

Before the  
Federal Communications Commission  
Washington DC 20554

In the Matter of: )  
“Eliminating Barriers to Wireline ) WT Docket No. 25-253  
Broadband Deployment”<sup>1</sup> )  
 )  
 )

**REPLY COMMENTS OF WIRED BROADBAND, INC.  
ON BEHALF OF AMERICANS INJURED AND DISABLED  
FROM ELECTROMAGNETIC RADIATION  
(ELECTROMAGNETIC RADIATION SYNDROME – EMR-S)**

**Filed December 17, 2025**

Submitted by:  
Odette J. Wilkens  
President & General Counsel  
Wired Broadband, Inc. (non-profit)  
P.O. Box 750401  
Forest Hills, NY 11375  
[owilkens@wiredbroadband.org](mailto:owilkens@wiredbroadband.org)  
718.575.8784

**FILING PARTIES**

**The parties listed in Appendix A (attached hereto and incorporated herein by this reference) collectively constitute the “Filing Parties,” have granted permission to submit these Comments on their behalf, and join together to submit these Comments.**

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<sup>1</sup> <https://www.dwt.com/-/media/files/blogs/broadband-advisor/2025/fcc2566a1.pdf?rev=7a1916c01d7d45808f3e7d7d4906a82b&hash=E98CF93B1CE433E38419014F204FC543>.

Wired Broadband, Inc., on behalf of Americans injured or disabled by electromagnetic radiation, those who do not want to be injured or disabled by electromagnetic radiation, and the Filing Parties set forth in Appendix A, respectfully submit these comments. The Filing Parties and coalition partner groups have a reach of over two million Americans across the country. We advocate for the safe deployment of communications infrastructure.

Based on comments made by many commenters – including U.S. Conference of Mayors, National Association of Counties, National Association of Towns and Townships, National Association of Telecommunications Operators and Advisors, League of Minnesota Cities, League of Oregon Cities, City of Arlington (Texas), City of Austin, City of Dallas, City of Fort Worth, Texas, City of San Luis Obispo (CA) – it is clear that the FCC’s perceived “barriers” to wireline deployment by local government that this NOI purports to address are either grossly overstated by the FCC, by providers, or both, or are non-existent.

Consequently, the NOI serves no purpose other than to frustrate the processes already in place by local government that are already successfully serving the public interest. Coincidentally, in a December 17, 2025 Senate Commerce Committee oversight hearing of the FCC, the FCC cited its function to protect the public interest. The best that the FCC can do for the public interest is to close and abandon this NOI.

Moreover, Sec. 253 preemption is statutorily available only for telecommunications services, and neither wireless nor wired broadband is a telecommunications service.<sup>2</sup> We, therefore, oppose the actions contemplated in this NOI.

With respect to telecommunications services, we agree with the League of Oregon Cities. Under the Communications Act, Sec. 253(d), “Congress expressly withheld from the Commission any authority to preempt with respect to Sec. 253(c).”<sup>3</sup>

Under Sec. 253(c), “Nothing in this section affects the authority of a State or local government to manage the public rights-of-way or to require fair and reasonable compensation from telecommunications providers . . . .”

Sec. 253(d) cites for preemption Sections 253(a) and (b), but only as a corrective measure, not a wholesale revamping of State or local government authority over their public rights-of-way. The Commission cannot assert other sources of authority to do an end-run around the 253(d) specific limitation.<sup>4</sup> While the Commission asserts authority under Sections 554(e), 154(i), 201(b)) and 303(r), the Commission, in effect, is proposing to use broad general provisions to circumvent the express statutory limitation of authority under Sec. 253(d). For

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<sup>2</sup> <https://www.opn.ca6.uscourts.gov/opinions.pdf/25a0002p-06.pdf>

<sup>3</sup> Comments of the League of Oregon Cities, November 18, 2025, WT 25-253  
<https://www.fcc.gov/ecfs/document/1119182166323/1> at 3.

<sup>4</sup> “See, e.g., *City of Rancho Palos Verdes v. Abrams*, 544 U.S. 113, 121 (2005) (‘[T]he express provision of one method of enforcing a substantive rule suggests that Congress intended to preclude others.’) (quoting *Alexander v. Sandoval*, 532 U.S. 275, 290 (2001)) . . . .” [Quoting from *League of Oregon Cities*]

example, Sec. 154(i) says “The Commission may perform any and all acts, make such rules and regulations, and issue such orders, not inconsistent with this chapter, as may be necessary in the execution of its functions.” The point of statutory limitations of authority under the Communications Act is precisely to prevent the FCC from simply doing whatever it pleases under the guise of executive function.

In addition, based on a plain text reading of the statute, Sec. 253(d) preemption allows the FCC to preempt only specific state or local statutes after such state or local statute has already been “*permitted or imposed*” [emphasis added]. Note the past tense: after a statute has *already* been imposed. Sec. 253(d) cannot be used, as contemplated under this NOI, to preemptively preempt such a regulation before it has been permitted or imposed; Sec. 253(d) preemption is an *ex post* activity. In addition, the statute allows Sec 253(d) preemption for when “the Commission determines that a State or local government has permitted or imposed...” Not only must such determination be *ex post*, but it must be in reference to a specific “statute, regulation, or legal requirement” and only “to the extent necessary to correct such violation or inconsistency.” Here, the FCC is not proposing to annul or preempt any particular statute or regulation, but rather to issue sweeping preemption *ex ante*, which grossly exceeds its statutory authority.

With this NOI, the FCC appears no longer able to “judge the scope of [its] own lawful powers,”<sup>5</sup> so that, as in *Loper Bright*, “it is far from certain that a court would agree with such a reading of the Act.”<sup>6</sup>

For the foregoing reasons and the reasons set forth in our initial Comments, we oppose the actions contemplated in this NOI and recommend its withdrawal.

**On behalf of Americans Injured and Disabled  
from Electromagnetic Radiation and the Filing Parties**

Respectfully Submitted,



Odette J. Wilkens  
President & General Counsel  
Wired Broadband, Inc.  
(non-profit)  
P.O. Box 750401  
Forest Hills, NY 11375  
owilkens@wiredbroadband.org  
718.575.8784

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<sup>5</sup> See *Loper Bright Enters. v. Raimondo*, 603 U.S. 369 (2024) at 65-66 (citing *City of Arlington*, 569 U.S. at 296-297).

<sup>6</sup> <https://www.fcc.gov/ecfs/document/1119182166323/1> at 8.

## APPENDIX A

The parties listed below collectively constitute the “Filing Parties,” have granted permission to submit these Comments on their behalf, and join together to submit these Comments.

National Organizations – Filing Parties	
Wired Broadband, Inc., Odette J. Wilkens, President & General Counsel	
The National Call for Safe Technology, Odette J. Wilkens, Chair & General Counsel	
The Weston A. Price Foundation, Sally Morell Fallon, President, Washington, D.C.	
Alliance for Natural Health-USA, Robert Verkerk, PhD, Executive and Scientific Director, Alexandria, VA	

U.S. State	Filing Parties
AK - Alaska	Hal Stachman, Sitka, AK
AL - Alabama	Donald Campbell, Huntsville, AL
AR - Arkansas	PACTS International, Ken Stroud, Advisory Board Member/Technical Director, with Havana Syndrome, Little Rock, AR
AZ - Arizona	Arizonans for Safe Technology, AZ
	EMF Wellness Tucson, Lisa Smith, PhD, Tucson, AZ
	Safe Tech Tucson, Tucson, AZ
	Floris R. Freshman, published artist and composer, with EMR-Syndrome, Scottsdale, AZ Susan Molloy, M.A., Snowflake, AZ
	Melissa Hayes, M.S. with EMR-Syndrome, Oro Valley, AZ, Oak Haven Wellness, LLC
	Renée Neumann, Tucson / Green Valley, AZ
	Kathy Flanagan, with EMR-Syndrome, Prescott Valley, AZ
CA – California	Karen Carswell, Flagstaff, AZ
	EMF Safety Network, Sidnee Cox, Co-director, Windsor, CA
	Fiber First LA, Charlene Hopey, Topanga, CA
	Malibu for Safe Tech, Lonnie Gordon, Executive Director, Malibu, CA
	Napa Neighborhood for Safe Technology, Amy Martenson, Napa, CA
	Safe Tech International, Sara Aminoff, Union City, CA
	5G Free California, Julie Levine, with EMR-Syndrome, Topanga, CA,
	California Brain Tumor Association, Ellen Marks, Director, Indian Wells, CA
	Sustainability Management Consulting, Angela Casler, Chico, CA
	Eagle Forum of California, Orlean Koehle, CEO, Santa Rosa, CA
	Brenda Shafer, with EMR-Syndrome, CA
	Gene Wagenbreth, Topanga, CA
	Margaret Holt Baird, Esq., with EMR-Syndrome, San Diego, CA
	Raymond Michael LeVesque, RayGuardProtect.com, National Health Federation Board Member, Clear Lake Riviera, CA

CO - Colorado	Coloradans for Safe Technology, Andrea Mercier (mother of a severely disabled child who is adversely impacted various forms of non-ionizing radiation), Colorado Springs, CO
	Coloradans for Safe Technology, Nancy VanDover, DVM, OMD, Dipl Acup, disabled by EMR, CO
	La Plata for Safe Technology, Ingrid Iverson, with EMR-Syndrome, La Plata County, CO
	Longmont for Safe Technology, Doe Kelly, Co-Founder, with EMR-Syndrome, Longmont, CO
	Deborah Shisler, with EMR-Syndrome, CO Virginia Farver, Fort Collins, CO
CT - Connecticut	Connecticut for Responsible Technology, Private Membership Association (PMA), Paska Nayden, Co-Founder & Administrator, with EMR-Syndrome, CT
FL - Florida	Kay Fitt, Palm Harbor, FL; Susan Lee, Miami, FL Shirley Denton Jackson, with EMR-Syndrome, unexpected early retirement from School District of Palm Beach County, FL - Research Project Manager and Safe Schools Coordinator - due to EMR-Syndrome, North Palm Beach, FL
IL - Illinois	Safer Cell Phone and Wi-Fi Project, Marne Glaser, Chicago, IL
LA - Louisiana	Southern EMF Radiation Solutions, Shari Champagne, with EMR-Syndrome, Houme, LA
MA – Massachusetts	Massachusetts for Safe Technology, Cecelia Doucette, Director, Ashland, MA
	Pittsfield Cell Tower Injured & Concerned Citizens (injured with EMR-Syndrome), Pittsfield, MA
	Safer Siting 01240, Lenox, MA
	Safe Tech International, Patricia Burke, journalist, with EMR-Syndrome, Millis, MA
	Sustainable Upton, Laurie Wodin, Co-Administrator, with EMR-Syndrome, Upton, MA
	Last Tree Laws (.com), Kirstin Beatty, with EMR-Syndrome, Director, Holyoke, MA
	The Leto Foundation, Westborough, MA
	Alison McDonough, with EMR-Syndrome, Canton, MA Janet FitzGerald, M.S., CCC-SLP Rowley, MA, member of Massachusetts for Safe Technology
	Anna Nelson, with EMR-Syndrome, Pittsfield, MA Tais Howard, Lynn, MA
MD - Maryland	Safe Tech International, Kate Kheel, Taneytown, MD
	Katherine Katzin, Takoma Park, MD
ME - Maine	Global Union Against Radiation Deployment from Space, Bowdoinham, ME
	Maine Coalition to Stop Smart Meters, Richmond, ME

	Janet Drew, retired Registered Nurse, York, ME Jen Goddard, Board Certified Doctor of Natural Health, Thriving Proof Holistic Health Practice, and 2025 United States of America Mrs. Maine Pageant, Brewer, ME
MN - Minnesota	Safe Tech Minnesota, Leo Cashman, Petra Brokken, St. Paul, MN
MO - Missouri	Loraine Uebele, FACHE, Kansas City, MO Marty Freyer, Mexico, MO David B. Klug, Kansas City, MO Bethany Klug, Supporter and Advocate for EMF Affected, Kansas City, MO
NC - North Carolina	Sharon Behn, Arden, NC Susan Marlan, Asheville, NC Nicole Stallings, with EMR-Syndrome, Black Mountain, NC
NE - Nebraska	Tammy Lee, with EMR-Syndrome, Lincoln, NE Linda Becker, Lincoln, NE
NH - New Hampshire	New Hampshire for Safe Technology, Deb Hodgdon with EMR-Syndrome, Stratham, NH Kent Chamberlin, PhD, former member of NH Commission to Study Env't'l and Health Effects of Evolving 5G Technology; Prof. & Chair Emeritus, Fullbright Distinguished Chair, Univ of NH, Coll. of Eng and Phys Sci, Dept. Of Electrical and Computer Eng
NJ - New Jersey	Lisa Allen, Plainfield, NJ Diane Grossi with EMR-Syndrome, East Hanover, NJ
NM - New Mexico	Lori Bagley, concerned individual with EMR-Syndrome, Albuquerque, NM
NY - New York	New Yorkers 4 Wired Tech, New York, NY
	New York City Alliance for Safe Technology, New York, NY
	Safe Tech Westchester, Ruth F. Moss, Westchester, NY
	Amy Harlib, Concerned Citizen, New York, NY Fred P. Sinclair, Jr., Alfred, NY
	Kate Reese Hurd with EMR-Syndrome, Philmont, NY Gabriela Munoz with EMR-Syndrome, Carmel, NY Stephanie Stewart, LaGrangeville, NY Virginia Caswell with EMR-Syndrome, NYC (Stuyvesant Town), NY
OH - Ohio	Craig McDowell, veteran, Rocky River, OH Erin McDowell, Registered Nurse, with EMR-Syndrome, Rocky River, OH, Southwestern Ohio for Responsible Technology (SWORT) Jennifer Manzler, Certified Health & Wellness Coach, Cincinnati, OH, SWORT Sean Polacik, Automation Control Systems Technician, OH Cristina Shonk, Cincinnati, OH
OR - Oregon	Oregon for Safer Technology, Ashland, OR Kelly Marcotulli with EMR-Syndrome, Ashland, OR The Soft Lights Foundation, Mark Baker, President, Beaverton, OR

PA - Pennsylvania	Pennsylvanians for Safe Technology, Donna DeSanto Ott PT DPT MS FMCHC, Founder & President, PA
	Southwest Pennsylvania for Safe Technology, Mount Pleasant, PA, Susan Jennings, MPA, BA, Founder (son has EMR-Syndrome)
	Jan Kiefer, Scottdale, PA
RI - Rhode Island	Rhode Island 4 Safe Tech, Sheila Resseger, M.A., Co-Founder, Cranston, RI
TN - Tennessee	Janet Taché, Hohenwald, TN
UT - Utah	Rosemarie Russell, member of The Women's State Legislative Council of Utah, Hurricane, UT
VA - Virginia	Virginians for Safe Technology, Jenny DeMarco, Communications Director, and Mary Bauer, retired radio frequency engineer, Fredericksburg, VA
	Charles Frohman, M.Ed, HIA, lobbyist, National Health Federation, Williamsburg, VA
	Linda M. Cifelli, retired Registered Nurse, Williamsburg, VA Grace Hilbert, with EMR-Syndrome, Annandale, VA
VT - Vermont	Martine Victor, Manchester, VT
WA – Washington	Citizen League Encouraging Awareness of Radiation, C.L.E.A.R., Mark Wahl Director, Langley, WA
WI - Wisconsin	Katrine Colton, with EMR-Syndrome, Sheboygan, WI Tracey Seymour, with EMR-Syndrome, Westfield, WI Carol Seibert, with EMR-Syndrome, Trevor, WI

Europe	Filers
Sweden	Eva Christina Andersson, E.U., Sweden