

From: Stephen P. Romine, P.O. Box 657 Woodstock, N.Y. 12498

To: Woodstock Town Board, Planning Board, Zoning Board , Woodstock New York's town lawyers,

Re: Notice to Cease and Desist from Processing and Approving Applications for all 4G and 5G Close-Proximity Microwave Radiation Antenna (CPMRA) Wireless Telecommunications Facilities (WTFs), and from any placement, construction, modification and operations thereof, as not compliant with National Environmental Policy Act (NEPA) Requirements
November 17, 2019

Notice to Agent is Notice to Principal; Notice to Principal is Notice to Agent

Dear Town Board, Planning Board and Zoning Board:

In relation to the Federal Communications Commission (FCC and F.C.C.) [18-30 Order](#), kindly note that the [Ruling](#) of August 9, 2019 in [Case 18-1129](#) in the DC Circuit Court of Appeals renders every Wireless Telecommunications Facility (WTF) application incomplete, lacking its required Environmental Assessment (EA) and / or Environmental Impact Statement (EIS), as required under the National Environmental Policy Act of 1969 ([NEPA](#)).

This Ruling pertains to the class of Close-Proximity Microwave Radiation Antenna Wireless Telecommunications Facilities (CPMRA-WTFs), and includes the antennas, radios and power equipment for the Small Wireless Facilities that often attach to utility poles, light poles and other street furniture.

[Case 18-1129](#), page 19, of Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment (Second Report & Order) (Order), FCC 18-30, 2018 WL 1559856 (F.C.C.) (Mar. 30, 2018) states:

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." Order ¶ 41. The Commission anticipates that the needed "densification of small deployments over large geographic areas," id., could require 800,000 deployments by 2026, FCC, Declaratory Ruling & Third Report & Order, FCC 18-133, ¶ 126 (Sept. 26, 2018).

The DC Circuit Court of Appeals further ruled against FCC overreach on October 1, 2019, as follows:

[Case 18-1051](#) page 146, re: *Restoring Internet Freedom*, 33 FCC Rcd. 311 (2018) ("2018 Order") states:

"[because] the Commission's Preemption Directive, see 2018 Order ¶¶ 194-204, lies beyond its authority, we vacate the portion of the 2018 Order purporting to preempt "any state or local requirements that are inconsistent with [the Commission's] deregulatory approach[,]" see id. ¶ 194."

Per the above Rulings and [NEPA](#), all WTF shot-clocks must be tolled and all application processing and construction must stop until any and all applicants complete the court-mandated Environmental Assessment (EA) and / or Environmental Impact Statement (EIS).

Specifically, the town of Woodstock in Ulster County New York must cease and desist from:

1. Processing any and all CPMRA-WTFs, also known as "small wireless facilities" applications;
2. The placement of any new CPMRA-WTF;
3. The construction of any new CPMRA-WTF;
4. The modification of any CPMRA-WTF that would result in the addition of any antenna or in the increase in Effective Radiated Power from the WTF;
5. The operations of any and all extant CPMRA-WTF,

where such CPMRA-WTFs lack EA and / or EIS, per NEPA requirements.

Kindly inform any and all applicants and potential applicants of their need to comply with NEPA per the above-cited Rulings to place the results of the Federal EA or EIS into the public record, in order that their application(s) might be considered complete.

The current real-estate grab by telecommunications companies attempting to install CPMRA-WTFs in the public rights-of-way cannot lawfully proceed except where protective of the environment consistent with NEPA requirements, per the above-cited Rulings.

Note, moreover, that the infrastructural copper wires and fiber-optic cables already in place are owned by the public, and cannot lawfully be claimed or used by the telecommunications companies as if they were private property purposed for private profit.

Kindly inform me of your intent to cease and desist from the above activities.

Notice to Agent is Notice to Principal; Notice to Principal is Notice to Agent

Signed, Stephen Phillip Romine

Date: Nov. 17, 2019
