

Brent,

On page 8B of the June 11th edition of the Farragut Press, there is a public notice from U.S. Cellular through their subcontractor, GSS, regarding the environmental phase to explore the construction of "a utility/street light pole telecommunications tower with an approximate height of 38 feet" at an address approximately 0.1 mile north of the intersection of East Fox Den Drive and Weathervane Drive. The public notice is a requirement of the National Environmental Policy Act (NEPA), and is referred to as the NEPA phase. GSS provides environmental and compliance services. I spoke to representative of GSS for this particular project. He indicated that he thinks the NEPA phase will take about 60 days.

Please know the Town of Farragut **has not** received an application of a small cell support structure for this proposed location, but I felt that it was necessary to bring this notice to your attention.

I strongly encourage you and your board to review the state law regarding the deployment of small cells in Tennessee. the Tennessee General Assembly passed legislation in 2018 that regulates the deployment of small cells in Tennessee communities. Specifically, on April 24, 2018, Governor Haslam signed the Competitive Wireless Broadband Investment, Deployment and Safety Act of 2018 which was enacted as Public Chapter 819, Acts of 2018. This Act adopts a uniform framework applicable to all Tennessee local governments admittedly to facilitate and speed up the deployment of small cells in communities across the state. The Act severely limits the issues about which local governments can regulate small cell facilities located within the public rights-of-way. The first section of this report is written in layman's terms to better understand the

legislation.

<https://www.mtas.tennessee.edu/system/files/knowledgebase/original/Small%20Cells%20Deployment%20Guidelines%20%28PC%20819%29%202018.pdf>

I encourage you to review the preemption clause (13-24-404) and the right to action clause (13-24-412). The preemption clause renders unenforceable most aspects of the telecommunications ordinance the Farragut Board Mayor and Aldermen approved in April, 2017, an ordinance which was written specifically to address the basic type of structures we, as a Town, would likely see in the near future in a manner that would lessen, to the greatest extent possible, impacts to residents and residential areas.

Further, the FCC has authority to preempt state and local laws through a provision in the Telecommunications Act of 1996 which is used as a basis for all of its regulatory authority. Also, 47 U.S.C. section 332(c)(7)(iv) provides as follows: No state or local government or instrumentality thereof may regulate the placement, construction and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Commission's regulations concerning such emissions.

In addition, on September 26, 2018, the Federal Communications Commission (FCC) adopted orders referred to as the "Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment." The purpose of these orders was "to remove regulatory barriers that would unlawfully inhibit the deployment of infrastructure necessary to support these new services."

<https://docs.fcc.gov/public/attachments/FCC-18-133A1.pdf>

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To be clear, the Board of Mayor and Aldermen, the Town of
Farragut planning commissioners and Town staff are incredibly
frustrated that both state and federal laws completely undermine
our ability to regulate small cell deployment to protect our
residential areas. I believe our best avenue to find relief is to
advocate for an amendment to the state law. Our Board is
working closely with Representative Jason Zachary and Senator
Briggs to advocate for an amendment.

Sincerely,

Louise Povlin
Vice Mayor
Town of Farragut

Michelle,

At the December 19, 2019 Farragut Planning Commission meeting very
little was known about 5G by Farragut Board members or citizens in
attendance. One theme that stood out was that no one wanted 5G in his
yard.

The issue changed for me Thursday June 11, 2020 when a U. S. Cellular
Public Notice printed in the Farragut Press stated they intend to place a
38 foot small cell tower on the ROW of my property! Our congressmen,
Federal and State, have passed laws allowing this to happen! They didn't
take into consideration the health or well being of the citizens of this

country or the environment! Also, a cell tower in my yard can cause my property value to decline 21 percent.

Our congressmen's first responsibility should be to protect the Health and Safety of citizens, and they have **FAILED!**

The Farragut Mayor and Alderman should contact the Governor Bill Lee and request that he sign an Executive Order that halts 5G cell tower construction in the front yards of Tennessee residents until such technologies have been proven safe, beyond a reasonable doubt through independent research, and the public health and welfare can be assured.

If these **intrusive and unwanted laws @ 5G** are allowed to stand, there will be unreasonable and long lasting harm to the citizens of our community and the environment.

The **5G cell tower** proposed to be **installed in the ROW of my yard will emit electromagnetic frequency radiation (EMF)** that studies show will harm my family, birds, animals, insects, bees, and plants. Beside losing value of my property, 21%, I will need to do research and spend money to find out how I can protect my family from this **dangerous technology**.

Right now my family and I enjoy setting outside to enjoy hearing and seeing the birds, viewing plants in our yard, and talking to our neighbors. That will no longer be possible as we will need to protect ourselves and stay inside to be away from the electromagnetic radiation transmitted by the 5G antennas.

May God help the citizens of Farragut from this terrible **Tempest!**

Jerry Guthrie
Farragut