

1 back to their unaffected value or they could go below the unaffected value. That
2 concludes my comments. Any questions?

3 HOLLOWAY: Bruce Debosky?

4 DEBOSKY: I am Bruce Debosky and I need to be sworn. I
5 wasn't here at the time.

6 CLERK: Do you solemnly swear the testimony you are about
7 to give is the truth the whole truth and nothing but the truth so help you God?

8 DEBOSKY: I do, thank you. My name is Bruce Debosky and I
9 am a Denver lawyer for the last 22 years, most of which with the law firm of
10 Silver and Debosky, located at 18th and York in Denver. I first heard of
11 electromagnetic radiation on Lookout Mountain when I was approached in the
12 mid 1980's by long time Lookout Mountain residents, Verle and Naoma Maine.
13 You may know or remember the Maines' as the owner of the Lighted Lantern
14 Square Dance Hall and Camp on Lookout Mountain Road. Verle Maine was
15 nationally known as one of the finest square dance callers our country ever
16 produced and at the age of 56 he contracted Hodgkins Lymphoma. When the
17 Maines' came to me in the middle '80's they came with a newspaper article from
18 the Denver Post which was describing hot spots of electromagnetic radiation on
19 Lookout Mountain and the one that was of particular interest to them was the
20 one from Jefferson Pilot Communication's, KYGO FM antenna which was very
21 near their residence and there were hot spots of electromagnetic radiation, radio
22 frequency radiation on their property. When Jefferson Pilot's Head Engineer at
23 KYGO was asked if he thought that the hot spots on the Maines' property posed

1 any health threats, he was quoted as saying "it's not as if we're seeing mutants
2 coming out of there". Mr. & Mrs. Maine retained me and my law firm and we
3 sued Jefferson Pilot Communications in the late 1980's and right before the trial
4 the case settled and I am not permitted by the terms of the settlement to
5 disclose anything about the settlement. Shortly thereafter in his 50's, Verle
6 Maine died in the Lighted Lantern Square Dance Camp which had attracted
7 square dancers from all over of the country in summer camps closed forever. A
8 couple of years later one of Mr. Maine's sons who grew up underneath the
9 KYGO tower also contracted cancer. Now that case was the first case where I
10 met Mr. Jules Cohen. Jules Cohen you may remember was the gentlemen who
11 testified on behalf of the applicant about a month ago and attempted to convince
12 you of the safety of this proposed tower. I cross-examined Mr. Cohen at length
13 and learned what I would like you to know that he has spent his long and
14 distinguished career speaking and working for the National Association of
15 Broadcasters and its members like the applicant here. With all due respect to
16 Mr. Cohen he is the engineering and health poster boy of the broadcast industry.
17 And you should know that he is not a independent scientist, he has made his
18 living testifying and working for broadcasters. Now, the KYGO case in the late
19 '80's lead me on a career path where I ended up being involved in
20 electromagnetic radiation cases all over the country. And that's where I first met
21 Dr. Philip Cole who also testified here a month ago and I have cross-examined
22 Dr. Cole at length as well. And if Jules Cohen is the poster boy for the
23 broadcast industry which I submit he is, Dr. Cole is the health effects poster boy

1 for the entire electromagnetic radiation industry. He has testified many, many
2 times. In 1992 when I deposed him he had testified at least 15 times on behalf
3 of Electric Utility Companies and has also been involved in other
4 electromagnetic radiation fights around the Country always on behalf of industry.
5 His career was marked with many years as being associated with the Electric
6 Power Research Institute, which is the power industry's equivalent of the
7 Tobacco Institute performing quote " independent industry funded research on
8 the effects of the product which they sell". Dr. Cole's rate in 1992 at least what
9 he charged me to take his deposition was \$400 an hour, I don't know what it is
10 today. With, excuse me, with Dr. Cole and Mr. Cohen you have not, you have
11 not heard independent science. You have not heard the opinions of
12 independent researchers who are expressing the views on the health effects
13 and the safety of electromagnetic radiation on Lookout Mountain. Rather I
14 respectfully submit to you that what you have seen and heard from Dr. Cole and
15 Dr. Cohen or Mr. Cohen, who I have personally examined in cases in which they
16 have testified on behalf, is the most expensive "dog and pony show" that this
17 applicant could buy. It is the same "dog and pony show" that has been
18 submitted to Commissioners, and courtrooms around the country for many
19 years. And if you take their appearance at face value, you are being misled.
20 Now, finally I am one of the lead lawyers on another lawsuit in Jefferson County
21 that you may or may not know about but which has some interesting parallels to
22 the issues before you this evening. I represent 10,000 Jefferson County
23 residents in a class action lawsuit against the former operators of the Rocky

1 Flats Nuclear Weapons Plant to the north, Dow Chemical and Rockwell
2 International, a lawsuit that we filed in January of 1990, six months after the
3 famous FBI raid which ultimately lead to the closure and the cessation of
4 production of nuclear weapons. As you know, I am sure, Rocky Flats is stated
5 simply the most radioactively contaminated parcel of land in the United States
6 and some submit in the world. And the property owners out there have banded
7 together in a class action that we have fought for ten years and we are awaiting
8 a trial date as we speak. And we have brought claims for diminution of property
9 value, exactly what you have heard from the appraisers who have testified this
10 evening. And our experts have completely coincidentally from what you have
11 heard, expressed the opinion that the 10,000 property owners have suffered a
12 diminution of property value of approximately 8 to 10% of their value or a total of
13 a quarter billion dollars of proper values because of the stigma and the
14 contamination from the Rocky Flats Plant. And the lawsuit is proceeding in
15 Federal Court the class has been certified, we have hearings scheduled next
16 month to set trial dates on theories of trespassing nuisance from contamination
17 and electromagnetic radiation has been found by courts in this country to also
18 be contamination. And I guess the question I would ask you is we have
19 Jefferson County now being presented with another highly radiation
20 contaminated area. In fact, Lookout Mountain has been labeled by the FCC, as
21 the most intense and complex electromagnetic radiation area in the United
22 States. So we have ionizing radiation in north Jefferson County, we have
23 electromagnetic radiation in central Jefferson County. And whether or not the

1 citizens of this community band together like those other Jefferson County
2 residents and bring a lawsuits for diminution of property value and effect on
3 health remains to be seen. But I would submit to you the following question.
4 How many more contaminated neighborhoods where people live and work and
5 children play with the resulting diminution of property value and potential impact
6 on peoples health can Jefferson County afford? Thank you. Do you have any
7 questions?

8 SHEEHAN: I don't know what you are allowed to say or not say
9 regarding this KYGO case?

10 DEBOSKY: Yes.

11 SHEEHAN: Well, why did you settle?

12 DEBOSKY: I am not allowed to...the settlement terms, there is a
13 thing in civil litigation which many of us object to but it's what we have to do it's
14 called a "gag order" and as one of the conditions of settlement, Jefferson Pilot
15 required that we not be permitted to disclose either the quality or the quantity or
16 anything about settlement.

17 SHEEHAN: Causal link is a big aspect to this whole issue and I
18 guess what I would like to know is, if any cause of link was established, and you
19 can't say...and that's...

20 DEBOSKY: Well we had...I can say this we had expert witnesses
21 from around the country who were prepared to testify that Mr. Maine's, non-
22 Hodgkins Lymphoma was absolutely caused by the electromagnetic radiation. I
23 mean that's what our case was about and we were I think about to my

1 recollection it's now about ten years ago. But we were about a month before trial
2 and we had a settlement conference and spent hours and hours and hours and
3 we were able to resolve the case. But I am sworn to secrecy as to the terms
4 and the only...I think and I haven't read the settlement agreement recently but I
5 think I could be permitted if I was under an order to do so I am permitted to
6 disclose. But, I am not under an order and I am not being compelled to so
7 disclose it and I can't. I regret that. But...

8 SHEEHAN: What would it take for you to get a order?

9 DEBOSKY: I will defer to the County Attorney on that. But, if I
10 was...and I would be glad to look at the settlement agreement and see on what
11 terms I could disclose it and I would very much like to. But I am not in a position
12 to do so and that's my...and I have signed an agreement to that effect.

13 SHEEHAN: Well, what about property location, I mean can you
14 provide property location?

15 DEBOSKY: For the Maine residence?

16 SHEEHAN: Yes, in this tower vicinity.

17 DEBOSKY: It was on Lookout Mountain Road and it's been a few
18 years and I am not a Lookout Mountain resident so maybe someone could help
19 me but it was the Lighted Lantern Square Dance Camp which was here for
20 many, many years. It was a well known, they had square dances there every
21 Saturday night and Mr. Maine was the caller. I could provide you and would be
22 happy to Mr. Sheehan give you the exact address.

1 SHEEHAN: Can you at least provide any data research that
2 suggested that that location was sighted as a hot spot?

3 DEBOSKY: Oh, sure there was an EPA study that showed that,
4 that location was a hot spot, emanating from the KYGO tower.

5 SHEEHAN: That would be helpful to me and since it's causal.

6 DEBOSKY: Okay now, in the interest of full disclosure as a result
7 of our lawsuit we sought a preliminary injunction and we shut down the tower
8 and the tower has since been moved. The KYGO tower is no longer on Lookout
9 Mountain. I think they went to Mount Morrison or Squaw Mountain, I am not
10 sure which one.

11 AUDIENCE: Squaw.

12 DEBOSKY: But, we filed an injunction and they immediately
13 switched their power from another source eliminating the hot spot. But as far as
14 the Maine's were concerned the damage had already been done.

15 SHEEHAN: Being a CARE representative and representing this
16 legal issue it would be helpful to me and my decision making to have a listing of
17 any other lawsuits that are brought to bear in this area, specifically in Lookout
18 Mountain area dealing with radiation and their status of those suits.

19 DEBOSKY: The only other one that I am personally involved in...I
20 represented the son with his cancer and was we got that resolved as well. And I
21 am to the best of recollection and I want to err on the side of conservatism and I
22 am sworn to secrecy on that as well. But, I also represented a tenant of a home
23 on Lookout Mountain, a family that was leasing a rather nice home and the

1 specific protection from interference problems. This kind of interference hurts
2 residents, businesses the School of Mines who you have already heard from.
3 We submit to you the super tower will greatly increase the nature and extent of
4 interference in the Lookout Mountain and Golden areas. And Mr. Hislop is here
5 and he will more technically speak to that issue very briefly. The next visual is
6 the various persons and entities that are concerned about interference. You
7 have already heard from the School of Mines you are aware of the resolution of
8 Golden, you have already heard from a number of people representing high tech
9 businesses, tonight Mr. Crowder has spoken to you. Certainly you have seen
10 the seen the petition and I note that the very comprehensive document prepared
11 and compiled by Patti Roberts which is the result of a survey concerning
12 interference problems has already been submitted to you. That's a blue binder
13 which details very deeply the various problems experienced by the residents.
14 Particularly pernicious as far as we're concerned is the rule of the FCC that all
15 others, other than the broadcasters must accept the interference that the
16 broadcasters produce when they transmit their signal. This is really more a rule
17 of coping then one of acceptance because everyone other than the
18 broadcasters is put in the position of have to having to compromise whatever
19 appliances and computers, etc. they may be using relative to interference
20 problems. We would note and Mr. Hislop will talk to you very shortly that the
21 interference problems in the Lookout Mountain area and Golden and over in
22 Genesee appear to arise at about a level of 1/400th of the FCC standard that
23 Lake Cedar Group has repeatedly urged upon you. In other words .5, 1/2 of 1

1 children were having enormous medical problems as soon as the moved up to
2 Lookout Mountain and so they tried and they successfully got out of the lease
3 because one of the children had hearing problems, and emotional problems,
4 and they believed it was from the electromagnetic radiation, their doctor
5 supported them they broke the lease. They got out and I negotiated a
6 settlement on their behalf with the landlord. And it was all related to
7 electromagnetic radiation. That is the only other lawsuit that I personally have
8 any knowledge. I would predict that there will be more. I mean, I don't mean to
9 be cavalier about that, it's just, understanding how communities respond to
10 these kind of things I would predict that there would be more.

11 SHEEHAN: Well, I mean I have a great concern as
12 Commissioner that there could be potential hot spots up there that we are
13 obligated to make sure that's the case, that there are no hot spots, people are
14 safe...so...

15 DEBOSKY: Thank you. Any further questions?

16 HOLLOWAY: Thank you.

17 D'ANTUNO: Good evening Commissioners, my name is Donald
18 D'Antuno and I have been sworn in. I live at 262 Paradise Road on Lookout
19 Mountain. And I am here to speak to you briefly about the issue of interference.
20 I am going to try to move quickly so as not to be redundant on matters that are
21 covered by others or will be covered by others. That radio and TV broadcast
22 signals cause harmful detrimental interference is undeniable. Jefferson
23 County's written policies in the Zoning Resolution and elsewhere promise