

Appendix 2

A. Lack of Registration Requirement for Wireless Facilities less than 200 feet in Height

As is publicly disclosed on its internet website, the FCC maintains an Antenna Structure Registration Program (ASR) which requires the owners of wireless antennas and wireless structures to register them with the FCC, and to provide the FCC with the location, height, marking, lighting and other information on all antenna structures that are registered with the FCC. It additionally requires owners to update their registrations for modifications to existing structures and/or ownership changes. As is also disclosed on the FCC's website, the only structures and antenna which are required to be registered in the FCC's ASR registration program, are those facilities which stand more than two hundred (200) feet in height.

Excerpts from the FCC's website which are located at <https://www.fcc.gov/wireless/support/antenna-structure-registration-asr-resources/antenna-structure-registration-asr>:, and which explicitly state the same, are as follows:

“Antenna Structure Registration (ASR) System”

“The [Antenna Structure Registration \(ASR\) System](#) is an online system that stores the location, height, marking and lighting, and other information on all antenna structures that are registered with the FCC. Antenna structure owners must use the ASR system to file new antenna structure registrations. Antenna structure owners also use the system to file updates to registrations such as modifications to existing structures, notifications of construction, and ownership changes.”

[“Antenna Structure Registration - Help”](#)

“This article provides information on the FCC's Antenna Structure Registration (ASR) program. **The ASR program requires owners of antenna structures to register with the FCC any antenna structure** that requires notice of proposed construction to the Federal Aviation Administration (FAA) *due to a physical obstruction*. **In general, this includes structures that are taller than 200 feet above ground level or that may interfere with the flight path of a nearby airport.** The antenna structure owner must obtain painting and lighting specifications from the FAA and include those specifications in its registration prior to construction. The ASR program allows the FCC to fulfill its statutory responsibility to require painting and lighting of antenna structures that may pose a hazard to air navigation.” [emphasis added].”

“The FCC’s antenna structure registration, marking and lighting rules are located in [Part 17 of the FCC’s rules](#).”

B. Lack of Enforcement of Exposure Limits Codified under 47 CFR §1.1310(e)(1)

On its website, the FCC also affirmatively discloses to the public that does not enforce the applicable radiofrequency radiation exposure limits set forth within 47 CFR §1.1310(e)(1), Table 1 Section (ii), made applicable pursuant to 47 CFR §1.1310(e)(3) by regularly testing the RF Radiation emissions emanating from wireless personal service facilities, because it “lacks the resources” to do so:

See <https://www.fcc.gov/engineering-technology/electromagnetic-compatibility-division/radio-frequency-safety/faq/rf-safety#Q26>

“The FCC does not have the resources or the personnel to routinely monitor the exposure levels due at all of the thousands of transmitters that are subject to FCC regulation . . . In addition, the FCC does not routinely perform RF exposure investigations unless there is a reasonable expectation that the FCC exposure limits may be exceeded.”

It is only in the rarest of instances that the FCC actually enforces the exposure limits set forth within 47 CFR §1.1310(e)(1), Table 1, those being cases within which both: (a) they have received a complaint of a facility exceeded the applicable exposure limits, and (b) the owner/operator of such facility has “*willfully and repeatedly*” violated those limits.

See e.g. In the Matter of T-Mobile License LLC, FCC File No.: EB-FieldWR-15-00018431, decision adopted November 12, 2015, and In the matter of Wirelessco LP, FCC File. No. EB-FieldWR-15-00018433, decision adopted November 12, 2015