PLANNING AND SUSTAINABLE LAND USE COMMITTEE

Council of the County of Maui

MINUTES

November 6, 2019

Council Chamber, 8th Floor

CONVENE: 9:01 a.m.

PRESENT: VOTING MEMBERS:
Councilmember Tamara Paltin, Chair
Councilmember Shane M. Sinenci, Vice-Chair (out at 11:34 a.m.)
Councilmember Kelly T. King
Councilmember Alice L. Lee
Councilmember Michael J. Molina (in at 9:03 am)
Councilmember Keani N.W. Rawlins-Fernandez (in at 9:03 a.m.)
Councilmember Yuki Lei K. Sugimura

STAFF: James Krueger, Legislative Analyst
Stacey Vinoray, Substitute Committee Secretary

Denise Fernandez, Council Aide, Lanai Council Office (via telephone conference bridge)
Mavis Oliveira-Medeiros, Council Aide, Hana Council Office (via telephone conference bridge)

Don Atay, Executive Assistant to Councilmember Shane M. Sinenci
Kathy Kaohu, Executive Assistant to Councilmember Tamara Paltin

ADMIN.: Edward S. Kushi, Jr., First Deputy Corporation Counsel, Department of the Corporation Counsel

Seated in the gallery:
Don Guzman, Prosecuting Attorney, Department of the Prosecuting Attorney
Jordan Hart, Deputy Director, Department of Planning
Jordan Molina, Deputy Director, Department of Public Works

PRESENTERS: Debra Greene, PhD
Josh del Sol (via video-conference)
(James Corbett, Patrick Wood)
Paul Gee (via video-conference)
Raymond Broomhall (via video-conference)

OTHERS: Simon Russell, Managing Member, Hui O Malama Aina, LLC
George Purdy
Dr. Lorrin Pang
John Gelert
Carol Ann Barrows
(23) additional attendees

PRESS: *Akaku: Maui Community Television, Inc.*

CHAIR PALTIN: . . .*(gavel)*. . . Aloha kakahiaka. Will the Planning and Sustainable Land Use Committee meeting of November 6, 2019, come to order. The time is 9:01. At this time, I'd like to make a request that folks put their phones on silent and, if you can, on airplane mode as we have folks who are electro-sensitive in the audience today. My name is Tamara Paltin. I'm the Chair of the Planning and Sustainable Land Use Committee. Today, with me, I have Vice-Chair of this Committee Shane Sinenci.

VICE-CHAIR SINENCI: Aloha kakahiaka, Chair.

CHAIR PALTIN: Aloha kakahiaka. I also have Councilmember Alice Lee.

COUNCILMEMBER LEE: Madam Chair, if you're traveling to Singapore for the weekend, you can tell people there ni hao.

CHAIR PALTIN: Ni hao ma? And we have Council Chair Kelly King with us this morning.

COUNCILMEMBER KING: Aloha kakahiaka, Chair.

CHAIR PALTIN: Aloha kakahiaka. And we also have Councilmember Yuki Lei Sugimura.

COUNCILMEMBER SUGIMURA: Good morning, Chair.

CHAIR PALTIN: Good morning. Coming all the way from Haiku side, we got Councilmember Mike Molina.

COUNCILMEMBER MOLINA: Good morning, Madam Chair.

CHAIR PALTIN: Good morning. And coming all the way from the island of Molokai, we have Council Vice-Chair Keani Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Aloha kakahiaka, Chair.

CHAIR PALTIN: Aloha kakahiaka. For non-voting Members, we have Councilmember Hokama and Kama, who are always welcome to join us but they're not here at this time. And neither is Corporation Counsel. How interesting. Okay. And from the Department of the Prosecuting Attorney, we have Prosecuting Attorney Don Guzman in the audience. And some other resources, we have Debra Greene, PhD. And via Zoom joining us today, we have Mr. Josh del Sol, Mr. Raymond Broomhall, and Mr. Paul Gee. For Committee Staff today, we have Stacey Vinoray filling in for Ms. Balala as Committee Secretary. We have James Krueger as our Legislative Analyst. And for today, Molokai Office is closed. We have joining us from Lanai Office - Denise Fernandez and Ms. Mavis Oliveira-Medeiros from Hana Office. And joining us at this time, we have First Deputy Ed Kushi for Corporation Counsel. Today, we have one item on the agenda, PSLU-42, Planning and Land Use of Agricultural Zones for High Altitude Aviation and

5g. Today's meeting and presentations are for educational purposes only and, as such, this body will not take any legislative action or engage in decision-making of any kind. For individuals testifying in the Chamber, please sign up at the desk just outside the Chamber door. If testifying from one of the remote testimony sites, please sign up with District Office Staff. Testimony will be limited to the item on the agenda today. And because we have so many presenters, Members, without objection, pursuant to the Rules of the Council as authorized by Rule 17.B.2, each testifier will be allowed to testify for up to two minutes. Any objections for that, Members?

COUNCILMEMBERS VOICED NO OBJECTIONS.

CHAIR PALTIN: Thank you. When testifying please state your name and the name of any organization you may be representing. If you are a paid lobbyist, please inform the Committee. We have established a connection to the two open Council District Offices. So, I'd like to check in with Lanai Office. Ms. Denise Fernandez, do you have anyone wishing to testify today?

MS. FERNANDEZ: Good morning, Chair. This is Denise Fernandez at the Lanai Office and there are no testifiers.

CHAIR PALTIN: Thank you, Ms. Fernandez. Have a nice day. Ms. Mavis Oliveira-Medeiros from Hana Office, do you have anyone wishing to testify this morning?

MS. OLIVEIRA-MEDEIROS: Good morning, Chair. This is Mavis Oliveira-Medeiros from the Hana Office. There's no one here waiting to testify.

CHAIR PALTIN: Thank you, Ms. Oliveira-Medeiros. Have a nice day. For testifiers signed up here in the Chambers today, we have our first testifier is Simon Russell and he's testifying on behalf of Hui Malama Aina, LLC. And his title is a Managing Member and he is submitting 16 copies of written testimony. Aloha, good morning, Mr. Russell.

. . .BEGIN PUBLIC TESTIMONY. . .

MR. RUSSELL: Aloha, good morning, Chair. Good morning, Vice-Chair and Members of the Committee. Thank you so much for hearing my testimony today. My name is Simon Russell. I represent Hui O Malama Aina. I am a registered lobbyist. I'm not paid for this issue, but it is a passion of mine and I have a history of a background with electronics and computer science as well as Federal Communications Commission certification to work as a telecommunications technician. So, I can speak a little bit to the small cell towers that are currently being rolled out on the island of Oahu, and my area of concern there with that roll out that may, in fact, come to Maui. And I'm here to say that I do not give my consent to be experimented on with fifth generation millimeter wave signals. I also do not give my consent to be a part of the total surveillance society. The massive harvesting of data that will constitute the Internet of Things and be hosted on the platform of 5G will lead to the loss of our privacy, which is a fundamental right in a democracy. And, as well, I do not give my consent for myself or my children to be harmed by uncontrollable wireless radiation. If I could, can I see a show of hands in the audience of the folks who are here to oppose 5G?

CHAIR PALTIN: Oh, Mr. Russell, if you can address the Members?

MR. RUSSELL: Oh, sorry, Chair. Looks like most of the folks are here today to oppose 5G. My deep concern is for how millimeter waves are absorbed by water. And I provided two links in my testimony. One is to the IEEE – that's the Institute of Electrical and Electronic Engineers' You Tube video on what is 5G, and it's fairly undefined. So, what happens is water and biological material will absorb the wireless radiation.

CHAIR PALTIN: Can you conclude in a sentence or two?

MR. RUSSELL: Yeah. So, that absorption of wireless radiation can lead to harm and currently, there are no studies showing the safety of fifth-generation cellphone technology so I'm here to ask for a moratorium on 5G within Maui County. Thank you very much.

CHAIR PALTIN: Thank you for your testimony, Mr. Russell. Members, any questions? Mr. Molina?

COUNCILMEMBER MOLINA: Thank you, Madam Chair. Good morning, Mr. Russell. You mentioned the concern regarding privacy and 5G. I thought that was an interesting statement because last night I was watching the television news and I guess Amazon started their first delivery using drones. And like many people, we have concerns about our privacy and what this may cause. Can you kind of elaborate on that concern with privacy issues regarding 5G?

MR. RUSSELL: Right. I sure can, Councilman Molina. Thank you so much for the question. The major concern I have isn't so much of a camera on a drone looking in a window, although that is a concern. It's more along the lines of you probably recall the WikiLeaks' data dump as well as Edward Snowden talking about the NSA and our total surveillance society that's happening. And on top of that we . . . there was a financial company that lost control of 215 million citizens' information in our country last, I think two years ago. The name is escaping but you probably remember the one. And when the Internet of Things comes online with everybody's private information being transmitted whether it's medical or banking records that would be open to hacking. I don't think there's a secure framework to transmit that data yet. So, not only their health concern but the privacy of my personal banking information, my medical information. When all that comes online who's protecting it, who's watching the watchers? And I don't feel the Federal Communications Commission, which is . . . the legal framework, and we'll probably find out from our speakers, that is regulating this was written in 1996. And that was in the days of 2G. So, now we're in the era of 5G and soon 6G. So, the U.S. Congress needs to write new laws regulating our privacy in this modern era.

COUNCILMEMBER MOLINA: Okay. Thank you very much. Thank you, Chair.

CHAIR PALTIN: Thank you, Mr. Russell. Thank you, Mr. Molina. And Members, any further questions for this testifier? Seeing none. Thank you.

MR. RUSSELL: Mahalo, Chair.

CHAIR PALTIN: Next up to testify we have Mr. George Purdy who's testifying on behalf of himself as an individual. Aloha, Mr. Purdy. Thank you for coming.

MR. PURDY: Aloha, aloha. I'm George Purdy from Lanai, so I'm just going to go right into my speech. Aloha, Committee Chair Paltin and fellow Councilmembers. My name is George Kauhi Purdy IV. For the past 21 years I have been a State Airport Rescue Fire Fighter and resident of the island of Lanai. I'm also a husband, father of three, descendant of native Hawaiians. I was born and raised in Ulupalakua. My roots run deep in Maui County so my home, my legacy is to cultivate while protecting it. We gather today to discuss planning and sustainable land use related to the use of agricultural zones and high altitude aviation. First of all, what is high altitude aviation and what it is . . . its purpose? In its airborne communication platform protected by the stratosphere from all-weather events, a network of power powered by batteries and solar energy eliminating the use of fossil fuels, it is a vehicle for more stable and dependable wireless communication. I am a first responder and certified FAA UAS remote pilot operator who can tell you wireless communication is crucial for safety and the well-being of our residents as well as the responders here in Hawaii. Our terrain peaks, valleys make cell towers inefficient to coverage. High altitude aviation carrying 4G or even 1G improves a chance of getting help to those who need enormously. This is only from the safety standpoint. Not to mention the agriculture as well as educational benefits to our young and our island. STEM education will grow by leaps and bounds and the education will increase the ability for our kids to successfully . . . when leaving for college for the opportunity to compete for jobs upon returning home. I'll cut it real short. Do we want agricultural lands for high altitude aviation? We all know that Maui County is evolving. Lanai is no longer farming pineapple or Maui is not . . . no longer harvesting sugar cane. So, we have a real chance here to be smart in the use of balanced approach provided the opportunity to use the lands in unique ways and benefit the community as a whole. Thank you.

CHAIR PALTIN: Thank you, Mr. Purdy. Members, any questions for Mr. Purdy? Seeing none. Thank you for your testimony and thank you --

MR. PURDY: Thank you.

CHAIR PALTIN: --for coming over from Lanai.

MR. PURDY: Right.

CHAIR PALTIN: Next up we have Dr. Lorrin Pang and he's testifying today as a private citizen.

MR. PANG: Good morning. My name is Lorrin Pang. I speak as a private citizen. I thought we were going to hear from the lawyers first. So, let me just change my presentation a bit. There is no question 4G, 3G, 5G has unlimited published research about changing biochemical pathways in the human body. Not gene mutations but biochemical pathways in the humans and all life forms. You're playing with fire here. Now, if the lawyers were going to present, they would tell us that, well, we just follow precedence.

And they had followed precedence for petroleum, for pesticides, for vaping, for fentanyl. And when the consequences come later, we deal with it then. This is a bad way to operate. The only way I can argue against the lawyers is, like Simon Russell said, individual informed consent. You might be able to do it on the plants, on the fish, but you really can't do it on humans without individuals being allowed to opt out. 5G technology pervades your entire community. The long-term/short-term consequences are grossly unknown, well published that you're playing with fire here. And I'm dealing with one unusual, what I consider a presentation, now happens to be a lawyer. So, I'll leave it at that. Open to questions. Thank you.

CHAIR PALTIN: Thank you, Dr. Pang. Members, any questions for the doctor? Seeing none. Thank you so much for your . . .

COUNCILMEMBER KING: Question?

CHAIR PALTIN: Oh, just a moment. Chair King?

COUNCILMEMBER KING: Thank you, Chair. Thank you for being here, Dr. Pang. Do you have studies that you can share with us about the health issues?

MR. PANG: Yes, I do. And I presented this on *Akaku* and there's hundreds of studies in many life-forms and they're not about mutations. They're about biochemical pathways. Electricity penetrating even a quarter inch into your skin will signal distant organs because of what we learn in genetics. And that, the changing of biochemical pathways—for all the nerds out there—is called the kinases. Take a look at that and see if you still want to go with what we have done before, with precedence.

COUNCILMEMBER KING: Okay. That would be helpful if you could send us, you know, not thousands of studies but just something that would explain what you're talking about . . . data.

MR. PANG: Yes. Yes.

COUNCILMEMBER KING: Thank you.

MR. PANG: Thank you.

CHAIR PALTIN: Thank you. Any further questions? Seeing none. Thank you for your testimony. Next up, we have Mr. John Gelert testifying on behalf of himself as an individual, to be followed by Ms. Carol Ann Barrows. Aloha.

MR. GELERT: Aloha. Good morning, Council Chair Tamara and the rest of the County Council. My name is John Gelert. I live in Kihei. Today, I'm just going to give a summary of an article called *Technology Versus Humanity*, by Dr. Joseph Mercola. 5G relies primarily on the bandwidth of the millimeter wave known to cause a painful burning sensation. It is also leading to eye and health or heart problems, suppressed immune function, genetic damage, and fertility problems. FCC admits no 5G safety studies have been conducted or funded by the agency or telecom industry and that none

are planned. The FCC has been captured by the telecom industry, which in turn has perfected the disinformation strategies employed by the tobacco industry before it. Persistent exposures to microwave frequencies like those from cellphones can cause mitochondrial dysfunction and nuclear DNA damage from free radicals produced from peroxynitrite. Excessive exposure through cellphone and Wi-Fi networks have been linked to chronic diseases such as cardiac arrhythmias, anxiety, depression, autism, Alzheimer's, and infertility. The added concern 5G brings is the addition of the millimeter wave. This bandwidth, which runs from 30 gigahertz to 300 gigahertz is known to penetrate up to two millimeters into human skin tissue causing a burning sensation. This is precisely why millimeter wave was chosen for use in crowd control weapons (Active Denial Systems) by the U.S. Department of Defense. Research has shown sweat ducts in the human skin act as receptors or antennae for 5G radiation, drawing radiation into the body. So, I'm opposed to 5G implementation on Maui. A moratorium, a ban, whatever it takes.

CHAIR PALTIN: Thank you, Mr. Gelert. Members, any questions for the testifier? Seeing none. Thank you for your testimony.

MR. GELERT: Thank you.

CHAIR PALTIN: And the last testifier we have signed up is Ms. Barrows.

MS. BARROWS: Aloha. Thank you for this opportunity to speak. And I'm very grateful that the Council has provided this opportunity for experts in the field of 5G radiation to educate all of us. Lack of definitive proof that a technology is harmful does not mean the technology is safe, yet the wireless industry has succeeded in selling this logical fallacy to the world. The upshot is that over the past 30 years, billions of people around the world have been subjected to a public-health experiment - use a mobile phone today, find out later if it causes genetic damage or cancer. Meanwhile, the industry has obstructed a full understanding of the science, and news organizations have failed to inform the public about what scientists really think. In other words, this public health experiment has been conducted without the informed consent of its subject, as Dr. Pang mentioned. In March 2018, the scientific peer review of a landmark United States government study done by the U.S. Department of Health and Human Services and the National Toxicology Program concluded that there is clear evidence that radiation from mobile phones causes cancer, specifically, a heart tissue cancer and also in the brain and adrenal glands. This is with 3 and 4G radiation. 5G is very similar; it's just a little bit higher. So, this is not safe technology and we, on Maui, have to do everything in our power to prevent our lives from being harmed by this. Thank you.

CHAIR PALTIN: Thank you, Ms. Barrows. Members, any questions for the testifier? Did you want to turn in your written testimony or . . .

MS. BARROWS: Yes. Do I hand it here, because I . . .

CHAIR PALTIN: Yeah. Thank you. Okay. That was the last person I had signed up to testify. Is there anyone in the gallery that wanted to provide any public testimony at this time? Seeing none, with no objection, I will close public testimony.

COUNCILMEMBERS VOICED NO OBJECTIONS.

. . .END OF PUBLIC TESTIMONY. . .

CHAIR PALTIN: Okay. Right on.

PSLU-42: PLANNING AND LAND USE OF AGRICULTURAL ZONES FOR HIGH ALTITUDE AVIATION AND 5G (CC 19-348)

CHAIR PALTIN: So, we're talking today about PSLU-42, PLANNING AND LAND USE OF AGRICULTURAL ZONES FOR HIGH ALTITUDE AVIATION AND 5G. The Committee is in receipt of County Communication 19-348, from myself, relating to the matter of planning and land use of agricultural zones for high altitude aviation and 5G. The Committee may receive presentations from Debra Greene, PhD, of KeepYourPower.org; Josh del Sol, and Raymond Broomhall, and Paul Gee. The reason why I scheduled this item and put it in was because, you know, nearly every day our offices are getting multiple emails about 5G. And, you know, with all the new learning that we're doing with becoming Councilmembers, I haven't personally done any learning about 5G. So, you know, I figure we break this down into sections about land use of agricultural zones, high altitude aviation, and 5G. So, 5G is the part that I have no idea about. And so, that's why I scheduled this item because it seems to be such an important thing to the community of Maui County. And most of us or myself don't have any knowledge of it. So, we've invited some experts in the field. Debra Greene is a research writer, public speaker, and practitioner who earned her PhD from Ohio State University, a wellness consultant at Four Seasons Resort Wailea. She has been an innovator in health and wellness for over 25 years and has founded KeepYourPower.org to educate people about wireless radiation and to organize action for safe technology. She has been an invited speaker in the global 5G Summit and has given over a dozen presentations on 5G throughout the islands. Mr. Josh del Sol is the developer and host of the 5G Summit in which he conducted in-depth interviews with 42 of the world's leading experts on 5G. A filmmaker and rights advocate, Josh is also known for his 2013 documentary, "Take Back Your Power" and exposed smart utility . . . exposé on smart utility meters which won the 2013 AwareGuide Transformational Film of the Year, Viewer's Choice Award, and the 2014 Leo Award for Best Feature Documentary. He also received the 2013 Humanitarian Award from IndieFEST. Josh is passionate about human rights, decentralized energy production, safe technology, and fatherhood. Mr. Raymond Broomhall is a senior barrister, or a lawyer, in Australia who specializes in legal approaches to 5G. He is considered one of the leading legal experts and is in high demand throughout the world for his work on 5G. Raymond has devised a 13-step protocol based on the precautionary principle that is being implemented in several countries. He's also an expert on space law and the legal framework that addresses 5G from space. And lastly, Mr. Paul Gee is an expert on issues surrounding 4G, 5G densification. He is the curator of www.scientists4wiredtech.com, a clearinghouse for research regulation and lawsuits regarding wireless radiation as well as www.mystreetmychoice.com, which catalogues legal actions taken to empower municipalities, particularly in California against constitutional overreach in the rollout

of 5G. And so, at this time, I'd like to request that the speakers all be designated as resource persons as authorized by Rule 18A of the Rules of the Council.

COUNCILMEMBER KING: No objections.

CHAIR PALTIN: Thank you. So, Members, because we have four presenters and I want to make sure they all have their amount of time, if I can ask that you jot down your questions and then save them till the end. It may happen that one of the presenters that follows the first presenter answers your questions, too, in the course of all the presentations. And maybe from getting the entirety of all four presentations, it will help you in the posing of your questions from a more well-rounded perspective. Chair King?

COUNCILMEMBER KING: Yeah. Thank you, Chair. I was just looking at the agenda and there's a Julian Gresser listed there as one of the other names that you mentioned taking that person's place.

CHAIR PALTIN: Yeah. That would be Mr. Raymond Broomhall and then we added Paul Gee. He wasn't able to attend --

COUNCILMEMBER KING: Okay.

CHAIR PALTIN: --via Zoom.

COUNCILMEMBER KING: Okay.

CHAIR PALTIN: So, at this time, I'd like to ask Dr. Greene to proceed with her presentation. After her presentation, the others will have an opportunity to present.

MS. GREENE *(PowerPoint Presentation)*: Thank you, Chair Paltin. Thank you, Councilmembers for being here. Thank you, members of the community. I really commend you for focusing on this important issue of 5G that is facing Maui right now. I'm going to do a slide presentation and it's important to start with the basics. 5G is a very complex topic. And so, to start with, we need to know what 5G is to the best of our ability and actually what it isn't. So, 5G stands for fifth generation and it refers to that technology and wireless infrastructure. And it's not to be confused with 5 gigahertz. Sometimes on your cell phone when it's searching for a Wi-Fi network you might see 5G showing up on your cell phone or your cable box. And it says 5G and then people think, oh, my God, 5G. But that refers to 5 gigahertz, which is not what we're talking about today. The providers are now offering 5 gigahertz in addition to the 2.4 gigahertz but that's different than 5G, which is fifth generation wireless technology and infrastructure, which is what we're focusing on today. So, just wanting to make that distinction because there's some confusion there. So, when cell phones first came out, we had 1G – the first generation. And, basically, the cell phones were about the size of a shoe box and you could make a phone call. When the next generation came out, the second generation – 2G, that enabled us to access our email on our cell phones. And then we had the next generation, which was 3G. And the third generation brought us text messaging. So, every time there's a new generation of cell phone technology a new level of functionality is brought in. And now, we have 4G, which is sometimes also called

LTE. And 4G brought us the ability to stream and watch movies on our cell phones. And that's pretty much where we're at right now on Maui. We have mostly 4G infrastructure here and we're able to do all of those things on our cell phones. And so, the next generation is referred to as 5G. And we're being told that 5G is to bring us faster downloads so that instead of waiting a few minutes for a movie to download on your phone, it will download in a few seconds. And we're also told that it's meant to bring us what's called reduced latency. Latency refers to the delay or the lag time that happens when you're interacting online. And reducing that delay, that lag time is something that is highly sought after particularly for people who do online gaming. So, we're told that 5G is gonna, you know, reduce latency and speed up download times but it's important to understand that 5G is about so much more than that. It's not really about faster downloads and reduced latency. 5G should actually be called 5G-AI-IoT. And AI stands for "artificial intelligence" and IoT stands for the "Internet of Things". 5G is meant to usher in robotics, artificial intelligence, driverless cars, augmented humans, augmented reality, and the Internet of Things. That's really what it's all about and should definitely be understood that way. 5G will add on to and not replace our current cell phone infrastructure. So, all of these cell antennas and towers that we currently have will not go away with 5G. They will remain and they will be added on to by additional infrastructure. 5G will utilize a different part of the electromagnetic spectrum and it will utilize what's called millimeter wave frequencies of 24 gigahertz and above. And this part of the electromagnetic spectrum has never been used before for telecommunications use by the general public. So, it's a grand experiment and that will be talked about later on in the presentation by some of our presenters. The thing about these millimeter wave frequencies is that they do not travel as far, and they do not penetrate through material substance the way that 4G and 3G signals do. And because they don't travel as far or penetrate through material objects, there has to be many, many, many more antennas placed closer together because the signals, you know, are limited in their ability and they particularly do not penetrate well through trees, and they particularly do not penetrate well through trees that have a lot of moisture in their leaves. And in some areas where 5G has been deployed, they have been chopping down trees, removing them so that the signals can get through. 5G, because of those qualities of the millimeter waves, we could end up with these 5G antennas, or small cells as they're called, we could end up with them installed every two to ten homes in residential areas and as close to 15 feet to your home because they're using public infrastructure and public rights-of-way to mount these things. 5G also involves over 40,000 new satellites in low to mid orbit. So, we're talking about not only the blanketing of the aina horizontally with this type of radiation but we're also talking about this radiation coming vertically from above. This is a global deployment. 5G is being implemented all over the world and push back is happening all over the world. Right now, in the U.S. there are about two dozen cities that have currently deployed 5G technology. 5G also includes base stations and devices that contain multiple antennas in phase arrays. And these antennas are very unique in that they produce steerable laser-like beams that track each other. And that means that every 5G enabled cell phone becomes like a miniature cell tower that you're holding in your hand or holding next to your brain. Every 5G enabled cell phone contains dozens of tiny antennas to track and aim a narrowly-focused beam to search and connect to the nearest antenna which may be in another device, it may be in an appliance, it may be in an antenna, it may be in another phone. And the FCC, the Federal Communications Commission, which is tasked with creating

the regulations around this, has approved 5G signals at 20 watts, which is ten times more powerful than what we currently have. So, we're talking about radiation that is ten to hundreds of times greater than what we currently have. This is all designed to be part of the Internet of Things as I mentioned earlier. We're meant to have a smart house where everything, and I do mean everything, inside your home is chipped or antennaed and enabled with wireless radiation to communicate and connect with everything else and to be accessed, you know, through your phone or through your Echo or through your whatever those things are called.

UNIDENTIFIED SPEAKER: . . .*(inaudible)*. . .

MS. GREENE: Thank you . . . through those. And we already have right now on the market, for example, smart diapers. And a smart diaper is designed so that you don't have to pick up your baby and hold your baby and check the baby's diaper, no. All you have to do is interact with your phone because your phone will tell you when the baby's diaper needs to be changed. We also have smart mattresses that are designed to sense everything about your body as you sleep or are in that bed. And the smart mattresses will also tell you if your partner is cheating on you, will track infidelity that happens inside the bed. We have smart pills that are designed to track whether or not you take the pill. And if you do not take the pill, that is possibly reported to your health care provider, your doctor, or your insurance company. And if you do take the pills, then the pills are designed to track everything going on inside your body as the pill passes through your system. So, you know, these devices are already in existence; they're already on the market. And because we want to keep this G-rated we will not go into sex-bots or condoms or so forth. So, the smart homes are designed to become part of smart cities and the smart cities contain smart buildings and everything is meant to interact all together. Driverless cars are also part of this, part of the IoT, the Internet of Things, and estimates are that by the end of next year there will be 20 billion smart devices already in use and then one trillion and beyond after that. And so, all of the smart cities are designed to interact with other smart cities and smart countries and so we have this interconnected planet. So, what is going on in Hawaii? What about Hawaii? Well, right now on Oahu there are 57 5G small cells already deployed. And as you can see by the map they're not just isolated to Honolulu. They are spread out and these are 5G small cells that were installed by Mobility, which is a contractor for Sprint. Maui has already been approached by Verizon apparently to implement 5G on Maui, we have been told. This is a photograph from Honolulu of 5G infrastructure. As you can see, it's mounted on this public light pole. This is another photograph from Honolulu of 5G infrastructure mounted on the public light pole. And, you know, Honolulu has skyscrapers, right, and so you can see how huge, how tall these light poles are and how big this type of infrastructure is. So, imagine this massive type of infrastructure here on Maui. The 5G infrastructure is not very pretty. It's not very aesthetically pleasing. This is showing us 5G infrastructure mounted on a telephone pole. This is not in Hawaii but what I wanted to show you is what it looks like up close and how close it is to a home, to our homes. This is an image of an online tracking system that tracks satellites in real time. And this is a screen shot of an Elon Musk Starlink enabled 5G satellite orbiting over the island of Oahu, presumably interacting with the 5G small cells there. And so, we do have 5G satellites orbiting over the Hawaiian Islands right now and this particular satellite does not confine itself to Oahu, by the way. And then we have the

drones. These football field sized drones were proposed for the island of Lanai. They're originally proposed to transmit 5G. 5G was removed and replaced with 4G. And these football field sized drones are meant to fly in the stratosphere and meant to beam down toxic radiation and interface with existing infrastructure. This project was proposed by UH and one of the funders was Google, and Google also has what's called the Google loon and the loon is a tennis court size helium balloon and this is an image of a screen shot from a website that tracks aircraft and this image is showing us that this Google loon was orbiting over the Hawaiian Islands, particularly over Maui County for about a week at the end of July beginning of August of this year. Presumably it was doing some type of recon for the drone. By the way, the drone application has been withdrawn at this point in time, but they have said that they're planning to resubmit. So, the loon, by the way, is 4G enabled so it's emitting 4G signals from the stratosphere as well as a stratospheric tennis court size helium balloon. So, we have this here already. We have these things happening here on Maui. And there's an assumption that wireless radiation must be safe because it's everywhere, right? I mean, we have cordless phones, we have cell phones, we have Wi-Fi, we have cordless baby monitors, we have Bluetooth, we have Fitbit, we have smartwatches, on and on and on it goes and we think that because we have these things that it must be safe, right. Well, we don't have to look too far back in history to see that that's not the case. This is *Time Magazine* 1947 saying, *DDT is good for me-e-e!* Saying that exhaustive tests have shown that when properly used DDT is a benefactor of all humanity. Well, we know better now, right? And then, of course, there were the X-ray machines in shoe stores in the 1950s. These were everywhere. You just stick your foot in there and it was supposed to give you an accurate shoe size. Children used to play with these X-ray machines in shoe stores. And, of course, we know better now, right? And then, well, there's the Big Tobacco. When cigarettes first came out everybody was smoking cigarettes - Santa Claus smoking cigarettes, babies smoking cigarettes. The first time I flew on an airplane I was eight years old. Every single food tray on the airplane, including mine as an eight-year old, contained a small packet of cigarettes. They were passing these things out like candy; and, yes, you could smoke cigarettes on the airplane at that time. Doctors were recommending that people smoke cigarettes. My best friend's mother was told to smoke cigarettes during her pregnancy because she was told that it would help with the pregnancy. Of course, we know better now. Scientists were saying smoking is good for us. The dentists got in on the act. And Big Tobacco was probably the best example of this, but there's this time lag that happens between when a new product or new technology is put on the market and when enough scientific research can be done to show whether that product is safe or not. And then there's another time lag that happens before if it's shown harmful that government regulation can actually be enacted. And corporations are very well aware of these time lags and they take full advantage of it. And as I said, Big Tobacco is the best example of this. It's known as the tobacco playbook. Step number one, create a highly addictive, harmful product. And, you know, Big Telecom knows that cell phones are addictive. They are highly addictive. Hide the relevant research. Big Telecom is doing this. Just like Big Tobacco did. Big Tobacco knew that cigarette smoking was bad for us and they hid the research. Big Telecom knows that wireless radiation is harmful. If you read the owner's manual of your cell phone, you will see that it says in there that to operate your cell phone safely you have to hold it at least half an inch away from your body. Most people don't do that. Why did they say that? They know it's harmful. They're discrediting opposing

researchers. They're paying off researchers to prevent them from publishing their research in the first place. They're taking over the regulating agencies. And last, but not least, pouring on the propaganda to the public saying that you have to have this technology. You know, it's good for you. It makes you safer and on and on it goes. So, with Big Telecom, they're very aware . . . there are many, many examples of this and there's a lot of money to be made in that time lag. And, you know, I should probably also have put vaping on here because that's a recent example of this as well in addition to opioids, right? So, with Big Telecom the stakes are extremely high. We're talking about literally trillions upon trillions of dollars that are at play in this industry. So, what does the relevant research show? Well, I don't have time to go into it. It's a massive body of literature and I'm hoping that perhaps we can have a follow-up panel that focuses on health effects and environmental effects and cultural effects because it's a huge piece of this puzzle and, you know, just don't have time to go into it right now. But we thought it best to focus on legal stuff first since the question is always well, what can we legally do? What can we legally do? So, we're starting there. But please know that there is a massive research base. At this point, we can say over 10,000 peer-reviewed research studies showing clinical evidence of sick and injured people from wireless radiation, experimental evidence showing DNA damage, a variety of tumors, damage to cells and organ systems in humans, also animals and plants by the way. Epidemiological evidence showing cancer, heart disease, and diabetes. The bottom line is that wireless radiation is harmful to life. When it comes to 5G back in February of this year, Big Telecom was forced to admit, thanks to Senator Richard Blumenthal, that they have done no scientific studies on the safety of 5G and they have no plans to do any. Isn't that comforting? So, why is our government not protecting us? It's a very good question. Well, the FCC is problematic. The safety limits have not been updated since 1992. The FCC guidelines were based on science from the 1980s. How many of us had a cell phone in the 1980s? Wi-Fi didn't exist in the 1980s. So, we're talking about obsolete outdated research that is determining the safety limits. The U.S. standards are among the least protective in the world. We also have the Telecom Act of 1996, Section 704 that's problematic because it basically says that telecom infrastructure – antennas, towers, cannot be regulated based on environmental effects and that has been interpreted to include health effects. The FCC is what is called the Captured Agency. It has been captured and completely taken over by the industry that it is supposed to be regulating. This is a report by the Harvard Ethics Committee entitled *Captured Agency*. And it's all about how the FCC is, in fact, has in fact been captured. So, it's one of the reasons why the government is not protecting us at the Federal level. What about Hawaii? Well, we have some problematic legislation of our own. Last year, Governor Ige signed into law the Rapid Deployment of 5G, and this legislation basically limits our home rule. It limits what counties can do in terms of 5G deployment. And when Burt Lum was here this past Spring, you may recall we asked him some difficult questions, and he said that the counties have the final say in 5G, which in fact is true. The counties do have the final say in 5G but within a very . . . a limited parameter let's just say. So, the counties do have some power here, but it is restricted, and we'll learn more about what the options are when our legal experts come on later in the panel. Then we have our very own Senator Brian Schatz, which he just loves 5G and it just can't come fast enough as far as he's concerned. He introduced legislation last year that didn't pass and now he's at it again this year. He has co-sponsored the Streamline Small Cell Deployment Act which takes away our local

authority across the country. It would limit the amount of time that jurisdictions have to act and restricts the ways that we can act. And he's also co-sponsored the Developing Innovation and Growing the Internet of Things Act. So, Schatz wants to identify and remove anything that gets in the way of the rapid deployment of the Internet of Things. And we have reached out to him and we have provided him with a lot of information about the dangers of 5G and IoT and Senator Schatz refuses to listen. There is pushback; however, Senator Dianne Feinstein has introduced a bill to undo the FCC power grab and to restore local authority. There has been a formal letter of complaint filed to the FCC Chair that's opposing this . . . their refusal to update their guidelines. And there's currently a lawsuit against the FCC for Constitutional violations. And in addition, there are ongoing lawsuits against the FCC for the Constitutional overreach in the rollout of 5G. And as you can see here, this is a massive list. The National League of Cities, the U.S. Conference of Mayors, National Association of Counties, National Association of Regional Councils, National Association of Towns and Townships, the list goes on and on. And in all, there are tens of thousands of local municipalities that are opposing this type of overreach and wanting to restore their home rule when it comes to 5G deployment. So, this is very, very good news. And just so you know, we're not just here to say no. No this, no that, we don't want this, we don't want that. There is a safe alternative to 5G and it's SafeG and it consists of fiber optics. So, we want faster downloads too. We like technology. We're not Luddites. We don't want to go back to the Dark Ages. We want to have technology, but we just want it to be safe. So, fiber is our friend and there are many, many benefits to fiber optics. Fiber optics gives us faster . . . faster internet than wireless. It gives us equal access, better voice quality. It's more reliable. It's more energy efficient, which should be noted here, you know, in Hawaii. It's more resilient. In the long run it's less expensive. It's safer, it's more secure. It's not as easily hackable as wireless. It offers more privacy. It's healthier, it's better for the environment, and it provides more system integrity. So, please check out SafeG and I will end on that note. Thank you very much for your attention and for this opportunity.

CHAIR PALTIN: Thank you. So, at this time, while we connect with the other ones, it's kind of like a good time to take the ten-minute recess, if there is no objections.

COUNCILMEMBERS VOICED NO OBJECTIONS.

CHAIR PALTIN: Okay. So, let's come back at about 10:10 or so. We're in recess. . . .*(gavel)*. . .

RECESS: 9:55 a.m.

RECONVENE: 10:13 a.m.

CHAIR PALTIN: . . .*(gavel)*. . . Aloha. Thank you for that recess. It's 10:13 and the Planning and Sustainable Land Use Committee meeting will return to order. And I just wanted to mention that we do have Deputy Directors Jordan Molina and Hart from Public Works and Planning in the audience with us as well. Sorry, I didn't mention that when they came in. Next up we have, via Zoom, presenter Josh del Sol on the surveillance aspects of 5G. So, when you're ready Ms. Greene, Dr. Greene?

MR. DEL SOL: Can you guys hear me?

CHAIR PALTIN: Yes, we can hear you. Thank you.

MR. DEL SOL: Okay, excellent. Thank you for having me be part of your meeting. My name is Josh del Sol and I've been looking into the 5G matter for several years and this summer I and my co-host and partner Sarah Gee hosted an online summit about 5G entitled *5G Crisis Awareness and Accountability*. And it was a highly attended Summit. It was very successful in terms of our ability to reach people. With the research it was the most . . . the highest ever attended Summit by . . . hosted by an organization called Health Talks Online. It hosted around 100 plus Summits on health issues over the past several years. So, the public concern about 5G is very, you know, is very high. It's increasing . . . it's increasing everywhere all over the world. And so, what I put together here specifically for this is rather than me, you know, bringing to you or describing to you key aspects of the Summit pertaining to privacy and surveillance secondhand, I put together a 16-minute clip that we can perhaps start now. It has three speakers from the Summit – James Corbett is a Geo-Political Researcher. Very well researched. He has a website called Corbett Report. Secondly, Patrick Wood has been researching what he calls Technocracy for Decades. And he is . . . extremely well-researched as well and he's the author of *Technocracy Rising*. And he's going to speak on how 5G fits into, you know, surveillance-oriented plan that is part of a trend as many of you are likely aware towards surveillance capitalism you could say or extraction of data without consent that is unconstitutional. And the third speaker is former Senator Patrick Colbeck. He's a two-time Senator in Michigan. Ran for Governor last year and got a very respectful percentage of the votes, is very much independent, not particularly in his political party affiliation, but he speaks towards integrity and doing the right thing and, you know, not taking lobbies to change his perspective. He's also a former aerospace engineer so he's going to touch on mainly the privacy and surveillance aspects as well. So, I'll be very glad to stay on the call and in your Q and A portion towards the end of this meeting, I will be very glad to participate and offer what I can into that. So, I think you have the file there and I would encourage you to start that now.

CHAIR PALTIN: Thank you so much.

(PowerPoint Presentation)

POWERPOINT NARRATOR: With us today on the Summit is researcher and geo-political analyst James Corbett.

MR. CORBETT: Within the smart home which people are more and more buying into literally at this point with their Google Nest or their Amazon Echo or their various implements that they're implanting in their house now, which people know are surveilling and spying on them and broadcasting that data back to corporate headquarters. Well, that is going to be even . . . is going to be an even greater treasure trove of personal information about you and your daily activities as more and more devices are connected into that smart home nexus. So, you're going to have a dishwasher and a toaster and a fridge and a washing machine and lights and a thermostat, and all of these devices are going to be connected in so that you can conveniently make your life more convenient. You can set

things with your app, you can automate things, your frig will be able to order your favorite food when you run out and things like this. This is the way it's being sold to the public. In the meanwhile, people like David Petraeus are talking about how, well, of course, the CIA is going to use this to spy on targets. And that was further confirmed in 2016 by the then Director of National Intelligence James Clapper, who once again affirmed that the Internet of Things provides many possibilities and one of them is that, yes, intelligence agencies will use this to target, track, locate, and to surveil targets. We are getting to the point where absolutely everything in the world that is manufactured can have such a device embedded in it and can have space towards such a device to be individually registered. And as we know, as has been revealed over the last few years, the targets that these intelligence agencies are targeting are essentially everyone. The NSA is collecting data wholesale on everyone and storing it. Now, that's openly admitted and understood but it seemed to be just a fact of life in this age. Well, I think we can start by just taking a look at what has already been openly admitted about what the Internet of Things is going to be used for. Director of the CIA David Petraeus openly boasted about the fact that the Internet of Things was going to be used as another vector by intelligence agencies for spying on the public. When every device and appliance and item that you own is broadcasting data about you and your activities at all times to corporate headquarters and oh, yeah, by the way, to intelligence agencies that are listening in, that means essentially every aspect of your life will be an open book. There will be no such thing as privacy possible. And again, this is only enabled because the 5G networks are able to carry that much data and to ultimately make this a reality. Literally every . . . every can of Coke or whatever other poison that people are ingesting these days will have its own individual device embedded in it. Not a pack. If you buy a pack of Coke, it's not a pack, it's each individual can so that, again it will be able to monitor your daily intake of everything that you do. And the people who don't understand the privacy implications of that, I'm not sure how I could spell it out any more clearly than to say, literally every aspect of your life and everything you do, and when you go to the toilet, and everything else will be data that will be data-based and collected and analyzed by artificial intelligence. But if you ever become a target of interest to the intelligence agencies, I'm sure they will individually be able to use that information on you in any number of ways to understand your habits, to track your networks, to know what you're talking about and who you're talking to, and eventually to be able to predict rather accurately what you were going to do based on what you're searching or what you're talking about with your friends or where you're going. Again, the level of control that this provides over people is almost unimaginable. Now, people are literally buying objects that are spying on them that they know are spying on them. Alexa, order me a doll house. There are psychological operations underway to make the public accept and normalize this as a fact of life. Well, yes, it's spying on you but, you know, what does it matter? I mean, who cares if they know what you're watching on TV or something, what does it really matter? And that you're not doing anything wrong, so it doesn't matter anyway, right? That attitude is being actively inculcated right now as part of a coordinated propaganda campaign. I mean, it is good to have this constant flow of data and everything connected and that's everything else in the Internet of Things. That is a good thing. The only problem is the health effects. Well, if we can put the health effects to the side, then there's no reason to oppose it. Well, no, that's not true. The Internet of Things is a nightmare . . . a nightmare in terms of our ability to live our lives in anything approaching freedom - freedom from constant surveillance

and control. The amount of data that we're talking about in terms of the micro understanding of every activity that you do is data that can be used predictably because with that amount of data coming in constantly in real time you can start to see patterns and you can start to make predictions about what is going to happen. It's extremely unsettling to think about. And I think the one thing we have to underline in this conversation is that the reason that this is being done there is a guiding ideology behind this and it's one called the technocracy that literally everything that is manufactured will be . . . will have its own address and have its own chip and will be connected to the Internet of Things and monitored and tracked in real time giving all of this data to central bureaucracies of various sorts – intelligence agencies and others in order to enable the technocratic dream. They want to control people through the technology. Control their behavior so that they don't even have to predict what you're going to do. Essentially, they're going to shape what you are going to do by giving you certain choices and making you choose the easy path rather than the hard path.

MR. WOOD: Soon as it's invented, the technology gets hijacked by this group of technocrats, if you will, turned around, weaponized, and used back against the people that it seeks to control. That's where we are today. 5G is not about cell phones. It's being sold that way. Your cell phone is going to be so much faster. You can get the latest and greatest new iPhone. You could pay whatever . . . probably by the time it comes out you're going to pay $2,000 for a smart phone that will do 5G and you can get your movies downloaded in three seconds instead of three minutes. They'll say, wow, what a benefit. But 5G is going to light up the Internet of Things that will allow all of the data collection, all of the devices out there that could be connected to the Internet, it's going to draw all that data back in real time. 5G takes it to a completely different level. 5G technology has gotten the latency period down to one millisecond or less. This is incredible. This is absolutely revolutionary. What this means is the sensors embedded in a city will be able to send data in real time back to the central computer where artificial intelligence will be waiting to analyze it, to model it, to extract all of the useful information out of it. This is what the big carriers are salivating over. They want that data. By the time they're done implementing 100 percent smart city technology in one given area, a computer with sufficient resources will be able to literally to model the city in real time, and to rotate it, look into it at different areas they want to look at. This is about social control getting you to do what they want you to do. It takes away private choice, it takes away citizen choice, it takes away citizen concerns completely and says, essentially, this is such an ego trip. We know what's best for you. You should trust us to make all your decisions for you. Why you're purchasing decisions, your medical decisions, your travel decisions, your consumption decisions, how many children you have decisions, everything under the sun is envisioned right now is on the table for them to exercise social control over you and I. Look at China. China has implemented this social credit scoring system over there. It's affected every person in their country, all 1.4 billion people had been enrolled into the social credit system with their pictures with biometric data, with all of the data, everything that happened, this is what's coming to America because this is the heartbeat of technocracy. Pre-crime is a pretty good example. You have in our country today, in America today, a rollout of surveillance technology that's very similar, if not identical, to what's being used in China. This technology in America is being sold to police departments across the country right now by aggressive, pin-striped suit type, you know, not IBM salesman but that's kind of the picture you have when you have

professional salespeople. They're going out to police departments to market this surveillance software. Police departments are gobbling it up at incredible rates and, you know, a lot of people say this isn't legal or it isn't right or whatever that we don't want that here. But police departments come to find out, Josh, there is no Federal regulation. Not one single Federal regulation or law that prevents a local police department from implementing this ubiquitous type of surveillance software. And implementing any kind of AI software for pre-crime analysis that they can get their hands on. Americans individually yet have not caught up mentally with what's going on in police enforcement across our country. But when they use this pre-crime technique to try and predict where crime is going to happen, when it's going to happen, and by who is going to be perpetrated, there is some really disturbing technology out there that these technocrats are trying to impose upon cities to, you know, to implement the data pump to get data out of the cities. The problem to them is that there's those pesky city councils out there that just . . . they just continue to ask questions and they continue to want to know, well, what is it . . . how is this going to really protect our citizens? And technocrats hate . . . this entire smart city crowd hate city councils because there are so many of them. There's thousands and thousands of cities across the country that are kind of woke, if you will now, they're watching for this kind of stuff. At this point, the only possible line of defense we can put in place is at the local level – the city and county level. And I encourage people to get active locally to get to know their city council people, to run for city council, run for all kinds of various offices around their city and in their county. Get on any kind of board you can get on and get your seat at the table.

MR. COLBECK: On the privacy risk, you know, we've got our Fourth Amendment. It's supposed to protect individuals from unreasonable seachers and . . . searches and seizures, excuse me. And so, unfortunately, we had a recent ruling on smart meter data by the Seventh Circuit Court and it was kind of a good news, bad news story; but at the end game, was not very good. On the good news front, they did recognize that the data being collected by smart meters, which by the way will apply to the data being collected by sensors on a 5G grid as well. They ruled that the data was subject to protections under the Fourth Amendment. But, unfortunately, they went on to rule that because of the public good, it's okay to go off and collect that information. So, essentially, we've set up this conflict between what they deem in this court decision as a public good versus our own personal privacy. Then with this decision, with this ruling, they essentially said forget about the individual rights we're going to go with the public good or what they perceive to be the public good. And then the last one is national security risk. I mean, all these grids that we're talking about whether it's a smart meter grid or a 5G network they all depend on little devices and network servers and network devices that have motherboards inside of them. And *Bloomberg News* highlighted recently that the Chinese government actually influenced all the specs on motherboards manufactured in China, which is about 87 percent of the market, and actually put in a chip that provided back door access to any network that motherboard was installed upon. So, I mean, this means that they've got back door access to things like our power grid and even some of our defense systems. And if somebody who used to work with the Department of Defense, that's a concern. I take the defense of our nation pretty seriously. This 5G stuff works great for totalitarian governments like China and for Russia. But for a country with a Fourth Amendment, for example, that's founded on an appreciation for freedom maybe this finish line isn't exactly where we want to head. I

found it interesting that they acknowledged that there are serious risks around the deployment of 5G. So, here are people within the inner circle, the Administration and halls of Congress that actually have quite a bit of connections with the folks who are making decisions around policies, they acknowledge that there is a technology . . . or a national security risk associated with 5G. Unfortunately, they took the approach and said, well, that's why we need to control the deployment. And they said, you know, it's a . . . they took it upon themselves saying, I know we're playing with fire on this, but we need to be the ones controlling the matchsticks. Rather than taking a step back and saying, hey, do we really need this fire in the first place? I mean, what are we actually doing here? Is there another way of going off and heating things up for a warm meal besides going off and taking this approach on a massive wireless system that is, by the way, operating the same frequency spectrum as the Active Denial System, which was used for crowd control by the military? There are a lot of moving pieces with what's going on inside of D.C. I think this concept of a deep state that is separated from the best interest of the people we're supposed to be serving is very real. And there's some wise words from Benjamin Franklin, and he said a long time ago that those willing to give up their liberty for a little bit of security deserve neither. And that's the choice we have before us.

CHAIR PALTIN: Thank you, Mr. del Sol. Did you want to wrap up the video?

MR. DEL SOL: I just wanted to say that, you know, this is . . . this, I really personal resonate with those who are here who want to preserve what's important in our world and our society. And I believe that Patrick Colbeck is correct when he says we are at a crossroads. We have the opportunity to actually join with hundreds of thousands of people around the world and actually hundreds of local governments who have issued a strong, you know, series of questions, you know, questioning 5G. Do they want it? And others have initiated legal action, and Paul can speak to that a little bit later and Ray. But with regards to the 5G Summit, the 42 talks that we have on there are freely available still. It was launched a couple months ago, but anyone can go to the5Gsummit.com and watch those for free for a seven-day period. So, the website is the5Gsummit.com. And there were 217,000 people registered from all over the world, mostly the United States. And the last point I'll make is there had been no rebuttals from industry on any of these points that you just watched in that video nor any of the main points that are brought forward by these excellent researchers, PhDs, Masters of Public Health, and so forth. There have not been . . . there have been no rebuttals from the industry. Just like there hasn't been any on the health side of things, any studies on 5G and its safety, even though there have been literally more than 10,000 studies that show a biological effect at levels at or below a kind of radiation exposure we're talking about. So, I'll conclude my remarks with that and very, you know, glad to defer now to Paul and then Ray; and as I mentioned, I'll be glad to contribute if I can in the Q and A section at the end. Thank you.

CHAIR PALTIN: Thank you very much, Mr. del Sol. So, next up we have Paul Gee, and he'll be speaking on the IRREGULATORS and the actions by municipalities in California. Mr. Gee?

MR. DEL SOL: Hey, Paul, if you can hear me, you're muted. You need to unmute by probably right clicking your picture and then or the lower left there's a mute button . . . in the lower left window.

MR. GEE: I am now unmuted. Can you now hear me?

CHAIR PALTIN: Yes, thank you.

MR. GEE: Give me a thumbs up somebody. All right. Thank you. Sorry for that technical glitch. I'm a computer person but I'm not a Zoom expert. And I will also try to do some slide share during this thing. Never done that before. But I do have some slides up on my website. I've a couple different websites, but they're all accessed from mystreetmychoice.com because I can't think of a better principle for the crazy 4G, 5G rollout that they're trying to shove down everyone's throat right now. But the one organization that you can thank for this disaster is the American Legislative Exchange Council. A-L-E-C, called ALEC. And they've had an agenda that they published and wrote state bills and handed them out to all the states including Hawaii. Now Hawaii, unfortunately, has passed that State bill. You're 1 of 23 states that fell victim to that bad State bill. We, in California, fortunately got a veto of our ALEC bill and that was called Senate Bill 649. And a group of us worked six months full-time to beat that bill and we finally did. So, we, in California, have a chance—. . .*(clears throat).* . . excuse me—to fight this city by city and try to get better local regulations in order to decide how we want to integrate technology into our communities. And we've been able to do that and slow down a whole rollout of 4G and 5G in particular communities. And that's important not to have anyone sign a master license agreement and to work with your local city councilmembers because the buck stops with your city councils. And what you realize when you read the 1996 Telecommunications Act it was very carefully crafted to have a cooperative federalism. What does that mean? It means that the Federal government is sharing with the states and the local communities the regulation, duties, and obligations. So, whatever the Federal government doesn't claim for themselves, it's passed on to the states and locals. Whatever the state doesn't claim for itself it's passed down to the locals. So, when you really look at it, there are very few telecommunications laws passed by our elective representatives that set the stage. And so, at the Federal level, they claim just a few small things then pass it on to the states. Each state then can weigh in with their state utility commission and pass additional regulation. And then we get finally down to the locals. Good news is your locals have probably about 80 percent of it. They've just been told a myth that their hands are tied. That's a myth. You can actually get your local city councils and they can actually pass protective ordinances. We have already in Northern California. We have a number of cities that are protecting the residential zones and you will have no small cells, 4G or 5G, in our local residential areas. We're going to put them only in commercial and industrial zones. And the other thing that local communities can and should do right now is to take full advantage of two court decisions. We'll review it again in the slides if we have time, but I just want to get this out right upfront because it's very important. In August 9th of this year we had a really important case. And it was the Keetoowah tribes and other tribes that went after the FCC and said, excuse me, you tried to skirt NEPA review, NEPA (National Environmental Protection Act) and you're going to try to build on our sacred lands? No, we don't like that. And what happened in that case was that

in addition to the plaintiffs, the three main plaintiffs all tied to tribes, we had a wonderful man, Edward B. Meyers living in Montgomery County, Maryland. He wrote an intervenor brief. He said, hey, we don't need this in neighborhoods either. And he threw his intervenor brief in along with the Natural Resources Defense Council (NRDC), and guess what? The judges fully recognized him in this case. They don't have to do that, but they did in this case. So, when the judges finally ruled, they ruled against the FCC and the wireless industry trying to skirt environmental review, and they vacated that portion of the order and it applies to the entire United States. It applies to every state that passed that bad ALEC state bill. So, it applies to Hawaii. What can you do tomorrow? You could walk in to your local city council and you can say, excuse me, I would like to see the substantial written evidence in the file that shows that the wireless industry and the FCC have completed the court-mandated Environmental Assessment or Environmental Impact Statement. Because if they haven't, then everything must stop tomorrow. No more applications, no more processing, no more installations because every application is now incomplete. That is a strategy everyone can use in every state across the United States today. In fact, we did it last night in Napa. So, it's a very, very strong move to make right now because it's going to take them a good 6, 8, 12 months to do such an Environmental Assessment and such an Environmental Impact Statement. And that buys in the time that we need. Why? Because the FCC also is trying to do something very bad. They're trying to say that they have jurisdiction over the public rights-of-way, and they did that through a very bad order - September order in September 2018. Well, they don't. It's just a farce and they're going to lose that. That's going to be vacated as well, and that will be argued. The problem is that while it's being argued we didn't get a stay. A stay is something that says, we're going to put that ruling aside while we take it through the courts. That, unfortunately, didn't happen but this is exactly how local communities can get their own stay. As you pass local ordinances, you say, this order might or might not be real six months from now so we, as a local community, should think that there's a fork in the road. Path A, the order stands. All right, we gotta prepare for that world, we gotta write our regulations so it respects that order and we'll write 'em that way. Path B, is, oh, what if we never had that order, what else would we like to do? And you get to write the ordinance just like that. So, what you ask them to do is vote for a single thing with ordinance A and ordinance B. Pass them both at the same time with a paragraph at the end that says, based on what the Ninth Circuit finally rules on this order, if they vacate the order, which is what we expect, well then version B leaps into position and takes over. And, oh, by the way, wireless industry, for every application you brought forward during this period of time, we reserve the right to have you, at your own expense, pull it right back out because we don't necessarily have to have them in our public rights-of-way. And so, by doing that, you give them fair warning. It's an even rule, applies to everyone, and now you have a way to get a de facto stay for your own community, and you do that through your local city councils. So, no matter what has been told to you by the wireless industry or what has been told to you by your utility commission, you actually have a lot of very good tools at your disposal, and say you have a chance to put those into action. One final thing I'll say is that we had a big fight over net neutrality. You know, that was this whole thing about, is the Internet regulated by the FCC or not? And we've been fighting about it for a good 15 years. Well, the Obama FCC said, you know what, the courts informed us and if we want to actually put regulation in place, we have to make it Title II regulated; that gives us the authority to regulate. So, they did. And they

passed that, and the country was happy, and that meant that nobody could do shady things or do bad things like blocking or throttling or charging extra money for things. It was good. Everybody had common carriage on the Internet just like on a railroad system. Everyone paid the same fare to go the same distances. Well, the Trump FCC came in and said, we don't like that. That means that Verizon and AT&T can't maximize their profits so we're going to rescind that and we're going to now call it Title I, unregulated. Country didn't like that. So, it went to court. And so, they just announced the decision October 1st. Very interesting decision. The FCC asked for two things. They wanted one, we're not going to regulate the Internet anymore. So, Title I, get no say. We're willingly pulling our own teeth, okay, we're not going to regulate it. They wanted to say that, and they did. Second was, and we don't want the states to preempt anything about the Internet. We want to make sure they can't pass their own net neutrality regulations. Well, the courts looked at this and said, uh, you guys, you've been fighting about this for a decade and a half and you just keep flipping it one way or the other way. All right. We have to defer to you as the expert agency and even though we think it's not very smart, we're going to let you take it back to Title I because that's what you want, but guess what? The minute you did that, you pulled your own teeth, you have no say anymore on . . . over the Internet. So, you can't preempt the states. Ta-dah. Take a look at what is the purpose of a small cell. You will hear in all of the testimony. Oh, the voices are all handled by the macro towers and we're coming in close to your homes in order to do data services like the Internet, you know, and stream video and gaming and all that stuff. Well, guess what, those are Internet frequencies. You no longer have any preemption. You know longer regulate it. You hit yourself with your own dumb stick. That's exactly where we are. So, now you say, huh, what do we have to do as a local community? Well, the only thing the FCC regulates at this point are voice frequencies. Okay, well, what are those? Eight hundred fifty megahertz sometimes bumps up to nineteen hundred megahertz. Are those the frequencies that are on these 4G, 5G crazy small cells in front of our houses? Oh, they're not. How about that? Well, wireless company, I tell you what, we're having to allow you to put in some small cells if you have a significant gap in coverage at least that's true in the Ninth Circuit of which Hawaii is. That's our decision from 2005, and hey, if you've got a real gap, we recognize you have a right to put in something for telecommunications voice call. That's all it's all about. It's all about 911 calls by voice. That's all they regulate. That's all they have preemption for. There is no preemption for video, Internet, other ways of making money, doesn't exist. They no longer regulate it. This was upheld on October 1st. So, you say, cool. But you're going to come into the public rights-of-way and we're going to ask you to do a couple of things. You're claiming you need to go down the block a thousand feet something like that, great. What's the minimum amount of power that will get that done? What's the least amount of power to do it? And what's the smallest antenna that will do that? Turns up it's not much power. The good news – we already have a model that will work, and it doesn't look at all like the antennas that they're already putting up. Your local community can say, excuse me, instead of these big four-foot-tall antennas and boxes on the street that are 20 cubic feet the size of a refrigerator, yeah, we don't want those. We're not cool with that. Bring back a four-inch antenna and now give me a power supply the size of your hand and when you plug that in you're going to see that that will output from the face of the antenna, right there right at the shroud, right there at the pole something that puts out 40 milliwatts of power. Forty milliwatts of power will go down the street half a mile, it'll give you five bars on a

cell phone, and it will enable you to make a call. That's all your local community needs to do. It's just like taking . . . go to Best Buy, pick up a nice beefy wireless router for your house. Carry it out to the pole, put it on top of the pole, plug in the little wall wart, boom. How far will that go down the street? Oh, look, about a quarter to a half a mile. How about that? That's all you need. That's all you need to do it 'cause you say we're a green city. We care about energy efficiency. We're not cool with putting big antennas that just blast away 24 hours a day and just putting all this effective radiated power all over the place. No. All we need to do is provide the ability to place a call so when it comes to doing video and gaming and streaming, we're cool with the junction box at the bottom of the pole that gives all of the neighbors access to it so we can jack in our own fiber optic cables and get that directly to our homes. So, once we have it in our home now, we have the consumer choice. We can say, I'm a wired house. I'm smart. I know I don't want a bunch of wires around me and so I'm going to put it through my wired router and have ethernet cables go everywhere and I've got a nice, safe, clean home. I get that choice. I get that choice because I brought my house that way. It's my house. Hey, if someone else wants to run a wireless router, that's their choice. That's very much like saying smoke inside your house. If you want to smoke inside your house, hey, you can do it. It's legal. It's not smart. You can do it and you'll pollute the whole environment and hurt your kids and hurt your plants and your pets and all that stuff, but it's your choice. It's a consumer choice. But that's the same choice you make when you run a wireless router. If you want to run one, you can. You could smoke 24 hours a day if you want or you can turn it off at night when you go to bed because nobody needs it then. That saves a lot of exposure until you eventually decide that it's not so cool to hurt my children and hurt my pets and hurt my plants just by having a wireless router. So, maybe eventually you'll get rid of it. But that is your choice. That's very different than saying, well, what we have here in Hawaii is when you move into this neighborhood, you're going to have to have a small cell in front of your house and it's going to be pumping toxic smoke into your house 24 hours a day. That's what it's like when you live in our neighborhood and we're going to force that to happen because you don't have any choice. That's just the way it is. Well, you would never design a community that way, and there's no reason why you have to accept a community like that. So, you have absolute good tools in front of you right now to say, we want modern services, we want high speed. But what we want, we want data that's big data that's called video files and Internet. We want that by fiber optic. And small data stuff that's for an emergency call like when you break down on the road and you gotta make a quick call, we're cool with that being wireless. And so, we're going to get the right mix of wired and wireless and we shouldn't allow the wireless company to hoard the fiber optic cables. Why is that? It's in the public conduit. All of that fiber optic that has been existing there for years and years and years, it's public property. It should not be misappropriated by the wireless industry for their own private uses. These cities in Hawaii can just look into their files and figure out what fibers around and make a claim of it and say it is our fiber now and we will charge anyone access for it, including the wireless companies. And that's what the IRREGULATORS lawsuit is all about. It's about correcting an accounting misappropriation that's happened for the last 20 years. It's crazy stupid that this is allowed to happen that the IRREGULATORS v. the FCC lawsuit right now will correct a complete illegal cross subsidy from your state public telecommunications utility company, that's the company that gives you LAN lines, and towards wireless companies. 'Cause everyone is seeing what has happened. We used

to all have landlines and then we would use our cell phones once in a while. And now it's kind of shifted and now not as many people have landlines but lots of people use cell phones. And so, what really used to happen was that they said, when you look at any network, and that's true of any place in the United States, when you're trying to get data from point A to point B it goes 95 percent of the way there on a bunch of wires, fiber optic cable or copper or something else, and only the last 5 percent that we make a choice. Then we say, well, are you going to get it by wire or are you are going to get it wirelessly? That's just the last 5 percent. All right. Well, all of that 95 percent those are shared common infrastructure and shared common costs. So, what can you do? You really should share those based on the revenues. That's the way it was always set up. Twenty years ago – 75/25. Twenty years ago – 75 percent of the revenues for landlines, 25 percent was for cell phones. So, they split the costs that way - 75 percent to the landline and 25 percent to the cell phone guys. Got it. Now, it's kind of shifted the other way. So now, it's 75 percent of the revenues are wireless and only 25 percent are in landlines. But what does the FCC allow the costs to be? They make the landlines that are only 25 percent of the revenue pay 75 percent of the costs. That's what the accounting scandal's all about. It's cross subsidizing. It's stealing money from the landline company and illegally giving it to a wireless company. That's a regulated company that has public benefits for everyone to get served at reasonable rates to a private company that can charge whatever they want and soak us for everything they can. This is wrong, it is illegal, and it can be fixed by supporting the IRREGULATORS v. the FCC lawsuit. When you sue the FCC, the people that do it, it's a thankless job. You get no money award at the end and it just gets remanded back to the FCC. These people have dipped into their own pockets to make this lawsuit happen. The attorney, Scott McCullough, put in $50,000 of his own time to write it. It's 317 pages. It's excellent. It's in the chute. It's been accepted by the D.C. Circuit Court of Appeals. These people need support and we need to actually donate to them.

CHAIR PALTIN: Mr. Gee, we have another presenter if you could wrap it up.

MR. GEE: Sure. No problem.

CHAIR PALTIN: Thank you.

MR. GEE: So, instead of getting to the slides, you got the most important information. So, no worries. But I'll be available to answer any questions you have at the end.

CHAIR PALTIN: Thank you so much. Our final presenter for today is Mr. Ray Broomhall and he will be talking about the Broomhall protocol and legalities.

MR. BROOMHALL: Thank you for having me. My name is Ray Broomhall. I'm from Australia. And I just wanted to present to you all, I've been invited to explain how we stopped towers and how we negotiate and work with councils in Australia. And I just wanted to explain that it's known as the Broomhall protocol I believe in the U.S. and what it is is it's a two-way presentation basically through to councils. I'll use medical evidence to back up the . . . my argument for my cause with council. Once councils see a medical opinion that electromagnetic radiation is actually unsafe, they add to my cause. The council . . . I don't know what's happening there, folks. Can you hear me?

MS. GREENE: I think, Paul, did you accidentally just do a screen share? Okay, thank you. I think we're back now.

MR. BROOMHALL: Thank you.

MR. GEE: Sorry about that. I apologize.

MR. BROOMHALL: That's fine. So, just to let you know, I'm actually a barrister at law in Australia. And what I do is set legal advices for my clients which are then presented to Councils. And I've managed to convince the majority of all councils that we've dealt with to unanimously agree to object to various developments. Now, the issue here is that . . . I might just do a few screen shots so you can actually understand where I'm coming from and . . . okay. So I'll just explain a few things. So can you see that? Is that . . .

MS. GREENE: Yes, we got that.

MR. BROOMHALL: Now, this is a . . . just to give you a bit of an example, this is a Sutherland Shire Council and what I did here was I gathered a community presentation very similar to what I'm doing with you folks today. And I just explained the law and the principles behind it and immunities that aren't afforded to councils, et cetera. So, I just wanted to go through and explain that. The Council listened intently, and you can see here we had a motion that was put against Telstra where the Council basically appealed, approved and appealed against Telstra mounting small cell installations in community infrastructure. So, in essence, they see . . . as you can see here, wrote a letter from the . . . was concerned after hearing my presentation and the whole Council agreed that it must stop. So, you'll see here, this is the city sending a letter to the telco saying they object strongly to it now. Just so you understand, the Council thought that they couldn't do anything. I thought, well, Federal legislation says we can intervene. We're being barred by the Federal legislation to do so. But the issue is, is that they can under abatement laws and other issues which are raised in my advices, and you can see here that they adopted that. And you'll see there is another letter. There were actually three different clients and there were three different letters that the CEO had sent out on behalf of the Council objecting to the tower. In this particular case, this was another one which was Wilsons Creek Tower that was recommended for refusal by the community and also by the Council. We had a very . . . I actually addressed a very similar situation, which I've done with you today, and we were . . . then became very successful. The Council unanimously agreed to object. And the telcos, once they realize that the community are against them and also the Council is against them, the telcos give up and they don't bother appealing, et cetera. If they do appeal, they realize they've got me joining the Council in the appeal because they are my clients and we become co-respondents in an appeal, and they realize that the game is up because I'll use medical evidence to back up my claims. This is probably the biggest win that I had in Australia. I had quite a lot of them; I haven't lost yet, put it that way. Under the Broomhall protocol as you call it in the U.S., this one . . . this is one for the Coogees, Coogee residents, and just happened to be that there were eight doctors that lived on the street and they wanted to install a 4G small cell facility on a power pole or utility

pole on my client's house, which is only about six neighbors away from a child's bedroom. And it just happened that that happened to be one of the most expensive streets in Australia and all those people that were on that street were in fact doctors. And I became the barrister and you can see here they even hit the news where the residents were very upset. We then had a community meeting very similar to what we've got now and one of the councilors called for a suspension of the rollout. Now this one was also where the councilors couldn't intervene because it was a Federal law, but clearly community pressure does work on that day. And in this case, you'll see here they called for a suspension and it was obviously medical evidence that backed up the issue. And you'll see here the Randwick Council, which in this case, it was said that they made the agreement that the TPG small cells will not roll out. Now, what happened was that TPG contacted the Council and said, look, we realized the community pressure is so huge we decided to roll out. But what happened was it just didn't roll out in that one street. I'd actually also explained that I had 30 other communities across Australia for the entire network. So, I managed to stop technically the entire network from operating. Now that was over two and a half thousand small cells across the country. You'll see here that there was a lot of claims that it had nothing to do with me and my health issue, but I can assure you that it did, and you'll see here that this is in the *Sydney Morning Herald* just recently. There is a $15 billion court case going on between TPG and Vodafone over the issue that that I had raised. And you'll see here that the executive at TPG claimed that it abandoned the mobile plan network due to health fears. Now, there was a lot of talk about it being banned because of the Huawei ban but that was not the . . . well, it had something to do with it, but the real reason was because of community pressure that was put on them. Now, this is the important bit that I'd like to share with Council, so you understand how this all works. Now, Mr. Hodge, as you see here, he's actually a QC, which is a Queen's Counsel, and he was acting for the other side. Mr. Levy was acting for TPG, and he's the executive that we were just talking about. And he said, you don't think there is any scientific rationale for this do you? Now Mr. Levy did say, or the executive said, that it's not his area of expertise. The equipment that we were using was well within the standard and it's very much acceptable in terms of the standards. Now what this means is that that he was simply . . . TPG were complying with all those standards or complying with, in your case, you got the FCC. In Australia, we have the ARPANSA standards, and which he was complying with that. Then the QC said, asked if there was some segment of the community that held an irrational concern about the effects of small cells; and Mr. Levy--this is a crucial bit--said, I wouldn't call it irrational, I think people have rational concerns. Now, this is the whole issue. This is what it's, this is about, what is a rational concern and what is an irrational concern? Okay. Now, just so you understand, an irrational concern would be let's say, for example, members of the public made a complaint and, or made an objection against the tower, they would have attained all of their information from the Internet and they had no expert evidence of their own to back it up. So, they just used their own knowledge and gave a complaint to Council, an objection. Well, that would be an irrational concern. A rational concern would be where my client goes and sees a doctor and says, excuse me, doctor, is this EMR emission going to be safe to my person? Is it safe or not safe? Now, if the doctor gives an opinion that the client is at risk of harm, at risk of harm, not that they're being harmed, but they are at risk of harm and I gave a report and that report is submitted along with the objections to Council, then that's classed in the law as a rational concern. And that's

why TPG realized that the game was up. That once I had rational concerns that in a court of law it would apply. Now to assist the Council I've given . . . I've got what's called an EMR Legal Education website which was set up for the 5G Summit and I think you'll find that, that Josh del Sol put together. Thankfully he's done a wonderful job there. But you'll see here on this particular site there's a couple of talks there that I've got there with Josh, and Mr. del Sol you'll see . . . and it gives you a bit of the process of how the evidence is put together for objectors. And on this, we have . . . there's about 31 steps in regard to getting various evidence together for . . . ready for an objection to Council. Now, the most important thing is there's also a warning of objection notice, which explains that the particular person doesn't consent to being irradiated with electromag-radiation; 'cause, in essence, the telco is literally building something next door to emit electromag-radiation onto somebody's property. There's also some sample medical opinions which are being redacted, which were quite successful in stopping situations here in Australia. Now, I would now like to talk about a few things here in regard to how it works in the U.S., and particularly in Hawaii and particularly where you are in Maui. So, in this session I'd like to talk about the Constitution of the State of Hawaii, and you'll see here it's under Article 11 and it's the conversation . . . the Conservation, Control and Development of Resources. Now, you'll see here that particularly where it talks about environmental rights but if we got to the top bit there, you'll see it says in Section 1, for the benefit of present and future generations, the State and its political subdivisions shall conserve and protect Hawaii's natural beauty and all natural resources, including land, water, air, minerals and energy sources, and shall promote the development and utilization of these resources in a manner consistent with their conservation and in furtherance of the self-sufficiency of the State. All public natural resources are held in trust, and this is the issue here, they're held in trust by the State for the benefit of the people. Now how this works is we've all heard about the Mauna Kea case or Mono [*sic*] Kea, I hope I'm saying that correctly, but in this Supreme Court there was a case in regards to this telescope issue. Now, I've had a look at that particular case and this is what I've written here for your benefit. Now, just as so you understand this, this case was de novo appeal and in effect de novo means to start from the beginning and you're supposed to bring in new evidence if you have any, and clearly the appellants did not provide any expert evidence in the . . . at the de novo appeal hearing nor at the original BLNR hearing to challenge the developers tendered expert evidence that the TMT project will not cause a substantial adverse impact to geological science. Now, this is clearly shown in the judgment and that's at Page 48. And in that case, their honors ordered the following, in our de novo determination of whether these requirements of Article X1, Section 1 have been met, we consider relevant findings in the BLNR Decision and Order. 25 [sic] With respect to the requirements of conservation and protection of public natural resources, the BLNR's finding that the TMT Project will not cause substantial adverse impact to geological sites is not challenged. And that's the important bit. It wasn't challenged, which basically means that there was no evidence put to the appeal in regards to the cultural aspects and any harm that was caused to anyone or anything as an expert. And this is the whole crux of what I'm trying to explain to everyone. So, oops, hold your horses. I seem to have gone off . . . anyway, right, so that's the Mauna Kea case. Now, I want to talk about what's happening in California. Now, in regards to the Public Trust Doctrine, I'll go through a few issues. I'll go first to Loorz and Jackson. Now, in this particular case, what I'm trying to say is that with the

Mauna Kea case if the people that were appealing it had actually had expert evidence from a medical doctor to say that there was some form of harm to those particular people, then the Public Trust Doctrine would have kicked in, in particular with air. If we're talking about electromagnetic radiation, it does contaminate the air, it does contaminate the soil because people's homes will be irradiated and contaminated with electromagnetic radiation. Therefore, the Public Trust Doctrine should kick in. Now, there have been cases where the Federal issues have been in regards to violating the Public Trust Doctrine and there's a case of Loorz and Jackson, which I think you will be very interested to have a look at. We also have another one, which is called Juliana and the United States which also talks about the Public Trust Doctrine. So, if we go back to your Constitution in Hawaii, the Public Trust Doctrine does apply. And in my opinion, as a lawyer, you'll find that if any expert evidence is provided in the form of a medical opinion that that's, EMR radiation either poses an extreme risk of harm to the health, then you'll find that that would apply. Okay. Now, I'm going to talk about a few things. Now, I'll try and give you a bit of an idea of how some of the things work in Australia. We have in Australia the Crimes Act and we have the definition of assault and I'm just going to explain that very quickly to you. You have a look here, it says in subsection . . . you see where I've highlighted it, assault means the direct or indirect application of force by a person to the body of, or clothing or equipment worn by another person where the application is without lawful excuse. Now, without lawful excuse would be something such as I don't consent to it. Okay. That's not lawful. If I don't consent to being . . . having an application of force against my person, then and I don't consent to that, then it's not with lawful. . . it's not lawful excuse. And with the intent to inflict or being reckless and this is an important thing. Now this is a common law so this is used pretty much throughout Australia, in every state, and I wouldn't see how it wouldn't apply in the U.S., and I've actually spoken to lawyers and they said that it does apply. Now, we also have injury, pain, discomfort. Now, all it has to do is, is it reckless in regards to the form of discomfort and damage? Now, discomfort and damage are the two issues here. And results in the infliction of such consequence whether or not the consequence inflicted is a consequence intended or foreseen. Now, let's have a look and see what we mean by application of force. And there's actually a definition and you'll see there very clearly it says application of force includes application of heat, light, electrical current, or any other form of energy. And clearly electromagnetic radiation would class under that particular application. You'll see that we also have what we call Personal Safety Intervention Orders, which I'd say you have in the U.S., which is similar to apprehended personal violence orders or protection orders or persons with behavioral orders, they're all different, but they're all the same basis to it. And you'll see here the meaning of assault and there it is clearly under Subsection 3, again it says the application of force includes application of heat, light, electrical current, and any other form of energy. Now, this is pretty worldwide standard type stuff I'm talking about. Okay. And that's how the Magistrates' Court sees it and the court may order to protect the person, their children, and their property from another person's behavior, in this case it's the telco's behavior and personal safety intervention orders may be known as restraining or apprehended violence orders in other states and territories. So, this is how we do it in Australia. And that's an application that we made and I'm sure in the U.S. you have something very similar. Now, let's talk about nuisance as you are aware in Council, you're probably familiar with this. There is

case law and common law that makes it very clear that there is no justification that the inconvenience caused by it is less than the public benefit derived from its existence. So, what that means is no matter how big the public benefit is, if it's causing harm to an individual, then you must abate, you must stop, and that's exactly what this case is saying . . . these cases are saying. And you'll see they're quite old and they're very entrenched in law. And as you understand how nuisance works, you can see here we have smoke going over the fence over to the neighbor. Well if a telco is putting up a tower or a small cell facility, even a HAPS, and I'm sure Debra's probably explained about HAPS up in the sky and also satellites. It may then . . . they therefore create some sort of nuisance and it goes from their property over the fence to somebody else then that's a nuisance. And in this case, that's exactly what electromagnetic radiation would be doing from a tower. Private nuisance you'll see here occurs when someone substantially and unreasonably interferes with or disturbs someone else's ordinary reasonable use of the lands that they own or occupy, and the interference occurs without direct entry onto the affected person's land. So, in essence, the nuisance can be used to address certain things that includes dust, noise, vibration, even the electromagnetic radiation is technically processed noise. I don't know if you knew that because it is a vibration of electromagnetic energy. It works at a frequency and you can actually hear that frequency, so it is a noise. Okay. So, just to let you know. We also have public nuisance. Now, this is the one where Council should really intervene as a rule. That basically anything that interferes with a person's rights. In this case, they exercise the rights would be the rights to the quiet enjoyment of the property. Now, whenever someone is a tenant or an owner of a property or a land, you'll find that they, in essence, they are the . . . they purchase the right to the quiet enjoyment. It's a very old law in regards to nuisance law, and so anybody that does anything against that litigation can occur. Now, further another thing you'll find that councils as a rule, which is very similar to the U.S., their function is to improve and promote public health and well-being within the municipal district and you'll see I'm sure that's very similar to what you have in the U.S. The council has a duty to remedy as far as reasonably possible all nuisances existing in the municipal district. And I'm sure that lawyers in the U.S. would be able to apply more protocol very simply over there.

CHAIR PALTIN: Mr. Broomhall?

MR. BROOMHALL: Yes.

CHAIR PALTIN: I was wondering if you could wrap it up. We do have seven Members that may have questions and I wanted to give them adequate time.

MR. BROOMHALL: All right, okay, yes, I can do that. I can stop that now, that's fine.

CHAIR PALTIN: Thank you so much.

MR. BROOMHALL: Okay.

CHAIR PALTIN: So, Members, at this time, I wanted to open it up if anybody had any questions of any of the presenters so far? Member Molina?

COUNCILMEMBER MOLINA: Okay. Thank you, Madam Chair. Just let me first start off by asking, for your panel, was there an offer made to industry reps to give their side of the story on this whole 5G matter?

CHAIR PALTIN: Not yet, but it's my intention to keep this open as long as we need to.

COUNCILMEMBER MOLINA: Okay, yeah. Thank you. Because I did have some questions for any industry reps that might have been invited.

MR. GEE: We can handle those. What's your question? We know . . . we know the whole industry story. What do you want to know?

COUNCILMEMBER MOLINA: Okay. Hang on, but I have a question first for Dr. Greene who is here. But we'll get to you later, sir.

MR. GEE: Okay.

COUNCILMEMBER MOLINA: Good morning, Dr. Greene. First of all, thank you for your information. It kind of reminds me of 1984 Orwellian. I guess it's coming ever so close where Big Brother's watching, yeah. Quick . . . initially, because you mentioned artificial intelligence that 5G is, I guess, expanding the gateway to that side of things with technology, has there been any reaction from the religious organizations or conservatives about this expansion of technology as it relates to 5G?

MS. GREENE: That's a very good question and I . . . not to the best of my knowledge, no, there has not.

COUNCILMEMBER MOLINA: Yeah.

MS. GREENE: But, you know, I can't say that I know what's happening all over the planet on that but not aware of any.

COUNCILMEMBER MOLINA: Yeah, okay. Yeah, it's something I'd like to look into as well in the future 'cause this is something very eye opening, I have to admit. As far as the electromagnetic fields and the antennas versus cell phones, what is basically more harmful transmitting electromagnetic fields, is it the antennas or the cell phones?

MS. GREENE: What's more harmful?

COUNCILMEMBER MOLINA: Yeah.

MS. GREENE: Well, that's a very good question as well. It depends on a lot of variables. Depends on how, you know, the proximity to the tower or antenna. It depends on what level it's transmitting. It depends on how you're using your cell phone. You know, there are safe ways to use it and there are ways to use phones that make them, you know, a big health hazard. So, there's many variables that could affect the answer to that.

COUNCILMEMBER MOLINA: Okay. So, I guess, the word should go out to people just to not expose themselves so much as maybe use earpieces and speakers.

MS. GREENE: Exactly.

COUNCILMEMBER MOLINA: Yeah.

MS. GREENE: Rule number one – keep the phone off your body as much as possible. And if you're going to use a headset, I mean, there's particular types of headsets that you can use to keep the radiation from going up the copper wire, you know, into your brain. You know, it's good to use speaker phone and keep the phone off your body, things like that. Put the phone in airplane mode as much as possible, you know, we don't need to have our phones on all the time. Definitely don't sleep with your phone in your bed as many people unfortunately do. Yeah, if you go to my YouTube channel, I have a series of videos on how to safety proof your cell phone and household wireless radiation that's harming us and what you can do about it. Things like that. It's Dr. Debra Greene . . . that's my YouTube handle.

COUNCILMEMBER MOLINA: Okay. Thank you.

MR. GEE: Debra, can I add to your answer? Is it possible?

DR. GREENE: Yes, do please.

MR. GEE: Okay. Great. The policy issue here is the infrastructure. Unlike a cell phone where you have a choice of whether to turn your antennas on or off when you look at the infrastructure, which is outside your bedroom window, you have no chance to turn that off. That's forced exposure 24/7. And I can just give you a quick metaphor that worked in San Francisco which invited me in to then to the Department of Public Health. And the way to think about this is that the standard is set at only a rate of exposure. It was game from Day One to only look at the rate of exposure. But no other poison is studied that way. Every other poison is studied by the total dose. So, you have to think about the total dose of exposure you're getting. So, it's kind of like this if . . . just imagine you have two beakers in front of you – one left and one right and all I'm going to tell you is the rate at which I'm going to put poison into those beakers, but you have to drink one because we're installing this in front of your house, okay. So, I'm going to say to you, I'm going to put poison at two drops a second in each of these beakers – the one in your left and your right hand – which one do you want to drink? And then you don't know yet. So, I give you the rest of the information. All right. The one on the left is two drops per second for 10 seconds and the one on the right is two drops per second for 24 hours. So, you have a smidge of poison on the one on the left and a full beaker of poison on the one on the right. Now, which one do you want to drink? I think you're going to pick the smidge on the left, right? But in your left hand represents driving past a cell phone tower or a small cell, then on the right is living next to a cell phone tower. Unless you live on the second story 'cause then you have to drink five beakers a day. That's what's really going on.

COUNCILMEMBER MOLINA: Thank you for that comment. So, I guess this is a case of pick your poison then, yeah. My last question for this round so I can yield the floor to other Members, Madam Chair, for any of our panelists, you know, with all of this advanced technology now going to fifth generation, why hasn't the cell phone industry developed phones that don't emit electromagnetic fields? I mean, is it possible they can do something like that?

CHAIR PALTIN: Any one from the panel want to . . .

MR. DEL SOL: I can address that just in brief and then maybe Paul might have more information or Ray, but the cell phone industry and wireless carriers do own patents on technologies which could make their product safer and those patents are not being put into effect. They are essentially being scuttled because use of safer technology would inherently admit that their technology has not been safe. So, rather than make it safer in an open, transparent way, they're not taking any steps whatsoever because of their fear of liability. Swiss insurance giant, Swiss Re, Fortune 500 company, has identified electromagnetic radiation as in the highest long-term risk category possible and specifically now in their new updated report include 5G in that. So, I don't know if anyone else wants to add to that, but that's a foundational . . . *(inaudible)* . . .

MR. GEE: Yeah, Ray's got it. Ray's got it.

MR. DEL SOL: Go ahead.

MR. BROOMHALL: Yes. Lloyds of London, for example, will not underwrite any damage caused by personal injury or to property from non-ionizing electromagnetic radiation and they've made that very, very clear and Lloyds is huge. You'll find that, yes, that's exactly right. I don't know if that is . . . *(inaudible)* . . . I guess with electromagnetic radiation the dangers that are posed to it and there are . . . it is a toxin and there are medical reports that make it very clear and studies that say that there is no antidote to exposure to non-ionizing radiation. That once it steps in it becomes an accumulative effect, you get more sensitive to it and there's just no cure. Does that make sense?

MR. GEE: Yeah, it does make sense and really what you think about is a distance power trade off. Just think about that. There are three variables you always have to think about. Wow, tall – is it from how many feet off the ground do you put your antenna, how many feet away from you is it, and then how much power are you putting out? And you have to then jigger those three variables to get to something that might actually work. Now, the answer is of course they can make these things safe. How do you do it? You turn the power way down. That's how you do it. And we do that automatically from a macro tower. But when you get 'em that close to you, they don't turn it down enough and that's why you need a local regulation. You need something that's similar to like the seat belts and speed limits and air bags for personal wireless facilities for cell towers. Go ahead, Ray.

MR. BROOMHALL: Well, if I could add, in Australia and across the world, there's a huge international project called the Square Kilometre Array. And the Square Kilometre Array is a telescope, it's a radio telescope that's being set up and it has a 215-kilometer radius

where no electromagnetic radiation interference is to occur. Now, they've actually already developed wireless technology and also fiber optic technology that doesn't interfere whatsoever or emit electromagnetic radiation in the environment. Now, to give an idea, fiber optic as opposed to 5G. 5G will emit data transfer at about 10 gigabits per second. Fiber optic technology developed for the Square Kilometre Array can actually transfer data at 64,000 gigabits per second. It's far superior to have fiber optic than to have 5G wireless. Now, and the delay time is a lot quicker. There's all sorts of things. The technology is there. We just need to apply it. It's just that telcos just refuse to use it because wireless is so much cheaper.

CHAIR PALTIN: Thank you, folks. I . . .

MR. GEE: Well, cheaper for them to build but when it's time to operate it's a lot more expensive to operate just so you're clear.

MR. BROOMHALL: Yes.

MR. GEE: Alright, and if you want to operate efficiently, use fiber.

CHAIR PALTIN: Thank you. I'd like to give other Members a chance to ask questions so if we can keep our answers kind of short and to the point because we do have six other Members that may have questions, and we have 32 minutes. Ms. Greene?

MS. GREENE: Can I just quickly piggyback on the power question because there's actually research on health effects that shows that the power . . . lowering the power does not mean no health effects. And in some instances, there's actually an inverse relationship between power and health effects.

MR. GEE: Said more accurately, it's the exact wrong amount of power in a biological window, which is almost impossible to predict, and so the answer there is just stop doing it.

CHAIR PALTIN: Thank you. Member Sinenci, did you have a question?

VICE-CHAIR SINENCI: Yeah, just a couple questions. Thank you, Chair. Thank you for the panel for chiming in today. Just a general question, is there for the general public is there any particular website that we can look for information as far as the negative impacts . . . health effects of 5G?

MR. BROOMHALL: Yes, there's a Physicians for Safe Technology, which is physicians, I believe doctors would be one of the best ports of call. To get . . . *(inaudible)* . . . industry, you got to strike the medical side of things. So, Physicians for Safe Technology, there's a website for that. You can also see the BioInitiative Report that's a very good one, and the NTT base study is also another good source.

MR. GEE: And that . . . is MD like Medical Doctor – MDSafeTech.org.

MR. BROOMHALL: Yes.

MR. GEE: That's where you want to go.

MR. BROOMHALL: That's correct. Yes.

VICE-CHAIR SINENCI: Safe effect.

MR. DEL SOL: And also, one other website is the Bio Initiative Report. It's kind of the original sort of flagship meta study with I believe eighteen hundred studies all in one place. So, it's collated those studies. That's bioinitiative.org.

MR. GEE: And what you don't want to do is go to the American Cancer website or anything like that that is actually just a captured industry group. You actually want to go to independent scientist emfscientistappeal.org is another, and you'll learn from the people doing the work that are not funded by the wireless industry. The problem is the FDA and the American Cancer Society, a lot of these people just sing from the same playbook because they're already getting paid.

VICE-CHAIR SINENCI: Agreed, and thank you for the . . . *(inaudible)* . . .

CHAIR PALTIN: So, that was the MDSafeTech.org and the bioinitiative.org.

MR. GEE: And if you want some tips on how to fight go to mystreetmychoice.com.

CHAIR PALTIN: mystreetmychoice.com.

MR. BROOMHALL: Yeah. There's another one that you can . . . the World Health Organization is probably the best one. If you go to ICD-10, it's called the International Classification of Diseases and you look under the W90 Code you'll find that it says that an adverse health effect is exposure to non-ionizing radiation. It's right there. It actually even says radio frequency radiation. So, when the telcos are telling you that there are no adverse health effects that is totally incorrect. The World Health Organization actually recognizes that under the International Classification of Diseases, which is where all doctors throughout the world use as the criteria for assessing medical conditions. So, it's called the World Health Organization ICD-10 W90 is the one that you want to look at.

MR. GEE: And those codes were established in 2015. They've been renewed every year since then and they're important because that's how the doctors can bill and make their money back. So, it's official.

MR. BROOMHALL: That's correct. That's exactly right. Yeah.

VICE-CHAIR SINENCI: Thank you. Thank you, Chair.

CHAIR PALTIN: Sure thing. Members, anyone else have any questions? Chair King?

COUNCILMEMBER KING: Wow, I'm just so overwhelmed with a lot of information. I guess for the general public is there a place that they can go to determine which types of devices

are safe and which types of devices are part of this Internet of Things? Because I mean things that come to mind are like baby monitors or even the new license plate where we all have to get this star. Is that a chip? Is that something that's going to record information? I mean, there's so many things that are in our daily lives that, you know, how do you sort through what is part of this surveillance mode and what isn't?

MR. GEE: I got that one . . . just go quickly, if it has wireless, if it has an FCC license on it, it's not safe. It's that clear.

COUNCILMEMBER KING: Okay.

MR. GEE: So, the point is that either you're a transceiver meaning you both receive and transmit, which most of them are, or you're just a receiver. Here's to your old AM/FM radios. Those antennas were just to receive antennas. They didn't actually power up to send. But what we have right now is your cell phone is a big sender of data and that's what makes it so dangerous. And that's what makes your laptop so dangerous. And that's what makes your home wireless router so dangerous because they are powering up and sending data. You don't want to be near those antennas.

MR. BROOMHALL: The other thing, too, is that the World Health Organization – this is the World Health Organization make it very clear that anybody that's exposed, any children that are exposed to anything over 0.3 of a microtesla, they can . . . there's a consistent association between childhood leukemia and exposure to any magnetic fields over the 0.3 of a microtesla. Now, the industry and nobody prints up what their magnetic field is from their devices. There are some studies out there that indicate that, for example, mobile phones can issue at around 90 microtesla. There are other studies that are a bit iffy about . . . *(inaudible)* . . . but really what I'm saying is that there is nothing out there. The World Health Organization has made it very, very clear that with short-term exposure they put, they set the limit at about 200 microtesla. But for the long-term exposure, which means in the home, they've set the limit at .3 of a microtesla. They have found baby monitors, for example, can actually emit around 70 microtesla, which is way above the standard that we're talking about that the World Health Organization has set. So, what I suggest is you just have a look to see what the microtesla issue is. The RF is obviously an issue as well. But there are two sort of fields we're looking at that are associated with exposure to electromagnetic radiation.

MR. GEE: There's actually four fields. So, you have to worry about a magnetic field that he's talking about.

MR. BROOMHALL: Yeah.

MR. GEE: There's also an electric field because these things are in coherence and they propagate together. The third one is the RF, which you've talked about. And the fourth one, unfortunately, we haven't mentioned at all, which is probably the worst of 'em all and that is called conducted emissions or dirty electricity. And essentially, it's the electrical waste that gets dumped on to your electrical lines and then they emanate from your electrical lines. And unless you do a good job of filtering, most of the filters aren't very good, then you are going to get exposure from this. What is the number one

contributor of dirty electricity in every single state in the United States? It's your smart meter, which is the dumbest name ever. It's not a smart meter. You'd want to get rid of them and you want to opt out of them. And after that, it's the cell towers. Those two are the biggest contributors.

MR. DEL SOL: If . . . *(inaudible)* . . .

MR. BROOMBALL: The other thing . . .

MR. DEL SOL: Go ahead, Ray. I just wanted to address after you.

MR. BROOMHALL: Quickly, it's just a wireless power transfer issue is another big problem. A lot of people don't realize that they're actually . . . they're recently having HAPS or High-Altitude Pseudo Satellites, small cell facilities, and also towers is that 5G doesn't just emit data. It also is designed to transfer electricity wirelessly. So, when your this . . . basically, gonna get rid of cords to power your mobile phone so you don't have to have it . . . it's all charged electronically through the airwaves, through the microwaves that is sent from these towers. Your autonomous vehicles are going to be charged wirelessly as well and that they can harvest electricity from space and they're going to send it through the satellites through the data, with their data and their electricity. So, please understand that this is not just about sending data with 5G. That 5G is also about sending wireless power transfer or electricity without cable. That's an issue.

MR. GEE: That's a big issue. So, think about how well electricity flows along a wire meaning it takes the path of least resistance, but the minute you put an air gap in there's a lot of resistance. Then the question is, did you want to be in the air gap?

MR. BROOMHALL: And this will just give you an idea . . . I hope I can show it to you. This is the ICC, which is your . . . they're talking about it right there. And they just had a conference in China just recently about wireless power transfer communications. So, just be aware it's real. It is happening.

MR. DEL SOL: I just wanted to quickly come back and address the Councilmember's original comment which was that this is fricking overwhelming. I hate to put it like that. I had been researching this. I made a documentary film about smart meters that went around the world and received several rewards called "Take Back Your Power" and then I turned focus to the 5G issue because it is so urgent and timely. But I'm very sensitive to that understanding that this is overwhelming. I wanted to offer two resources and a contact, which may be of service to the Council and may help to simplify what do we do both individually and as an organization. So, the first is an e-book, a 17-page e-book that I wrote with the Building Biology Institute, which is the world's leading organization of experts that are certified and trained in to make homes and buildings EMF Safe, what they call EMF. So, I can make that available free of charge. That's a PDF and it has . . . it's called 7 Essential Ways to Make Your Home Safe from 5G and wireless radiation. So, that has seven different categories with tips of easy, simple things you can do. What I would recommend is just do one of those things every week within your home. The second is a resource by a PhD network engineer who has decades of experience within the industry named Dr. Timothy Shackley and he wrote a report called *Reinventing*

Wires. I can make that report . . . Debra has that as well but that's a free PDF. It's available out there for free. And now Timothy explains how there's other cities and local governments that are actually taking the steps and implementing fiber optics and the key to implementing fiber optics as an alternative to 5G. What we're talking about is wired to the premises. So, wired to the home and to buildings and to schools. So, the key there is local control. That's what Paul and his work really addresses, and it helps. You know, this whole thing is about local control. So, when you're looking at wired options, you don't want to have the big telecom companies come in because they are going to deploy fiber optics in a way that causes, you know, just as much perhaps EMF and wireless radiation as well. But Timothy Shackley works with local governments and he has outlined essentially a course for local governments to walk them through this process. How Longmont, Colorado; Chattanooga, Tennessee; other cities have actually taken control of their, you know, Internet delivery and implemented wired technology and doing so in a profitable way. And so, he's available on his website. The last thing I'll mention is his website gettingsmarteraboutthesmartgrid, gettingsmarteraboutthesmartgrid.org, I believe. At the bottom of that is an email address and Timothy is available to consult at a very reasonable rate and he's . . . he is, has worked, and is working with local governments. But any of the presenters here – Dr. Greene, Paul, and Raymond are, you know, can . . . I don't want to speak on their behalf, but you have here access to the best people who are bringing solutions forward who can take away the overwhelm, and that's something that I felt to . . .

MR. GEE: Let me add just "Take Back Your Power" is just a wonderful film. It can be viewed for free as you mentioned. Everybody should watch it today and you should pass it around so everybody else sees it. Really, really well done. But the key thing for any city in Hawaii right now is take inventory of the fiber optic that's in the ground. You will be surprised. They started putting in the ground in the early '90s and then they started playing games with it like they never turned it on. And it's been sitting in your public conduit for a decade or longer and that means it was depreciated off the books and it's often an unclaimed asset. Go get it. Go get that unclaimed asset that's currently in your public conduit now! Take it! You can claim it. Now, you have the means with which to start a municipal broadband fiber solution for no cost.

CHAIR PALTIN: Members, you guys mind if I ask a question?

COUNCILMEMBER KING: No, go ahead.

CHAIR PALTIN: Okay. And I'm not sure if--couple maybe--Mr. Deputy Director Molina might know the answer. But for fiber optics in Maui does it need to be underground?

MR. GEE: No.

MS. GREENE: No.

MR. BROOMHALL: No.

CHAIR PALTIN: Oh. It doesn't need to be underground?

MR. BROOMHALL: It can be put through your normal . . . the already infrastructure you've got. You just put it through. . . .*(inaudible)*. . . up in the air if you wanted to.

MR. GEE: Yeah, just . . . *(inaudible)* . . . on my house.

MR. BROOMHALL: Yeah, a lot of people have . . . communities have fiber optic . . . *(inaudible)*. . . connected that way. And fiber optic is so much faster. It's so much safer. There's no electromagnetic radiation emitted from fiber optics. It's such a site to . . .*(inaudible)*. . .

MR. DEL SOL: If it's locally controlled. If it's locally controlled.

MR. BROOMHALL: If it's locally controlled. Yes, yes.

CHAIR PALTIN: And then, can fiber optics power . . . do the transfer power like electric wires as well?

MR. BROOMHALL: No.

MR. GEE: Well, just not alone. They have power over ethernet, which is a copper solution and that can be done. Whether they've done it through fiber optic, I don't believe that's true.

MR. BROOMHALL: No.

CHAIR PALTIN: Deputy Director, did you have something that you wanted to add about our Maui fiber optics?

MR. MOLINA: Good morning, Madam Chair, Members of the Committee, as far as Public Works' jurisdiction we typically do not handle fiber optic installations as far as our current purview of the Department. So, as far as technology questions, I would defer to the utilities at this point.

CHAIR PALTIN: Thank you. And then my other question about fiber optics, one time I had heard that if the polar . . . there's a geomagnetic reversal of poles that fiber optics would be the only method that would still work as far as transmitting information. Is that a true thing?

MR. GEE: It's the most reliable way to move data from Point A to Point B and that's why the wireless companies hoard it at the poles, and they don't allow it to go to the homes. That's what you have to fix. But you're right, if there's an electromagnetic pulse it will affect the fiber optic much less than anything else.

MR. BROOMHALL: That's correct.

CHAIR PALTIN: And . . . for the fiber optics, if they are located underground, we do have a lot of earthquakes here as well, not necessarily Maui County, but is that something to be concerned about if the fiber optics are underground?

MR. GEE: Well, depends how much they get displaced, but they are flexible. It's not like it's breaking glass. These fibers are flexible, and they turn corners and everything else. So, if they shake in the ground a bit it's no big deal. If you actually have a displacement by six feet, ten feet and you break it, well then you have to replace it.

MR. BROOMHALL: The other thing, too, is that you're going to understand that with your towers that you see the telcos had fiber optic to those towers. And it's just that they decide to emit them to the homes by wireless. So, you see it . . .

MR. GEE: For more money. That's all.

MR. BROOMHALL: Because it's . . . 'cause it's . . . so they're happy to connect everything through fiber optics to the tower but then from the tower to your home they emit it by wireless. That's the problem. So, the fiber optics are already there. It just needs to go to your homes.

MR. GEE: Well, the backbone is there.

MR. BROOMHALL: Yes.

MR. GEE: Now, they don't necessarily have the infrastructure to go to every home but that's exactly why you make it a local law whenever you come and put fiber optic to the base of a pole there must be a junction box there so everyone who wants to can hook into it. That's a public asset providing public service in the public rights-of-way. No private company should get into the public right-of-way and hoard the use of fiber optic cable. That's criminal.

MR. BROOMHALL: Hmm . . . yes. And particularly when it could be claimed to be an asset of the Council 'cause it's actually in their land. If it's underground as it usually leads to these towers, it becomes Council asset.

MR. GEE: And then you turn the tables. Then you get to set the terms. You want to use small cell in our neighborhood? Cool. You gotta cut a deal with the city first, and now we're going to charge you to do it. And when you do it, you only do it in ways that are safe for our people.

MR. BROOMHALL: And I admit, there's plenty of profit out there for them to do it. They're the most profitable companies in the world . . . telcos.

CHAIR PALTIN: Thank you. We have another question from Council Vice-Chair Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Mahalo for setting up this presentation. And mahalo to all of our presenters for all the information, as Chair King described, overwhelming information. So, I have three questions. My first question is, what was the case, the NEPA case? I missed it.

MR. GEE: No problem. It's 18-1129, it's the Keetoowah Band of Cherokee v. the FCC . . . Keetoowah, et al., but the one you want to read you want to read the brief by Edward B. Myers. He wrote the best brief in that case, and he was fully recognized and that's what generalized the decision to the entire country.

COUNCILMEMBER RAWLINS-FERNANDEZ: I'm sorry, the Keetoowah Band, et al. v. . . .

MR. GEE: Versus the FCC – Federal Communications Commission.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo. Okay. And so, I guess this may be another meeting, but I would like to hear like where we're at . . . where our County is at on with 5G. I think Dr. Greene gave us an update on Oahu. And I was curious to know if . . . where's that note? Sorry, I'll get back to you on that question.

MS. GREENE: I might be able to answer it. I spoke with Planning and Public Works because those are the two departments that are typically approached, and both confirmed that they were approached by Verizon here on Maui for 5G small cell installations and that happened back in 2017 and 2018 and nothing became of it because there was no policy in place. So, nothing became of it. And as far as I know, that's the status.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Mahalo.

MR. GEE: The update status is that you can stop it all because you're waiting for an environmental assessment by the FCC and the wireless industry on the whole 800,000-unit rollout that they tried to pass by the D.C. Circuit in that case I just referenced.

COUNCILMEMBER RAWLINS-FERNANDEZ: Right.

MR. GEE: And the court . . . the judges would know.

COUNCILMEMBER RAWLINS-FERNANDEZ: So, then my follow-up question to that --

MR. GEE: Yep.

COUNCILMEMBER RAWLINS-FERNANDEZ: --is, did the Verizon or whatever small towers on Oahu was an EIS completed there?

MR. GEE: No.

MS. GREENE: On Oahu it's actually Mobility and they are Sprint.

CHAIR RAWLINS-FERNANDEZ: Mobility.

MS. GREENE: Just to clarify that they're Sprint. It's Sprint infrastructure. And no, they did not.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Mahalo.

MR. GEE: But they need to and so I'd turn 'em off.

COUNCILMEMBER RAWLINS-FERNANDEZ: And my last question is that our Committee requested the presence of our Prosecuting Attorney Mr. Guzman, so I was just wondering if there was a reason or what was the intention in inviting him here?

CHAIR PALTIN: Just to get . . . be sure they're educated with the rest of us.

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh, I see. Okay. Okay. Mahalo Chair. That's all.

CHAIR PALTIN: Sure thing. Member Sugimura?

COUNCILMEMBER SUGIMURA: Thank you. Just curious . . . I know I heard one of the presenters mention that the Lanai case was pulled back or withdrawn. Is that correct?

MS. GREENE: Yes. The U.H. withdrew their application for those football field-size drones for the island of Lanai. They withdrew their application and have said that a new application will be forthcoming. They actually said they would have a new application by November 1st which has come and gone. As far as we know, nothing has been submitted. This time instead of dealing with the Lanai Planning Commission they will be dealing with the State Land Use. And they will probably have to do an environmental impact statement.

COUNCILMEMBER SUGIMURA: Is there any other 5G applications around for Maui County . . . or just . . . I know . . .

MS. GREENE: To the best of knowledge, no.

COUNCILMEMBER SUGIMURA: Okay. So, this is basically brand new, and Lanai was the first entry then. Okay.

MS. GREENE: Oahu has them already.

COUNCILMEMBER SUGIMURA: But for Maui County.

MS. GREENE: Yes, for Maui County, yes, that's correct. And just to clarify the 5G aspect was removed from the football field-size drones and they were to then operate on 4G – just point of clarity on that.

COUNCILMEMBER SUGIMURA: Thank you.

MR. GEE: Don't worry about the 4G/5G. It's just this branding thing. Okay, so you know that.

MR. BROOMHALL: Yeah, 4G just to let you know, 4G is . . . the small cell facilities are all part of the 5G rollout. And even though they're 4G, they have the technology for 5G. That's exactly what they are.

MR. GEE: Yeah, in 4G is needed to locate the device. You see, that's on 24/7 and it's constantly going because it's trying to find out where your antenna is that they want to send 5G to. So, you never have 5G by itself. It's always 4G plus 5G. And they're not retiring 3G either because that's handling most of the voice. But guess what, now that they only regulate voice all you need is 3G.

CHAIR PALTIN: Thank you. So, we have about seven minutes left and I know Council Chair King has a question.

COUNCILMEMBER KING: Okay, thank you, Chair. Just a follow-up. I recall last term there was a cell tower proposed for Lahaina by Sprint I believe that came before the Council. I voted against it. I believe Councilmember Guzman when he was on the Council also voted against it, but we were on the losing side so do we know . . . did that tower go up? Do you know, Ms. Greene?

MS. GREENE: I don't know the answer to that.

COUNCILMEMBER KING: Okay. Maybe we could check on that, Chair, and find out where that's at because we were told in that decision making that we really didn't have a choice. That the Feds had the authority to override us. So, I think that was what influenced the "yes" votes in that decision.

MS. GREENE: . . . *(inaudible)* . . .

MR. GEE: That's a myth. That's a myth and that's not true.

COUNCILMEMBER KING: That's what I'm hearing. So, we can go back and look at that if it hasn't been built yet and maybe address that.

MR. BROOMHALL: In Haynes, Louisiana, . . . *(inaudible)* . . . held that the 11th Amendment of 1795 reaffirms the states possess sovereign immunity and, therefore, generally immune from being sued in Federal court without their consent. So, in essence, if a state decides not to consent to being sued by the Feds then that's it. The sovereign immunity remains because you got to understand that the pre-ramification sovereignty occurred before the Constitution kicked in. What I'm trying to say is that you're Federation, the states existed before the Federation did, before the union got together and joined . . .so, the sovereignty . . . what we call the immunity doctrine still applies. So, for them to try and tell you that you can be . . . the Feds can sue you, you know, it can go, you know, it overrides, no, I don't agree with that at all.

MR. GEE: Yeah, it's all complicated because in '34 the U.S. government incorporated, right. So, the whole thing right now is just a business deal. You got U.S. Government Inc., which is parallel to the actual original U.S. government.

MR. BROOMHALL: Well, that's interesting because this is the issue. You have a Council . . .

COUNCILMEMBER KING: I didn't mean to start a whole debate between you two.

CHAIR PALTIN: Yeah, we got five minutes left.

COUNCILMEMBER KING: But I just want to know if we can, Chair, if you can maybe follow up on that and find out where we're at with that particular issue.

CHAIR PALTIN: Okay. James, you got that down? Right on. Okay. Thank you. Council Vice-Chair Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. I saw we had Deputy Director Jordan Hart from Planning here. I don't know he would have information on that. I was trying to catch him before he snuck out. He's back.

CHAIR PALTIN: Sure. Deputy Director Hart, do you have any information on the rollout of that cell tower in Lahaina? I think it was maybe in Honokowai area?

MR. HART: No.

CHAIR PALTIN: No? Okay. So, we'll follow up on that.

MS. GREENE: Is that the one that was supposed to look like a palm tree?

COUNCILMEMBER KING: Yes, that was it.

MR. BROOMHALL: Just a quick one, if I may? There was talk about the Prosecutor being there. And I gather that the reason the Prosecutor was there to basically tell you that, I mean, the Prosecutor can instigate prosecution, well, it's not correct. There is proper prosecution which is available in Hawaii. There are laws that say that. You can do it on criminal trespass issues, and you can also . . . citizens have the right under citizen's arrest to actually arrest a telco or somebody that comes to install if there's a threat of harm to their premises or their home by some evidence obviously. But, yes, there are prosecution availability as said to a private individual. They are others that conduct a private prosecution as sort of the angst of the public prosecutor and also to initiate citizen's arrest. So, I assume that's what that was about.

CHAIR PALTIN: Thank you so much. Any further questions from the Members? Seeing none. Thank you, gentlemen, for your presentations and Dr. Greene. At this time, if there's no objections, the Chair will defer this item.

COUNCILMEMBERS VOICED NO OBJECTIONS. (Excused: SS)

ACTION: DEFER PENDING FURTHER DISCUSSION.

CHAIR PALTIN: Okay. So, this concludes today's Planning and Sustainable Land Use Committee meeting. Thank you very much, Members. The time is now 11:57 and this meeting is adjourned.

ADJOURN: 11:57 a.m.

APPROVED:

Tamara A. M. Paltin

TAMARA PALTIN, Chair
Planning and Sustainable Land Use
Committee

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Transcribed by: Jo-Ann Sato

CERTIFICATE

I, Jo-Ann Sato, hereby certify that the foregoing represents to the best of my ability, a true and correct transcript of the proceedings. I further certify that I am not in any way concerned with the cause.

DATED the 1st day of December, in Pukalani, Hawaii

Jo-Ann Sato