

DATE: October 21, 2011

TO: Federal Communications Commission
9300 East Hampton Drive
Capitol Heights, Maryland 20743

FCC Headquarters
445 12th Street SW
Washington, DC 20554

FROM: Eileen M. Samitz
2015 Renoir Avenue
Davis, CA 95618

RE: Appeal of FCC BPH-20110824ACL decision

Received & Inspected

OCT 25 2011

FCC Mail Room

RECEIVED

2011 OCT 26 A 6:54

We request that the FCC rescind the approval of application BPH-20110824ACL that was submitted on 08/24/2011 and granted on 09/19/2011.

BPH-20110824ACL is a resubmission of a previous controversial application BMPH-20100304ABF (submitted on 03/04/2010 by Results Radio and dismissed on 06/23/2011). In light of the prior controversy, it is disturbing that the approval of BPH-20110824ACL was fast-tracked in 26 days without notification of any of the environmental groups or individual citizens that had opposed the original 03/04/2010 application. More concerning was the unexpected intervening application BMPH - 20110627ABB to relocate to an existing tower in the Dunnigan Hills (approximately 6 miles northwest of Woodland). As discussed below, this particular application appears to have been a tactic designed to exploit a loophole avoiding the interference regulations that stopped BMPH-20100304ABF.

We contend that (1) there has been an abuse of process in this matter, and (2) that the applicant is still in violation of 47 CFR § 73.215. Accordingly, the appropriate course of action is for the FCC to rescind its 09/19/2011 approval of BPH-20110824ACL.

BPH-20110824ACL/BMPH-20100304ABF is an application to build a 365 foot radio tower on the Yolo County Central Landfill (YCCL). The site is zoned Agricultural General (A-1) and is in close proximity to the City of Davis, the Davis Wetlands Project, and the Vic Fazio Yolo Wildlife Area. The tower will have 3 white strobe lights – one at the apex, and two at the 200-ft level – flashing 40 times per minute. The intensity of each white strobe light will be 20,000 candelas