

San Mateo Citizens for a Safe Environment

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Via Electronic/Email Delivery

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Diane Papan, Deputy Mayor, City of San Mateo
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City of San Mateo
330 W. 20th Avenue
San Mateo, CA 94403

**Re: CITY COUNCIL MUST STRENGTHEN WIRELESS ORDINANCE TO PREVENT
UNNECESSARY CELL TOWERS NEAR OUR HOMES AND SCHOOLS**

DEAR COUNCILMEMBERS,

Pursuant to our Municipal Code, City Council is able to use all powers necessary and appropriate to protect the general welfare of San Mateans. We expect that City Council will utilize its powers to fully protect the public safety of our community while also preventing negative environmental impacts. Our organization is writing again to urge the Council to further amend and strengthen the draft wireless ordinance to fully protect our children and families from unnecessary and harmful cell towers near our homes and schools. We would like to point out that letters and emails from residents concerning this matter have not received any responses from the City.

The Cities and Towns of Hillsborough, Burlingame, Monterey, Burbank and many others have successfully denied telecom applications to install unnecessary cell towers near homes. Applications were denied because the telecom could not prove that proposed towers were indeed necessary to close a coverage gap. **San Mateans deserve the same protections in our laws.**

We urge the Council to further amend the draft ordinance so that telecom vendors must substantiate that a proposed cell tower is necessary to “close a substantial gap in service.” If there is no 4G coverage gap in cell phone connectivity, there is no public need for another tower.

This is an extremely serious public health and safety matter. Overcrowded wooden utility poles pose a significant public safety danger. Please see the attached, highlighted articles which demonstrate this grave danger. The 2017 Sulphur fire which destroyed 162 structures was caused by “the failure of a PG&E owned power pole.” The 2007 Malibu fire was caused by the failure of power poles overloaded with telecommunications equipment. Does it make sense to City Council to vote to approve a law that allows telecoms to install cell towers and telecommunications equipment on already overcrowded wooden

PG&E utility poles, when the cell tower will do absolutely nothing to improve cell coverage? The rights of resident taxpayers must supersede the telecoms' business strategy to take up space on utility poles. The complete lack of regulatory foresight by City staff has directly harmed our community. Cell towers on overloaded PG&E utility poles are eyesores and visual blight that have damaged the aesthetics of our community.

Hillsborough and Burlingame are successfully protecting their citizens from unnecessary cell towers near homes. San Mateo taxpayers deserve the strict protections that other cities afford their residents. We are asking you, Councilmembers, to utilize all powers necessary and appropriate to protect the health and safety of our children and families, and to preserve our property values and the aesthetics of our community. On July 16, at the next City Council Meeting, please strengthen the draft ordinance before its passage. The greater San Mateo community is watching this matter very closely, and we are counting on you.

Best regards,



Danielle Moskowitz

President, San Mateo Citizens for a Safe Environment

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cc: Various Concerned Citizens

CAL FIRE NEWS RELEASE

California Department of Forestry and Fire Protection



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RELEASE
DATE: June 8, 2018

CAL FIRE Investigators Determine Causes of 12 Wildfires in Mendocino, Humboldt, Butte, Sonoma, Lake, and Napa Counties

Sacramento – After extensive and thorough investigations, CAL FIRE investigators have determined that 12 Northern California wildfires in the October 2017 Fire Siege were caused by electric power and distribution lines, conductors and the failure of power poles.

The October 2017 Fire Siege involved more than 170 fires and burned at least 245,000 acres in Northern California. About 11,000 firefighters from 17 states and Australia helped battle the blazes.

CAL FIRE investigators were dispatched to the fires last year and immediately began working to determine their origin and cause. CAL FIRE investigators continue to investigate the remaining 2017 fires, both in October and December, and will release additional reports as they are completed. The cause of four Northern California fires were released on May 25.

Below is a summary of the findings from the 12 completed investigations:

The **Redwood Fire**, in Mendocino County, started the evening of Oct. 8 and burned a total of 36,523 acres, destroying 543 structures. There were nine civilian fatalities and no injuries to firefighters. CAL FIRE has determined the fire started in two locations and was caused by tree or parts of trees falling onto PG&E power lines.

The **Sulphur Fire**, in Lake County, started the evening of Oct. 8 and burned a total of 2,207 acres, destroying 162 structures. There were no injuries. CAL FIRE investigators determined the fire was caused by the failure of a PG&E owned power pole, resulting in the power lines and equipment coming in contact with the ground.

The **Cherokee Fire**, in Butte County, started the evening of Oct. 8 and burned a total of 8,417 acres, destroying 6 structures. There were no injuries. CAL FIRE investigators have determined the cause of the fire was a result of tree limbs coming into contact with PG&E power lines.

The **37 Fire**, in Sonoma County, started the evening of Oct. 9 and burned a total of 1,660 acres, destroying 3 structures. There were no injuries. CAL FIRE investigators have determined the cause of the fire was electrical and was associated with the PG&E distribution lines in the area.

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The **Blue Fire**, in Humboldt County, started the afternoon of Oct. 8 and burned a total of 20 acres. There were no injuries. CAL FIRE investigators have determined a PG&E power line conductor separated from a connector, causing the conductor to fall to the ground, starting the fire.

The Norrbom, Adobe, Partrick, Pythian and Nuns fires were part of a series of fires that merged in Sonoma and Napa counties. These fires started in the late-night hours of Oct. 8 and burned a combined total of 56,556 acres, destroying 1355 structures. There were three civilian fatalities.

CAL FIRE investigators determined the **Norrbom Fire** was caused by a tree falling and coming in contact with PG&E power lines.

CAL FIRE investigators determined the **Adobe Fire** was caused by a eucalyptus tree falling into a PG&E powerline.

CAL FIRE investigators determined the **Partrick Fire** was caused by an oak tree falling into PG&E powerlines.

CAL FIRE investigators determined the **Pythian Fire** was caused by a downed powerline after PG&E attempted to reenergize the line

CAL FIRE investigators determined the **Nuns Fire** was caused by a broken top of a tree coming in contact with a power line.

The **Pocket Fire**, in Sonoma County, started the early morning hours of Oct. 9 and burned a total of 17,357 acres, destroying 6 structures. There were no injuries. CAL FIRE has determined the fire was caused by the top of an oak tree breaking and coming into contact with PG&E power lines.

The **Atlas Fire**, in Napa County, started the evening of Oct. 8 and burned a total of 51,624 acres, destroying 783 structures. There were six civilian fatalities. CAL FIRE investigators determined the fire started in two locations. At one location, it was determined a large limb broke from a tree and came into contact with a PG&E power line. At the second location, investigators determined a tree fell into the same line.

CAL FIRE's investigations have been referred to the appropriate county District Attorney's offices for review in eight of the 12 fires – Sulphur, Blue, Norrbom, Partrick, Pythian, Adobe, Pocket and Atlas – due to evidence of alleged violations of state law.

Californians are encouraged to remain vigilant and prepared for wildfire. For more information on how to be prepared, visit www.readyforwildfire.org or www.fire.ca.gov

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\$12 million settlement reached in 2007 Malibu Canyon fire

By Knowles Adkisson / Associate Editor Sep 19, 2012

Overloaded power poles were blamed for the 2007 Malibu Canyon fire.

Knowles Adkisson / TMT

The California Public Utilities Commission (CPUC) last week approved a \$12 million settlement with three cellphone companies for their involvement in the cause of the 2007 Malibu Canyon fire. Almost half of the settlement will be spent on installing stronger wooden telephone poles in Malibu Canyon and a second safety project.

The fire began on Oct. 21, 2007, when three power poles alongside Malibu Canyon Road snapped during high Santa Ana winds and ignited nearby brush. The fire burned 3,836 acres, destroyed 36 vehicles and 14 structures, damaged 19 others and injured three firefighters.

Investigators for the CPUC allege that at least one of the poles that fell was illegally overloaded with telecommunications equipment. Investigators further allege that Southern California Edison and the four cellphone companies, which either jointly owned the failed power poles or paid Edison to carry equipment on the poles, later misled investigators surrounding the circumstances of the cause of the fire.

The three cellphone companies, AT&T, Sprint and Verizon Wireless, continue to deny the allegations. But the companies agreed at a meeting Thursday last week in San Francisco to pay the state \$4 million each in a settlement.

"It is critical that all communications and electric facilities observe the rules about attaching their equipment and lines to utility poles," said CPUC Commissioner Catherine J.K. Sandoval Thursday after the ruling. "These rules protect the integrity of utility systems and the communications and electric service on which businesses and families depend."

Southern California Edison and another cellphone company, NextG, still face a trial and \$74 million in fines proposed by state investigators for their role in the fire.

Commissioner Timothy Alan Simon said, "A settlement that included all the parties would have been desirable. Absent that, I view the requirement in this settlement to upgrade the safety factor of utility poles in Malibu Canyon to be essential for reducing the risk of a utility line-related fire in the region by strengthening and replacing electric poles."

Of the \$12 million settlement, \$6.9 million will be paid to the State of California's General Fund. The remainder, \$5.1 million, will be spent on replacing existing wooden power poles along the 3.4 miles of lower Malibu Canyon. Another portion will be spent on an independent safety survey to study a representative sample of Southern California Edison power poles across its 50,000-square-mile service area. The intent of the study, according to the settlement, is to determine the severity of the problem with pole overloading, a practice that was blamed for a power outage in the San Gabriel Valley in Fall 2011 when a windstorm blew over more than 200 Edison power poles.

Malibu resident Hans Laetz, who ran for City Council in April, was granted citizen intervenor status in the CPUC investigation and had access to the negotiations between the companies and the CPUC.

"It would have been better to direct the entire \$12 million to Malibu, to investigate the leaning, warped power poles that we see along PCH and in the mountains," said Laetz, who added that a pole inspection program was needed for Edison's entire service area in the Santa Monica Mountains. Laetz said he hoped such a study could be funded out of the potential \$74 million in fines faced by Edison and NextG should the companies be found guilty of the charges by the CPUC.

CPUC Approves \$51.5-Million Malibu Canyon Fire Settlement

Edison, NextG admit fault in Malibu Canyon Fire, which burned 3,836 acres, 36 vehicles and 14 structures, including Castle Kashan and the Malibu Presbyterian Church, and damaged 19 other structures.

By Melissa Caskey / melissa@malibutimes.com Sep 19, 2013



The California Public Utilities Commission (CPUC) on Thursday approved a \$51.5 million settlement with Southern California Edison and telecommunications company NextG Networks for their roles in the 2007 Malibu Canyon Fire, which began when three poles jointly owned by Edison and other companies snapped in high winds and sparked nearby brush.

Under the settlement, Edison and NextG admit that one of the failed power poles was overloaded with NextG telecommunications equipment when the fire started, in violation of CPUC rules, and that Edison did not act to prevent the overloading.

Edison is due to pay \$37 million in total penalties, with \$17 million pledged to assess its poles in Malibu Canyon and the surrounding Malibu area, replacing or repairing poles that do not meet safety requirements. The remaining \$20 million will go to the State of California's General Fund.

NextG is charged with \$14.5 million in penalties. Six million dollars is set aside for inspections of the more than 60,000 poles and pole attachments owned by NextG in California. If \$6 million is not enough to complete its safety audit, NextG must provide additional funds to finish the inspections, according to the CPUC. The remaining \$8.5 million goes to the state's general fund.

Both companies are required to begin inspections within 18 months, according to CPUC spokesperson Terrie Prosper.

"These settlements not only financially penalize two companies for wrongdoing and serve as a deterrent to future violations of CPUC rules, but they also increase safety going forward by requiring inspections, repairs, and strengthening safety factors to make poles in the Malibu area better able to withstand high winds," said Commissioner Carla J. Peterman.

The fire, which began on Oct. 21, 2007, burned 3,836 acres, 36 vehicles and 14 structures, including Castle Kashan and the Malibu Presbyterian Church. It also damaged 19 other structures and injured three firefighters.

The settlement and planned inspections should "help mitigate any repeat of the damage caused by the 2007 fire to Malibu Canyon and the surrounding communities," a statement by the CPUC said.

Hans Laetz, a Malibu resident who has been deeply involved in the settlement negotiations as a citizen intervener since 2010, maintained a cautiously optimistic tone about the deal. He hailed it as a victory for fire safety in Malibu, but was disappointed the planned Edison

inspections stop short of poles located north of Mulholland Highway.

"[The PUC] really drew blood from Southern California Edison," Laetz said. "But for some reason the PUC decided that the crooked poles north of Mulholland are not a problem. The poles are just as crooked and just as overloaded north of Mulholland as they are south of Mulholland."

The Edison inspection boundary runs from Topanga Canyon Boulevard on the east to Mulholland Highway on the north and west, and the ocean on the south (shown in accompanying map).

"It covers major power lines, including specifically those in Malibu Canyon, and along Mulholland, PCH, Latigo Canyon," Laetz said.

Representatives for Edison would not answer specific questions about the terms of the settlement. In a statement, the company promised customers that Edison shareholders, and not ratepayers, would be paying for the settlement.

"SCE believes it was in the best interest of its stakeholders to resolve the dispute and move forward with the utility's principal mission of providing safe, reliable and affordable electric service," Edison said in a statement.

Edison and NextG are the last companies to reach settlements stemming from the fire.

All told, damages paid by companies involved with the fire exceeded \$60 million.

AT&T Mobility , Verizon Wireless and Sprint Communications Company agreed in September 2012 to pay \$12 million, or \$4 million each, in a settlement approved by the CPUC. None of those companies took fault for overloaded equipment. Of the \$12 million settlement, \$6.9 million was paid to the State of California's General Fund. The remainder, \$5.1 million, was to be spent on replacing existing wooden power poles along the 3.4 miles of lower Malibu Canyon.