

## The Chilling Effect of "Federal Law" Scare Tactics

### CHILLING EFFECT

The cell carriers resist investing more capital in new systems. Verizon attorney Steve Romine recently sent letters to the homes of Comprehensive Plan Steering Committee members warning that some of the proposed changes to the Comp Plan may violate federal law.

He threatened that by expressing a preference for new, less-obtrusive technology like Distributed Antennae Systems, the committee could be opening the county to lawsuits. DAS is gaining traction as less-obtrusive than tall cell towers.

"In the end, there is simply no need for the committee to adopt a potentially unlawful preference for new communications technologies that could be subject to the types of preemption challenges raised in ongoing litigation in other jurisdictions," Romine wrote. "In short, the county's current policy works, and there is no need to change it, especially in a way that exceeds the county's authority under federal law."

Despite the ominous tone, Romine said last month during a hearing that both AT&T and Verizon support the idea of a wireless master plan for the county.