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CITY OF BERKELEY and CHRISTINE DANIEL

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CTIA – THE WIRELESS ASSOCIATION,
Plaintiff,
vs.
CITY OF BERKELEY, CHRISTINE
DANIEL, CITY MANAGER OF CITY OF
BERKELEY,
Defendants.

NO. C15-02529 EMC

DECLARATION OF TOM JENSEN IN
OPPOSITION TO PLAINTIFF'S MOTION
FOR A PRELIMINARY INJUNCTION

DATE: Aug. 20, 2015
TIME: 1:30 p.m.
CTRM: 5. 17th Flr. San Francisco

I, Tom Jensen, declare:

1. I am currently employed as the Director of Public Policy Polling in Raleigh, North Carolina and oversee its day to day operations. I have served as the Director since 2007. If called to testify about any matters contained in this Declaration, I could do so competently.

2. Public Policy Polling was retained by Professor Lawrence Lessig to conduct a survey within the City of Berkeley on the topic of cell phones. I worked directly on this project.

1 3. Professor Lessig provided me with some basic questions for the survey. Based on
2 my experience as a pollster, I drafted the script for the survey.

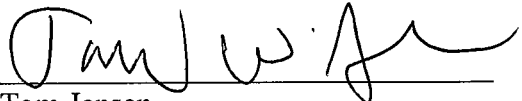
3 4. We utilized a database consisting of all available residential land line numbers for
4 registered voters within the City of Berkeley, obtained through Aristotle, Inc.

5 5. We conducted the survey during the period of March 6-8, 2015. The survey
6 involved a questionnaire consisting of eleven questions conducted through automated calls using
7 Interactive Voice Response (IVR) technology. IVR technology allows a computer to interact
8 with humans through the use of voice recognition and tones input via a telephone keypad, so that
9 each respondent hears the questions read the exact same way. Up to six attempts were made to
10 reach a resident at each telephone number.

11 6. I prepared the survey results based on data collected from 459 Berkeley registered
12 voters during the March 2015 survey. I then provided a copy of the survey results to Professor
13 Lessig. Attached as Exhibit A is a true and correct copy of the results of the March 6-8, 2015
14 survey.

15 7. The survey results only include data from persons who confirmed that they own
16 or regularly use cell phones or have dependent children who own or regularly use cell phones.
17 The first question in the survey inquired: "Do you or children dependent on you own or use a cell
18 phone regularly?" If the answer was no, the remainder of the survey was not conducted and the
19 call was concluded at that time. If the survey recipient answered the first question in the
20 affirmative, the automated system posed ten additional questions.

21 I declare under penalty of perjury that the foregoing is true and correct. Executed this
22 26th day of June, 2015 in Raleigh, North Carolina.

23
24 
25 Tom Jensen