

Subject:Re: ADA Reasonable Accommodation Request for Public Comment re: AB 965 at July 12, SGF Committee

Date:Mon, 10 Jul 2023 15:08:18 -0700

From:Paul McGavin <pmcgavin@wirecalifornia.org>

To:Sen. Toni G. Atkins <Senator.Atkins@senate.ca.gov>, Sen. Anna Caballero <Senator.Caballero@senate.ca.gov>, Mr. Nick Hardiman <Nick.Hardiman@sen.ca.gov>

CC:Colin Grinnell <colin.grinnell@sen.ca.gov>, Nam, John <John.Nam@sen.ca.gov>, Canales, Michele <Michele.Canales@sen.ca.gov>

July 10, 2020 at 3:00 pm

Sen. Toni G. Atkins <Senator.Atkins@senate.ca.gov>

Senate President Pro Tempore

Sen. Anna Caballero <Senator.Caballero@senate.ca.gov>

Chair, Senate Governance and Finance Committee

Mr. Nick Hardiman <Nick.Hardiman@sen.ca.gov>

Chief of Staff, Sen. Toni G. Atkins

cc: Colin Grinnel, SGF Staff Director

John Nam, Deputy Secretary for Senate Operations

Michele Canales, Staff for Sen. Caballero

Dear Sen. Atkins, Sen. Caballero and Mr. Hardiman,

Re: File Memo to the Public Legislative Record of AB-965

I am writing to inform all parties that the CA Legislative staff has acted in ways to consistently chill public participation in the deliberations of AB-965 which has created procedural violations in the consideration of AB-965 at the July 12, 2023 Senate Governance and Finance Committee hearing. The public is experiencing a lack of fair and open deliberations on AB-965, a bill designed to **unnecessarily** force batching requirements for Wireless Telecommunications Facilities (WTFs) on **100% California** of counties and localities to allegedly address a "Digital Divide" that is in **10% of California** – requirements that could force Electromagnetic Sensitive (EMS) Californians out of their homes.

EMS Californians are requesting **fair and open deliberations** on AB-965, just like we received for a similar bill, SB-649 in 2017. To date, we see evidence of systematic discrimination. Wire California did not receive fair and open coverage in the July 7 SGF Committee bill analysis. On July 7 and July 10, Wire Californai was not granted access to or the chance to read all of the dozens of the support and opposition letters that were uploaded to the legislative portal for AB-965 (we received only six such letters) because the SGF Committee staff, Sen. Atkins' staff, Sen. Caballero's staff, Assemblymember's Carrillo's staff and even the Legislative Counsel, did not respond on July 7, 2023 to multiple reasonable requests to provide pdfs of the letters by email (a likely 10-15 minute task, that I offered to perform on-site in Sacramento for no charge). No response again on July 10.

- The [7/7/2023 SGF Committee bill analysis](#) filtered out/censored nearly of the substantial written evidence from Wire California that substantiates the reasons to oppose AB-965 – the evidence that Wire California uploaded into the legislative portal, making it part of the public legislative record for AB-965. The July 7, 2023 SGF Committee Analysis of AB-965 is neither accurate enough nor thorough enough, making it a bill analysis upon which our California Senators cannot rely.
- Wire California and Electromagnetic Sensitive (EMS) Californians (3-10% of California's population) have been placed in limbo, receiving no substantive answers to reasonable questions and **no timely answer** on its ADA reasonable accommodation request. We have a 6:30 pm Zoom call tonight to plan our July 12, 2023 presentation at the SGF hearing. What can I tell the gathered group? The Senate has not followed ADA rules to make a timely decision? That limbo alone chills public participation.
- Wire California has been blocked from timely access to read the dozens of support and opposition letters that were uploaded to the legislative portal for AB-965 – all public records. This blocking of timely access to public information on AB-965 further hurts the public and evidences that the **public is not getting open and fair deliberations on AB-965**.

Wire California and Electromagnetic Sensitive (EMS) Californians (3-10% of California's population) have been seeking an ADA

reasonable accommodation for the July 12, 2023 Senate Governance and Finance Committee Hearing at which AB-965 will be considered.

- Wire California outlined its ADA reasonable accommodation request for EMS Californians in our AB-965 Opposition letter dated June 30, 2023 (attached and here --> <https://wirecalifornia.org/ab965-letter-sgf/>)
- The June 30 letter cites a 2017 CA Legislature **precedent** to set a "**Special Order of Business**" giving six EMS speakers a time certain start to deliver twelve minutes of testimony, as part of the 30 minutes of testimony offered to opponents of SB.649; 30 minutes was also offered to supporters of SB.649. We are seeking an accommodation that matches this precedent.
- I spoke to John Nam by phone on July 6 and I received, signed and returned an ADA reasonable accommodation request form on that same day.
- As of July 10 at 3:00 pm, **less than 48 hours before the scheduled hearing**, we have no official answer about the accommodation request which is imparting a chilling effect on public participation in the deliberations of AB-965, as detailed in the correspondence below, in **Appendix A**.

Per ADA rules, ADA accommodation requests require interactive conversations. In our California Government of, by and for the people, EMS Californians have the right to redress their grievances to their government face-to-face. Some Senators' staffs have made time to meet with Wire California (staff in the offices of Sen. Caballero, Sen. Blakespear, Sen. Durazo, Sen. Glazer and Sen. Wiener). Others have not made time to meet (staff in the offices of Sen. Seyarto, Sen. Dahle and Sen. Skinner).

Mr. Nam has provided no substantive explanation for any progress or delay on our ADA reasonable accommodation request. We have only heard, repeatedly for three days: "I'm still working on your request. Thank you for your patience. Once I have an update, I will reach out to you right away."

The bill is sponsored by WTF site developer Crown Castle Inc.. Crown Castle is a real estate investment trust and provider of shared telecommunications infrastructure in the U.S., headquartered in Houston, whose top shareholder (\$ 1 Billion+ of stock) is Bill Gates, with his agenda to build a 24/7 wireless surveillance grid for the WHO's [Digital ID track/trace](#) initiative/

We are informing all parties that at this point, the deliberations have been tainted by the California Legislature's staff's actions and inaction. There are solutions, such as delaying the hearing until EMS Californians are afforded the reasonable ADA Accommodation similar in scope to what we received in 2017, and possibly others.

We welcome a real and timely solution that enable open and fair deliberations on AB-965.

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Regards,

Paul McGavin
Founder, Wire California
<https://wirecalifornia.org/>
work: 707-981-5522
text: 707-939-5549

Appendix A: Selected Recent Communications to/from Wire California

>>> Paul McGavin wrote to John Nam on 7/10/23 11:26 AM:

John.

I will need more than that, please.

Please tell me what has **already** been done and what is **left to do**? Has Sen Caballero made her decision yet? When will she? We are clearly running out of time for fair and open deliberations on AB-956 at the July 12, 2023 Senate Governance and

Finance Committee. Even if we hear by Noon, we will have **less than 48 hours** to arrange transportation for our EMS Speakers, many of whom suffer from disabling characteristics from RF microwave radiation exposures, meaning we need to arrange car pools and special handling.

Perhaps, at this late stage, the Chair can consider **two-minute telephone testimony by ten of our planned 15 speakers** for opposition: two minutes per speaker for a total of 30 minutes of opposition, consistent with the CA Legislative precedent for ADA Accommodation set in 2017 in deliberations on SB.649. An equal **30-minutes** can be allotted to supporters of the bill, as well.

John, I need substantive answers to the questions above and the questions below.

1. What says the CA Senate, John, about the Wire California ADA Reasonable Accommodation request put forth in Wire California's June 30, 2023 Opposition letter?
2. In what way will the "process under the Legislative Open Records Act. (Gov. Code, § 9070 et seq.)" provide access to the public records in time for a fair and open deliberation of AB-965 at the July 12, 2023 SGF Committee hearing?

Please do not leave us hanging like this. Update me with what you know so far.

>>> Nam, John wrote on 7/10/23 11:15 AM:

Hi Paul – good morning. I'm still working on your request. Thank you for your patience. Once I have an update, I will reach out to you right away.

John

John Nam

Deputy Secretary for Senate Operations

Senate Rules Committee

John.Nam@sen.ca.gov

From: Paul McGavin <pmcgavin@wirecalifornia.org>

Date: July 8, 2023 at 8:40 AM

To: "Nam, John" <John.Nam@sen.ca.gov>

CC: Colin Grinnell <colin.grinnell@sen.ca.gov>, "Vargas, Itzel" <Itzel.Vargas@sen.ca.gov>, "Rodriguez, Kimberly"

<Kimberly.Rodriguez@sen.ca.gov>, "Quinonez, Luis" <Luis.Quinonez@sen.ca.gov>, "Canales, Michele"

<Michele.Canales@sen.ca.gov>, Aeilts Marianne <Marianne.Aeilts@sen.ca.gov>, Paul Ramey <Paul.Ramey@asm.ca.gov>, Wade

Alexander <Wade.Alexander@asm.ca.gov>

Subject: ADA Reasonable Accommodation Request for Public Comment re: AB 965 at July 12, SGF Committee, Round 3

July 8, 2023

Dear Mr. Nam et al.,

Please share this email directly with Sen. Caballero.

I have not heard anything, yet, from you about the EMS Californians' ADA Reasonable Accommodation request for the July 12 SGF Hearing. Today is July 8, which is eight days after the date of our June 30, 2023 AB-965 opposition letter which contains the EMS Californians' ADA Reasonable Accommodation request, and two days after July 6, 2023, the day you sent me the CA Senate ADA Reasonable Accommodation request form that I completed and returned to you on that same day.

As I mentioned to you yesterday, EMS Californians will need a reasonable time to plan our presentation for Wed July 12, so will you please advise when you will inform us about the EMS ADA Reasonable Accommodation?

Receiving 30 minutes of opposition testimony time (with 12 minutes of testimony dedicated to a time-certain start for EMS Californians) – the same accommodation we received in 2017, is especially important, considering the following.

The [7/7/2023 SGF Committee bill analysis](#) filtered out/censored nearly of the substantial written evidence from Wire California that substantiates the reasons to oppose AB-965 – the evidence that Wire California uploaded into the legislative portal, making it part of the public legislative record for AB-965.

- There was no mention in the bill analysis of the eight-pages of arguments and analysis substantiated in the position letter here (<https://wirecalifornia.org/ab965-letter-sgf/>) and in the 50+ pages of appendices starting here (<https://wirecalifornia.org/ab965-letter-sgf/#a>)
- There was no mention of the 12,000+ pages of evidence that was the basis for the 8/13/2021 U.S. Court of Appeals ruling in Case 20-1025; EHT et. al. v FCC included by reference with the following links: 12,000+ pages of peer-reviewed, scientific evidence that Environmental Health Trust and Children’s Health Defense and others plaintiffs placed in the FCC’s public record:

[Vol-1](#), [Vol-2](#), [Vol-3](#), [Vol-4](#), [Vol-5](#), [Vol-6](#), [Vol-7](#) [Vol-8](#), [Vol-9](#), [Vol-10](#), [Vol-11](#), [Vol-12](#), [Vol-13](#), [Vol-14](#),
[Vol-15](#), [Vol-16](#), [Vol-17](#), [Vol-18](#), [Vol-19](#), [Vol-20](#), [Vol-21](#), [Vol-22](#), [Vol-23](#), [Vol-24](#), [Vol-25](#), [Vol-26](#) and [Vol-27](#).

- There was no mention of the following important US Courts of Appeals rulings/filings: these three U.S. Courts of Appeals rulings and two FCC filings are included by reference into the public legislative record of AB-965. California is bound by each of these rulings.
 1. [Link to](#) the U.S. Courts of Appeals ruling in Case No. 18-1129: United Keetoowah Band of Cherokee Indians v. Fed. Commc’ns Comm’n, 933 F.3d 728 (D.C. Cir. 2019)
 2. [Link to](#) the U.S. Courts of Appeals ruling in Case No. 18-1051: Mozilla Corp. v. Fed. Commc’ns Comm’n, 940 F.3d 1 (D.C. Cir. 2019)
 3. [Link to](#) the U.S. Courts of Appeals ruling in Case No. 20-1025: Env’tl. Health Tr. v. Fed. Communications Comm’n, 9 F.4th 893 (D.C. Cir. 2021)
 4. [Link to](#) 2021-1130-EHT-Filing-Re-FCC-Ignoring-20-1025-Ruling.pdf
 5. [Link to](#) 2023-0424-CHD-Filing-Re-FCC-Ignoring-20-1025-Ruling.pdf

We are requesting fair and open deliberations on AB-965. So far, we see evidence of systematic discrimination. Wire California did not receive fair and open coverage in the bill analysis and, yesterday, we were not even given the chance to read all of the dozens of the support and opposition letters that were uploaded to the legislative portal (we received only six such letters) because the SGF Committee staff, Sen. Atkins' staff, Sen. Caballero's staff, Assemblymember's Carrillo's staff and even the Legislative Counsel, did not respond on July 7, 2023 to multiple reasonable requests to provide pdfs of the letters by email (a likely 10-15 minute task, that I offered to perform on-site in Sacramento for no charge).

The evidence of all of this is being placed in the public legislative record for AB-965.

The need for an ADA Reasonable Accommodation for EMS Californians that match the precedent set by the Californian Legislature in 2017 (evidence here --> <https://wirecalifornia.org/ab965-letter-sgf/#1>) has been amplified by the events of July 7, 2023, reported above.

>>> On June 28, 2017 Cecilia Aguiar-Curry, Chair of Assembly Local Government Committee made the following comments at start of the SB-649 Hearing:

“We will also have a Special Order of Business to hear SB-649 (Hueso), which we will start in just a few minutes. I would like to go over a few rules of this **Special Order of Business** so we can all be clear on the Committee’s expectations any my expectations as Chair.”

First, I requested that we hear this Bill as a Special Order with a dedicated time-certain so that all stakeholders can be

present, listen and participate in the hearing. It is my hope that all of the Committee members can ask the questions they need to and we can have a full discussion in the Committee.

. . . Here are my expectations for the Special Order of Business. No more than two minutes per speaker . . . No more than **30 minutes per side**. We'll have 30 minutes for the Opposition and 30 minutes for the Support . . . I also have a request from the Electromagnetic Sensitivity-sufferers, to turn wireless on your phone off and put phones in airplane mode.”

In closing, John, EMS Californians need sufficient time to plan and then deliver substantive in-person testimony backed up by substantial written evidence at the July 12, 2023 SGF Hearing, as envisioned in CA Govt Code ~~§§11120-111321~~, (the Bagley-Keene Open Meeting Act).

Please advise as soon as possible on the details of the EMS Californians' ADA Reasonable Accommodation request.

Thank you.

>>> Paul McGavin wrote on 7/7/23 3:30 PM:

Hi, John.

Does soon mean today, I hope?

We need time this weekend to prep our speakers.

>>> Nam, John wrote on 7/7/23 3:16 PM:

Hi Paul – I will get back to you soon. Thank you.

John

John Nam

Deputy Secretary for Senate Operations

Senate Rules Committee

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