



**CITY OF PORTSMOUTH**

*Office of the Mayor*

June 3, 2019

**John L. Rowe, Jr.**  
Mayor

Mr. Ajit Pai, Chairman  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20510

*Re: Updating FCC Commission Rule for Over-the-Air Reception Devices  
(FCC WT Docket 19-71; FCC 19-36)*

Dear Chairman Pai,

I am writing you on behalf of the Portsmouth City Council to express our opposition to the recently released "Over-The-Air Reception Devices" proposed rule by the Wireless Internet Service Providers Association. As a municipality located within the heart of Hampton Roads Virginia, we understand the need of citizen connectivity. However, we believe this proposal inappropriately preempts local authority, while further advancing the consumers lack of recourse with Internet Service Providers and infrastructure placement.

We disagree that this proposal would adequately provide or enhance broadband options to underserved or unserved populations based on a 5G Infrastructure model. We understand that 5G architecture deployment is meant for throughput and capacity rather than range of service.

Our greatest concern is the continued unnecessary preemption of local authority relating to infrastructure placement for wireless broadband services. Currently, FCC regulations prohibit regulation of wireless infrastructure for exclusive use. The proposed rule would incorporate service providers within the regulation protection category. This rule would not ignite infrastructure investment for the 5G networks as proposed, as 5G networks require significant backhaul and architecture technology different from a wireless internet service provider architecture model.

State and local governments have traditionally regulated infrastructure built within the perspective jurisdictions, and provided protections for citizens, historic, and jurisdictional assets. With the proposed sweeping rule all jurisdictional authority would be vacated. For these reasons, we object to the proposed rule as currently written, and we urge the FCC to develop an equitable rule for wireless internet infrastructure without preempting local authority.

Respectfully submitted,

John L. Rowe Jr.  
Mayor

C: Portsmouth City Council