

RECEIVED

MAY 16 2000

Megalie R. Salas  
Secretary, Federal Communications Commission  
445 12<sup>th</sup> Street S.W.  
Washington, DC 20554

RE: DA 00-764  
Lake Cedar Group Petition "PETITION FOR EXPEDITED SPECIAL RELIEF AND  
DECLARATORY RULING" to preempt Jefferson County Denial of Supertower

Dear Ms. Salas:

I observed over the course of many months in 1998 and 1999 the conscientious process of the Jefferson County Board of County Commissioners in review of an application by the Lake Cedar Group, LLC, to rezone land on Lookout Mountain to allow for the construction of an 854-foot telecommunications supertower and adjacent support building. There was an exhaustive and thorough review. The possibility that our community of more than 9,000 people would suffer the effects of even greater levels of electromagnetic radiation was cause for great anxiety. We were enormously relieved by the Commissioners' rejection of the application.

I am assured that alternative (and, most importantly, non-residential) sites to house the digital supertower do exist and would urge the Lake Cedar Group to explore those sites. Instead, I understand that they have petitioned the FCC to override the local authority in this matter. I ask that you respect the thoughtful decision-making of the Jefferson County Board of County Commissioners over what is a complex set of local zoning and other issues. To do otherwise would set a regrettable and dangerous precedent for our country.

Sincerely,

I, THOMAS E. HANGGT, certify that on this 8<sup>th</sup> day  
of May, 2000, I mailed a copy of this filing to:

Edward W. Hummers, Jr., J. Steven Rich  
Holland & Knight LLP  
Suite 400  
2100 Pennsylvania Avenue, N.W.  
Washington, DC 20037-3202

Signed by: Thomas E. Hanggt

cc: Frank Hutfless, Jefferson County Attorney; Deborah Carney, C.A.R.E. Attorney;  
Senator Wayne Allard; Peter Jacobson, Senator Allard's Office; Senator Ben Nighthorse  
Campbell; Congressman Tom Tancredo; Congressman Scott McInnis; Congresswoman  
Diana DeGette; Congressman Mark Udall

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Sincerely,

DEWAYNE COLLINS  
44 SO. LOOKOUT MTR. RD.  
GOLDEN CO 80401

I, DEWAYNE COLLINS, certify that on this 9 day  
of May, 2000, I mailed a copy of this filing to:

Edward W. Hummers, Jr., J. Steven Rich  
Holland & Knight LLP  
Suite 400  
2100 Pennsylvania Avenue, N.W.  
Washington, DC 20037-3202

Signed by: DEWAYNE COLLINS

cc: Frank Hutfless, Jefferson County Attorney; Deborah Carney, C.A.R.E. Attorney;  
Senator Wayne Allard; Peter Jacobson, Senator Allard's Office; Senator Ben Nighthorse  
Campbell; Congressman Tom Tancredo; Congressman Scott McInnis; Congresswoman  
Diana DeGette; Congressman Mark Udall

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MAY 16 2000

CC MAIL ROOM

Re: DA 00-764  
Lake Cedar Group Petition  
"Petition for Expedited Special Relief and Declaratory Ruling" to preempt Jefferson County Denial  
of Super tower

Dear Ms. Salas,

As a resident of Jefferson County, in Colorado, specifically on Genesee

Mountain, I'm in an area that will be effected by this tower. I am also a mother.

Therefore, I am also concerned about the effects of this tower, on the future generations of  
this area.

I cannot understand why anyone would feel the need to pre-empt a decision made by our  
courts. I know that other sites have been proposed yet, not considered. This makes no  
sense to me as a resident, because these other sites would not have the impact on residents,  
as this one will.

I strongly oppose this pre-emption and I hope that you will listen to the residents of our area.

Sincerely, Katina Alcala

Katina Alcala  
23518 Pondview Pl.  
Golden, CO. 80401

.....

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Magalie R. Salas  
Secretary, Federal Communications Commission  
445 12<sup>th</sup> Street S.W.  
Washington, DC 20554

RE: DA 00-764

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Dear Ms. Salas:

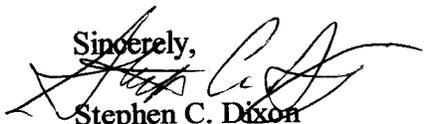
As a Lookout Mountain resident affected by the above referenced petition, I would like to share my opinion regarding this petition. The Jefferson County Commissioners heard many, many hours of testimony on both sides of this issue. Their decision was made with due deliberation and without prejudice. The Lake Cedar Group had every opportunity to present their side of information and our officials believe they did not make a persuasive enough case to find in their favor.

I have serious concerns with the concept of a federal authority overriding lawfully based local decisions on local issues. The 10<sup>th</sup> Amendment to our U.S. Constitution has made provisions for this by providing that any authority not specifically granted to the Federal government shall rest with the state and local government. I believe the FCC would be violating that Amendment if it were to become involved in over-ruling the decision of the Jefferson County Commissioners. Does the FCC want to take the place of the local government, and if so which local governments, which entities? Does the FCC want to get involved in every local decision regard communication issues? I don't believe so, because it is my understanding is the FCC is there to oversee the "big picture", not play a micro-management role.

If it could be demonstrated that some misconduct took place during the hearings, then I could see where the FCC might want to play a role in correcting some wrong. However, that clearly was not the case in this situation. The rules were followed and fairly applied to both sides. I can see no grounds for the FCC to change the rules at this stage of the proceedings.

I would view any conclusion by the FCC to over-turn the decision of the Jefferson County Commissioners as a clear effort to negate my local vote for my duly and lawfully elected local officials. That is not the way our government was designed to work.

Sincerely,

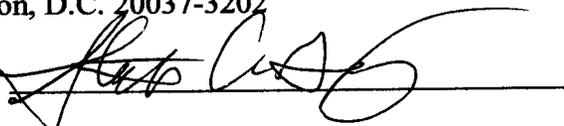
  
Stephen C. Dixon  
23491 Morning Rose Drive  
Golden, CO 80401

**Certificate of Mailing,**

I, Stephen C. Dixon, certify on this 9<sup>th</sup> day of May, 2000, I mailed a copy of this filing to:

Edward W. Hummers, Jr./ J. Steven Rich  
Holland & Knight LLP  
2100 Pennsylvania Avenue N.W.  
Suite 400  
Washington, D.C. 20037-3202

Signed by

A handwritten signature in black ink, appearing to read "Stephen C. Dixon", is written over a horizontal line.

Cc:

Frank Hutfless, Jefferson County Attorney  
Deborah Carney, Attorney CARE  
Hon. Senator Wayne Allard  
Hon. Senator Ben Nighthorse Campbell  
U.S. Rep. Tom Tancredo  
U.S. Rep. Scott McInnis  
U.S. Rep. Diana DeGette  
U.S. Rep. Mark Udall

RECEIVED

Sharon K. Young  
123 Paradise Rd. 1 2000  
Golden, CO 80401  
May 7 2000  
FCC MAIL ROOM

Megalie R. Salas  
Secretary, Federal Communications Commission  
445 12th Street S.W.  
Washington, DC 20554

RE: DA 00-764  
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Sincerely,

*Sharon K Young*

Sharon K. Young

I *Sharon K Young* ..., certify that on this., *8th* day  
of May, 2000, I mailed a copy of this filing to:

Edward W. Hummers, Jr., J. Steven Rich  
Holland & Knight LLP  
Suite 400  
2100 Pennsylvania Avenue, N.W.  
Washington, DC 20037-3202

Signed by: *Sharon K Young*

cc: Frank Hutfless, Jefferson County Attorney; Deborah Carney, C.A.R.E. Attorney; Senator Wayne Allard; Peter Jacobson, Senator Allard's Office; Senator Ben Nighthorse Campbell; Congressman Tom Tancredo; Congressman Scott McInnis; Congresswoman Diana DeGette; Congressman Mark Udali

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MAY 11 2000

Laura K. Young  
123 Paradise Rd.  
Golden, CO 80401  
May 7, 2000

FCC MAIL ROOM

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Sincerely,

Laura K. Young

I, Laura Young ..., certify that on this, \_\_\_\_\_ day  
of May, 2000, I mailed a copy of this filing to:

Edward W. Hummers, Jr., J. Steven Rich  
Holland & Knight LLP  
Suite 400  
2100 Pennsylvania Avenue, N.W.  
Washington, DC 20037-3202

Signed by: Laura Young

cc: Frank Hutfless, Jefferson County Attorney; Deborah Carney, C.A.R.E. Attorney; Senator Wayne Allard; Peter Jacobson, Senator Allard's Office; Senator Ben Nighthorse Campbell; Congressman Tom Tancredo; Congressman Scott McInnis; Congresswoman Diana DeGette; Congressman Mark Udali

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William C. Young  
123 Paradise Rd.  
Golden, CO 80401  
May 7, 2000

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Sincerely,

William C. Young

t, William C. Young ..., certify that on this., 8<sup>th</sup> day  
of May, 2000, I mailed a copy of this filing to:

Edward W. Hummers, Jr., J. Steven Rich  
Holland & Knight LLP  
Suite 400  
2100 Pennsylvania Avenue, N.W.  
Washington, DC 20037-3202

Signed by: William C. Young

cc: Frank Hutfless, Jefferson County Attorney; Deborah Carney, C.A.R.E. Attorney; Senator Wayne Allard; Peter Jacobson, Senator Allard's Office; Senator Ben Nighthorse Campbell; Congressman Tom Tancredo; Congressman Scott McInnis; Congresswoman Diana DeGette; Congressman Mark Udali

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Herbert C. Young  
173 Paradise Rd.  
Golden, CO 80401

May 7, 2000  
FCC MAIL ROOM

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Secretary, Federal Communications Commission  
445 12th Street S.W.  
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Herbert C. Young

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Signed by:



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426 Monte Vista Road  
Golden, CO 80401

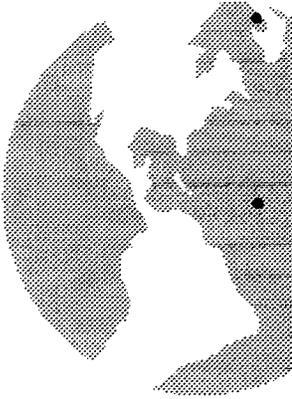
May 1, 2000

Megalie R. Salas  
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445 12<sup>th</sup> Street, S. W.  
Washington D. C., 20554

RE: DA 00-764, Lake Cedar Group Petition for Expedited Special Relief and Declaratory Rulings to Preempt Jefferson County Denial of Supertower

Dear Magalie R. Salas,

The purpose of this letter is to voice my opposition to the above referenced petition and to urge the Federal Communications Commission (the Commission) to deny the petition based on the following:

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- Zoning or placement of private industrial facilities, like the subject broadcast tower, is a local issue. It only makes sense that decisions should be at the government level that has the best understanding of the issues and how they effect the population. This is also in concert with the current administration's policy on reinventing the federal government, in terms of making decisions at the lowest level possible by the government entity that knows most about the issue.
  - The proposed tower greatly increases the amount of non ionizing radiation to the people that live close to the proposed tower, and to the children that attend an elementary school that is only 2 miles from the proposed tower. These people are already subjected to high levels of radiation from currently operating broadcast towers that have a documented operating history of exceeding radiation levels as specified by the commission and local governments. In addition the health risks to this type of radiation is not well known. Prudence would dictate investigating alternative sites away from schools and homes.
  - There are reasonable siting alternatives to the proposed site (Lookout Mountain) that place the proposed tower in sparsely populated areas. These alternatives are both technically and economically viable.

In closing I urge you to deny the subject petition based on the above reasons, and to urge Lake Cedar Group to work with the local government and communities to explore alternatives to Lookout Mountain that reduces overall radiation exposure to the public. This is also consistent with the Commission's response to Senator Allard's and Congressman Tancredo's (both of Colorado) inquiries that the subject matter should be decided at the local level.

Sincerely,



Karen Burlet

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445 12<sup>th</sup> Street, S. W.  
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Sincerely,



James Bartley

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May 1, 2000

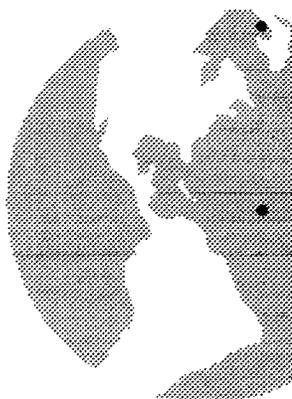
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Washington D. C., 20554

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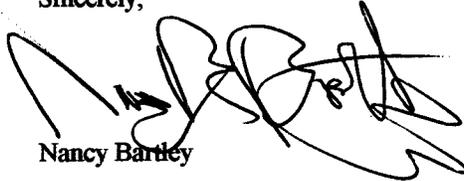
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Sincerely,



Nancy Bartley

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397 Monte Vista Road  
Golden, CO 80401

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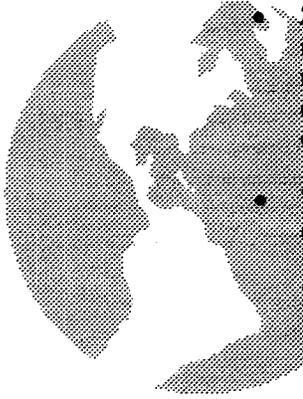
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445 12<sup>th</sup> Street, S. W.  
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Sincerely,



Shirley Olinger

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May 2, 2000

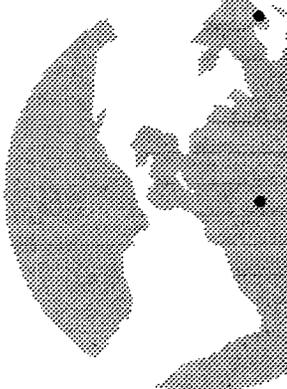
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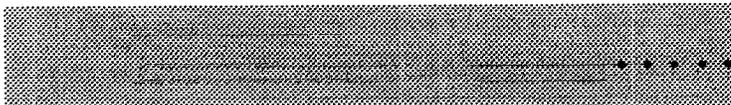
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Sincerely,

  
Barbara Thompson



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May 2, 2000

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Gregg Nishimoto

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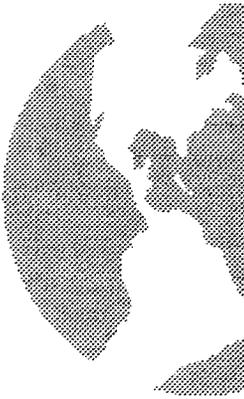
May 2, 2000

Megalie R. Salas  
Secretary, Federal Communications Commission  
445 12<sup>th</sup> Street, S. W.  
Washington D. C., 20554

RE: DA 00-764, Lake Cedar Group Petition for Expedited Special Relief and Declaratory Rulings to Preempt Jefferson County Denial of Supertower

Dear Magalie R. Salas,

The purpose of this letter is to voice my opposition to the above referenced petition and to urge the Federal Communications Commission (the Commission) to deny the petition based on the following:

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  - There are reasonable siting alternatives to the proposed site (Lookout Mountain) that place the proposed tower in sparsely populated areas. These alternatives are both technically and economically viable.

In closing I urge you to deny the subject petition based on the above reasons, and to urge Lake Cedar Group to work with the local government and communities to explore alternatives to Lookout Mountain that reduces overall radiation exposure to the public. This is also consistent with the Commission's response to Senator Allard's and Congressman Tancredo's (both of Colorado) inquiries that the subject matter should be decided at the local level.

Sincerely,

  
Roger Hamel

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MAY 11 2000  
FCC MAIL ROOM

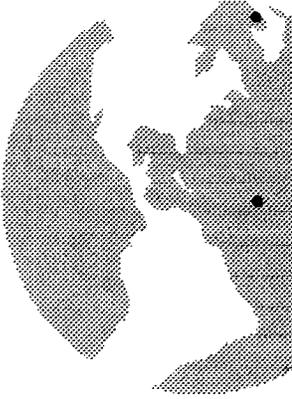
May 2, 2000

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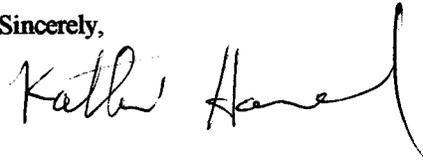
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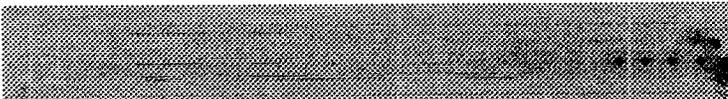
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Sincerely,



Kathi Hamel



.....

RECEIVED

MAY 11 2000

May 2, 2000

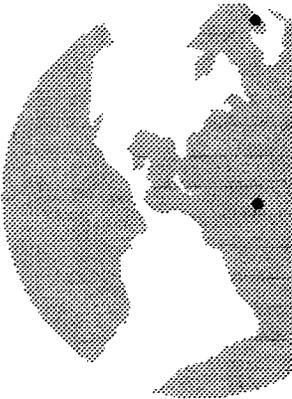
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Washington D. C., 20554

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Sincerely,



Ken Thompson



RECEIVED

May 2, 2000

MAY 11 2000

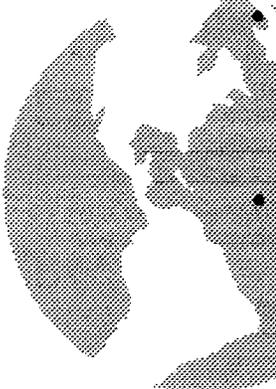
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Washington D. C., 20554

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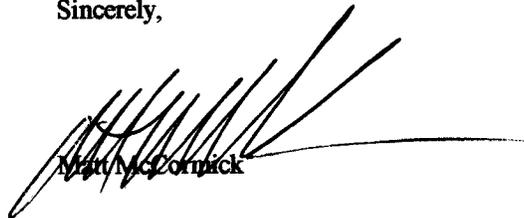
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Sincerely,



Mark McCormack



RECEIVED

MAY 11 2000

656 Monte Vista Road  
Golden, CO 80401

May 1, 2000

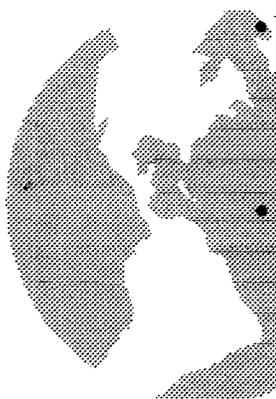
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Sincerely,



Marsha Moran

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656 Monte Vista Road  
Golden, CO 80401

MAY 11 2000

May 1, 2000

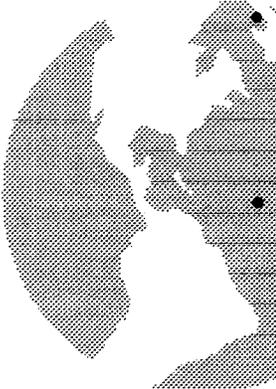
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Sincerely,



Jim Moran

RECEIVED

426 Monte Vista Road  
Golden, CO 80401

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May 1, 2000

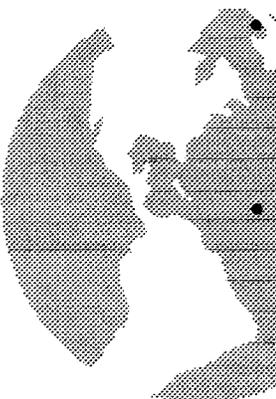
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Sincerely,



Rene Burlet

MAY 4, 2002

RECEIVED

MAY 11 2000  
 MEGALIE R. SALAS  
 SECRETARY, FEDERAL COMMUNICATIONS COMMISSION  
 FCC MAIL ROOM 2<sup>TH</sup> ST. SW  
 WASHINGTON, DC 20554

RE: DA 00-764  
 LAKE CEDAR GROUP "PETITION FOR EXPEDITED SPECIAL  
 RELIEF AND DECLARATORY RULING" TO PREEMPT  
 JEFFERSON COUNTY DENIAL OF SUPERTOWER

Dear Ms. Salas,

I object strongly to the Lake Cedar group petition to get expedited special relief and declaratory ruling to preempt the Jefferson County, Colorado denial of "supertower" request on Lookout Mountain.

My home of 37 years is within a few hundred feet of these towers which I call "the electromagnetic menace". Two of my close neighbors have died of cancerous brain tumors and the elementary Ralston school, four miles away, is one of the "hot spots" of electromagnetic rays from the towers. Two thousand residents are within a 4 mile radius of the towers and their rays and I believe it's about time for the FCC to come to our aid and stand behind us and the local authorities and government which has said "NO!" to more electromagnetic tower development.

Please take our pleas seriously and back us up!

I, Vallorie C. Meehan certify that on this fifth of May, 2009 I have mailed a copy of this letter

to EDWARD W HUMMERS, JR.,  
 J. Steven Rich HOLLAND and Knight LLP  
 SUITE 400  
 2100 PENNSYLVANIA AVE, NW  
 WASHINGTON DC 20037-3202

Sincerely,  
 Vallorie C. Meehan

21518 MOUNTSFIELD DR  
 GOLDEN CO 80401  
 PHONE 303 526-0803

MEGALIE R SALAS

-2-

Copies of this letter were also sent  
to the following:

SENATOR WAYNE ALLARD  
513 HART SENATE OFFICE BLDG  
WASHINGTON, D.C. 20510

THE HONORABLE BEN NIGHTHORSE CAMPBELL  
US SENATE  
380 RUSSELL SENATE OFFICE BLDG

CONGRESSMAN TOM TANCREDO  
COLORADO 6<sup>th</sup> DISTRICT  
1123 LONGWORTH  
WASHINGTON, D.C. 20515

Vallorie O. Meehan

# THE STEMPEL GROUP

EXECUTIVE SEARCH AND CONSULTANTS TO MANAGEMENT

May 1, 2000

RECEIVED

MAY 13 2000

FCC MAIL ROOM

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Secretary, Federal Communications Commission  
445 12<sup>th</sup> Street, S. W.  
Washington D. C., 20554

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Warm regards,

  
W. Bo Stempel  
Home address:  
25409 US Highway 40  
Golden Colorado 80401

25209 US HIGHWAY 40 • GOLDENCOLORADO 80401  
303/526/2086 • FAX 303/526/2116 • Email bo@stempelgroup.com

RECEIVED

MAY 13 2000

FCC MAIL ROOM

Susan G. Geist  
5515 South Zang Street  
Littleton, CO 80127

May 1, 2000

Office of the Secretary  
Federal Communications Commission  
445 Twelfth Street SW  
Washington, DC 20554

Reference: FCC Reference DA 00-764

I am writing this letter to support installation of a new television transmission tower in Denver, and to support the Lake Cedar Group petition which requests that the FCC issue an order preempting the decision by Jefferson County, Colorado, which denied installation of the new tower.

Sincerely,

A handwritten signature in cursive script that reads "Susan G. Geist".

Susan G. Geist

THOMAS G. TANCREDO

6TH DISTRICT, COLORADO

WASHINGTON OFFICE:

1123 LONGWORTH BUILDING  
WASHINGTON, DC 20515  
MAIN: (202) 225-7882  
FAX: (202) 226-4623

DISTRICT OFFICE:

5601 S. BROADWAY, SUITE 370  
LITTLETON, CO 80121-8079  
MAIN: (720) 283-9772  
FAX: (720) 283-9776  
SENIOR RESOURCE: (720) 283-9026

CO SCHOOL SAFETY HOTLINE:  
(877) 542-SAFE

Congress of the United States  
House of Representatives  
Washington, DC 20515-0606

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COMMITTEE ON EDUCATION  
AND THE WORKFORCE

SUBCOMMITTEES:

EARLY CHILDHOOD, YOUTH AND FAMILIES  
OVERSIGHT AND INVESTIGATIONS

COMMITTEE ON RESOURCES

SUBCOMMITTEE:  
ENERGY AND MINERALS

COMMITTEE ON  
INTERNATIONAL RELATIONS

SUBCOMMITTEES:  
INTERNATIONAL OPERATIONS  
AND HUMAN RIGHTS  
AFRICA

April 26, 2000

The Honorable William E. Kennard  
Chairman  
Federal Communications Commission  
1919 M Street NW  
Washington, DC 22054

Dear Chairman Kennard,

This letter is intended as a public comment to Docket DA00-764 on the petition for preemption filed by the Lake Cedar Group, LLC (LCG) on the siting of broadcast facilities on Lookout Mountain near Denver, Colorado.

On two separate occasions, I have solicited the opinion of the Federal Communications Commission regarding the authority of the Jefferson County Commissioners to make a decision on the zoning of new broadcast facilities on Lookout Mountain. On each occasion, I received a response from you indicating that the FCC respects the expertise and jurisdiction of local governing bodies on zoning considerations. Furthermore, it is my understanding that any decision by the FCC to preempt the County's decision to deny the zoning of a new Digital Television Tower would be nationally unprecedented and in violation of the Congressional intent of the Telecommunications Act of 1996.

In your March 3, 1999 letter responding to an inquiry by Senator Wayne Allard and myself, you indicated that the FCC had reviewed the Lake Cedar Group's application and had submitted its comments to the Jefferson County Planning and Zoning Department for consideration. Responding to our central question regarding the FCC's authority over the zoning of a new broadcasting tower on Lookout Mountain, you wrote:

“As for the local permitting process, the FCC traditionally does not involve itself in local land use matters. The FCC has long held that zoning questions should be left to local zoning authorities who, the FCC believes, are best suited to resolve such questions... The Commission has provided its input to local officials concerning the RFR matter and defers to the decision of the Jefferson County Commissioners on the remaining local land use matters.”

In response to my letter of December 17, 1999 you wrote:

“While the Commission is vitally concerned with the prompt initiation of DTV service by broadcasters, let me assure you that we also remain committed generally to respecting local authorities' expertise in and jurisdiction over the local interests involved in zoning considerations.”

Unequivocally, the Jefferson County Commissioner's decision to deny LCG's proposed tower was based on matters of land use. The Resolution provides a number of reasons for their rejection of LCG's proposal. This includes, but is not limited to, findings that the proposal:

1. ...does not substantially conform with the Central Mountains Community Plan because it does not conform to the policy recommendations associated with visual resources, public services/facilities and mountain site design criteria.
2. ...does not substantially conform with the Jefferson County Telecommunications Land Use Plan because it does not conform to the policy recommendations associated with tower siting.
3. ...does not meet minimum standards for telecommunications facilities contained in the Jefferson County Zoning Resolution. The proposal fails to meet these standards because it does not demonstrate that no alternative existing site is available to accommodate the equipment at a reasonable cost or other business terms, because the proposal does not contain sufficient setbacks, and because the proposal does not demonstrate that the NIER emission levels set forth by the federal government and ANSI standards are met.

As you can see, the County Commissioners based their decision on a variety of legitimate land use considerations. The County Commissioners held a series of public hearings on the proposal and reviewed thousands of pages of information before arriving at their decision.

Given the clear jurisdiction and intensive deliberations of the County Commissioners on this case, I cannot foresee that a more informed decision would be made by a federal agency on these local matters. I strongly believe that the FCC should respect and support the local laws and regulations regarding land use. There is no matter of precedence or justifiable purpose for the FCC to intervene in this case.

I appreciate the FCC's willingness to open the LCG's petition to the public for comment, but I strongly urge the FCC to drop its consideration of this petition due to a lack of jurisdiction. I look forward to your response to these comments.

Sincerely,



Tom Tancredo  
Member of Congress

CC:

The Jefferson County Commissioners  
The Colorado Congressional Delegation  
The Honorable Bill Owens, Governor  
Edward W. Hummers, Jr and J. Steven Rich, Holland& Knight LLP