Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of	)	
	)	
Updating the Commission's Rule for Over-the-Air Reception Devices	)	WT Docket No. 19-71
	)	

REPLY COMMENTS OF THE CITY OF OKLAHOMA CITY, OKLAHOMA; THE CITY OF SIOUX FALLS, SOUTH DAKOTA; THE NORTH METRO TELECOMMUNICATIONS COMMISSION; THE RAMSEY WASHINGTON SUBURBAN CABLE COMMISSION; THE NORTH SUBURBAN COMMUNICATIONS COMMISSION; THE SOUTH WASHINGTON COUNTY TELECOMMUNICATIONS COMMISSION; CITY OF EDMOND, OKLAHOMA, THE NORTHERN DAKOTA COUNTY CABLE COMMUNICATIONS COMMISSION; AND THE CITY OF COON RAPIDS, MINNESOTA.

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I. EXECUTIVE SUMMARY AND INTRODUCTION

In this proceeding the FCC is proposing to adopt new over-the-air reception device ("OTARD") rules, citing 47 U.S.C. § 332(c)(7) ("Section 332(c)(7)") and Section 207 of the Telecommunications Act of 1996 ("Section 207") as the basis for doing go. However, Section 332(c)(7) prohibits the FCC's proposed rules, and Section 207 provides no support whatsoever. Neither do the proposed rules protect public interests at the local government level or the consumer level. In fact, consumers and residents may be harmed by these proposed rules. For these reasons, described in more detail below, we urge the FCC to be more deliberate in its rulemaking and refrain from taking the proposed hasty and unlawful action in this proceeding. The above-referenced municipal entities[1] (the "Municipal

[1] The Municipal Commenters are listed below in order of population size. They comprise cities and municipal organizations from the states of Minnesota, Oklahoma, and South Dakota, with a collective population of approximately 1.4 million (individual municipal populations are provided in parentheses):

City of Oklahoma City, Oklahoma (579,999);

City of Sioux Falls, South Dakota (153,888);

North Metro Telecommunications Commission (collective population 109,779), a Minnesota municipal joint powers commission consisting of the Minnesota cities of Blaine (57,186), Centerville (3,792), Circle Pines (4,918), Ham Lake (15,296), Lexington (2,049), Lino Lakes (20,216), and Spring Lake Park (6,412);

Ramsey Washington Suburban Cable Commission (collective population 108,167), a Minnesota municipal joint powers commission consisting of the Minnesota cities of Birchwood Village (870), Dellwood (1,063), Grant (4,096), Lake Elmo (8,069), Mahtomedi (7,676), North St. Paul (11,460), Oakdale (27,378), Vadnais Heights (12,302), White Bear Lake (23,797), White Bear Township (10,949), and Willernie (507);

North Suburban Communications Commission (collective population 106,991), a Minnesota municipal joint powers commission consisting of the Minnesota cities of Arden Hills (9,552), Falcon Heights (5,321), Lauderdale (2,379), Little Canada (9,773), Mounds View (12,155), New Brighton (21,456), North Oaks (4,469), Roseville (33,660), and St. Anthony (8,226);

South Washington County Telecommunications Commission (collective population 105,571), a Minnesota municipal joint powers commission consisting of the Minnesota municipalities of Woodbury (61,961), Cottage Grove (34,589), Newport (3,435), Grey Cloud

Commenters") respectfully submit the following Reply Comments.

II. THE COMMISSION DOES NOT HAVE THE AUTHORITY TO ADOPT THE PROPOSED AMENDMENTS TO THE OTARD RULE

The Municipal Commenters agree with and endorse the position of NATOA *et al*.,[2] the United States Conference of Mayors *et al*.,[3] and others that the FCC lacks the legal authority to adopt its proposed changes to its OTARD rules ("the OTARD Rules").[4] This is so for two reasons:

1. Section 332(c)(7) of the Communications Act of 1934 (as amended) preserves the authority of local and state governments to regulate the placement of personal wireless service facilities.[5] The FCC creatively attempts to overcome this obstacle by a thin and unexplained suggestion that the rule would apply only to a putative class of wireless antennas and hubs that do not carry telecommunications service and therefore are outside of Section 332(c)(7). But then, inconsistently, the FCC proposes

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Island Township (307), and St. Paul Park (5,279);

City of Edmond, Oklahoma (population 91,950);

Northern Dakota County Cable Communications Commission (collective population 88,353), a Minnesota Municipal joint powers commission consisting of the Minnesota municipalities of Inver Grove Heights (35,392), Lilydale (853), Mendota (209), Mendota Heights (11,343), South St. Paul (20,242), Sunfish Lake (547) and West St. Paul (19,767); and

City of Coon Rapids, Minnesota (61,476).

[2] Comments of the National Association of Telecommunications Officers and Advisors, the National League of Cities and the National Association of Regional Councils, WT Docket No. 19-71 (June 4, 2019) (herein "NATOA Comments").
[3] Comments of the United States Conference of Mayors; the Texas Coalition of Cities for Utility Issues; The City of Dallas, Texas; The City of Boston Massachusetts; the City of Los Angeles, California; the City of Fountain Valley, California; the City of Piedmont, California and Montgomery County, Maryland, WT Docket No. 19-71 (June 3, 2019) (herein "USCM Comments").
[4] *See* 47 C.F.R. § 1.4000 (2017); *In the Matter of Updating the Commission's Rule for Over-the-Air Reception Devices*, Notice of Proposed Rulemaking, WT Docket No. 19-71 (Rel. Apr. 12, 2019).
[5] 47 U.S.C. § 332(c)(7) (2018).

a rule that is perfectly general (and therefore much broader) in its application, not limited to this putative class, and is therefore outside the FCC's authority.

2. The proposed rule and the FCC's justification of its authority to adopt it are plainly in contravention of Section 207 of the Telecommunications Act of 1996 ("TCA"),[6] which is the only source of the FCC's authority to adopt any rules governing the placement of OTARDs.

1. The Proposed Rule Contravenes Section 332(c)(7)'s Preservation of State and Local Regulatory Authority

Section 332(c)(7) provides that "… nothing in this chapter shall limit or affect the authority of a State or local government or instrumentality thereof over decisions regarding the placement, construction, and modification of personal wireless service facilities."[7] As pointed out in the USCM Comments' historical review of the OTARD Rule, the FCC in 2000 recognized this limitation on its rulemaking authority in this domain and declined to extend the rule to wireless hubs and relay antennas.[8] Even as the Competitive Networks Order extended the rule to include "*customer-end antennas* used for transmitting or receiving fixed wireless signal,"[9] the FCC expressly declined to apply the rule to the wireless facilities at issue in the Competitive Networks proceeding: "We do not intend these rules to cover hub or relay antennas used to transmit signals to and/or receive signals from multiple customer locations."[10]

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[6] Telecommunications Act of 1996, Pub. L. 104-104, 110 Stat. 56 (1996) (herein "1996 Act").
[7] 47 U.S.C. § 332(c)(7)(A).
[8] USCM Comments at 4 (citing *Promotion of Competitive Networks in Local Telecommunications Markets*, First Report and Order and Further Notice of Proposed Rulemaking, WT Docket No. 99-217, 15 FCC Rcd 22983, 23027–28, ¶¶ 97–100 (2000)).
[9] *In the Matter of Promotion of Competitive Networks in Local Telecommunications Markets*, First Report and Order and Further Notice of Proposed Rulemaking, 15 FCC Rcd 22983 (2000) (emphasis added) (defining a "customer end antenna" as an antenna placed at a customer's location for the purpose of providing fixed wireless service to the customer).
[10] *Id* at 23028.

The FCC again extended the OTARD Rule in 2004, to apply to customer-end equipment with the capability of routing service to additional users, provided the OTARD was "installed in order to serve the customer on [its] premises.[11] To be clear, the Municipal Commenters do not endorse the extension in the 2004 Order or the first extension in the Competitive Networks Order and believe that both exceeded the FCC's authority, but these extensions had the merit of limiting the fixed wireless facilities covered to those mounted on the customer's premises for the customer's use. As argued below, the extension now proposed is to all fixed wireless facilities and would preempt local regulation of commercial antennas installed on private property for commercial networks and for the benefit, not of users of the services, but of commercial wireless operators.[12]

As the USCM Commenters point out, it also goes directly against the FCC's stated understanding of the limitations the legislative history of Section 332 put on its review of local authority in this domain: "We read the legislative history [of Section 332(c)(7)] as intending to preclude the Commission from maintaining a rulemaking proceeding to impose *additional* limitations on the personal wireless service facility siting process beyond those stated in Section 332(c)(7)."[13]

Now the FCC proposes to abandon that legally sound position and, again, to apply the OTARD Rule's preemption to all state and local regulatory authority over placement of

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[11] *In the Matter of Promotion of Competitive Networks in Local Telecommunications Markets*, Order on Reconsideration, 19 FCC Rcd 5637 (2004) (herein "2004 Order"). The 2004 Order applied the OTARD Rule to customer-end equipment with the capability of routing service to additional users provided the OTARD was "installed in order to serve the customer on [its] premises." *Id*.

[12] As discussed below, without local regulation, this will mean a dramatic increase in the number of antennas on residential buildings and will have a strong adverse impact on cities and their neighborhoods. *See infra* III and IV.

[13] *Petition for Declaratory Ruling to Clarify Provisions of Section 332(c)(7)(B) to Ensure Timely Siting Review and to Preempt Under Section 253 State and Local Ordinances that Classify All Wireless Siting Proposals as Requiring a Variance*, Declaratory Ruling, 24 FCC Rcd 13994, ¶ 25 (2009).

wireless antennas below the OTARD size limits on private property. For the proposed rule, as noted, is perfectly general in its application: Section 1.4000(a)(1)(i)(A) would be amended to include "[a]n antenna that is used to . . . receive or transmit fixed wireless signals via satellite, including a hub or relay antenna," and Section 1.4000(a)(1)(ii)(A) would be amended to apply to "[a]n antenna that is used to receive . . . or transmit fixed wireless signals other than via satellite, including a hub or relay antenna." Antennas that transmit or receive fixed wireless signals via satellite, plus antennas that transmit fixed wireless signals other than via satellite," are together the entire universe of such antennas – with no restriction or qualification, in the rule, as to the nature or legal classification of the wireless services transmitted, with no limitation to facilities that are not Personal Wireless Service facilities.[14]

The FCC's proposal is plainly a violation of Section 332(c)(7) which provides that "nothing in this chapter shall limit or affect the authority of a State or local government or instrumentality thereof over decisions regarding the placement, construction, and modification of personal wireless service facilities."[15] The FCC attempts to save its position by suggesting that the rule change would apply only "to those relay antennas and hub sites that are not 'personal wireless service facilities'—i.e., those that fall into the gap between our current OTARD provisions and the protections of section 332(c)(7) of the Act, and those that

[14] In its entirety, the proposed rule reads as follows (emphasis added):

> "The Federal Communications Commission proposes to amend Section 1.4000 of Title 47 of the Code of Federal Regulations as follows:
> 1. Amend Section 1.4000(a)(1)(i)(A) to read as follows:
> (a)(1)(i)(A) An antenna that is used to receive direct broadcast satellite service, including direct- to-home satellite service, *or to receive or transmit fixed wireless signals via satellite, including a hub or relay antenna*, and
> 2. Amend Section 1.4000(a)(1)(ii)(A) to read as follows:
> (a)(1)(ii)(A) An antenna that is used to receive video programming services via multipoint distribution services, including multichannel multipoint distribution services, instructional television fixed services, and local multipoint distribution services, *or to receive or transmit fixed wireless signals other than via satellite, including a hub or relay antenna*, and"

[15] 47 U.S.C. § 332(c)(7)(A).

WISPA claims are needed for modern high-speed broadband wireless networks."[16] By this the FCC means the new rule would apply only to fixed wireless facilities that are not used for "telecommunications services," relying on Section 332(c)(7)(C)(ii)'s definition of "unlicensed wireless service" as "the offering of telecommunications services using duly authorized devices which do not require individual licenses".[17]

But that is not what the FCC's proposed rule says. Again, the rule, by its terms, is perfectly general in its application. It does not limit its application to fixed wireless services that are not "personal wireless services" or that do not deliver telecommunications services – presumably because such is exactly what the Commission intends.[18]

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[16] *In the Matter of Updating the Commission's Rule for Over-the-Air Reception Devices*, Notice of Proposed Rulemaking, WT Docket No. 19-71 (Rel. Apr. 12, 2019).

[17] Section 332(c)(7)(C)(i) defines "personal wireless services" as "commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services"; Subsection (C)(iii) defines "unlicensed wireless services," in pertinent part, as "the offering of telecommunications services using duly authorized devices which do not require individual licenses." In its entirety:

"(C) Definitions

For purposes of this paragraph—

(i) the term "personal wireless services" means commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services;

(ii) the term "personal wireless service facilities" means facilities for the provision of personal wireless services; and

(iii) the term "unlicensed wireless service" means the offering of telecommunications services using duly authorized devices which do not require individual licenses, but does not mean the provision of direct-to-home satellite services (as defined in section 303(v) of this title).

[18] The Municipal Commenters agree with the USCM Commenters that the FCC has not explained its reversal of its correct position in the 2004 Order that all fixed wireless hubs and relay antennas are Personal Wireless Service facilities subject to local regulation under Section 332(c)(7). Now it contends that some are and some aren't, because some do and some do not deliver telecommunications services. Its change of position and the basis for this contention are wholly unexplained by the NPRM. And, as shown above, the FCC's proposed new rule, by its plain terms, applies to all fixed wireless facilities. If some are subject to Section 332(c)(7) and some are not, how, as the USCM Commenters ask, can the FCC justify preempting local and state regulation of all fixed wireless facilities? *See* USCM Comments at pp. 12-13.

2. The Proposed Rule Clearly Exceeds The Commission's Mandate Under Section 207 of the Telecommunications Act of 1996

The Municipal Commenters further agree with and endorse the contention of the USCM and NATOA Commenters that Section 207 of the TCA, the statutory basis for the FCC's authority to promulgate and modify the OTARD regulations, does not, by its plain language, justify the proposed extension of the OTARD Rule's preemption to all fixed wireless antennas and hubs on private property.[19]

Section 207 of the TCA provides that "the Commission shall … promulgate regulations to prohibit restrictions that impair a *viewer's* ability to receive *video programming* services through devices designed for over-the-air reception of television broadcast signals, multichannel multipoint distribution service, or direct broadcast satellite services."[20] To state the very obvious, this mandate is to prohibit restrictions on a *viewer's* ability to receive *video programming* services over the listed services (none of which is a fixed wireless service). Nothing in this language gives the FCC the authority to preempt local regulation of fixed wireless facilities installed on private property. Where Congress enumerated the specific transmission services for which it intended protection, and referenced "viewers" rather than users generally, and "video programming services" specifically, it is this simple sentence cannot credibly be read as authorizing preemption of local government regulation of quite a different kind of service from those listed, using a different technology. As the USCM Commenters note, the legislative history of Section 207 also makes clear that Congress' concern was with "video programming and off-the-air reception of television broadcast signals or of satellite receivers designed for receipt of DBS services," not fixed wireless.[21]

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[19] *See* USCM Comments at pp. 9-10; NATOA Comments at p. 2.
[20] 1996 Act § 207 (emphasis added).
[21] USCM Comments at p. 11 (citing 104th Congress, 1st Session, Report 104-204, Part 1 (July 24, 1995)).

The FCC is clearly acting outside of its statutory authorization in seeking to preempt all local and state regulation of fixed wireless facilities on private property. It is well established that a federal agency may not, without clear, unambiguous authority from Congress, preempt local and state regulatory authority in a domain where they have traditionally exercised such authority.[22] Because the FCC cannot satisfy this basic predicate for preemption, it does not have the authority to promulgate the proposed rule preempting local regulation of fixed wireless facilities on private property.

III. THE PROPOSED RULE WILL NEGATIVELY IMPACT COMMUNITIES

We point out above that the Competitive Network Order and the 2004 Order, while extending the OTARD Rule to certain fixed wireless devices, both limited the rule's application to "customer-end" equipment, i.e. to equipment used to deliver service to the user at the user's premises. The FCC's proposed new rule drops that limitation entirely and would preempt local and state regulation of all fixed wireless hubs and relay antennas on private property, including, most notably, those installed by a commercial carrier to serve its customers generally. In other words, for the first time, localities would be precluded from regulating commercial antennas installed on private property for commercial networks and for the benefit, not of users of the services, but of commercial wireless operators. As the NATOA Commenters rightly note:

> Freed from the current obligation that the antenna be used for the owner or tenant to receive services, a property owner or tenant could affix an unlimited number of antennas anywhere on its property (under its exclusive control) without any effective ability for local governments, homeowners' associations or landlords to limit or condition these deployments.[23]

[22] *See City of Dallas v. FCC*, 165 F.3d 341, 347-48 (5th Cir. 1999) ("[I]f Congress intends to preempt a power traditionally exercised by a state or local government, 'it must make its intention to do so unmistakably clear in the language of the statute.'" (quoting *Gregory v. Ashcroft*, 501 U.S. 452, 460 (1991) (internal quotation omitted))). *See also* NATOA Comments at pp. 2 and 4; USCM Comments at pp. 10-11.

[23] NATOA Comments at pp. 4-5. *See also* Comments of the League of Minnesota Cities, WT Docket No. 19-71 (June 3, 2019) (herein "LMC Comments").

We second the NATOA Commenters position that "[e]ven if the Commission retains the current size limits, multiple deployments on a single property render those limits potentially meaningless."[24] We agree with the League of Minnesota Cities ("LMC") that if the OTARD preemption is applied to commercial antennas on private buildings, "blocks of residential areas with multiple OTARDs on every rooftop" would be a likely result.[25] As LMC points out, "[t]he installation of these antennas, even if they are less than one meter in diameter, on multiple homes would dramatically change the aesthetic of a neighborhood and be in contrast with their established character."[26] The negative impact will be greater because the size limitations imposed by the existing OTARD Rule, preserved by the proposed amendments, do not address mast height.[27] Mast height typically has not been an issue because antennas served one customer for reception only. Now antennas will serve entire networks for both reception and transmission. Without restrictions, providers will be incentivized to increase mast height to meet coverage requirements.[28] The negative impact of large numbers of antennas and high masts on neighborhoods will be substantial.

We share the concern of the NATOA Commenters and LMC that the NPRM does not address such issues,[29] for example by limiting the number of fixed wireless antennas that can be installed on the roof or façade(s) of a building, or more effectively, by providing an exception to the extended OTARD Rule for reasonable restrictions by local governments, owners of multi-family buildings, and homeowners associations. We encourage the FCC to incorporate such an exception in its proposed rule.

Placing a large number of antennas and high masts throughout neighborhoods may

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[24] *Id*.
[25] LMC Comments at pp. 3-4.
[26] *Id*.
[27] *See* USMC Comments at pp. 14-15.
[28] *See id.*
[29] NATOA Comments at pp. 4-6; LMC Comments at pp. 3-4.

drive short term monetary gain for select property owners, and for wireless providers looking for inexpensive equipment sites, but they will also adversely impact the aesthetics of neighborhoods and the property values of adjacent structures. The FCC's proposed rule will prevent local governments from addressing the concerns of impacted property owners.

In its 2018 order and ruling affecting small wireless facilities, the FCC recognized that aesthetic concerns regarding the impact of dense networks of small cells on communities and neighborhoods, particularly in major metropolitan areas, are legitimate reasons for regulation.[30] The FCC accordingly permitted local governments to establish reasonable aesthetic standards for small cell installations by municipal ordinance, subject to certain conditions.[31] The FCC should do at least the same for commercial installation of fixed wireless hubs and antennas on private property.

IV. THE FCC'S PROPOSAL DOES NOT PROTECT CONSUMERS AND PREEMPTS LOCAL GOVERNMENTS FROM DOING SO

We are concerned that in the haste to promulgate the proposed rules, the Commission did not give adequate consideration in this docket to protecting the many consumers who as renters and homeowners, will be the targets of wireless providers seeking to site facilities on their premises, As stated above and noted by many other commenters, the focus of the proposed OTARD rules is shifting from benefiting end users who need the antennas to receive video and wireless services, to the operators of wireless networks. The proposed rules will allow wireless operators to install antennas on the property of private homes (owned or rented), multiple dwelling units (apartments and condos etc.), and businesses. If the proposed rules are adopted, it is not difficult to envision a circumstance where, to take just one example, a wireless provider offers a temporary discount and in return have a customer

[30] *In the Matter of Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment*, Declaratory Ruling and Third Report and Order, 30 FCC Rcd. 9088 (2018) (herein "2018 Wireless Order").
[31] *Id*.

provide access to the wireless provider for an indefinite period of time and the renter or owner does not understand the terms s/he has accepted. Wireless providers and their lawyers will draft non-negotiable contracts for facility placement ("OTARD Agreements"). As is the case with many types of complicated contracts that communications companies require of their customers, ordinary renters and owners cannot be expected to have the experience or legal sophistication to understand complex contract terms themselves, or to spend the money for a lawyer's review.

If the FCC, despite the arguments made by the Municipal Commenters and other local government commenters in this proceeding, remains inclined to adopt the proposed rules, it should at a minimum include consumer protections for the thousands of homeowners and renters that wireless providers will ask to enter into OTARD Agreements, including, but not limited to:

- **Nondiscrimination**. No homeowner or renter should be discriminated against on price and/or service offerings for refusing to provide OTARD access to their premises.

- **Express OTARD Agreement**. No provider should be allowed to place OTARDs on private property without a separate written OTARD Agreement. Including OTARD access as part of a customer service contract must be prohibited.

- **Term of OTARD Agreement.** Every OTARD Agreement must have a reasonable term, which should not exceed 5 years.

- **Consideration for OTARD Agreement**. Each OTARD Agreement must be supported with consideration independent of a subscription or services contract. This will help level a very uneven playing field that is tilted toward sophisticated wireless service providers.

- **Modification of OTARD Agreement.** Any amendment to an OTARD Agreement must be in writing and signed by both parties. The unilateral right to modify terms, not uncommon in the communications and internet industries, must be prohibited.

- **Transfer of OTARD Agreement**. OTARD Agreements should be non-transferable without the written consent of the premises owner or renter, allowing purchasers or subsequent renters of property subject to an OTARD Agreement to either require the OTARD to be removed or enter into a separate OTARD Agreement satisfactory to them.

- **Health Study**. The FCC has not conducted a health study on the OTARDs – hubs and relay antennas -- that would be allowed to be placed on homes under the proposed rules. No OTARD should be allowed unless and until it is determined by the FCC or an independent agency to be safe to the occupants of the and nearby premises. Such safety considerations must include radio frequency emissions for the obvious reason that the new OTARDS will be in very close proximity to occupants of the hosting premises. We note that the local governments the FCC proposes to preempt from regulating these facilities are the agencies best equipped to ensure safety, having decades of experience in ensuring public safety through building and electrical and similar codes.

- **Nuisance**. All OTARDs deemed to be a nuisance must be subject to removal and upon determination of nuisance status, the OTARD Agreement must be voided. Factors supporting designation as a nuisance would include noise, light and visual appearance. Again, local governments are best equipped to make nuisance determinations under local codes.

- **Modification of OTARD**. No provider should be allowed to modify its OTARD without the written consent of the property owner. This will help to ensure that all modifications will be approved by the owner and consideration for the modification will be provided to the owner.

- **No Private Cause of Action Against Homeowner**. Any OTARD rule should provide that the OTARD rules and corresponding statutory authority do not give a provider a private cause of action against the private property owner or renter for failure to authorize use of their premises for the OTARD.

- **Insurance and Indemnification**. Providers must provide insurance to cover any damage caused to the property by the negligence of the provider and must be required to hold the authorizing homeowner or renter harmless from such damage.

- **Construction Notice**. A provider must provide reasonable notice to each owner or renter prior to commencing construction or maintenance of its OTARD(s) on their premises.

- **Economic Redlining and Community Build-Out**. Local cable franchising has been a success for many reasons. One significant reason was the initial requirement by local franchising authorities that cable operators build-out entire areas and not cherry-pick only the most desirable sections areas of a franchise area. Subsequently, local franchising authorities required incumbent franchised cable operators to upgrade the cable systems throughout the franchise area. Incumbent operators did not initially want to fulfill either requirement, claiming it was an economic burden. But as a result, cable operators upgraded their systems, while traditional phone companies did not, and cable networks became the most robust broadband networks serving residential subscribers. The country would be well served if the FCC authorized localities to adopt similar requirements as 5G wireless, including 5G cable and the fixed wireless networks the proposed rules seek to benefit, is introduced into cities across the country.

V. CONCLUSION

For the reasons set forth above, the FCC should refrain from taking the action proposed in this docket. In the alternative, if the FCC adopts some version of the proposed rules, it should protect homeowners and renters as outlined above.

Respectfully submitted,

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