

# GIVENS PURSLEY LLP

Attorneys and Counselors at Law

601 W. Bannock Street  
PO Box 2720  
Boise, ID 83701  
Telephone: 208-388-1200  
Facsimile: 208-388-1300  
[www.givenspursley.com](http://www.givenspursley.com)

Gary G. Allen  
Charlie S. Baser  
Christopher J. Beeson  
Jason J. Blakley  
Clint R. Bolinder  
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Robert B. White  
Michael V. Woodhouse

William C. Cole (Of Counsel)

Kenneth L. Pursley (1940-2015)  
James A. McClure (1924-2011)  
Raymond D. Givens (1917-2008)

September 27, 2022

## VIA EMAIL AND US MAIL

Robert Beachler  
Broadband Program Manager  
Division of Highways, Planning Services Section  
Idaho Transportation Department  
600 West Prairie Avenue  
Coeur d'Alene, Idaho 83815  
[robert.beachler@itd.idaho.gov](mailto:robert.beachler@itd.idaho.gov)

Dear Mr. Beachler:

These comments concerning proposed revisions to the Utility Accommodation Policy are submitted on behalf of the Idaho Telecom Alliance (ITA) to the Department for its consideration in the negotiated rulemaking the Department is undertaking. This letter supplements the letter ITA submitted on July 27, 2022 and focuses on two changes contained in Utility Accommodation Policy Draft #2.1(8.9.22) section 7.6. This letter also supplements comments made by the undersigned at the public hearing the Department held on this rulemaking docket on September 20, 2022.

ITA wishes to express its thanks to the Department for considering the comments made in our July 27 letter and making the revisions that appear in Draft #2.1(8.9.22) to address our concerns. Those revisions resolve all of the concerns we raised – except one. We suggested that the Department delete the 180 day construction completion requirement in section 7.6. Instead, the Department extended it from 180 days to 365 days. That is an improvement and we are grateful, but as we commented at the public hearing, even 365 days may not be sufficient in some cases. You responded at the hearing that an additional 180 days may be available under current Department policy but failing to complete a project within that extra time will automatically cause a permit to be cancelled and require the submission of a new permit application.

We understand the need for time constraints. In fact, we advocated for the provision in HB640 that directs the Department to “restrict speculative practices that may unduly impact and congest the department’s rights-of-way.” We agree that broadband projects in the Department’s ROW should be pursued diligently to completion. Unfortunately, completion within one year or a year and a half may not always be possible even if projects are pursued diligently. Obstacles beyond the control of a company can intervene, causing the deadline to be missed.

ITA companies serve the most rural of rural areas in the state. In many of those areas construction seasons are extremely short because of winter weather and seasonal access limitations. Many of those areas require permits from federal agencies such as the BLM and the Forest Service with accompanying NEPA and SHPO requirements that must be met. If all goes well with those processes they usually allow a project to be completed within the allowed timeframes. If they don’t, however, even the most diligently pursued projects may take longer. Opposition to a project can delay the NEPA process as will litigation that can follow it. That is not an issue in most projects, but it can be in some. Even if one successfully navigates all of those processes, supply chain issues also can delay a project further. We suggest that terminating a permit is an inappropriately harsh penalty for someone who faces hurdles such as these which are beyond their control.

We suggest the Department delete the requirement in section 7.6 that the facilities “be constructed within 365 days after ITD issues a permit.” A requirement that the construction begin as soon as practicable after the final legally required approval is issued (not just the ITD permit) and thereafter pursued diligently to completion would be appropriate. In the alternative, if the Department chooses to keep a “hard deadline” following the issuance of its permit, we suggest that an additional sentence be added to section 7.6 to say that the Department may extend the deadline as appropriate for good cause shown.

ITA also wishes to direct the Department’s attention to the final paragraph of section 7.6, which is new. We assume this paragraph is a response to the directive in the legislation that the Department adopt rules that are “nondiscriminatory, neutral, fair, and objective and that promote competition among broadband providers.” The first two sentences of this paragraph are permissive; they allow the Department to allocate capacity in its own conduits half to public users and half to private users. The final sentence says “Additional capacity shall not be allocated to any one provider.”

Presumably the process for allocation will be open and competitive, although that is not required by the rule. It should be. Beyond that, however, lies an assumption that each half will be fully subscribed by the identified users. It is difficult to see how it is in the public interest to have dark fiber that cannot be lighted for use because the allocation of either half has already been filled. Perhaps a “first refusal” or “first right” concept could guide the allocation but prevent non-use. If the decision is made to retain the 50-50 allocation between public and private users there should be a provision to discourage non-use of the fiber by allowing more or less than 50% to be used by an applicant or category of applicants if there is excess capacity and no other applicant seeks to use it.

Robert Beachler  
September 27, 2022  
Page 3

Similarly, there should be a provision requiring the fiber that is allocated to a user in either category actually be lighted and used. We assume that is the intention of the final sentence but it does not assure that result. A sentence should be added to prevent a user in either category from acquiring capacity but not using it. That was the essence of the statutory restriction against anticompetitive conduct. "Hoarding" ITD fiber serves no public interest and should not be allowed.

We thank the Department for its attention to our prior comments, as well as these comments, and want to express our appreciation for the efforts the Department has taken to solicit and consider comments such as these.

Sincerely,

A handwritten signature in blue ink, appearing to read "KRM:Ce" with a long horizontal flourish extending to the right.

Kenneth R. McClure

KRM/SLW



September 27, 2022

**VIA E-MAIL**

Robert Beachler  
Office of Governmental Affairs  
Idaho Transportation Department  
P.O. Box 7129  
Boise ID 83707-1129  
[Robert.Beachler@itd.idaho.gov](mailto:Robert.Beachler@itd.idaho.gov)

**Re: Broadband Utility Accommodation Rulemaking, Docket No. 39-0343-2201**

Dear Mr. Beachler:

CTIA appreciates the opportunity to file these additional comments on the Idaho Transportation Department's ("Department's") negotiated rulemaking to implement the Idaho Broadband Dig Once and Right-of-Way Act.<sup>1</sup> CTIA appreciates the Department's continuing openness to suggestions aimed at improving the Department's rules and procedures.

The Department should adopt policies that promote the deployment of communications facilities along highway rights-of-way, because those facilities will accelerate the availability of broadband services to the public across Idaho. CTIA thus supports the Department's addition of a new Section 8, entitled "Wireless Communications," to its revised draft of the Utility Accommodation Policy ("UAP").<sup>2</sup>

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<sup>1</sup> House Bill 640, Idaho Broadband Dig Once and Right-of-Way Act (enacted March 24, 2022) ("Dig-Once Act"). The Act amends Chapter 5, Title 40, Idaho Code, to add new Sections 40-515-40.520.

<sup>2</sup> Utility Accommodation Policy Draft #2.1 (August 9, 2022).



As CTIA noted in previous comments,<sup>3</sup> a distinct section of the UAP that addresses wireless services will advance Idaho's objective to expand broadband across the state. Section 8 and related definitions in Section 1.3 of the UAP correctly track the rules the Federal Communications Commission ("FCC") has adopted to promote deployment of small wireless facilities and thereby expand the availability of wireless service to the public.<sup>4</sup>

In these additional comments, CTIA encourages the Department to make limited revisions to UAP Section 8 and the "Non-Exclusive Installation and Occupancy Agreement" ("Occupancy Agreement") for small wireless facilities. First, the UAP and Occupancy Agreement should also govern and allow for larger wireless facilities, because they may be better suited to provide more reliable communications in some locations with no or minimal additional impact, benefiting all users. Second, the Department should delete the requirement that applicants first obtain local permits as a condition to applying for a permit with the Department, and instead allow such applications to proceed simultaneously. Finally, CTIA recommends other limited

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<sup>3</sup> See Comments of CTIA (filed July 28, 2021); Further Comments of CTIA (filed Nov. 24, 2021); Letter to Ramon S. Hobdey-Sanchez (filed June 11, 2022); Letter to Ramon S. Hobdey-Sanchez (filed July 28, 2022).

<sup>4</sup> At the September 20, 2022, Public Hearing, one individual incorrectly asserted that a federal court struck down the FCC's rules governing small wireless facilities. However, the case he cited, *United Keetoowah Band of Cherokee Indians v. FCC*, 933 F.2d 728 (D.C. Cir. 2019), invalidated only the portion of a 2017 FCC Order that addressed the application of the federal National Environmental Policy Act to small wireless facilities. The court did *not* strike down the FCC's definition of those facilities, which the Department correctly includes in the draft UAP. In fact, two years later, the U.S. Court of Appeals for the Ninth Circuit – whose jurisdiction includes Idaho – *affirmed* an FCC order requiring that states and localities charge cost-based fees for small wireless facilities (and using the same definition for such facilities as the Department proposes to use in this proceeding) and the time periods for acting on permit applications for such facilities. The U.S. Supreme Court declined to hear petitions further challenging the FCC's order. *City of Portland v. United States*, 969 F.3d 1020 (9<sup>th</sup> Cir. 2020), *cert. denied*, 141 S.Ct. 2855 (2021). Those federal requirements for small wireless facilities remain the law today and are subject to no further appeals.



changes to the UAP and the Occupancy Agreement to promote deployment while fully protecting the Department's interests in managing ROW.

**1. Modify the UAP and the Occupancy Agreement to Apply to All Wireless Facilities.** As CTIA explained in prior comments, there is a sound policy rationale to expand new Section 8 and the Occupancy Agreement beyond "Small Wireless Facilities" to encompass *all* wireless facilities.<sup>5</sup> The Department plans to adopt the definition of "Small Wireless Facility" that the FCC uses, which generally imposes a 50-foot height limit on new poles. Particularly in hilly or mountainous areas of Idaho, larger facilities may be better able to provide reliable service, because they can transmit signals farther in such areas. The mere fact that a proposed structure is designed to be 51 feet (or taller) to provide reliable coverage should not preclude its approval. Such applications should be treated permissively and rejected only if called for due to safety or engineering reasons. For existing structures, a permissive approach to attaching wireless facilities is good policy as well because it can avoid the need to install additional support structures. Other states do not distinguish between wireless facilities based on size. For example, both the California Department of Transportation and the Washington Department of Transportation have programs for making highway ROW available for wireless facilities generally.<sup>6</sup>

The Department should thus modify Section 8.1 of the UAP to change the term "Small Wireless Facilities" to "Wireless Facilities" to cover permitting of all wireless infrastructure, and make corresponding revisions to the Occupancy Agreement to clarify that it applies to all wireless facilities. If the Department has concerns about the safety or engineering feasibility of an applicant's proposed facility, it can work with the applicant to resolve those concerns. The Department should also incorporate the FCC's

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<sup>5</sup> For further details and rationale supporting permitting larger wireless installations, see July 28, 2022 CTIA Letter at 5-8.

<sup>6</sup> See California Department of Transportation, Encroachment Permits Manual, Sec. 500.3F, governing permits for wireless telecommunications facilities, <https://dot.ca.gov/-/media/dot-media/programs/traffic-operations/documents/encroachment-permits/chapter-5-ada-a11y.pdf>; Washington Department of Transportation, Wireless Leasing, <https://wsdot.wa.gov/business-wsdot/property-sale-lease-or-auction/wireless-leasing>.



longer time periods for states and localities to complete their review of wireless facilities that do not qualify as Small Wireless Facilities: 90 days for collocation on an existing structure and 150 days for installing a new structure.<sup>7</sup> The FCC has found these time periods allow state agencies and localities sufficient time to complete their review. Including them in the rule will align the time periods for permitting all wireless facilities with federal law, and encourage investment in new infrastructure to serve Idahoans by giving wireless providers a defined time period for the Department to review their permit applications for larger facilities.

At a minimum, the Department should include a waiver process allowing for the provisions of the Agreement and UAP to apply to larger facilities with good cause shown.

**2. Department Permit Applications Should Not be Conditioned on First Obtaining Any Required Local Permits.** UAP Section 8.2 properly incorporates federal timelines for the Department to issue permits for “Small Wireless Facilities” after receiving an application: 60 days for “collocation installations”<sup>8</sup> and 90 days for new structures. However, UAP Section 8.1 would require that an applicant “apply for and obtain applicable local municipality building permit for the installation of ‘above’ ground structures *prior to* requesting a Small Wireless Facility permit from ITD.” (emphasis added) This prerequisite should not be adopted because it will impede broadband deployment, as well as conflict with federal law.

First, Section 8.1 would undermine the State’s objectives to expand service to the public and streamline broadband expansion, because it would adopt a two-stage approval process requiring an applicant to secure local approval (if required) *before* it

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<sup>7</sup> See 47 C.F.R. §§ 1.6001.

<sup>8</sup> Section 8.2 does not define this term. To provide more certainty to the Department and providers as to which installations it covers, CTIA recommends that the Department include the FCC’s definition of “collocation” in the “Definitions” section of the UAP (Section 1.3). Thus a “collocation” would mean “(1) mounting or installing an antenna facility on a pre-existing structure and/or (2) modifying structure for the purpose of mounting reinstalling an antenna facility on that structure.” See 47 C.F.R. 1.6002(g).



could apply to the Department for a permit. The applicant would be unable to initiate Department review unless and until it undergoes local review and secures any required permits (a process the Department does not control).

Second, Section 8.1 is also inconsistent with federal law, and could significantly limit the time that the Department has to review permit applications. The FCC's rules require *all* state and local siting authorities to act within 60 days for collocations or 90 days for new facilities in the case of Small Wireless Facilities. They do not allow the Department to add its *own* 60- or 90-day review period to whatever time a locality takes to act. If a locality took, for example, 80 days to approve a permit for a new Small Wireless Facility and the applicant then submitted its application to the Department, the Department could not then lawfully "restart the clock" and subject the applicant to a new 90-day review period. Instead, the Department would have only 10 days to act in order to comply with FCC rules.

The Department can provide that its approval of a permit application during the applicable 60- or 90-day window for Small Wireless Facilities (and 90- or 150-day window for larger facilities) be conditioned upon receipt of other approvals an applicant needs to secure. Applicants would still be required to obtain all approvals, but action on all applications would occur within the federally mandated timelines.

The Department should thus modify Section 8.1 to remove the language that requires applicants to secure all applicable local approvals *prior* to submitting a permit application to the Department. CTIA suggests that the first bulleted provision in this section simply state: "Installations in ITD's ROW must adhere to applicable City and County Zoning Ordinances. Applicant must apply for and obtain a local municipality building permit if required for the installation of 'above' ground structures. Any approval issued by ITD is conditioned upon receipt of all other necessary approvals."





This revised language will maintain the need for an applicant to secure all required approvals, while also preserving a full review period for the Department and protecting the applicant’s legal right to have all such required applications considered within the prescribed periods.

**3. Make Additional Limited Revisions to the UAP and the Occupancy Agreement.**

In its prior comments, CTIA urged the Department to make specific changes to the UAP and the Occupancy Agreement in order to promote improved service to highway users and nearby communities,<sup>9</sup> and it reiterates its recommendations here. CTIA suggests that the Department:

- Delete Agreement Section 5.7(b) pertaining to radiofrequency (“RF”) emissions from wireless antennas, because under federal law the FCC exclusively regulates RF emissions.<sup>10</sup>
- Revise the Occupancy Agreement to include a provision in Section 2.5 stating that fees for larger facilities will be based on the Department’s reasonable costs to manage the deployment of wireless facilities.

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<sup>9</sup> For further details and the reasons supporting these recommendations, see July 28, 2022 CTIA Letter at 5-8.

<sup>10</sup> At the September 20, 2022 Public Hearing, two individuals demanded that the Department adopt requirements governing RF emissions. However, federal law grants the FCC exclusive authority to regulate such emissions, and explicitly prohibits states and localities from doing so. See 47 U.S.C. § 332(c)(7)(B)(iv). Thus, the Department should ignore the ill-advised suggestions that it regulate RF emissions by imposing insurance or liability requirements or by setting its own standards for wireless facility operating power. The FCC and CTIA have made extensive information available about the FCC’s RF emissions standards and the public’s health and safety, and CTIA stands ready to address any questions the Department may have regarding those standards. See, e.g., <https://www.fcc.gov/engineering-technology/electromagnetic-compatibility-division/radio-frequency-safety/faq/rf-safety>; <https://www.wirelesshealthfacts.com/>.



- Revise Section 2.1 of the Occupancy Agreement to allow wireless facilities along both intrastate *and* interstate ROW. There is no basis to exclude interstate highways, and in fact federal policies encourage the deployment of broadband deployment – including wireless infrastructure – along the interstates.
- Amend UAP Section 5.9 to limit potentially broad aesthetic review provisions by deleting from that provision two types of highway facilities that lack scenic attributes: rest areas and truck weigh stations.
- Extend the construction deadline in Agreement Section 5.5 from 180 to 365 days, because supply chain and other unforeseen issues can preclude completing a project within six months under some circumstances.

\* \* \*

CTIA looks forward to working collaboratively with the Department to ensure that its rules and policies advance the availability of wireless service to highway users and to communities throughout Idaho.

Sincerely,

[/s/ Benjamin Aron](#)

Benjamin Aron  
Asst. Vice President, State Regulatory Affairs  
CTIA  
1400 Sixteenth Street, NW  
Washington, DC  
[baron@ctia.org](mailto:baron@ctia.org)

## Robert Beachler

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**From:** David DeHaas <coachidaho@gmail.com>  
**Sent:** Tuesday, September 20, 2022 1:05 PM  
**To:** Robert Beachler  
**Subject:** Rules for Small Cells.

**CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.**

WE as Idahoans For Safe Technology are all for Broadband wired to the premises throughout the state of Idaho to increase connectivity.

We are not for any unmitigated rollout for towers everywhere. .

Until the FCC does their job as they were told to do in the Keetoowah decision no Cell of any size should be deployed. Let the FCC do their job. Do the NEPA Review as stated below.

Definition of Small Cell is not defined. What are the Rights of way defined? What is the amount of power and frequency that is allowed?

Furthermore, you have a problem. The FCC has failed to do what it was ordered to do. On

Link. [here https://wireamerica.org/keetoowah/](https://wireamerica.org/keetoowah/)

August 9, the US Court of Appeals for the District of Columbia Circuit issued a decision substantially setting back the efforts of the Federal Communications Commission to expedite the deployment of densified 4G/5G so-called "Small Cell" cell towers. The FCC had issued an order in March 2018 eliminating environmental and historic preservation review of densified 4G + 5G so-called "small cell" cell towers. The FCC had reasoned that even though the industry planned to deploy as many as 800,000 of these 50-foot (possibly taller) towers in neighborhoods and historic districts around the country by 2026, it was not in the public interest to review their potential impacts on the environment and historical places.

The court vacated the portions of the order that exempted small cells from NEPA and NHPA reviews, delivering a setback to the FCC's efforts to speed up small cell deployment of densified 4G and 5G networks. Cases challenging another recent FCC order that limits local government control over small wireless facilities are currently pending before the U.S. Court of Appeals for the Ninth Circuit.

In an appeal brought by the Natural Resources Defense Council and several Native American Tribes, the Court found that the FCC had failed to adequately address possible harms of its deregulatory efforts and the benefits of environmental and historic preservation review. In particular, the Court observed that the FCC had failed to address the cumulative harms that may result from "densification":

- the crowding of multiple cell towers in a limited area;
- the potential harms from co-location of multiple cell antennas on a pole simultaneously transmitting voice and data on multiple frequency bands (potentially from 600 MHz to 90,000 MHz)

- the FCC quickly and prematurely deploying this densification of Wireless Telecommunications Facilities (WTFs) scheme before the FCC had completed its ongoing investigation into the potential health effects of pulsed, data-modulated, Radio-frequency Electromagnetic Microwave Radiation (RF-EMR) from antennas in such close proximity to where people live, work, study, play, sleep and heal (antennas installed as close as 15 to 50 feet from homes and only 25 to 50 feet off the ground).

**The Court found that the FCC's Order was arbitrary and capricious** and, therefore, unlawful. Consequently, the Court vacated the FCC's Order 18-30, thereby reinstating prior regulations requiring environmental and historic preservation reviews of densified 4G and 5G cell tower deployments.

*Attorney Edward B. Myers an intervenor in the case stated:*

*"I intervened in opposition to the FCC's order because the order represented a precipitous effort to jam thousands of 4G/5G towers into virtually every neighborhood in the country (including mine) based on woefully outdated RF-EMR exposure exposure guidelines. The efforts of the FCC to develop meaningful RF-EMR exposure exposure guidelines, especially with regard to the health impacts of pulsed, data-modulated, Radio-frequency Electromagnetic Microwave Radiation (RF-EMR) emitted by small cell towers, are practically non-existent. I am gratified by the Court's decision which, in my view, is a cautionary tale against the arbitrary and capricious efforts of the FCC to dispense with NEPA review."*

A three-judge panel of the US Court of Appeals for the District of Columbia Circuit issued its unanimous ruling writing that FCC Chair Ajit Pai's order . . .

*"does not justify the Commission's determination that it was not in the public interest to require review of small cell deployments. In particular, the Commission failed to justify its confidence that small cell deployments pose little to no cognizable religious, cultural, or environmental risk, particularly given the vast number of proposed deployments and the reality that the Order will principally affect small cells that require new construction."*

The FCC also failed to "adequately address possible harms of deregulation and benefits of environmental and historic-preservation review," which means the commission's "deregulation of small cells is thus arbitrary and capricious," judges concluded.

4G and 5G and small cell frequencies impact wildlife. For example, research finds the radiation alters bird navigation, disturbs honeybee colonies, damages trees and impacts plants. Research on insects and 5G finds that their bodies can absorb up to three times more power from 5G millimeter wave frequencies (around 24-28 GHz) and this could lead to major changes in how they behave and function, affecting the capacity of bees and other insects to pollinate crops.

Published reviews on 5G, millimeter waves and wireless (decades ago) have cataloged a host of harmful impacts including increased temperature, altered gene expression, faster cell growth, inflammatory and metabolic processes, damage to the eyes and cellular stress, memory problems, sperm damage, genetic damage, behavior issues and brain damage.

In 2018, 19 tribal groups, the Natural Resources Defense Council and attorney Edward B. Myers, filed requests for reconsideration.

Attorney Edward B. Myers stated in the [2018 press release](#), “The FCC has ignored the requirements of federal law by ruling without having conducted any impact analysis that so-called ‘small wireless facilities’, are not likely to have any significant environmental impacts and, therefore, do not require any prior review under NEPA or the NHPA. The FCC also failed to meet its responsibilities under the Communications Act, independent of NEPA and the NHPA, to ensure that its actions promote health and safety.”

[Read the Court Ruling Here.](#)

You can listen to the oral arguments [here](#). (18-1135)

## Case Briefs

... and <https://www.nrdc.org/resources/federal-communications-commission-case-documents>

- [Edward B. Myers Request for Consideration 2018 Press Release](#)
- [NRDC petition for review of the FCC order](#) (May 14, 2018)
- [NRDC opening brief](#) (January 25, 2019) [reply brief](#) (January 25, 2019)
- [United Keetoowah Band of Cherokee Indians in Oklahoma, et al., and National Association of Tribal Historic Preservation Officers, et al., opening brief](#) (January 25, 2019) [reply brief](#) (January 25, 2019)
- [CTIA and Sprint brief in support of FCC](#) (January 25, 2019)
- [Blackfeet Tribe, et al., opening brief](#) (January 25, 2019) [reply brief](#) (January 25, 2019)
- [Order regarding oral arguments](#) (January 28, 2019)
- [FCC opposition brief](#) (February 1, 2019)

# Key Quotes From the August 9, 2019 Ruling

**Note:** In the following, the term “the Commission” means the Federal Communications Commission (FCC).

From this

## p. 4

*“We grant in part the petitions for review because the Order does not justify the Commission’s determination that it was not in the public interest to require review of small cell deployments. In particular, the **Commission failed to justify** its confidence that small cell deployments pose little to no cognizable religious, cultural, or environmental risk, particularly given the vast number of proposed deployments and the reality that the Order will principally affect small cells that require new construction. The **Commission accordingly did not**, pursuant to its public interest authority, 47 U.S.C. § 319(d), **adequately address possible harms of deregulation and benefits of environmental and historic-preservation review**. The Order’s deregulation of small cells is thus arbitrary and capricious.”*

## pp. 12-14

The challenged Order eliminated NHPA and NEPA review on small cells that meet certain size and other specifications, based on the Commission's conclusion that such review was not statutorily required and would impede the advance of [densified 4G and] 5G networks, and that its costs outweighed any benefits. The Order also altered Tribal involvement in those Section 106 reviews that are still conducted on wireless facilities that were not encompassed in the small cell exemption . . .

We consolidated five timely petitions for review of the Order into this action.

### *Challenging the order:*

- Petitioner: United Keetoowah Band of Cherokee Indians (Keetoowah) represents a group of Tribes and historic preservation organizations.
- Petitioner: Blackfeet Tribe (Blackfeet) represents another group of Tribes and the Native American Rights Fund.
- Petitioner: The Natural Resources Defense Council (NRDC) represents itself
- Intervenor: Maryland citizen Edward B. Myers

### *Defending the order:*

- Intervenor: CTIA

"We set aside an agency order only if it is "arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law." 5 U.S.C. § 706(2)(A). Agencies' obligation to engage in "reasoned decisionmaking" means that "not only must an agency's decreed result be within the scope of its lawful authority, but the process by which it reaches that result must be logical and rational . . . An agency action is arbitrary and capricious where the agency has "entirely failed to consider an important aspect of the problem" or "offered an explanation for its decision that runs counter to the evidence before the agency, or is so implausible that it could not be ascribed to a difference in view or the product of agency expertise."

## pp. 18-20

- "The **Commission failed to justify** its determination that it is not in the public interest to require review of small cell deployments. We therefore grant the petitions in part because the **Order's deregulation of small cells is arbitrary and capricious.**"
- "The **Commission did not adequately address the harms of deregulation** or justify its portrayal of those harms as negligible."
- "The **Commission did not satisfactorily consider the benefits of review.**"
- "The scale of the deployment the FCC seeks to facilitate, particularly given its exemption of small cells that require new construction, makes it **impossible on this record to credit the claim that small cell deregulation will 'leave little to no environmental footprint.'**"
- "The Commission also **failed to assess** the harms that can attend deployments that do not require new construction, particularly the **cumulative harms from densification**

- “[The Commission] **failed to address** concerns that it was speeding densification “without completing its investigation of . . . **health effects of low-intensity radiofrequency radiation,**” which it is currently reassessing. Comment of BioInitiative Working Grp., J.A. 235”

## pp. 26-27

- “**The FCC’s conclusion that small cells are inherently unlikely to trigger concerns is arbitrary and capricious,** and describing comments as “generalized” does not excuse the agency of its obligation to consider those comments as part of reasoned decisionmaking. “
- “We hold that the Order’s **deregulation of small cells is arbitrary and capricious** because its public-interest analysis did not meet the standard of reasoned decisionmaking.”

## p. 38-39

- The NRDC argues that promulgating the Order was itself a major federal action that required NEPA review. See NRDC Br. 10-11. But, as intervenor CTIA points out, the **NRDC forfeited that argument by failing to make it to the Commission,** see CTIA Br. 38, and we lack jurisdiction to review a claim that was not raised there. *Free Access & Broad. Telemedia, LLC v. FCC*, 865 F.3d 615, 619 (D.C. Cir. 2017).
- “**We grant the petitions to vacate the Order’s removal of small cells from its limited approval authority and remand to the FCC.** We deny the petitions to vacate the Order’s changes to Tribal involvement in Section 106 review and to vacate the Order in its entirety . . . So ordered.

# Key Quotes From the May 29, 2018 Intervenor Filing

## P. 7

- “Section 332(a)(1)’s plain language requires that, in managing spectrum, the Commission meaningfully review the impacts of its actions on life and property before they occur. Consequently, **the Commission failed to meet its statutory responsibilities under Section 332(a)(1) of the Communications Act when it determined that deployment of wireless facilities could move forward without first determining whether the deployment would promote the safety of life and property.** This obligation exists independent of NEPA and the position taken by the Commission that NEPA does not apply does not excuse the agency from performing its Section 332(a)(1) responsibility.”
- “Furthermore, as discussed above, the GAO found in 2012 that the existing health and safety regulations are dated and may not reflect current knowledge about the health and safety impacts of RF emissions. **Because the Order relies on these dated standards and stale scientific data to support a change in policy and regulations, the Commission’s action is arbitrary and capricious and unlawful.**<sup>11</sup>

11. Agency decisions resting on stale scientific data will be set aside as arbitrary and capricious. *Seattle Audubon Soc’y v. Espy*, 998 F.2d 699, 704 (9th Cir. 1993); *Desert Citizens of Am v. Bisson*, 231 F.3d 1172, 1188 (9th Cir. 2000). Courts are all the more likely to deem agency actions relying on stale data arbitrary and capricious if, as is the case here, the agency has access to more current and accurate data. *Am. Horse Prot. Ass’ v. Lyng*, 82 F.2d 1, 6-7 (D.C. Cir. 1986) (holding agency’s action arbitrary and capricious for failure to consider an intervening study about inhumane treatment of horses); *Golden Northwest Aluminum, Inc. v. Bonneville Power Adm’n* 501 F.3d 1037, 1052 (9th Cir. 2007) (holding that an agency should have considered

## pp. 11-12

- The Commission misses the fact that, even setting aside other environmental impacts, the geographic area spectrum license constitutes authorization to emit **high frequency RF radiation** and this radiation **poses a serious environmental threat to persons in residential areas where small wireless facilities will be deployed** . . . the Commission appears to be employing a strategy of segmentation in order to avoid meaningful NEPA review.
- There is ample record evidence submitted in this proceeding of negative impacts from the widespread deployment of so-called "small" wireless facilities. This evidence is presented in comments and attachments to comments filed in this proceeding, including **references and electronic links contained therein to peer-reviewed scientific studies and letters from medical professionals. This documentation points to significant potential harm to the human body and brain functioning from RF radiation.**

## pp. 16-17

- "The Commission must complete its reassessment of the RF health and safety regulations begun in 2013 and factor those standards into both its 2016 decision permitting the use of higher frequency RF bands and the Order at issue in this proceeding."
- "Failing here to recognize the advantages to the public welfare of pre-deployment environmental reviews is contrary to the public interest. Indeed, as a practical matter, it is likely to prove extremely harmful to some individuals who suffer real harm from small cell network densification: in the absence of pre-deployment environmental reviews and up-to-date health and safety regulations, the injuries sustained by these claimants will continue to grow while their claims are pending resolution; those injuries might be avoided altogether if there were pre-deployment environmental reviews that incorporated up-to-date health and safety regulations."

## pp. 20-22

- "Given the actions taken by the Commission to date, hundreds of thousands of small wireless facilities may be deployed in residential neighborhoods across the nation and emitting high frequency radiation into peoples' homes by the time the Commission completes its review of health and safety regulations. Thus, by promoting the rapid deployment of high frequency technologies at the expense of public wellbeing, the Commission has violated the public trust in government and, as a legal matter, has acted contrary to the 1934 Communications Act, NEPA, NHPA, and the public interest."
- "So-called 'small' wireless facilities pose a threat of irreparable harm to the human environment, including the health and safety of residents in communities in which the facilities are placed."
- "This threat is specific to the undersigned. He is a resident of Montgomery County Maryland and communications companies are presently proposing to place small wireless facilities approximately sixty feet from his family's home. Said installation poses the threat of irreparable injury to the undersigned and to his family and neighbors . . . Any pecuniary harm from granting the stay will be outweighed by the irreparable harm occasioned by not granting the stay."
- Edward B. Myers



- 14613 Dehaven Court
- North Potomac, MD 20878
- Tel: (717) 752-2032
- Email: [edwardbmyers@yahoo.com](mailto:edwardbmyers@yahoo.com)

# DC Circuit Court of Appeals Unanimously Overturns FCC Effort to Eliminate NEPA and Historic Review

Washington, D.C., August 13, 2019 for immediate release | Original Press Release [here](#).

## Appeals Court unanimously overturns FCC Effort to Eliminate NEPA and Historic Review

A federal appeals court has vacated and remanded the “arbitrary and capricious” Federal Communications Commission’s order 18-30 to allow AT&T Inc., Verizon, and other wireless carriers, cell phone facilities owners and operators to bypass historic preservation and environmental reviews for densified 4G and 5G networks.

On August 9, the U.S. Court of Appeals for the District of Columbia Circuit unanimously denied the FCC order that would have exempted 800,000 or more Close Proximity Microwave Radiation Antenna (CPMRA) Wireless Telecommunications Facilities (WTFs) (aka the misnomer of Small Cells) from historic-preservation review under the National Historic Preservation Act (NHPA) and environmental review under the National Environmental Policy Act (NEPA). The overturned FCC order had let carriers deploy small-cell equipment on non-tribal lands without any federally required reviews.

“Small cells” is an industry created term to refer to cell antennas which can be mounted on utility poles, lamp posts, or their own towers. The three-judge panel declared that the FCC failed to “adequately address possible harms of deregulation and benefits of environmental and historic-preservation review.... In particular, the Commission failed to justify its confidence that small cell deployments pose little to no cognizable religious, cultural, or environmental risk, particularly given the vast number of proposed deployments and the reality that the Order will principally affect small cells that require new construction.”

Attorney Edward B. Myers, of counsel to Environmental Health Trust, and an intervenor in the Court proceeding along with the Natural Resources Defense Council and 19 tribal groups, commented on the decision’s importance: “The FCC’s order represented a precipitous effort to jam thousands of 5G towers into virtually every neighborhood in the country based on woefully outdated safety standards. The efforts of the FCC to develop meaningful safety standards, especially as regards the health impacts of radiofrequency radiation emitted by 5G cell facilities, are woefully out of date. I am gratified by the Court’s decision which, in my view, is a cautionary tale against the arbitrary and capricious efforts of the FCC to dispense with environmental and historic preservation reviews.”

Growing evidence indicates that wireless radiation and the frequencies used in 5G can seriously impact wildlife. For example, research shows that 5G radiofrequency radiation could affect the

capacity of bees and other insects to pollinate crops. Studies also indicate that this radiation can alter animal navigation, disturb honeybee colonies, damage trees and impact other plants. Published reviews on 5G, millimeter waves and wireless radiation (decades ago) have cataloged a host of harmful impacts, including increased temperature, altered gene expression, faster cell growth, inflammatory and metabolic processes, damage to the eyes and cellular stress, memory problems, sperm damage, genetic damage, behavior issues and brain damage.

#### *About Environmental Health Trust*

Edward B. Myers, J.D., was an intervenor in this case, having recently retired as a Senior Federal Attorney. He is legal and policy advisor to EHT. Environmental Health Trust (EHT) educates individuals, health professionals and communities about controllable environmental health risks and policy changes needed to reduce those risks. Currently EHT is addressing health impacts from 4G and 5G, cell phones and wireless in schools and recommends practical steps to reduce wireless exposures. The Environmental Health Trust maintains a regularly updated database of worldwide precautionary policies on cell phone radiation and health. The foundation's website is the go-to place for clear, science-based information to prevent disease. [www.ehtrust.org](http://www.ehtrust.org)

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## Excellent Quotes from Case 18-1129

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### Page 7

*All "major Federal actions significantly affecting the quality of the humanity of the human environment" trigger environmental review under NEPA, just as federal "undertakings" trigger historic preservation review under the NHPA. 42 U.S.C. § 4332(C). Major federal actions "include[] actions . . . which are potentially subject to Federal control and responsibility." 40 C.F.R. § 1508.18. Under the Commission's procedures implementing NEPA, if an action may significantly affect the environment, applicants must conduct a preliminary Environmental Assessment to help the Commission determine whether "the proposal will have a significant environmental impact upon the quality of the human environment," and so perhaps necessitate a more detailed Environmental Impact Statement. 47 C.F.R. § 1.1308; see also 40 C.F.R. § 1508.9. If, after reviewing the Environmental Assessment, the Commission determines that the action will not have a significant environmental impact, it will make a "finding of no significant impact" and process the application "without further documentation of environmental effect." 47 C.F.R. § 1.1308(d).*

### Page 7

*In re Amendment of Env'tl. Rules (1990 Order), 5 FCC Rcd. 2942 (1990). Limited approval authority required that, "where construction of a Commission-regulated radio communications facility is permitted without prior Commission authorization (i.e., without a construction permit), the licensee must nonetheless comply with historic preservation and environmental review procedures." Order ¶ 51; see also 47 C.F.R. § 1.1312.*

### Page 13

*We set aside an agency order only if it is "arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law." 5 U.S.C. § 706(2)(A). Agencies' obligation to engage in*

*“reasoned decisionmaking” means that “[n]ot only must an agency’s decreed result be within the scope of its lawful authority, but the process by which it reaches that result must be logical and rational.” Michigan v. EPA, 135 S. Ct. 2699, 2706 (2015) (quoting Allentown Mack Sales & Serv., Inc. v. NLRB, 522 U.S. 359, 374 (1998))*

## **Page 18**

*If petitioners prevail on any one or more of those grounds, we must vacate the Order’s deregulation of small cells and remand to the FCC. The Commission failed to justify its determination that it is not in the public interest to require review of small cell deployments. We therefore grant the petitions in part because the Order’s deregulation of small cells is arbitrary and capricious. The Commission did not adequately address the harms of deregulation or justify its portrayal of those harms as negligible. In light of its mischaracterization of small cells’ footprint, the scale of the deployment it anticipates, the many expedients already in place for low-impact wireless construction, and the Commission’s decades-long history of carefully tailored review, the FCC’s characterization of the Order as consistent with its longstanding policy was not “logical and rational.” Michigan v. EPA, 135 S. Ct. at 2706. Finally, the Commission did not satisfactorily consider the benefits of review.*

## **Page 38 – 39**

*The NRDC argues that promulgating the Order was itself a major federal action that required NEPA review. See NRDC Br. 10-11. But, as intervenor CTIA points out, the NRDC forfeited that argument by failing to make it to the Commission, see CTIA Br. 38, and we lack jurisdiction to review a claim that was not raised there. Free Access & Broad. Telemedia, LLC v. FCC, 865 F.3d 615, 619 (D.C. Cir. 2017). While the NRDC points to its own and others’ comments “urg[ing] the Commission to conduct a NEPA analysis,” NRDC Reply Br. 3, none of those comments said the Commission was required to perform a NEPA analysis of the Order. The NRDC cites its own comment “that if the FCC sought to exclude an entire category of wireless facilities from NEPA, it was required to establish a categorical exclusion.” *Id.* (citing J.A. 787-90). But the NRDC did not there contend, as it now does, that the Order is a major federal action. Rather, the NRDC’s argument was that the federal character of the geographic area license meant that the Commission could not entirely exempt wireless facility construction from NEPA review, J.A. 790—the same statutory argument it made here—and that the proper approach to exempting federal “activities that by their nature do not have significant impacts on the environment is with a categorical exclusion,” J.A. 789.*

*Whether the licenses or construction are federal, the basis of the NRDC’s argument, is irrelevant to the question whether the Order overall is a major federal action that requires NEPA review. One of the other two comments it cites asserted that the proposed rule failed to comply with NEPA, but again, not because the Order required NEPA analysis—rather because the issuance of licenses constitutes a major federal action. See Comment of the Nat’l Trust for Historic Pres., J.A. 770. The third comment urged the Commission to consider the cumulative effects of radiofrequency exposure, but did not even mention NEPA. See Comment of BioInitiative Working Grp., J.A. 235-38. The argument that the Order required independent NEPA review was never fairly before the Commission*

## **CONCLUSION**

*We grant the petitions to vacate the Order's removal of small cells from its limited approval authority and remand to the FCC. We deny the petitions to vacate the Order's changes to Tribal involvement in Section 106 review and to vacate the Order in its entirety.*

--

David DeHaas  
208-378-1234  
Naturopathic Health Coach

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## Robert Beachler

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**From:** ann huycke <ahuycke@hotmail.com>  
**Sent:** Sunday, September 25, 2022 10:48 AM  
**To:** Robert Beachler  
**Subject:** IDT's Telecommunications Definitions and Rulings  
**Attachments:** ITD bullet points.odt

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Mr Beachler

Please read my thought on your alliance with Verizon and other telecommunication businesses. There are amendments that should be necessary to the current proposed documents. We need more time to get this drafted properly for Idaho. The telecommunication companies certainly have outlined a rosy future for themselves. We need to make sure we are protecting Idaho citizens first and foremost.

Please read my proposed adjustments. I have included a short video, to let you see what the future might look like if we don't do this correctly the first time.

Sincerely

Dr. Ann Huycke

Pertinent video:

<https://www.bitchute.com/video/6GEXRvNYMFFB/>

Comments from Dr. Ann Huycke

9/25/2022 received

## Bullet points for ITD

We must look closely at definitions of highways vs streets. The telecommunication industry has “conveniently” defined thing to benefit their industry. Here is the definition of highway according to ITD:

"Highways" mean roads, streets, alleys and bridges laid out or established for the public or dedicated or abandoned to the public. Highways shall include necessary culverts, sluices, drains, ditches, waterways, embankments, retaining walls, bridges, tunnels, grade separation structures, roadside improvements, adjacent lands or interests lawfully acquired, pedestrian facilities, and any other structures, works or fixtures incidental to the preservation or improvement of the highways.

This is too inclusive to be advantageous to Idaho or the public, however it is certainly advantageous to the telecommunication industry. This definition must be limited to highways. Culverts, sluices, ditches, local streets etc. are no part of the highway definition. Not every road is a highway. This definition is needlessly broad and must be immediately amended.

There are no private utilities. The motto “Dig Once” has merit. When the ground is laid open, fiberoptic cable can be installed at that time. This is a public conduit for all citizens. There is no need for telecommunications to have private fiberoptic network to be installed when the ground is opened. If they want their private fiberoptic cable, they can pay the state of Idaho a rental fee for the already installed cable or get rights to dig on public property. Fiberoptic installed by ITD is a public, not private utility, and belongs to the public. There should be no private property buried along IDT’s highways!

If private networks are allowed in ITD’s conduits, this will eliminate “cherry picking” the easy communities to supply internet access to. If it is a public utility, all communities share in the public use, and don’t allow targeting the high density urban areas for service to the exclusion of rural and remote areas.

ITD’s duty with telecommunications is to insure that if a vehicle is broken down on the highway, there should (ideally) be the ability to call or text for help. This is supplied by 4G towers. The ability to stream videos in the car are not the responsibility of IDT. Most of the highways already have the ability to meet this need for roadside emergency communication, so very little addition to the infrastructure needs to take place. The need for 5G along the highway is not necessary at all.

## Robert Beachler

---

**From:** bep@looktozion.com  
**Sent:** Tuesday, September 27, 2022 3:01 PM  
**To:** Robert Beachler  
**Subject:** Verizon

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I'm writing opposing Verizon, or any other telecommunications company, using our highways to increase, unnecessarily at that, the output of their electronic signals such as but not limited to 5g. I have spoken at numerous meetings about the devastation to the environment that this frequency causes. Add to that, the information on how this will be used for tracking purposes at some point. We should not be supporting this whole idea of expansion of this frequency in our surroundings and especially supporting private business using the benefits of our highway system.

Barbara Parshley

22536 Bauman Rd.  
Wilder ID 83676

## Robert Beachler

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**From:** Vivian LOCKARY <Vivian2211@msn.com>  
**Sent:** Tuesday, September 27, 2022 10:18 PM  
**To:** Colby.Cameron@itd.Idaho.com; Robert Beachler; Ramon Hobdey-Sanchez; Barbara Waite  
**Subject:** IDAPA Title 39: 39.03.43 - Rules Governing Utilities on State Highway Right-of-Way  
**Attachments:** ITD rulemaking public comment #3.pdf

**CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.**

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Greetings,

Please find attached my comments for the Utility Accommodation Policy Draft 2.1.

Respectfully,  
Vivian Lockary, MPH  
[208-866-7729](tel:208-866-7729)



9/27/2022

RE: Comments on ITD's Utility Accommodation Policy Draft #2.1 (8.9.22)

To Whom it May Concern,

First, the basics. There are two types of broadband connections: wired and wireless. Wired (in this case we are speaking of fiber optic connections) offer blazing speed (up to 10 gigabits per second, symmetrical), superior reliability, low maintenance costs, and come without the proven and serious fire and safety risks associated with wireless networks and transmissions. Fiber is ready for the future, unlike wireless networks which will need constant upgrades and costly improvements as they struggle to keep up with future innovations.

The National Telecommunications and Information Administration (NTIA) recently issued an announcement regarding the availability of \$42.5 billion in federal funding for projects intended to address the digital divide. In the announcement, the NTIA stated that priority funding will be given to projects that provide "end-to-end fiber optic facilities to each end-user premises." The government only wants to invest in fiber, not wireless – a preference also articulated by the non-profit Benton Institute for Broadband and Society<sup>1</sup>.

**ITD's Utility Accommodation Policy Draft #2.1 (8.9.22) must address a number of the rulemaking elements that are inconsistent with both Idaho State Code and with the Federal definition of small wireless facilities.**

1. ITD Rulemaking must maintain distinctions in Idaho Code: Title 40 Highways and Bridges, Chapter 1 Definitions  
40-120. Definitions...
  - (4) "Single countywide highway district" means all public highways within the county, including those within all cities of the county, but excepting those within the state highway system and those under federal control.
  - (5) "State highway system" means the principal highway arteries in the state, including connecting arteries and extensions through cities, and includes roads to every county seat in the state.
  - (6) "State law" means a provision of the constitution or statutes of this state, or an ordinance, rule or regulation enacted or adopted by an agency or political subdivision of this state pursuant to the constitution or statutes.
  - (8) "Street" means a thoroughfare, alley, highway or a right-of-way that may be open for public use but is not part of a public highway system nor under the jurisdiction of a public highway agency.

ITD must understand that streets are different than highways. Utility Accommodation Policy Draft #2.1 (8.9.22) defines HIGHWAYS as

*"The entire width between the boundary lines of every main traveled way publicly maintained when any part is open to use by the public for vehicular travel, with*

*jurisdiction extending to the adjacent property line, including sidewalks, shoulders, berms, and rights-of-way not intended for motorized traffic. The term "street" is interchangeable with highway. Also, roads, streets, alleys, and bridges laid out or established for the public or dedicated or abandoned to the public. Highways shall include necessary culverts, sluices, drains, ditches, waterways, embankments, retaining walls, bridges, tunnels, grade separation structures, roadside improvements, adjacent lands, or interests lawfully acquired, pedestrian facilities, and any other structures, works, or fixtures incidental to the preservation or improvement of the highways. Roads laid out and recorded as highways, by order of a board of commissioners, and all roads used as such for a period of five (5) years, provided they shall have been worked and kept up at the expense of the public, or located and recorded by order of a board of commissioners, are highways."*

This definition does not maintain the distinction between highways and streets as defined in Idaho Code: Title 40 Highways and Bridges. ITD therefore cannot make rules that go against Idaho State law.

2. Idaho Code: Title 61 Public Utility Regulation, Chapter 1: Public Utilities Law – Application and Definitions

61-129. PUBLIC UTILITY. The term "public utility" when used in this act includes every **common carrier**, pipeline corporation, gas corporation, electrical corporation, **telephone corporation** and water corporation, as those terms are defined in this chapter and each thereof is hereby declared to be a public utility and to be **subject to the jurisdiction, control and regulation of the commission** and to the provisions of this act. The term "public utility" as used in this act shall cover cases: (1) Where the service is performed and the commodity delivered directly to the public or some portion thereof, and where the service is performed or the commodity delivered to any corporation or corporations, or any person or persons, who in turn, either directly or indirectly or mediately or immediately, performs the services or delivers such commodity to or for the public or some portion thereof; and (2) Where a pipeline corporation delivers the commodity to any corporation, person, their lessees, receivers or trustees regardless of whether it offers the pipeline service or commodity to the public or some portion thereof. Such pipeline shall be subject to the safety supervision and regulation of the commission only, unless and until such pipeline corporation makes application to the commission to be regulated generally as a public utility.

Tens of thousands of miles of fiber optic cable already exist in the streets of Idaho municipalities. Instead of using that fiber to connect to slow, inefficient, unreliable and dangerous wireless antennas, why not use it to connect directly to families that need it most?

How did the cable get here and why isn't it being used? Beginning in about 1991, across the country, telephone companies, the grandparents of today's wireless giants, sought rate increases from state public utility commissions for the express purpose of

replacing their old copper lines with fiberoptic connections. For two decades, telephone consumers paid higher rates for their landline phone service to finance the build-out of the fiber optic network. Unknown to most people, **the fiber optic lines were part of a state-regulated utility.**

Somewhere around 2010, with the advent of the iPhone and apps, the telecoms realized they were shooting themselves in the foot: they could make a lot more money with their unregulated wireless business than they could as a utility. So, they began claiming the fiber optic cables were their private property, and instead of connecting the cables to their telephone customers as they had promised, they used the money from the rate increases to build their wireless business and used the fiber optic cables to connect to their wireless antennas!<sup>1</sup>

A private utility is not defined as different from a public utility in Idaho State Code. Broadband Infrastructure and Broadband Providers are a **public utility** per Title 61 Public Utility Regulation, Chapter 1: Public Utilities Law — Application and Definitions. Moreover, Broadband Infrastructure does not distinguish wire line versus wireless broadband. This crucial distinction should not be overlooked.

Why do we need four sets of fiber? We only need one set of fiber - public conduit. We should not allow “private” fiber that can later tell you that you can’t have access to it.

A public utility with public funds is public conduit. No one gets to claim it’s a private utility if it’s in a public conduit. ITD has responsibility to manage the public ROW for the benefit of the public - not for the benefit of Broadband providers - and must balance the needs of the public and those of industry.

3. The Utility Accommodation Policy Draft #2.1 (8.9.22) definition for SMALL WIRELESS FACILITY **must be refined.**

*(1) The facilities—*

*(i) are mounted on structures 50 feet or less in height including their antennas as defined in 47 C.F.R. 1.1320 (d), or*

*(ii) are mounted on structures no more than 10 percent taller than other adjacent structures, or*

*(iii) do not extend existing structures on which they are located to a height of more than 50 feet or by more than 10 percent, whichever is greater;*

*(2) Each antenna associated with the deployment, excluding associated antenna equipment (as defined in the definition of antenna in 47 C.F.R. §1.1320(d)), is no more than three cubic feet in volume*

*(3) All other wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing associated equipment on the structure, is no more than 28 cubic feet in volume;*

*(4) The facilities do not require antenna structure registration under 47 C.F.R. § 17.4;*

*(5) The facilities are not located on Tribal lands, as defined under 36 CFR 800.16(x); and*

*(6) The facilities do not result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified in 47 C.F.R §1.1307(b).*

This 2022 Definition for Small Wireless Facilities is right out of ALEC/CTIA documents from the wireless industry. **There is no Federal definition for Small Wireless Facilities.**

October 19, 2020 comment by Ms. Garnet Hanly, Division Chief of the Competition & Infrastructure Policy Division, FCC Wireless Telecommunications Bureau:  
“The FCC when it modified its rules [Title 47, C.F.R. § 1.1312(e) by its October 2019 Order that became effective on Dec 5, 2019], after the DC Circuit issued its mandate [in its Ruling of Case No. 18-1129 Keetoowah v FCC] we [the FCC] took the position that we were reviewing Small Wireless Facilities as [Federal] undertakings and major Federal actions, pursuant to the DC Circuit decision and that is what we’ve been doing.”

Simply stated by Ms. Hanly, FCC’s top policy person, every single small cell (small wireless facility) is like a big cell tower. There is no distinction between the two; there is no special benefit to small cells.

The repetition of the definition of “Small Wireless Facilities” from FCC Order 18-30’s final rules in FCC 18-133’s final rules does not satisfy the lack of foundation created by the August 2019 Ruling in Case 18-1129 which eliminated the definition of Small Wireless Facilities. FCC 18-133’s final rules explicitly reference the originating rule: Title 47 C.F.R. Section 1.1312(e)(2), which was **erased** by FCC Actions in Oct 2019.

The inconsistencies detailed above are not an exhaustive list of changes that need to be made in ITD’s Utility Accommodation Policy Draft #2.1 (8.9.22). ITD is compelled to rectify deviations from State and Federal law.

Thank you kindly for your thoughtful consideration,

Vivian Lockary, MPH  
2211 N. 19th Street, Boise, ID 83702  
208-866-7729

#### REFERENCES:

<sup>1</sup><https://www.citywatchla.com/index.php/cw/important-reads/25342-preventing-the-next-digital-divide>  
<https://wireamerica.org/id/dominoes-falling/>  
<https://wireamerica.org/ca/novato/>  
<https://www.benton.org/sites/default/files/FixedWireless.pdf>

9/27/2022

Ramon Hobdey-Sanchez: [ramon.hobdey-sanchez@itd.idaho.gov](mailto:ramon.hobdey-sanchez@itd.idaho.gov)

Robert Beachler: [robert.beachler@itd.idaho.gov](mailto:robert.beachler@itd.idaho.gov)

Colby Cameron: [Colby.Cameron@itd.idaho.com](mailto:Colby.Cameron@itd.idaho.com)

**RE: ITD's Utility Accommodation Policy - Draft# 2.1 (8.9.22)  
Idahoans For Safe Technology Comments**

Below find our recommended amendments to the Utility Accommodation Policy Draft #2.1. Items in red are suggested added language, Items in red with a strike through is suggested language to be deleted, Items in black are existing language with no edits.

Requested Amendments:

Page 5

1.2 AUTHORITY

- Idaho Code § 40-515 ~~to 40-520~~ provides for the use of highway rights-of-way for cost-efficient, orderly, and coordinated installation of broadband infrastructure during roadway construction.

Page 6

1. 1.3 DEFINITION OF TERMS

**WIRELESS COMMUNICATIONS**

Communications transmission delivered with RFR (Radio Frequency Radiation) from Small Wireless Facilities, Macro Wireless Facilities, Satellite Facilities.

**WIRED COMMUNICATIONS**

Communications transmission delivered in Copper Pair Wire, Coaxial Cable, or Fiber Optic Cable.

Page 7

2. HIGHWAY(S)

The entire width between the boundary lines of every main traveled way publicly maintained when any part is open to use by the public for vehicular travel, with jurisdiction extending to the adjacent property line, including sidewalks, shoulders, berms, and rights-of-way not intended for motorized traffic. ~~The term "street" is interchangeable with highway. Also, roads, streets, alleys, and bridges laid out or established for the public or dedicated or abandoned to the public.~~ Highways shall include necessary culverts, sluices, drains, ditches, waterways, embankments, retaining walls, bridges, tunnels, grade separation structures, roadside improvements, adjacent lands, or interests lawfully acquired, pedestrian facilities, and any other

structures, works, or fixtures incidental to the preservation or improvement of the highways. Roads laid out and recorded as highways, by order of a board of commissioners, and all roads used as such for a period of five (5) years, provided they shall have been worked and kept up at the expense of the public, or located and recorded by order of a board of commissioners, are highways. ITD has jurisdiction on published registered state highways as reflected in these maps included by reference. These are the only highways that these rules will apply to, everything else must be negotiated at lower jurisdictions.

*Note:*

*\*For the definition of "highway(s)" on p. 7: I.C. Sec. 40-517(6) defines "highway" as "a road that is part of the state highway system." In turn, "state highway system" (as defined in I.C. Sec. 40-120(5)) means "the principal highway arteries in the state, including connecting arteries and extensions through cities, and includes roads to every county seat in the state." The longer, more detailed definition included in the draft (which is taken from 40-109(5)) does not apply to sections 40-515 through 40-520; the narrower, more limited definition in 40-517 does. The draft policy is contrary to the applicable statute defining "highway(s)."*

#### LONGITUDINAL ACCESS

Access to or use of any part of right-of-way of a highway that extends generally parallel to the right-of-way for a total of one hundred ~~(100)~~ (50) or more linear feet.

Page 31

### 3. SECTION 8 WIRELESS COMMUNICATIONS 8.1 SMALL WIRELESS FACILITIES

~~Pursuant to Federal Communications Commission (FCC) Declaratory Ruling and Third Report and Order, FCC 18-133, released on September 27, 2018 wireless service providers and wireless infrastructure providers are permitted to locate Small Wireless Facilities (as defined in the FCC Order) in public Right of Way (ROW) in accordance with the FCC Order.~~ Right-of-Way Encroachment and Permit for Small Wireless Facilities applicants must comply with the following terms and conditions for each Small Wireless Facility permit issued by ITD.

*Note:*

*There is no reason for ITD to tie itself to the FCC 18-133 order because it is a presumptive only order. It was admitted that way by the FCC and they are expecting case by case adjudication. It's not a done deal.*

The applicant is responsible for the following functions:

- Installations in ITD's ROW must adhere to local City and County Zoning Ordinances. Applicant must apply for and obtain applicable local municipality building permit for the installation of "above" ground structures prior to requesting a Small Wireless Facility Permit from ITD. This may include but not limited to setbacks, zoning, and separation distances.
- Apply for and obtain the applicable ITD Right-of-Way Encroachment and Permit for Small Wireless Facilities (ITD form# 2118) and comply with all applicable provisions, terms, and conditions.
- Be in compliance with ITD's Small Wireless Facilities in Public Right-of-Way Design Guidelines, as amended from time to time **and local City and County Zoning Ordinances. Local ordinance to take precedence over ITD's Guidelines.**
- Pay applicable initial and recurring fees. Payments shall be made via credit card, or may be made by providing a check or money order made payable to Idaho Transportation Department at the appropriate District office.
- **Wireless Communications Providers to provide and maintain a \$10 million aggregate and \$1 million per occurrence liability bond payable to the local jurisdiction and held in escrow, or an insurance policy with no EXCLUSIONS FOR HEALTH EFFECTS, INJURIES, ILLNESSES, OR DEATH FROM HAZARDOUS RFR POLLUTION. Bond or Insurance policy to remain in effect for the lifetime of the facility.**

Page 32

4. 8.2 SMALL WIRELESS FACILITIES PERMIT APPLICATION REVIEW

**Review clock will not start until the application reaches the second decision making body.** ITD will review Permit applications for collocation installations within 60 days of receiving an application. ITD will review Permit applications for new, modified or replacement structures within **90-150** days of receiving an application. ITD will determine if an application is complete within 10 days of receipt of the original application package. If the application is incomplete, ITD shall notify the Company and specify what information is needed to complete the application. ITD shall have 60 days from the receipt of the revised application for collocation and **90- 150** days for new, modified or replacement structures, to review the completed application. Within 10 days of receipt of the revised application. ITD will notify the Company of any requested information that has been provided.

Wireless Communications Facilities permit applications will be deemed incomplete by ITD until after there is substantial written evidence in the record proving the FCC completed the court mandated work in these two cases: Keetoowah Band of Cherokee Indians v. FCC, Case #18-1129, (D.C. Cir.) and CHD/EHT et al. v FCC, Case #20-1025, (D.C. Cir.).

ITD has the right to request supplemental information throughout the review process. However, if missing information is identified after the initial 10 day notification period, the review clock will pause pending supplemental information, and the review clock will resume, not restart, once a revised permit has been received.



## Robert Beachler

---

**From:** Juliana Playter <julianabenner@gmail.com>  
**Sent:** Wednesday, September 28, 2022 5:11 AM  
**To:** Colby.Cameron@itd.idaho.com; Ramon Hobdey-Sanchez; Robert Beachler  
**Subject:** RE: IDAPA Title 39: 39.03.43 - Rules Governing Utilities on State Highway Right-of-Way

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---

Hello,  
Thank I support the recommended changes to the Proposed Rulemaking submitted by Idahoans for Safe Technology.

As ITD continues its efforts to address utility accommodation of fixed broadband facilities seeking access to the state's ROW, IFST recommendations align with Idaho Code: Title 40 Highways and Bridges, Chapter 1 Definitions, Idaho Code: Title 61 Public Utility Regulation, Chapter 1: Public Utilities Law — Application and Definitions, and balance the needs of the public with those of industry.

Thank you for your consideration,  
Juliana Playter  
1617 N 5th St, Boise, ID 83702

--  
**Juliana Playter, CCH, CNHP**

Certified Colon Hydrotherapist, Certified Natural Health Practitioner  
(208) 850-8075

**High Stream Healing-Boise Colon Cleanse**

1617 N. 5th Street  
Boise, Idaho 83702

[www.boisecoloncleanse.com](http://www.boisecoloncleanse.com)

[www.LoadedpH.com](http://www.LoadedpH.com)

[www.LifeWave.com/LightSeed](http://www.LifeWave.com/LightSeed)

ID#1220340

"It is health that is real wealth and not pieces of gold and silver." [Mahatma Gandhi](#)  
"He who has health has hope; and he who has hope has everything." Arabian proverb

## Robert Beachler

---

**From:** Sara Cytrynowicz <sunnyjazz18@yahoo.com>  
**Sent:** Wednesday, September 28, 2022 5:24 AM  
**To:** Robert Beachler  
**Subject:** IDAPA Title 39: 39.03.43 - Rules Governing Utilities on State Highway Right-of-Way

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---

Good Morning Mr. Beachler,

As an Idaho resident, I support the recommended changes to the Proposed Rulemaking submitted by Idahoans for Safe Technology.

As ITD continues its efforts to address utility accommodation of fixed broadband facilities seeking access to the state's ROW, IFST recommendations align with Idaho Code: Title 40 Highways and Bridges, Chapter 1 Definitions, Idaho Code: Title 61 Public Utility Regulation, Chapter 1: Public Utilities Law — Application and Definitions, and balance the needs of the public with those of industry.

Please let me know if you need any of ITD's recommendations and I would be happy to forward them.

Thank you for your consideration,  
Sara Cytrynowicz  
Boise, ID

## Robert Beachler

---

**From:** Kim Schroeder <kim\_schroeder@sbcglobal.net>  
**Sent:** Wednesday, September 28, 2022 7:52 AM  
**To:** Colby.Cameron@itd.idaho.com; Robert Beachler; Ramon Hobdey-Sanchez  
**Subject:** RE: IDAPA Title 39: 39.03.43 - Rules Governing Utilities on State Highway Right-of-Way

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---

Good morning,  
I support the recommended changes to the Proposed Rulemaking submitted by Idahoans for Safe Technology.

As ITD continues its efforts to address utility accommodation of fixed broadband facilities seeking access to the state's ROW, IFST recommendations align with Idaho Code: Title 40 Highways and Bridges, Chapter 1 Definitions, Idaho Code: Title 61 Public Utility Regulation, Chapter 1: Public Utilities Law — Application and Definitions, and balance the needs of the public with those of industry.

Thank you for your consideration,  
Kim Schroeder  
Middleton, Idaho

## Robert Beachler

---

**From:** William Lind <williamt.lind@sbcglobal.net>  
**Sent:** Wednesday, September 28, 2022 8:15 AM  
**To:** Colby.Cameron@itd.Idaho.com; Robert Beachler; Ramon Hobdey-Sanchez  
**Subject:** IDAPA Title 39: 39.03.43 - Rules Governing Utilities on State Highway Right-of-Way

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---

I support the recommended changes to the Proposed Rulemaking submitted by Idahoans for Safe Technology.

As ITD continues its efforts to address utility accommodation of fixed broadband facilities seeking access to the state's ROW, IFST recommendations align with Idaho Code: Title 40 Highways and Bridges, Chapter 1 Definitions, Idaho Code: Title 61 Public Utility Regulation, Chapter 1: Public Utilities Law — Application and Definitions, and balance the needs of the public with those of industry.

Thank you for your consideration,

William Lind  
12097 W Rice Road  
Star, Idaho 83669

Sent from [Mail](#) for Windows

## Robert Beachler

---

**From:** Vickie Dahlin <vickie.dahlin@gmail.com>  
**Sent:** Wednesday, September 28, 2022 8:31 AM  
**To:** Robert Beachler  
**Subject:** RE: IDAPA Title 39: 39.03.43 - Rules Governing Utilities on State Highway Right-of-Way

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---

I support the recommended changes to the Proposed Rulemaking submitted by Idahoans for Safe Technology.

As ITD continues its efforts to address utility accommodation of fixed broadband facilities seeking access to the state's ROW,

IFST recommendations align with Idaho Code: Title 40 Highways and Bridges, [Chapter 1 Definitions, Idaho Code: Title 61 Public Utility Regulation](#), Chapter 1: [Public Utilities Law](#) — Application and Definitions, and balance the needs of the public with those of industry.

Thank you for your consideration,

Vickie Dahlin

Star, ID

## Robert Beachler

---

**From:** Kim Schroeder <kim\_schroeder@sbcglobal.net>  
**Sent:** Wednesday, September 28, 2022 7:52 AM  
**To:** Colby.Cameron@itd.idaho.com; Robert Beachler; Ramon Hobdey-Sanchez  
**Subject:** RE: IDAPA Title 39: 39.03.43 - Rules Governing Utilities on State Highway Right-of-Way

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---

Good morning,  
I support the recommended changes to the Proposed Rulemaking submitted by Idahoans for Safe Technology.

As ITD continues its efforts to address utility accommodation of fixed broadband facilities seeking access to the state's ROW, IFST recommendations align with Idaho Code: Title 40 Highways and Bridges, Chapter 1 Definitions, Idaho Code: Title 61 Public Utility Regulation, Chapter 1: Public Utilities Law — Application and Definitions, and balance the needs of the public with those of industry.

Thank you for your consideration,  
Kim Schroeder  
Middleton, Idaho

## Robert Beachler

---

**From:** Angel S <stanger91@msn.com>  
**Sent:** Wednesday, September 28, 2022 9:05 AM  
**To:** Colby.Cameron@itd.Idaho.com; Robert Beachler; Ramon Hobdey-Sanchez  
**Subject:** IDAPA Title 39: 39.03.43 - Rules Governing Utilities on State

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---

Hi ITD,

I support the recommended changes to the Proposed Rulemaking submitted by Idahoans for Safe Technology.

As ITD continues its efforts to address utility accommodation of fixed broadband facilities seeking access to the state's ROW, IFST recommendations align with Idaho Code: Title 40 Highways and Bridges, Chapter 1 Definitions, Idaho Code: Title 61 Public Utility Regulation, Chapter 1: Public Utilities Law — Application and Definitions, and balance the needs of the public with those of industry.

Thank you for your consideration,

Angel S.

## Robert Beachler

---

**From:** Debra McCarver <debramccarver@gmail.com>  
**Sent:** Wednesday, September 28, 2022 9:11 AM  
**To:** Colby.Cameron@itd.idaho.com; Ramon Hobdey-Sanchez; Robert Beachler  
**Subject:** IDAPA Title 39:39.03.43

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---

Hello there - I am very concerned about the 5G towers. They are hazardous to the health of individuals that get anywhere near them. Since industry wants to put them everywhere that is of huge concern.

I support the recommended changes to the Proposed Rulemaking submitted by Idahoans for Safe Technology.

As ITD continues its efforts to address utility accommodation of fixed broadband facilities seeking access to the state's ROW,

IFST recommendations align with Idaho Code: Title 40 Highways and Bridges, [Chapter 1 Definitions, Idaho Code: Title 61 Public Utility Regulation](#), Chapter 1: [Public Utilities Law](#) — Application and Definitions, and balance the needs of the public with those of industry.

Thank you for your consideration,

Debra McCarver

208-505-7372



## Robert Beachler

---

**From:** Laura Louis <loulouis8@gmail.com>  
**Sent:** Wednesday, September 28, 2022 9:29 AM  
**To:** Robert Beachler  
**Subject:** IDAPA Title 39: 39.03.43 - Rules Governing Utilities on State Highway Right-of-Way

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---

Dear Robert Beachler,

I support the recommended changes to the Proposed Rulemaking submitted by Idahoans for Safe Technology.

As ITD continues its efforts to address utility accommodation of fixed broadband facilities seeking access to the state's ROW,

IFST recommendations align with Idaho Code: Title 40 Highways and Bridges, [Chapter 1 Definitions, Idaho Code: Title 61 Public Utility Regulation](#), Chapter 1: [Public Utilities Law](#) — Application and Definitions, and balance the needs of the public with those of industry.

Thank you for your consideration,

Laura

--

*Laura Louis*  
[loulouis8@gmail.com](mailto:loulouis8@gmail.com)  
208-841-0247

## Robert Beachler

---

**From:** Kathleen Beynun <kathleen.beynun@gmail.com>  
**Sent:** Wednesday, September 28, 2022 9:35 AM  
**To:** Colby.Cameron@itd.idaho.com; Robert Beachler; Ramon Hobdey-Sanchez  
**Subject:** IDAJPA Title 39: 39.03.43

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I support the recommended changes to the Proposed Rulemaking submitted by Idahoans for Safe Technology.

Thank you~

--

Kathleen Beynun  
Boise  
208 830 9212

## Robert Beachler

---

**From:** Alison Dean <thealisondean@gmail.com>  
**Sent:** Wednesday, September 28, 2022 9:50 AM  
**To:** Colby.Cameron@itd.idaho.com; Robert Beachler  
**Subject:** RE: IDAPA Title 39: 39.03.43 - Rules Governing Utilities on State Highway Right-of-Way

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---

Hello Colby and Robert,

Happy Wednesday.

I support, and advocate for the recommended changes to the Proposed Rulemaking submitted by Idahoans for Safe Technology.

As ITD continues its efforts to address utility accommodation of fixed broadband facilities seeking access to the state's ROW, IFST recommendations align with Idaho Code: Title 40 Highways and Bridges, Chapter 1 Definitions, Idaho Code: Title 61 Public Utility Regulation, Chapter 1: Public Utilities Law — Application and Definitions, and to balance the needs of the public with those of industry.

Thank you for your consideration with this matter,  
Alison Dean Frost

## Robert Beachler

---

**From:** Liza Dormady <lizadarmody@protonmail.com>  
**Sent:** Wednesday, September 28, 2022 9:53 AM  
**To:** Robert Beachler  
**Subject:** IDAPA Title 39: 39.03.43 Rules Governing Utilities on State Highway Right of Way

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---

Hello Mr. Beachler,

I support the recommended changes to the Proposed Rulemaking submitted by Idahoans for Safe Technology.

As ITD continues its efforts to address utility accommodation of fixed broadband facilities seeking access to the state's ROW, IFST recommendations align with Idaho Code: Title 40 Highways and Bridges, Chapter 1 Definitions, Idaho Code: Title 61 Public Utility Regulation, Chapter 1: Public Utilities Law — Application and Definitions, and balance the needs of the public with those of industry.

Thank you for your consideration,  
Liza Dormady  
Middleton, Idaho

Sent with [Proton Mail](#) secure email.

## Robert Beachler

---

**From:** David DeHaas <coachidaho@gmail.com>  
**Sent:** Wednesday, September 28, 2022 10:26 AM  
**To:** Robert Beachler; Colby.cameron@itd.idaho.com  
**Cc:** Hank Allen; Vivian LOCKARY  
**Subject:** ITD Broadband rules

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RE: IDAPA Title 39: 39.03.43 - Rules Governing Utilities on State Highway Right-of-Way

I support the recommended changes to the Proposed Rulemaking submitted by Idahoans for Safe Technology.

As ITD continues its efforts to address utility accommodation of fixed broadband facilities seeking access to the state's ROW, IFST recommendations align with Idaho Code: [Title 40 Highways and Bridges, Chapter 1 Definitions](#), Idaho Code: [Title 61 Public Utility Regulation, Chapter 1: Public Utilities Law — Application and Definitions](#), and balance the needs of the public with those of industry.

Thank you for your consideration,

--In Addition to the above, I highly recommend a \$5 million bond for each tower to cover the Health damages caused by these towers.

This is necessary to protect the public and the state. The wireless industry can not buy insurance to insure against the health effects of Cell towers.

There have been no safety studies that show these towers cause no harm but over 11,000 Documents were put on the record in the Recent DC Court of appeals ruling last August 13, 2021, that does show causes of harm from Cell Towers.

The court remanded back to the FCC to come forth with their "Safety Studies".

To this date, the FCC has not come forth with any safety study.

Further, the judges recommended all towers producing more than 6000 MHZ be turned off until the studies are complete.

I also recommend as per the FCC code that NEPA reviews be completed for each tower and for an independent engineer hired by ITD and paid for by the industry, to prove there is a substantial gap in coverage.

Providing Drop Call records would also be a great way to show a substantial Gap in coverage.

We are all for wired fiber optics to the premises.

Thank you ,  
David DeHaas  
208-378-1234  
Naturopathic Health Coach

[Healing from a Spiritual Perspective](#)

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## Robert Beachler

---

**From:** Anne Wilder <anne.wildthing@outlook.com>  
**Sent:** Wednesday, September 28, 2022 10:33 AM  
**To:** Colby.Cameron@itd.Idaho.com; Robert Beachler  
**Subject:** RE: IDAPA Title 39: 39.03.43 - Rules Governing Utilities on State, Highway Right-of-Way

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---

Dear Mr. Beachler and Mr. Cameron:

I support the recommended changes to the Proposed Rulemaking submitted by Idahoans for Safe Technology (IFST).

As ITD continues its efforts to address utility accommodation of fixed broadband facilities seeking access to the state's Rights of Way, IFST recommendations align with Idaho Code: Title 40 Highways and Bridges, Chapter 1 Definitions, Idaho Code: Title 61 Public Utility Regulation, Chapter 1: Public Utilities Law — Application and Definitions, and balance the needs of the public with those of industry.

Thank you for your consideration,

--  
Anne Wilder  
349 Primrose Lane  
Priest River, Idaho 83856  
[anne.wildthing@outlook.com](mailto:anne.wildthing@outlook.com)  
208-448-2601

**Robert Beachler**

---

**From:** Johnny Stenberg <jstenberg28@gmail.com>  
**Sent:** Wednesday, September 28, 2022 10:48 AM  
**To:** colby.cameron@itd.idaho.com; Robert Beachler  
**Subject:** RE: IDAPA Title 39: 39.03.43 - Rules Governing Utilities on State Highway Right-of-Way

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---

Greetings,

I support the recommended changes to the Proposed Rulemaking submitted by Idahoans for Safe Technology.

As ITD continues its efforts to address utility accommodation of fixed broadband facilities seeking access to the state's Rights of Way, IFST recommendations align with Idaho Code: Title 40 Highways and Bridges, Chapter 1 Definitions, Idaho Code: Title 61 Public Utility Regulation, Chapter 1: Public Utilities Law — Application and Definitions, and balance the needs of the public with those of industry.

Thank you for your consideration,

Johnny Stenberg  
all rights reserved  
c/o General Delivery Kootenai County, Idaho State [Near Hayden Lake]  
208-620-1863

please note i am not anti technology. i am pro safety. the people and the planet must go before the profits



## Robert Beachler

---

**From:** Megan Gerwin <megangrwn@gmail.com>  
**Sent:** Wednesday, September 28, 2022 10:58 AM  
**To:** Colby.Cameron@itd.Idaho.com; Robert Beachler  
**Subject:** IDAPA Title 39: 39.03.43 - Rules Governing Utilities on State Highway Right-of-Way

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---

I support the recommended changes to the Proposed Rulemaking submitted by Idahoans for Safe Technology.

As ITD continues its efforts to address utility accommodation of fixed broadband facilities seeking access to the state's Rights of Way, IFST recommendations align with Idaho Code: Title 40 Highways and Bridges, Chapter 1 Definitions, Idaho Code: Title 61 Public Utility Regulation, Chapter 1: Public Utilities Law — Application and Definitions, and balance the needs of the public with those of industry.

I believe it is vitally important to place limits on the industry now, as it is incredibly difficult to place these limits retroactively after harm has already been done to the vulnerable.

Thank you for your careful consideration

With respect,

Megan Hughes  
197 Laclede Shores Dr. Laclede, ID 83841  
406-840-6461

## Robert Beachler

---

**From:** Alissa Desancic <alissadesancic@hotmail.com>  
**Sent:** Wednesday, September 28, 2022 11:12 AM  
**To:** Colby.Cameron@itd.Idaho.com; Robert Beachler  
**Subject:** IDAPA Title 39: 39.03.43 - Rules Governing Utilities on State - Highway Right-of-Way

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---

I support the recommended changes to the Proposed Rulemaking submitted by Idahoans for Safe Technology.

As ITD continues its efforts to address utility accommodation of fixed broadband facilities seeking access to the state's Rights of Way, IFST recommendations align with Idaho Code: [Title 40 Highways and Bridges, Chapter 1 Definitions](#), Idaho Code: [Title 61 Public Utility Regulation, Chapter 1: Public Utilities Law — Application and Definitions](#), and balance the needs of the public with those of industry as they should be. Anything else will leave "we the people" at a major disadvantage.

Thank you for your consideration,

Alissa Desancic  
965 N. Armstrong Dr.  
CDA 83814

## Robert Beachler

---

**From:** Gail Edom <itsgail@hotmail.com>  
**Sent:** Wednesday, September 28, 2022 11:13 AM  
**To:** Colby.Cameron@itd.Idaho.com; Robert Beachler  
**Subject:** RE: IDAPA Title 39: 39.03.43 - Rules Governing Utilities on State Highway Right-of-Way

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---

RE: IDAPA Title 39: 39.03.43 - Rules Governing Utilities on State Highway Right-of-Way

I support the recommended changes to the Proposed Rulemaking submitted by Idahoans for Safe Technology.

As ITD continues its efforts to address utility accommodation of fixed broadband facilities seeking access to the state's ROW,

IFST recommendations align with Idaho Code: Title 40 Highways and Bridges, [Chapter 1 Definitions, Idaho Code: Title 61 Public Utility Regulation](#), Chapter 1: [Public Utilities Law](#) — Application and Definitions, and balance the needs of the public with those of industry.

Thank you for your consideration,

gail e

## Robert Beachler

---

**From:** Angela Ishmael <angelahishmael@gmail.com>  
**Sent:** Wednesday, September 28, 2022 11:47 AM  
**To:** Colby.Cameron@itd.idaho.com; Robert Beachler; Ramon Hobdey-Sanchez  
**Subject:** IDAPA Title 39: 39.03.43 - Rules Governing Utilities on State Highway Right-of-Way

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---

To IDAPA,

I support the recommended changes to the Proposed Rulemaking submitted by Idahoans for Safe Technology. As ITD continues its efforts to address utility accommodation of fixed broadband facilities seeking access to the state's ROW, IFST recommendations align with Idaho Code: Title 40 Highways and Bridges, [Chapter 1 Definitions](#), Idaho Code: [Title 61 Public Utility Regulation](#), Chapter 1: [Public Utilities Law](#) — Application and Definitions, and balance the needs of the public with those of industry.

Thank you for your consideration,

Angela Ishmael  
Nampa, ID

**Robert Beachler**

---

**From:** Megan C <mc5499id@gmail.com>  
**Sent:** Wednesday, September 28, 2022 12:19 PM  
**To:** Ramon Hobdey-Sanchez; Colby.Cameron@itd.idaho.com; Robert Beachler  
**Subject:** IDAPA Title 39: 39.03.43 - Rules Governing Utilities on State Highway Right-of-Way

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I support the recommended changes to the Proposed Rulemaking submitted by Idahoans for Safe Technology.

As ITD continues its efforts to address utility accommodation of fixed broadband facilities seeking access to the state's ROW, IFST recommendations align with Idaho Code: Title 40 Highways and Bridges, Chapter 1 Definitions, Idaho Code: Title 61 Public Utility Regulation, Chapter 1: Public Utilities Law — Application and Definitions, and balance the needs of the public with those of industry.

Thank you for your consideration,  
Megan Campau

## Robert Beachler

---

**From:** Amy Niendorf <happyniendorfs@msn.com>  
**Sent:** Wednesday, September 28, 2022 12:35 PM  
**To:** Robert Beachler  
**Subject:** RE: IDAPA Title 39: 39.03.43 - Rules Governing Utilities on State Highway Right-of-Way

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---

Mr. Beachler,

I support the recommended changes to the Proposed Rulemaking submitted by Idahoans for Safe Technology.

As ITD continues its efforts to address utility accommodation of fixed broadband facilities seeking access to the state's ROW, IFST recommendations align with Idaho Code: Title 40 Highways and Bridges, Chapter 1 Definitions, Idaho Code: Title 61 Public Utility Regulation, Chapter 1: Public Utilities Law — Application and Definitions, and balance the needs of the public with those of industry.

Thank you for your consideration,

Amy Niendorf

Sent from my happ-iPhone!

**Robert Beachler**

---

**From:** Kerrin McCall <kerrinmac@gmail.com>  
**Sent:** Wednesday, September 28, 2022 12:46 PM  
**To:** Ramon Hobdey-Sanchez  
**Cc:** Colby.Cameron@itd.idaho.com; Robert Beachler  
**Subject:** RE: IDAPA Title 39: 39.03.43 - Rules Governing Utilities on State Highway Right-of-Way

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---

Attention:

I support the recommended changes to the Proposed Rulemaking submitted by Idahoans for Safe Technology. ([Utility Accommodation Policy Draft #2](#) and [IFST 9/27/22 Draft 2.1 Utility Accommodation Policy Comments](#))

As ITD continues its efforts to address utility accommodation of fixed broadband facilities seeking access to the state’s ROW, IFST recommendations align with Idaho Code: [Title 40 Highways and Bridges, Chapter 1 Definitions](#), Idaho Code: [Title 61 Public Utility Regulation, Chapter 1: Public Utilities Law — Application and Definitions](#), and balance the needs of the public with those of industry.

Sincerely,  
Kerrin McCall

**Robert Beachler**

---

**From:** Cheryl Maddalena <drcherylmaddalena@gmail.com>  
**Sent:** Wednesday, September 28, 2022 1:17 PM  
**To:** Ramon Hobdey-Sanchez; Colby.Cameron@itd.idaho.com; Robert Beachler  
**Subject:** RE: IDAPA Title 39: 39.03.43 - Rules Governing Utilities on State Highway Right-of-Way

**CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.**

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To Whom It May Concern:

I support the recommended changes to the Proposed Rulemaking submitted by Idahoans for Safe Technology.

As ITD continues its efforts to address utility accommodation of fixed broadband facilities seeking access to the state's ROW, IFST recommendations align with Idaho Code: Title 40 Highways and Bridges, Chapter 1 Definitions, Idaho Code: Title 61 Public Utility Regulation, Chapter 1: Public Utilities Law — Application and Definitions, and balance the needs of the public with those of industry.

Thank you for your consideration,

Cheryl Maddalena  
Boise, ID 83712



**Robert Beachler**

---

**From:** Melinda Offer <moffer@daspecialists.com>  
**Sent:** Wednesday, September 28, 2022 1:34 PM  
**To:** Robert Beachler  
**Subject:** RE: IDAPA Title 39: 39.03.43 - Rules Governing Utilities on State Highway Right-of-Way

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---

RE: IDAPA Title 39: 39.03.43 - Rules Governing Utilities on State Highway Right-of-Way

I support the recommended changes to the Proposed Rulemaking submitted by Idahoans for Safe Technology.

As ITD continues its efforts to address utility accommodation of fixed broadband facilities seeking access to the state's Rights of Way, IFST recommendations align with Idaho Code: Title 40 Highways and Bridges, Chapter 1 Definitions, Idaho Code: Title 61 Public Utility Regulation, Chapter 1: Public Utilities Law — Application and Definitions, and balance the needs of the public with those of industry.

Thank you for your consideration,

*Melinda Offer*  
*Naples, ID*  
*208-255-8913*

## Robert Beachler

---

**From:** BeTheChangeNow <BeTheChangeNow@protonmail.com>  
**Sent:** Wednesday, September 28, 2022 1:55 PM  
**To:** Colby.Cameron@itd.Idaho.com; Robert Beachler  
**Subject:** IDAPA Title 39: 39.03.43 - Rules Governing Utilities on State Highway Right-of-Way

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On July 1, 2022, HB-640 was enacted by the Idaho Legislature, giving Idaho Transportation Department responsibility to develop rules, standards, and policies consistent with the “Dig Once Policy” to facilitate the expansion of broadband with the cost—efficient, orderly, and coordinated installation of broadband infrastructure on highway rights-of-way and during roadway construction. The proposed rules being considered, written by Big Telecom, would allow wireless telecommunication facilities to be placed everywhere that a person could walk, and Big Telecom would own the infrastructure. It is vitally important these rules are not accepted by ITD. Please read from the link below. We are counting on you to stand up for the health and freedom of the people in Idaho. Thank You!

<https://idahoansforsafetechnology.org/stop-5g-on-idahos-highways/>

Sincerely,

Susan Greene

Sent with [Proton Mail](#) secure email.

## Robert Beachler

---

**From:** Juliana Playter <julianabenner@gmail.com>  
**Sent:** Wednesday, September 28, 2022 3:14 PM  
**To:** Robert Beachler  
**Subject:** Re: IDAPA Title 39: 39.03.43 - Rules Governing Utilities on State Highway Right-of-Way

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---

Thank you for adding this statement to the record.

### **Juliana Playter, CCH, CNHP**

Certified Colon Hydrotherapist, Certified Natural Health Practitioner  
(208) 850-8075

### **High Stream Healing-Boise Colon Cleanse**

1617 N. 5th Street  
Boise, Idaho 83702

[www.boisecoloncleanse.com](http://www.boisecoloncleanse.com)

[www.LoadedpH.com](http://www.LoadedpH.com)

[www.LifeWave.com/LightSeed](http://www.LifeWave.com/LightSeed)

ID#1220340

"It is health that is real wealth and not pieces of gold and silver." [Mahatma Gandhi](#)  
"He who has health has hope; and he who has hope has everything." Arabian proverb

On Wed, Sep 28, 2022 at 9:06 AM Robert Beachler <[Robert.Beachler@itd.idaho.gov](mailto:Robert.Beachler@itd.idaho.gov)> wrote:

Good morning Ms. Playter,

Thank you for your engagement and participation in this rulemaking. ITD is in receipt of your comments and would like to make them part of the formal rulemaking record.

For more information, please visit ITD's rulemaking webpage [here](#).

Respectfully,

Robert Beachler

Broadband Program Manager

Idaho Transportation Department

600 W. Prairie Ave.

Coeur d'Alene, ID 83815

(208) 772-1216 (office)

Office Hours: M-Th 6:00 am - 4:30 pm

[robert.beachler@itd.idaho.gov](mailto:robert.beachler@itd.idaho.gov)

**From:** Juliana Playter <[julianabenner@gmail.com](mailto:julianabenner@gmail.com)>

**Sent:** Wednesday, September 28, 2022 5:11 AM

**To:** [Colby.Cameron@itd.idaho.com](mailto:Colby.Cameron@itd.idaho.com); Ramon Hobdey-Sanchez <[Ramon.Hobdey-Sanchez@itd.idaho.gov](mailto:Ramon.Hobdey-Sanchez@itd.idaho.gov)>; Robert Beachler <[Robert.Beachler@itd.idaho.gov](mailto:Robert.Beachler@itd.idaho.gov)>

**Subject:** RE: IDAPA Title 39: 39.03.43 - Rules Governing Utilities on State Highway Right-of-Way

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---

Hello,

Thank I support the recommended changes to the Proposed Rulemaking subrmitted by Idahoans for Safe Technology.

As ITD continues its efforts to address utility accommodation of fixed broadband facilities seeking access to the state's ROW, IFST recommendations align with Idaho Code: Title 40 Highways and Bridges, Chapter 1 Definitions, Idaho Code: Title 61 Public Utility Regulation, Chapter 1: Public

Utilities Law — Application and Definitions, and balance the needs of the public with those of industry.

Thank you for your consideration,  
Juliana Playter  
1617 N 5th St, Boise, ID 83702

--

**Juliana Playter, CCH, CNHP**

Certified Colon Hydrotherapist, Certified Natural Health Practitioner

(208) 850-8075

**High Stream Healing-Boise Colon Cleanse**

1617 N. 5th Street  
Boise, Idaho 83702

[www.boisecoloncleanse.com](http://www.boisecoloncleanse.com)

[www.LoadedpH.com](http://www.LoadedpH.com)

[www.LifeWave.com/LightSeed](http://www.LifeWave.com/LightSeed)

ID#1220340

"It is health that is real wealth and not pieces of gold and silver." [Mahatma Gandhi](#)

"He who has health has hope; and he who has hope has everything." Arabian proverb

## Robert Beachler

---

**To:** Allison Goodwin; Colby.Cameron@itd.idaho.com  
**Subject:** RE: 5G /Small Milliwave Tech Towers are Unacceptable and Highly Dangerous

**From:** Allison Goodwin <allisongoodwin1@gmail.com>  
**Sent:** Wednesday, September 28, 2022 3:52 PM  
**To:** Ramon Hobdey-Sanchez <Ramon.Hobdey-Sanchez@itd.idaho.gov>; Colby.Cameron@itd.idaho.com; Robert Beachler <Robert.Beachler@itd.idaho.gov>  
**Subject:** 5G /Small Milliwave Tech Towers are Unacceptable and Highly Dangerous

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Hello Legislators,

The evidence is overwhelming that the proposed installation of Milliwave Technology is a Trap - a Death Trap, Please Educate yourselves and Do Not allow Idaho to be destroyed with this telecommunications fraud - it is not an improvement 5G is very dangerous and sadly I have 3 friends DEAD from Brain Cancer after exposure to Milliwave Radiation, again, do your homework. Links below have been shared and I urge you to look further into this.

Thank You,  
Allison Goodwin  
Ketchum

RE: IDAPA Title 39: 39.03.43 - Rules Governing Utilities on State

Highway Right-of-Way

I support the recommended changes to the Proposed Rulemaking submitted by Idahoans for Safe Technology. ([Utility Accommodation Policy Draft #2](#) and [IFST 9/27/22 Draft 2.1 Utility Accommodation Policy Comments](#))

As ITD continues its efforts to address utility accommodation of fixed broadband facilities seeking access to the state's ROW, IFST recommendations align with Idaho Code: [Title 40 Highways and Bridges, Chapter 1 Definitions](#), Idaho Code: [Title 61 Public Utility Regulation, Chapter 1: Public Utilities Law — Application and Definitions](#), and balance the needs of the public with those of industry.

## Robert Beachler

---

**From:** Cheryl Morris <cherflu.art@gmail.com>  
**Sent:** Wednesday, September 28, 2022 3:56 PM  
**To:** Robert Beachler  
**Subject:** RE: IDAPA Title 39: 39.03.43 - Rules Governing Utilities on State Highway Right-of-Way

**CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.**

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I support the recommended changes to the Proposed Rulemaking submitted by Idahoans for Safe Technology. As ITD continues its efforts to address utility accommodation of fixed broadband facilities seeking access to the state's ROW, IFST recommendations align with Idaho Code: Title 40 Highways and Bridges, [Chapter 1 Definitions](#), [Idaho Code: Title 61 Public Utility Regulation](#), Chapter 1: [Public Utilities Law](#) — Application and Definitions, and balance the needs of the public with those of industry.

Thank you for your consideration,

## Robert Beachler

---

**From:** Sara Cytrynowicz <sunnyjazz18@yahoo.com>  
**Sent:** Wednesday, September 28, 2022 4:37 PM  
**To:** Robert Beachler  
**Subject:** Re: IDAPA Title 39: 39.03.43 - Rules Governing Utilities on State Highway Right-of-Way

**CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.**

---

Thank you, Mr. Beachler.

This is such an important issue for the entire community and I appreciate your time and attention to this matter, as well as making my comments part of the formal rule making record.

Have a wonderful afternoon,  
Sara

On Wednesday, September 28, 2022, 9:07 AM, Robert Beachler <Robert.Beachler@itd.idaho.gov> wrote:

Good morning Ms. Cytrynowicz,

Thank you for your engagement and participation in this rulemaking. ITD is in receipt of your comments and would like to make them part of the formal rulemaking record.

For more information, please visit ITD's rulemaking webpage [here](#).

Respectfully,

Robert Beachler

Broadband Program Manager

Idaho Transportation Department

600 W. Prairie Ave.



Coeur d'Alene, ID 83815

(208) 772-1216 (office)

Office Hours: M-Th 6:00 am - 4:30 pm

[robert.beachler@itd.idaho.gov](mailto:robert.beachler@itd.idaho.gov)

**From:** Sara Cytrynowicz <sunnyjazz18@yahoo.com>  
**Sent:** Wednesday, September 28, 2022 5:24 AM  
**To:** Robert Beachler <Robert.Beachler@itd.idaho.gov>  
**Subject:** IDAPA Title 39: 39.03.43 - Rules Governing Utilities on State Highway Right-of-Way

**CAUTION:** This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

---

Good Morning Mr. Beachler,

As an Idaho resident, I support the recommended changes to the Proposed Rulemaking submitted by Idahoans for Safe Technology.

As ITD continues its efforts to address utility accommodation of fixed broadband facilities seeking access to the state's ROW, IFST recommendations align with Idaho Code: Title 40 Highways and Bridges, Chapter 1 Definitions, Idaho Code: Title 61 Public Utility Regulation, Chapter 1: Public Utilities Law — Application and Definitions, and balance the needs of the public with those of industry.

Please let me know if you need any of ITD's recommendations and I would be happy to forward them.

Thank you for your consideration,

Sara Cytrynowicz

Boise, ID

Sept. 28, 2022

RE: IDAPA Title 39: 39.03.43 - Rules Governing Utilities on State  
Highway Right-of-Way

I support the recommended changes to the Proposed Rulemaking submitted by Idahoans for Safe Technology.

As ITD continues its efforts to address utility accommodation of fixed broadband facilities seeking access to the state's Rights of Way, IFST recommendations align with Idaho Code: Title 40 Highways and Bridges, Chapter 1 Definitions, Idaho Code: Title 61 Public Utility Regulation, Chapter 1: Public Utilities Law — Application and Definitions, and balance the needs of the public with those of industry.

Thank you for your consideration,

Tanya Osterson

1919 N. 9<sup>th</sup> St.

Coeur d'Alene, Idaho 83814

208 699-9376

## Robert Beachler

---

**From:** jim slanetz <jimslanetz@hotmail.com>  
**Sent:** Wednesday, September 28, 2022 5:53 PM  
**To:** Robert Beachler  
**Subject:** 5g

**CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.**

---

RE: IDAPA Title 39: 39.03.43 - Rules Governing Utilities on State

Highway Right-of-Way

I support the recommended changes to the Proposed Rulemaking submitted by Idahoans for Safe Technology. ([Utility Accommodation Policy Draft #2](#) and [IFST 9/27/22 Draft 2.1 Utility Accommodation Policy Comments](#))

As ITD continues its efforts to address utility accommodation of fixed broadband facilities seeking access to the state's ROW, IFST recommendations align with Idaho Code: [Title 40 Highways and Bridges, Chapter 1 Definitions](#), Idaho Code: [Title 61 Public Utility Regulation, Chapter 1: Public Utilities Law — Application and Definitions](#), and balance the needs of the public with those of industry.

\_sincerely,  
James Slanetz  
691 1st avenue Ketchum Idaho 83340

---

Sent from my iPhone

## Robert Beachler

---

**From:** Erica Linson <erica@ericalinson.com>  
**Sent:** Wednesday, September 28, 2022 7:43 PM  
**To:** Ramon Hobdey-Sanchez; Robert Beachler; Colby.Cameron@itd.idaho.com  
**Subject:** RE: IDAPA Title 39: 39.03.43 - Rules Governing Utilities on State Highway Right-of-Way

**CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.**

---

Dear Mr. Hobdey-Sanchez, Mr. Beachler and Mr. Cameron,  
Thank you so much in advance for your attention to this matter.

I am VERY MUCH in AGREEMENT with the recommendations from Idahoans **for Safe Technology (IFST)**.

5G Technology has not been adequately tested on human, animal populations and on living systems. There is evidence it affects health and well-being in profoundly disturbing if subtle ways. No matter what the criteria, we need local communities to be able to retain the right to decide what is in their best interest, and not be overridden by corporate interests.

I consequently support the recommended changes to the Proposed Rulemaking submitted by Idahoans for Safe Technology. ([Utility Accommodation Policy Draft #2](#) and [IFST 9/27/22 Draft 2.1 Utility Accommodation Policy Comments](#))

As ITD continues its efforts to address utility accommodation of fixed broadband facilities seeking access to the state's ROW, IFST recommendations align with Idaho Code: [Title 40 Highways and Bridges, Chapter 1 Definitions](#), Idaho Code: [Title 61 Public Utility Regulation, Chapter 1: Public Utilities Law — Application and Definitions](#), and balance the needs of the public with those of industry.

Thank you!

Erica Linson  
PO Box 5273  
Ketchum, ID 83340  
415-378-3804

## Robert Beachler

---

**From:** Beth Chiodo <bajabethy@gmail.com>  
**Sent:** Wednesday, September 28, 2022 8:42 PM  
**To:** Ramon Hobdey-Sanchez; Robert Beachler; Colby.Cameron@itd.idaho.com  
**Subject:** RE: IDAPA Title 39: 39.03.43 - Rules Governing Utilities on State Highway Right-of-Way

**CAUTION:** This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

---

Hello!

I support the recommended changes to the Proposed Rulemaking submitted by Idahoans for Safe Technology. ([Utility Accommodation Policy Draft #2](#) and [IFST 9/27/22 Draft 2.1 Utility Accommodation Policy Comments](#))

As ITD continues its efforts to address utility accommodation of fixed broadband facilities seeking access to the state's ROW, IFST recommendations align with Idaho Code: [Title 40 Highways and Bridges, Chapter 1 Definitions](#), Idaho Code: [Title 61 Public Utility Regulation, Chapter 1: Public Utilities Law — Application and Definitions](#), and balance the needs of the public with those of industry.

Thank you  
Beth Chiodo

## Robert Beachler

---

**From:** Jodi Cruz <healthandhope@msn.com>  
**Sent:** Wednesday, September 28, 2022 8:47 PM  
**To:** Robert Beachler  
**Subject:** IDAPA Title 39

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---

RE: IDAPA Title 39: 39.03.43 - Rules Governing  
Utilities on State Highway Right-of-Way

I support the recommended changes to the  
Proposed Rulemaking submitted by Idahoans for  
Safe Technology.

As ITD continues its efforts to address utility  
accommodation of fixed broadband facilities seeking  
access to the state's ROW,

IFST recommendations align with Idaho Code: Title  
40 Highways and Bridges, [Chapter 1 Definitions](#),  
[Idaho Code: Title 61 Public Utility Regulation](#),  
Chapter 1: [Public Utilities Law](#) — Application and  
Definitions, and balance the needs of the public with  
those of industry.

Thank you for your consideration,

Jodi Cruz

**Robert Beachler**

---

**From:** Cheryl Hymas <cherylhymas@gmail.com>  
**Sent:** Wednesday, September 28, 2022 11:25 PM  
**To:** Ramon Hobdey-Sanchez; Robert Beachler; Colby.Cameron@itd.idaho.com  
**Subject:** RE: IDAPA Title 39: 39.03.43 - Rules Governing Utilities on State Highway Right-of-Way

**CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.**

---

RE: IDAPA Title 39: 39.03.43 - Rules Governing Utilities on State Highway Right-of-Way

Dear Idaho Dept of Transportation,

I support the recommended changes to the Proposed Rulemaking submitted by Idahoans for Safe Technology. ([Utility Accommodation Policy Draft #2](#) and [IFST 9/27/22 Draft 2.1 Utility Accommodation Policy Comments](#))

As ITD continues its efforts to address utility accommodation of fixed broadband facilities seeking access to the state's ROW, IFST recommendations align with Idaho Code: [Title 40 Highways and Bridges, Chapter 1 Definitions](#), Idaho Code: [Title 61 Public Utility Regulation, Chapter 1: Public Utilities Law — Application and Definitions](#), and balance the needs of the public with those off industry

The most important consideration is safety. Numerous studies have shown that cell towers and especially 5 G is harmful to life. It makes people sleepy and will cause accidents. I can testify that exposure over a few minutes causes me to have a deep bone ache all over so intensely it is hard to concentrate. I have never had heart trouble, but EMF exposure causes sharp pain in my heart ! So I do not use WIFI or routers and plug in my computer, trying to avoid the dangerous wireless technology. Safety of the animals in enclosures along the road, where they are forced to stay, will be in question. The danger to horses, cattle and dairy cattle will seriously endanger industries that support Idaho!! I will make note that having each company's own cell tower, three or four every few feet, impacts our scenic views very negatively. There is no way to collect monetary damages and these companies will make life in Idaho miserable. With all paved roads, streets highways impacted, I will not be able to leave my home.

Thank you for your serious consideration,

Cheryl Hymas  
805 Canyon Rd.



Hailey, Idaho

PS. I am a life time Idahoan. I taught in high school in Boise and Jerome. I served on the Jerome School Board and the State Board of Education for 10 years , being appointed by two Idaho governors. One set of grandparents were the founding fathers of Sun Valley (selling his ranch to Union Pacific) the other set had the first home in Jerome and established a business that still flourishes. Please take me seriously.

## Robert Beachler

---

**From:** Eric W Brandt <discoverthesource@gmail.com>  
**Sent:** Thursday, September 29, 2022 7:07 AM  
**To:** Colby.Cameron@itd.idaho.com; Robert Beachler; Ramon Hobdey-Sanchez  
**Subject:** RE: IDAPA Title 39: 39.03.43 - Rules Governing Utilities on State Highway Right-of-Way

**CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.**

---

To whom it concerns,

I support the recommended changes to the Proposed Rulemaking submitted by Idahoans for Safe Technology.

As ITD continues its efforts to address utility accommodation of fixed broadband facilities seeking access to the state's ROW,

IFST recommendations align with Idaho Code: Title 40 Highways and Bridges, [Chapter 1 Definitions](#), [Idaho Code: Title 61 Public Utility Regulation](#), Chapter 1: [Public Utilities Law](#) — Application and Definitions, and balance the needs of the public with those of industry.

Thank you for your consideration,

Eric Brandt

**"Discover the Source"**  
with Metabolic Typing  
& Functional Diagnostic  
Nutrition

Eric Brandt  
CMTA Level 2, FDN,  
Cell - 808-226-3624  
Office - 208-608-5966

**Robert Beachler**

---

**From:** Ali Loraine, DPT, OMS <dancelightly@gmail.com>  
**Sent:** Thursday, September 29, 2022 8:57 AM  
**To:** Robert Beachler  
**Subject:** IDAPA Title 39: 39.03.43

**CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.**

Dear Robert,  
I support the recommended changes to the Proposed Rulemaking submitted by Idahoans for Safe Technology.

As ITD continues its efforts to address utility accommodation of fixed broadband facilities seeking access to the state's Rights of Way, IFST recommendations align with Idaho Code: Title 40 Highways and Bridges, Chapter 1 Definitions, Idaho Code: Title 61 Public Utility Regulation, Chapter 1: Public Utilities Law — Application and Definitions, and balance the needs of the public with those of industry.

Thank you for your consideration,  
Dr. Ali Loraine

--

 **MettaPhysical**  
*Therapy* **Ali Loraine, DPT, OMS**  
*Owner, Director of* **MettaPhysical Therapy**  
**210 Triangle Drive, Suite E**  
**Ponderay, Idaho 83852**  
**(208) 946-5364**

**Jyotir** of Gaia's Daughters American Bellydance Troupe  
LaCleda, Idaho  
**(208) 660-3362**

**Robert Beachler**

---

**From:** Bergie <bergiej2@aol.com>  
**Sent:** Thursday, September 29, 2022 1:03 PM  
**To:** Colby.Cameron@itd.Idaho.com; Robert Beachler; Ramon Hobdey-Sanchez  
**Subject:** IDAPA Title 39

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---

RE: IDAPA Title 39: 39.03.43 - Rules Governing Utilities on State  
Highway Right-of-Way

I support the recommended changes to the Proposed Rulemaking submitted by Idahoans for Safe Technology.

As ITD continues its efforts to address utility accommodation of fixed broadband facilities seeking access to the state's ROW, IFST recommendations align with Idaho Code: Title 40 Highways and Bridges, Chapter 1 Definitions, Idaho Code: Title 61 Public Utility Regulation, Chapter 1: Public Utilities Law — Application and Definitions, and balance the needs of the public with those of industry.

Thank you for your consideration,

Jamie

## Robert Beachler

---

**From:** Colby Cameron  
**Sent:** Thursday, September 29, 2022 2:06 PM  
**To:** Robert Beachler  
**Subject:** FW: Safety of 5g towers

**dummymailid:** 00000000193985095E6DE34DAD5D5193E081541A07007DA84CFBE4DBD748B6FAC7E14F5B63410000000010B00007DA84CFBE4DBD748B6FAC7E14F5B6341000048CC55950000

Broadband Comment

-----Original Message-----

**From:** T Den <taytots@hotmail.com>  
**Sent:** Thursday, September 29, 2022 9:29 AM  
**To:** Ramon Hobdey-Sanchez <Ramon.Hobdey-Sanchez@itd.idaho.gov>  
**Subject:** Safety of 5g towers

**CAUTION:** This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

Hi I am a concerned citizen and believe that 5 g towers need more study to find IF they are safe. I concur with the IFST. The definition of highway. Along with why we need towers vs underground lines. I do not think this is safe for our community or livestock and would encourage more study.

Thank you sincerely  
Tay Brackett  
Sent from my iPhone

## Robert Beachler

---

**From:** Colby Cameron  
**Sent:** Thursday, September 29, 2022 2:07 PM  
**To:** Robert Beachler  
**Subject:** FW: [Possible SPAM] IDAPA Title 39

Broadband Comment

**From:** Jodi Cruz <jodicruz@live.com>  
**Sent:** Wednesday, September 28, 2022 9:48 PM  
**To:** Ramon Hobdey-Sanchez <Ramon.Hobdey-Sanchez@itd.idaho.gov>  
**Subject:** [Possible SPAM] IDAPA Title 39

**CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.**

---

RE: IDAPA Title 39: 39.03.43 - Rules Governing  
Utilities on State Highway Right-of-Way

I support the recommended changes to the  
Proposed Rulemaking submitted by Idahoans for  
Safe Technology.

As ITD continues its efforts to address utility  
accommodation of fixed broadband facilities seeking  
access to the state's ROW,

IFST recommendations align with Idaho Code: Title  
40 Highways and Bridges, [Chapter 1 Definitions](#),  
[Idaho Code: Title 61 Public Utility Regulation](#),  
Chapter 1: [Public Utilities Law](#) — Application and  
Definitions, and balance the needs of the public with  
those of industry.

Thank you for your consideration,

Jodi Cruz

## Robert Beachler

---

**From:** Colby Cameron  
**Sent:** Thursday, September 29, 2022 2:14 PM  
**To:** Robert Beachler  
**Subject:** FW: 5g

**dummymailid:** 00000000193985095E6DE34DAD5D5193E081541A07007DA84CFBE4DBD748B6FAC7E14F5B63410000000010B00007DA84CFBE4DBD748B6FAC7E14F5B6341000048CC55A30000

Broadband Comment

-----Original Message-----

**From:** Jon Christianson <jon.l.christianson@gmail.com>  
**Sent:** Wednesday, September 28, 2022 2:28 PM  
**To:** Ramon Hobdey-Sanchez <Ramon.Hobdey-Sanchez@itd.idaho.gov>  
**Subject:** 5g

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

Dear Mr Hobdey, please recognize that 5g represents a different risk than previous technologies that relied on different frequencies. The installers must MUST remain liable for the consequences of the technologies that they use. Please do not eviscerate this core principle.

Jon Christianson.

Sent from my iPhone

## Robert Beachler

---

**From:** Colby Cameron  
**Sent:** Thursday, September 29, 2022 2:15 PM  
**To:** Robert Beachler  
**Subject:** FW: I strongly support the recommendations from IFST.

**dummymailid:** 00000000193985095E6DE34DAD5D5193E081541A07007DA84CFBE4DBD748B6FAC7E1  
4F5B63410000000010B00007DA84CFBE4DBD748B6FAC7E14F5B6341000048CC55A70  
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Broadband Comment

**From:** Dr. Rick Kirschner <[rick@talknatural.com](mailto:rick@talknatural.com)>  
**Sent:** Wednesday, September 28, 2022 12:34 PM  
**To:** Ramon Hobdey-Sanchez <[Ramon.Hobdey-Sanchez@itd.idaho.gov](mailto:Ramon.Hobdey-Sanchez@itd.idaho.gov)>  
**Cc:** Colby Cameron <[Colby.Cameron@itd.idaho.gov](mailto:Colby.Cameron@itd.idaho.gov)>  
**Subject:** I strongly support the recommendations from IFST.

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Re: [https://itd.idaho.gov/wp-content/uploads/2022/08/RM\\_UAP\\_Draft\\_2-1.pdf](https://itd.idaho.gov/wp-content/uploads/2022/08/RM_UAP_Draft_2-1.pdf)

I strongly support the recommendations from IFST.

Dr. Rick Kirschner  
[rick@talknatural.com](mailto:rick@talknatural.com)  
541-210-0678

Dr. Rick Kirschner, ND, VNMI  
[rick@talknatural.com](mailto:rick@talknatural.com)  
541-210-0678



## Robert Beachler

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**From:** Colby Cameron  
**Sent:** Thursday, September 29, 2022 2:15 PM  
**To:** Robert Beachler  
**Subject:** FW: IDAPA Title 39: 39.03.43 Rules Governing Utilities on State Highway Right of Way

**dummymailid:** 00000000193985095E6DE34DAD5D5193E081541A07007DA84CFBE4DBD748B6FAC7E14F5B63410000000010B00007DA84CFBE4DBD748B6FAC7E14F5B6341000048CC55A90000

Broadband Comment

**From:** Liza Dormady <lizadarmody@protonmail.com>  
**Sent:** Wednesday, September 28, 2022 10:50 AM  
**To:** Ramon Hobdey-Sanchez <Ramon.Hobdey-Sanchez@itd.idaho.gov>  
**Subject:** Re: IDAPA Title 39: 39.03.43 Rules Governing Utilities on State Highway Right of Way

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Hello Mr. Hobdey-Sanchez,

I support the recommended changes to the Proposed Rulemaking submitted by Idahoans for Safe Technology.

As ITD continues its efforts to address utility accommodation of fixed broadband facilities seeking access to the state's ROW, IFST recommendations align with Idaho Code: Title 40 Highways and Bridges, Chapter 1 Definitions, Idaho Code: Title 61 Public Utility Regulation, Chapter 1: Public Utilities Law — Application and Definitions, and balance the needs of the public with those of industry.

Thank you for your consideration,  
Liza Dormady  
Middleton, Idaho

Sent with [Proton Mail](#) secure email.

**Robert Beachler**

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**From:** Lisa Lintner <lisa@lotusmed.me>  
**Sent:** Thursday, September 29, 2022 6:09 PM  
**To:** Robert Beachler  
**Subject:** 5G on highways

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RE: IDAPA Title 39: 39.03.43 - Rules Governing Utilities on State

Highway Right-of-Way

I support the recommended changes to the Proposed Rulemaking submitted by Idahoans for Safe Technology. ([Utility Accommodation Policy Draft #2](#) and [IFST 9/27/22 Draft 2.1 Utility Accommodation Policy Comments](#))

As ITD continues its efforts to address utility accommodation of fixed broadband facilities seeking access to the state's ROW, IFST recommendations align with Idaho Code: [Title 40 Highways and Bridges, Chapter 1 Definitions](#), Idaho Code: [Title 61 Public Utility Regulation, Chapter 1: Public Utilities Law — Application and Definitions](#), and balance the needs of the public with those of industry.

Lisa Lintner 803 Canyon Road , Hailey ID 208-720-6711