety with the needs of providers trying to respond to an escalating public demand for ubiquitous, reliable wireless communication services throughout the District of Columbia and its neighboring metropolitan areas. The wireless providers worked cooperatively with the Antenna Review Group in hopes that the process could lead to a consensus regulatory approach in keeping with the charge handed to OP last year by the Zoning Commission.

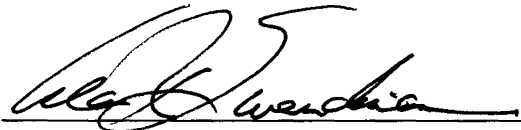
Instead, the process has resulted in two documents — the Preliminary Report and the Proposed Text Amendments — neither of which, we feel, reflects the providers’ substantive input on wireless technology and business practices and in fact are contrary to the directions given by the Zoning Commission at the initial roundtables. As acknowledged in the Preliminary Report, these documents do not reflect a consensus viewpoint. The providers view many of OP’s proposals as unnecessarily burdensome, unreasonably restrictive and of questionable enforceability given the provisions of the federal Telecommunications Act of 1996.

Moreover, these proposals run counter to OP’s first stated goal in its Report to the Commission—“*the purpose of the regulations is to... [a]ccommodate the growing demand for telecommunications facilities and antennas.*” Most importantly, by inhibiting wireless carriers’ ability to provide adequate coverage and capacity, the recommended proposals could have a lasting detrimental impact on the quality of wireless service utilized by the District’s residents, businesses, visitors, and emergency service personnel.

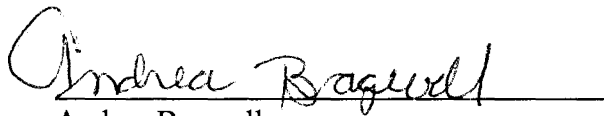
The wireless providers will continue to be a resource to the Office of Planning and the Zoning Commission. We remain hopeful that the Office of Planning will revise its recommendations so that the Commission has the benefit of a more balanced and workable approach to the zoning regulation of wireless antennas, towers, and monopoles based upon technology, business practices, and the needs of the community—including those who use wireless technology in their everyday business and personal lives. We look forward to appearing before the Commission on this issue.



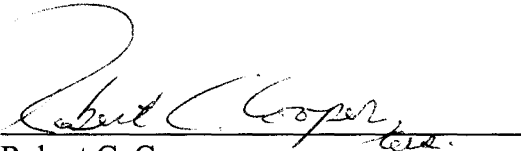
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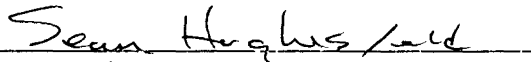
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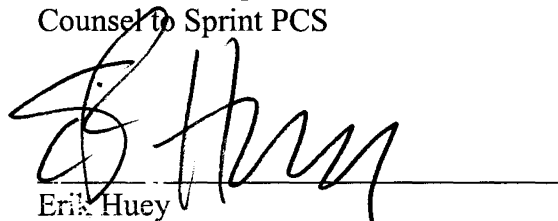
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