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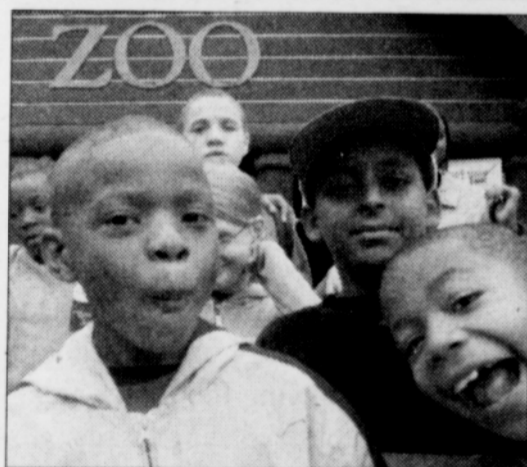


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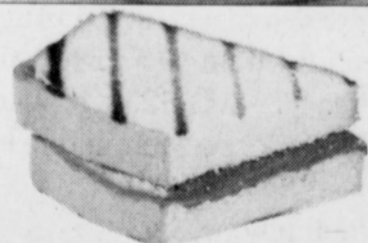


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LOCAL NEWS

Cell Tower Lawsuit Next

Northeast neighbors say they'll go to court

BY JAKE THOMAS
THE PORTLAND OBSERVER

Unease among Portland residents about the placement of wireless technology has reached a new level, with a group of residents preparing to file a lawsuit seeking to prevent the placement of an antenna in a northeast neighborhood, claiming that City Hall is kowtowing to the wireless industry.

Portland is a city restive about the proliferation of wireless technology. Neighborhoods ranging from Arbor Lodge to Brentwood-Darlington have skirmished with the city and Internet providers over efforts to install wireless antennas. And City Hall has been ill at ease with federal policies that have made it easier to install wireless facilities all over the city.

RespectPDX is an organization based in the Beaumont-Wilshire neighborhood that hopes to put the brakes on the placement of wireless antennas in Portland. Last week, the group announced that it intended to file a lawsuit against the City of Portland and Clearwire, an Internet service provider, over the placement of a cell phone antenna on 3707 N.E. Fremont St.

Clearwire, commonly referred to as "Clear", has been hoping to place a wireless antenna near Wilshire Market since at least 2008 to fill in a coverage gap. The move rankled residents of Beaumont-Wilshire, who worry that the antenna would diminish the livability of the surrounding area. They are concerned that the constant hum from a nearby equipment cabinet would be a constant irritant and that the potential health effects of wireless technology, and the antenna- attached to a nearby utility pole- would be a blot on the streetscape.

The federal Telecommunications Act of 1996, which helped open the floodgate for the dissemination of wireless technology, severely limits how local governments can regulate cell towers and antennas.

Local governments can't block the installation of a wireless facility on health grounds. But it can use land-use laws to steer them out of residential areas, according to David Soloos, the assistant director of Portland's Office of Cable and Franchise Management.

The city has encouraged wireless providers to install smaller antennas that blend into the cityscape, rather than bulky and alien-looking cellular towers. According to Soloos, no cell towers have been built in a residential or open space area since 2004.

Last year, City Council passed an ordinance meant to balance its obligations to accommodate the

tions and Franchise Management declined to comment, as did Clear. However, the city attorney's office had not been served with papers regarding the lawsuit by press time.

The plaintiffs in the suit say they aren't after any monetary damages aside for attorney fees. Instead, they hope it will bring clarity to Portland's prioritization system for wireless antennas, according to a press release.

"It seems that Clearwire is betting that City Hall will ignore the process and put the interests of Big Business above the local concerns of our citizens. We hope the City will tell Clearwire, 'That's not the way Portland,'" said Plaintiff Colin

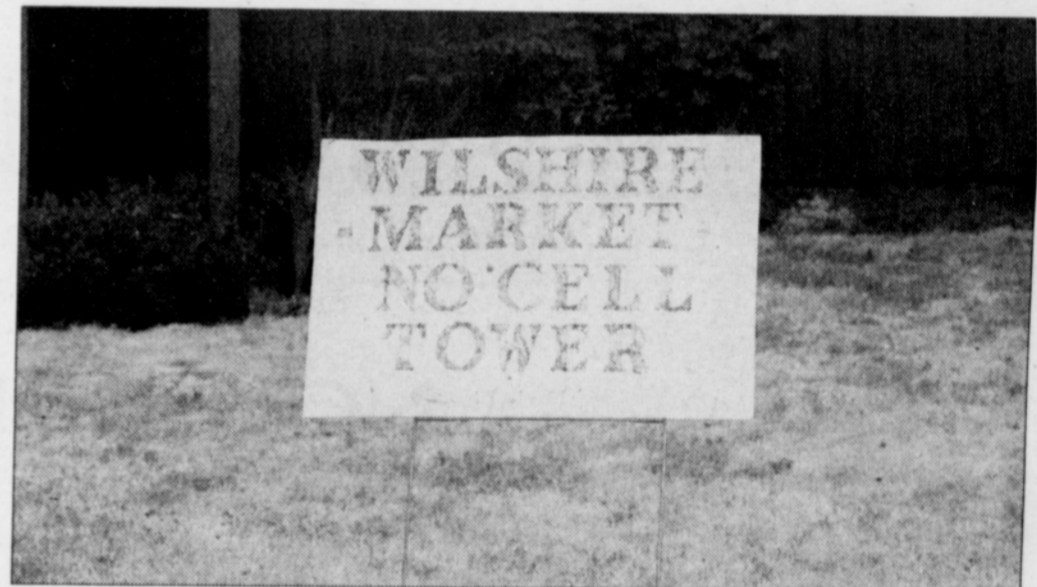


PHOTO BY JAKE THOMAS/THE PORTLAND OBSERVER

A sign expresses the displeasure with a proposed cell phone tower in the Beaumont-Wilshire Neighborhood of northeast Portland.

installation of wireless technology with livability issues by establishing a prioritization system for wireless antennas. The system aims to place them in industrial areas or high traffic streets away from residential neighborhoods whenever possible.

The lawsuit claims that the city's Office of Cable Communications and Franchise Management did not follow this process when it approved the placement of the antenna on 37th Avenue and Fremont Street because there is a site nearby that is not in the middle of residential area and better satisfies the city's prioritization system.

Steve Crew, the lawyer taking the case, did not know the exact location of the alternative site when contacted by the Portland Observer.

"I anticipate that they're going to argue that they'd get better coverage [at the site on 37th and Fremont]," said Crew.

Both the city attorney's office and the Office of Cable Communica-

O'Neill, who lives near the Fremont site and is also the chairperson for RespectPDX.

There are about 800 wireless antennas in Portland, a number that's likely to rise. The city makes \$5,000 off of each wireless facility installed on a public utility pole.

Wireless technology has come under increased scrutiny over concerns that radiation emitted by transmitters and cell phone can be cancer causing. San Francisco enacted an ordinance last month requiring retailers to label cell phones with the amount of radiation they emit. Last spring, Maine lawmakers considered a similar state-wide legislation, which ended up falling flat.

City Council also joined Arlington, Texas last year in challenging the federal preemption that local governments can't use health concerns to block wireless facilities. It also voted earlier this year to challenge a Federal Communications Commission rule seeking to expedite the installation of wireless facilities.