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March 31, 2014

Hon. Kenneth Goodman, Mayor
Village of Matinecock
P.O. Box 706
Locust Valley, NY 11560-0706

re: NY-CLEC LLC ("Crown Castle") applications for installation of telecommunications equipment within the public ways of the Village of Matinecock, NY (the "Village")

Dear Mayor Goodman:

The purpose of this letter is to respond to the request made by you and the Board of Trustees at the Public Hearing held on March 25th, 2014 in regard to the above-referenced matter (the "Application"). At that Public Hearing, you informed us that the Village had received an inquiry from a concerned resident regarding the Application, dated March 25, 2014 (the "Resident Letter"). A copy of the Resident Letter is attached.

The following are Crown Castle's responses to the questions raised in the Resident Letter:

1. Crown Castle proposes to install equipment that provides telecommunications services as part of a Distributed Antenna System ("DAS"). As provided for in the proposed Right-of-Way Use Agreement, ("RUA"), the purpose of the DAS is to serve Crown's wireless carrier customers utilizing microcellular optical repeater Equipment certified by the Federal Communications Commission ("FCC"). More specifically, the network provides "RF Transport Services" that carry voice and data traffic handed off to it by wireless providers (such as cellular and PCS). It carries that traffic via its fiber optic lines from antenna located on utility and/or street light poles to a central switching-like location, and from there, either back to another antenna or out to the public switched telephone network or Internet.
2. (a) No. No meter reading is proposed. (b) Yes, each location will have a traditional electric meter, owned by LIPA, specifically to record its own electric use, as indicated on the plans submitted. No smart grid technology is proposed.
3. The wireless antennas associated with Crown Castle's service produce RF emissions at levels well below the FCC's permitted maximums for general-populations, uncontrolled exposures, which is conservatively low. Crown Castle has submitted documentation to the Village which confirms this statement. Further, the Telecommunications Act of 1996 provides that "No State or local government or

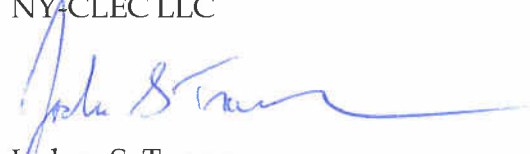
instrumentality thereof may regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the [FCC's] regulations concerning such emissions." (Section 704). For additional information on this subject please refer to the FCC's website at: www.fcc.gov/encyclopedia/radio-frequency-safety

4. The response to all issues regarding RF emissions and its safety are already addressed in our response to question #3.
5. Crown Castle cannot respond to this question as this questions concerns installations which are not owned or operated by Crown Castle and would require access to information to which Crown Castle is not privy.
6. The response to all issues regarding RF emissions and its safety are already addressed in our response to question #3.
7. The equipment will operate at all times. The response to all issues regarding RF emissions and its safety are already addressed in our response to question #3.
8. Applicable state and federal law requires that local governments "manage the public rights-of-way . . . on a competitively neutral and nondiscriminatory basis." Federal courts have upheld this statute to mean that a local government cannot impose certain requirements on new entrants (like Crown Castle) without imposing those same requirements on the incumbent local exchange carrier (the "ILEC"). *TCG New York, Inc. vs. Village of White Plains*, 305 F.3d 67 (2nd Cir. 2002). In conformity with how the Village treats other similarly-situated providers of telecommunications services in the Village's Public Ways, Crown Castle was not required to submit SEQRA forms.
9. There is no battery backup proposed. Further, Crown Castle's installations are performed in full compliance with all applicable safety codes such as the National Electric Safety Code, the Americans with Disabilities Act and utility standards.
10. As described in greater detail in the response to #8, the Village is required by applicable law to treat Crown Castle on the same basis as it treats other similarly situated providers of telecommunications services. As such, the cited law is inapplicable to Crown Castle's installations in the Public Right-of-Way.
11. There is no "WiMax" proposed. The second part of this question and the response to all issues regarding RF emissions and its safety are already addressed in our response to question #3.
12. The response to all issues regarding RF emissions and its safety are already addressed in our response to question #3. In regard to available alternative technologies, federal courts have made clear that local municipalities may not choose between different technologies. See *New York SMSA Limited Partnership v. Town of Clarkstown*, Docket Nos. 09-1546-cv, 09-1860-cv., 2nd Circuit Ct. of Appeals, 2010.

13. The response to all issues regarding RF emissions and its safety are already addressed in our response to question #3. The response to all other safety issues are addressed in our response to question #9.
14. The response to all issues regarding RF emissions and its safety are already addressed in our response to question #3. The response to all other safety issues are addressed in our response to question #9.
15. Crown Castle has no plans for additional locations in the Village at this time.
16. Crown Castle can only provide a response regarding its own planned network facilities (detail already provided) and is not aware of or privy to plans the Village may have with regard to other companies which may seek to access the Village's public ways.
17. The equipment Crown Castle proposes to install is similar in size to existing equipment installed by other similarly situated providers of telecommunications services operating in the Public Way and the electric utility. In many cases, Crown Castle's equipment is smaller and less obtrusive than the existing equipment.
18. Crown Castle derives revenue from leasing the infrastructure it owns to its customers. Any additional detail about Crown Castle's contractual relationship with its customers is proprietary and will not be disclosed.
19. This question is addressed to the Village and Crown Castle cannot provide a response.
20. The current projection for compensation to the Village is approximately \$800 per year per Equipment location. This amount will increase every year in accordance with Crown's contracts with its customers. Audit provisions are provided for in the RUA.
21. Crown Castle cannot provide a response to this question which should be addressed by the Village's counsel.
22. If approved, Crown Castle will provide insurance pursuant to the terms of the RUA.
23. Crown Castle and its contractors comply with all applicable safety standards and requirements including those promulgated by OSHA.
24. This question is addressed in our response to #8.
25. As described in greater detail in our response to #8, the Village is required by applicable law to treat Crown Castle on the same basis as it treats other similarly situated providers of telecommunications services.
26. Crown Castle is under affirmative obligation to ensure that its equipment complies with the FCC's permitted maximums for RF exposure.

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Very truly yours,
NY-CLEC LLC



Joshua S. Trauner
Government Relations Counsel

cc: Peter MacKinnon, Village Attorney
Peter Heimdahl, Crown Castle, Director of Government Relations



26 Unanswered Questions and Concerns About Potential Wireless Antennas in Matinecock Village

1. **For what purposes are antennas being installed in our residential neighborhood?** This is not stated in the “Right-of-Way Use Agreement.” Exhibit A describes “typical equipment types and installation configurations,” but this language is vague. Are the planned antennas for a cell phone network? WiFi network? Homeland Security? Other?

2. (a) **Will the antennas be used to read utility meters, either now or in the future?** In Exhibit A, the bottom of the antenna illustrations states, “Scale approximate. Mounting brackets, disconnect switch, electric meter (per utility standards), and associated attachments, such as channels, conduits, and grounding to be constructed in accordance with national and local utility and safety codes.”

(b) **Are electric meters involved in this project? Is the purpose of these neighborhood wireless antennas related to the highly controversial ‘smart grid,’ which involves privacy, security, health, safety, and reliability concerns when conducted in a wireless manner? See www.GettingSmarter>AbouttheSmartGrid.org for more information.**

3. **Are officials of the Village of Matinecock intending to allow antennas to be installed without evaluating their strength, frequencies, modulation characteristics, ranges, and radiation patterns? Why aren’t these important details being provided to residents for consideration?** No technical specifications for the antennas have been provided in either the “Right-of-Way Use Agreement” or “Exhibit A.”

4. **Has the Village of Matinecock considered the health risks of radio frequency and microwave radiation exposure to children, the unborn born, the immuno-compromised, and the elderly?** Recently published papers by Harvard neurologist and neuroscientist, Martha Herbert, MD, indicates a potential connection between wireless technologies and the increasing incidence of autism:

<http://www.biointitiative.org/report/typecontent/uploads/pdfs/Sec...> Findings in Children

Also of note are presentations by Yale University’s Hugh Taylor, MD, Chairman of Obstetrics, Gynecology & Reproductive Sciences, and Columbia University’s Martin Blank, PhD, expert in

DNA effects of wireless radiation: www.ElectromagneticHealth.org/Electromagnetic-Health-Blog/Summary-and-Audio

5. What present cellular and wireless coverage does the neighborhood already have from cell towers and wireless networks? Given the existing cellular, wireless, and hard-wired options, has careful evaluation been made of the need for a new network in our residential neighborhood? Where is that analysis? It seems imprudent to make a decision that involves exposing residents to higher and higher levels of radiation, while giving a corporation that has no association with our community, blanket, irreversible permission to add whatever new technology it chooses, without our evaluation and consent.

6. Is the Village of Matinecock aware that based on the World Health Organization's International Agency for Research on Cancer (IARC) May 2011 analysis and warning (http://www.iarc.fr/en/media-centre/pr/2011/pdfs/pr208_E.pdf), radiation emitted from radio frequency electromagnetic fields constitutes a "Class 2B Possible Carcinogen," and countries around the world are now taking steps to limit exposure to wireless radiation emissions?

In light of this emerging global trend towards wise, targeted use of wireless technologies, why is the Village of Matinecock willing to take risks with the health of Village residents?

7. Will the radiation from the planned antennas be limited to daytime hours or be turned off at night? RF radiation has been shown to deplete melatonin, thus impairing sleep patterns.

8. What environmental reports have been requested and considered, or will be, by the Village of Matinecock of Crown Castle as part of a 'State Environmental Quality Review' process? Are the effects of wireless radiation on wildlife and nature, such as birds, bees, and trees, considered as part of this review process?

9. What are the risks of the equipment, such as the backup battery power needed for the antennas, on and near the utility poles at ground level? In what ways might pets and other wildlife need to be kept away from this equipment?

10. Has the Village of Matinecock determined whether deployment of wireless antennas in our neighborhoods would be in violation of the Migratory Bird Treaty Act?

11. Are the intended antennas 'WiMax' or similar communication technologies (e.g. point to point, medium/high power terrestrial microwave)? What are the power levels, frequencies, radiation patterns, and ranges of the planned antennas/transmitters?

12. How does radiation from the planned antennas compare to exposure from cell towers, and has the Village of Matinecock reviewed the cell tower science? What are the pros and cons of cell tower versus distributed neighborhood antennas like this? Are there risks for people who are already electrically sensitive?

13. How much Dirty Electricity (i.e. high frequency transients) will be placed on the electrical circuits in our neighborhoods and homes from powering this new antenna network? What is the plan to measure and monitor these levels and effects?

14. What risk of gas explosions exist from exposure to the RF/microwave radiation emitted by the antennas?

15. In the draft contract, mention is made of *additional* locations planned for antennas in Matinecock. Where will these be and how many antennas in total are intended for Matinecock and environs? The full plan, not just the four nodes mentioned on Exhibit B, should be made clear to residents so that the full scope can be appreciated. Piecemeal information dribbled out on four antennas at a time, such as this, does not fully consider the interests of the residents you are representing.

16. What plans does the Village of Matinecock have to add more radiating antennas to utility poles? Section 11.2 states that Crown Castle will not have exclusive use of the utility poles, and suggests that the Village of Matinecock may permit other providers of communications services to *add antennas* to these poles.

17. The drawings of the planned utility poles in Exhibit A are not aesthetically resonant with the character of our residential neighborhood, and are more suitable for highways.

The Village of Matinecock should require several design options that are more in keeping with our historic neighborhood. Serious consideration should also be given to the impact of the enormous height and girth of the intended poles, as well as the effects of the potential ‘extension brackets.’ We should be seeking to bury utility lines where possible, not adding new unsightly monstrosities that detract from neighborhood beauty, quality of life, and, potentially, property value. On these grounds alone, this project should be reevaluated.

18. What are the ways in which Crown Castle will derive revenue from these antennas? From whom? And, for what services? Do they have contracts with service providers for specific jobs about which we should be informed?

19. Mention was made of "dark fiber" being routed to the village as part of the fiber system interconnecting the microcellular nodes. What contractual commitments has the Village of Matinecock made to Crown Castle or NY CLEC LLC regarding future use of the fiber? Are there any limitations on the municipality, if in the future it wishes to create, specifically for the benefit of residents, a municipal fiber system for Internet, TV, and wireline phone service?

20. Please provide financial projections that estimate the income generated by both the \$500 pole fees and the 5% share of the “Crown Adjustment Gross Revenues,” for the Village of Matinecock during the initial 10-year term of the intended contract. The benefits of such a contract need to be weighed against the risks, and in consideration of the Village finances, this information should be provided with complete transparency.

21. Crown Castle is agreeing to indemnify the Village, council members, officers, and employees for certain liabilities, except in specific circumstances, such as instances of ‘negligence.’ Could a failure by Village of Matinecock officials to perform due diligence regarding the scientifically validated risks of wireless antennas, not be considered negligence? Would not the Village then be liable for any of the known risks of this radiation at this time?

22. According to Sec. 7 of Crown’s Commercial General Liability Policy, the Village of Matinecock and its employees will be named as Additional Insured. Also, Sec. 5.4 mentions potential relocation of equipment by the Village; reasons for relocation include the need “to protect or preserve the public health or safety.” Please provide a copy of the coverage

Crown Castle has for public health liability, specifically regarding the operation of the intended antennas and network.

23. What are OSHA requirements for worker safety when Crown employees install the wireless antennas, and how will residents be protected against OSHA liability if poles and antennas are placed on residential property, as opposed to Village of Matinecock property?

24. In Section 11, what does it mean that Crown's facilities are 'unlisted,' and what is its relevance?

25. Why is the Village of Matinecock agreeing in the draft contract that no zoning or planning board permit will be required for the installation of Crown Castle's equipment? Should our community not be able to enforce zoning laws that concern commercial entities operating in residential neighborhoods?

26. What plans are in place to independently measure and monitor, on an ongoing basis, the levels of radiation exposure caused by the antennas and other sources of electromagnetic fields in our neighborhoods?

3/25/2014.