

August 8, 2008

Ms. Marlene Dortch, Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street. SE  
Washington, DC 20554

*Re: Applications of Atlantis Holdings LLC, transferor and Celco  
Partnership D/B/A/ Verizon Wireless, transferee, WT Docket 08-95.*

Dear Chairman Martin and Commissioners:

In order to protect workers from dangerous working conditions that violate Federal Communications Commission (“FCC” or “Commission”) rules, the International Brotherhood of Electrical Workers (“IBEW”) writes today to respectfully urge the Commission to reject the proposed merger of Atlantis Holdings LLC (“Alltel”) and Celco Partnership D/B/A/ Verizon Wireless (“Verizon Wireless”).

IBEW represents approximately 750,000 members who work in every state of the nation and in a wide variety of fields, including utilities, construction, telecommunications, broadcasting, manufacturing, railroads and government. The IBEW was formed in 1891 and takes great pride in its members’ central role in building our nation’s telecommunications infrastructure. IBEW linemen strung the telephone wires on which we all rely. IBEW craftsmen built our telephones. IBEW telephone operators ran the first manual switches – then IBEW technicians built and maintained the complex switching machinery which makes telecommunications possible.

We are always mindful, however, that building the country’s telecommunications network has, at each stage of technological development, exposed our members to risk due to substandard safety practices by building owners, network operators, and equipment providers. Therefore, IBEW has worked for more than 100 years for critical safety improvements.

Today’s great challenge is to balance the construction of a nationwide wireless network with the need to protect workers, both those employed by wireless carriers and third-party workers who may be exposed to dangerous RF signals above the established FCC limits. Verizon Wireless and Alltel have not achieved this balance and unnecessarily expose workers to unsafe conditions.

The Commission has explained that in reviewing proposed transactions it will apply a public interest test that asks, in part: “whether the transaction would result in a violation of the Commission’s rules.<sup>1</sup>” When the rule at issue is one that protects public safety, the Commission should be at its most vigilant. Congress, in the first lines of the Communications Act of 1934, states that it created the FCC for, among other purposes, the purpose of “promoting safety of life and property through the use of wire and radio.” As the Commission has stated on many occasions, protecting public safety is a paramount responsibility of the FCC.

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<sup>1</sup> *SBC-Ameritech Merger Order*, 14 FCC Rcd. 14737-38 ¶ 48.

IBEW has thousands of workers that perform their duties on or near Verizon Wireless and Alltel antenna facilities every day. On a daily basis, our IBEW membership and other third party workers perform duties on rooftops, utility poles, light standards, and other structures that bring them in to close proximity to Verizon Wireless and Alltel RF transmitting antennas.

The RF exposure limits set forth in 47 CFR 1.1310 apply to all FCC licensed facilities, including those of Verizon Wireless and Alltel.<sup>2</sup> As a condition for transferring licenses, wireless carriers must certify that they comply with FCC rules including those that prevent the exposure of persons above the FCC human exposure limits.<sup>3</sup> The limits are well known to all wireless licensees. The FCC's whitepaper on "Evaluating Compliance with FCC Guidelines for Human Exposure to Radiofrequency Electromagnetic Fields" ("OET 65") forewarns licensees that persons will be exposed above the FCC limits if they are allowed to access areas that are too close to active antennas. The FCC assumes persons will not have close access to antennas, or that if they do, procedures will be in place to control exposures to below FCC limits.<sup>4</sup> Verizon Wireless encourages its site owners to restrict access by the use of locks to rooftops and other structures, thus claiming FCC RF exposure compliance. However, our IBEW membership is still granted access to these areas and is still being potentially over-exposed to RF emissions. All licensees must, under FCC rules, therefore take the "actions necessary" to bring the accessible areas that exceed the FCC exposure limits into compliance. This is the shared responsibility of all licensees whose transmission power density levels exceed 5% of the applicable FCC exposure limit.<sup>5</sup>

Over the years the number of sites and antennas across the country has skyrocketed. Antennas occupy not only difficult-to-access towers, but also rooftops, sides of buildings and other structures constantly accessed by our IBEW membership as well as roofers, painters, HVAC, carpenters, sheet metal workers and firefighters. The increasing number of "stealth" antennas and co-located sites exacerbate the problem of identifying and understanding RF risks.

Verizon Wireless and Alltel have an aggressive safety program to protect their own employees from the RF risk created by their antennas. However, the licensees do not afford the same level of precaution for t third-party workers. For example, Verizon Wireless workers are provided extensive ongoing RF safety training, are routinely provided with RF protection monitors, are told of the location and danger presented by antennas in their working environment. Verizon routinely powers down their antennas when their employees are in close proximity to these RF transmitters. This safeguard is not provided by Verizon Wireless to our IBEW membership or third party workers. According to the Commission's license agreements, Verizon Wireless has a clear, non-delegable obligation to ensure that no worker – employee or third party – is over-exposed to RF radiation from their transmitting antennas.

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<sup>2</sup> 47 CFR 1.1307(b)(1)

<sup>3</sup> 47 CFR 1.1307(b)

<sup>4</sup> OET 65, page 13, par. 3.

<sup>5</sup> 47 CFR 1.1307(b)(3)

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FCC precedent is clear that a transaction should not be approved in the face of continuing rule violations. As a result of Verizon Wireless failure to adhere to the FCC's license RF exposure obligations, the Commission should not approve the merger.

If the Commission determines that the merger should be approved, it should grant the applications subject to the condition that the merged company immediately adopt a nation-wide RF safety system that protects all workers.

The IBEW feels that without a comprehensive RF safety system, which can be administered and verified by a neutral third party, RF over-exposures will continue to pose unnecessary health risks.

The IBEW appreciates the FCC's prompt attention to this important regulatory and safety and health concern.

Sincerely yours,

Edwin Hill  
International President