

## California Supreme Court Affirms Local Authority to Regulate Wireless Infrastructure

### [Take Back Your Power](#)

This breaking development recognizes the shift of power toward local governments, and away from the 5G corporate oligarchy operating through the FCC.

Original article with added legal excerpts is at [SmartMeterHarm.org](#). Photo credit: [The Press Democrat](#)



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On April 4, 2019, the **California Supreme Court** published an [opinion](#) supporting municipal authority to make regulations on so-called ‘small cell’ PROW (public right of way, aka ROW) towers and uses of the public’s right-of-way. This opinion affirms the 2016 appellate [court ruling](#).

This opinion **seems to go far beyond mere aesthetic standards** — the focus of the lawsuit by T-Mobile West LLC — affirming the exercise of **municipalities’ full police powers to regulate small cell towers** in the public’s right of way, including that municipalities do have discretionary power.

**These rulings have bearing on Smart Meters in California because of the affirmation of local policing powers. The Supreme Court and appellate court decisions repudiate CPUC claims of exclusive jurisdiction over utilities made during the Smart Meter roll-out.**

An [amicus brief](#) was filed May 11, 2017 on behalf of the League of California Cities, California State Association of Counties, the International Municipal Lawyers Association, and SCAN NATOA, Inc. written by Jeffrey T. Melching and Ajit Singh Thind of Rutan and Tucker, LLP with valuable additional information.

These decisions **give cities and counties the backbone and legal cover to create and enforce rules and ordinances to protect the public, the environment, and public land.** These decisions are **vital documents** for local officials and decision-makers. Hopefully as well, they will provide support for actions in other states and countries.

Much of the discussion in the Court’s opinion focused on California Public Utilities Code 7901 and 7901.1, the broad definition of the word “**incommod**” in that section, and the Constitutionally-granted policing powers and “powers of control” of municipalities.

#### **Excerpts from the California Supreme Court opinion:**

Contrary to plaintiffs’ argument, the **incommod** clause need not be read so narrowly. As the Court of Appeal noted, the word “incommod” means “to give inconvenience or distress to : *disturb*.”

But travel is not the sole use of public roads; other uses may be incommoded beyond the obstruction of travel. (T-Mobile West, at pp. 355-356.) For example, **lines or equipment might generate noise, cause negative health consequences, or create safety concerns.** All these impacts could disturb public road use, or disturb its quiet enjoyment.

## Read more:

- [More excerpts & original post at SmartMeterHarm.org](#)
- [Analysis on this development, by legal firm Best, Best & Kreiger](#)

## Related stories:

- [Cities Will Sue FCC to Stop \\$2 Billion Giveaway to Wireless Carriers](#)
- [FCC's Unconstitutional Power Grab: 5G Microwave Radiation To Blanket the United States?](#)

## Scientific Evidence on 5G Harm

- EHTrust: [Scientific Research on 5G, Small Cells and Health](#)
- Dr. Martin Pall's free e-book: "[5G: Compelling Evidence for Eight Distinct Types of Great Harm Caused by Electromagnetic Field \(EMF\) Exposures and the Mechanism that Causes Them](#)" (PDF, 90 pages)
- Dr. Joel Moskowitz: "[5G Wireless Technology: Cutting Through the Hype](#)"
- Electric Sense: "[5G Radiation Dangers – 11 Reasons To Be Concerned](#)"
- Health resources summary from [Whats5G.info](#)
- Health resources summary from [TelecomPowerGrab.com](#)
- EMF interview by Luke Storey: [Dr. Jack Kruse](#)
- SaferEMR: [Summary 400 new EMF scientific studies, Aug 2016 to present](#) (EMF in general)
- Research from [Magda Havas](#)
- News from [Clear Light Ventures](#)
- Articles from [BN Frank at ActivistPost](#)

## Grassroots Communities & Organizations

There are hundreds of organizations popping up everywhere. Here are several:

- [5G Space Appeal: An International Appeal to Stop 5G on Earth and In Space](#) (sign it)
- [Environmental Health Trust](#)
- [InPower Movement](#)
- [Parents For Safe Technology](#)
- [Physicians For Safe Technology](#)
- [EMF Safety Network](#) (California)
- [Our Town, Our Choice](#)
- [Americans For Responsible Technology](#)
- [InPower Movement Episode 1: A Mass Action of Liability](#)
- [Scientists For Wired Technology](#)
- [Dr Jack Kruse](#)(website & community)