

Dear Neighbor,

I apologize for failing to address you by name; I do not think you gave me your name when you introduced yourself to me this afternoon. I am writing this letter today in response to your visit during the afternoon of Sunday, April 7, 2013 regarding the satellite dish I have placed on the property. (If you are not the neighbor who visited me at that time, please disregard this letter, and my apologies for sending it to the wrong address. Since no address was provided to me, only that the person "lives two houses down," I have had to make an educated guess as to the address.)

To give you some background on who I am and how I wound up in your neighborhood, I was trained as an electrical engineer and have worked closely with members of the television industry for many years now, even before I began active employment. I recently relocated here from Tennessee to take a new job with the Federal Communications Commission ("FCC") due in part to my extensive knowledge and experience in the field of television engineering. I chose to live in this neighborhood due to its proximity to the Metro station, proximity to businesses such as Wal-Mart and Lowes, and availability of FiOS Internet.

In your visit, you first welcomed me to the neighborhood, then asked me if my satellite dish was going to stay where it is located. I stated that I would attempt to see if the dish would work for me in the backyard, but that I was uncertain that location would work. You then further explained that you have chatted with several neighbors who are concerned about the dish, and you described my dish to me as "ghetto shit." In the course of your explanation, I noted that certain aspects of its appearance, namely the coaxial cable that currently makes the dish usable to me, would be changing as I obtained replacement cabling, but you seemed uninterested in these comments. You then stated that I had one week to relocate the dish or you would contact the landlord and/or Fairfax County, through which you would presumably be seeking some type of action from one or both parties to forcibly remove the dish.

Immediately upon your departure, I examined some local maps and took measurements outside which allowed me to estimate the heights of the buildings and of the surrounding tree and plant cover. My calculations have led me to conclude that there is no alternative location in the back or side yards of the property that would be suitable for placement of my satellite dish, as either buildings or trees under the control of a neighbor, or both, will prevent me from receiving programming from my desired satellites. As a result, my dish will be staying in either its present location or a similar location in the front yard.

Please note that I am permitted, under Section 207 of the Communications Act of 1996, to place a dish up to 1 meter in diameter on my "exclusive use" property, and my dish is less than 1 meter in diameter. The section reads:

SEC. 207. RESTRICTIONS ON OVER-THE-AIR RECEPTION DEVICES.

Within 180 days after the date of enactment of this Act, the [Federal Communications] Commission shall, pursuant to section 303 of the Communications Act of 1934, 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.

In response, the FCC adopted the Over The Air Reception Devices ("OTARD") rule. I have included a printout of the relevant FCC documentation in this letter. In short, the OTARD rule disallows any restrictions on placement of a satellite dish or television antenna that would unreasonably impair or delay use of such dishes or antennas within an owner or tenant's "exclusive use" areas, except those required for safety (such as prohibiting installation of such equipment on a

fire escape) or in areas that are historic in nature. It also disallows a landlord from prohibiting such installations except if they would require unreasonable modifications to the property, such as the drilling of holes through walls or other permanent modifications, which is why I have installed the dish in a portable bucket rather than burying a concrete base for the dish. The FCC has held, on multiple occasions, that installations such as the one I am utilizing are expressly permitted according to the OTARD rule.

Further, the Fairfax County code specifically allows television antennas and satellite dishes "in any yard," presumably to be in compliance with the FCC's OTARD rule, as noted above. I have included the relevant page of the Fairfax County code; it is Section 10-104, Paragraph 13, and I also include its text below:

Except as may be qualified by Sect. 2-505, conventional television antennas and satellite dish antennas designed to receive television or video programming with a diameter or diagonal measurement of 39 inches (one meter) or less shall be permitted in any yard on any lot.

Section 2-505 makes a safety exception for corner lots where such an antenna or dish could block views of road signs from the road. Since this property is not a corner lot, nor does my dish interact with the view of road signs in any way, it is not applicable.

You may contact the county and/or landlord if you wish, though I would prefer to simply work this out between us in an amicable manner. If you do choose to contact either party, please be sure to send me a copy of your letter. I have e-mailed an electronic copy of this letter to my landlord so that he is aware of the situation, though I am hopeful that this letter will be the end of his involvement in any way.

I am not looking to antagonize you or anyone else in the neighborhood through placement of my satellite dish to receive the television programming I desire and enjoy. As such, I am open to your suggestions on how to make it more visually appealing. You specifically commented on the cabling and the blue bucket. I have already stated the cabling will be replaced and made significantly less obtrusive in the coming weeks. To clarify, rather than spending money on a spool of new cable, wire stripper, crimper or compression tool, and F-connectors, a friend with all of that equipment is due to visit in several weeks, and the cabling will be replaced at that time. The new cabling will be long enough to be properly tucked out of sight, which was my original intent before discovering my existing cabling was too short. With regard to the bucket, I have two points. One, the current appearance is temporary, with regard to the concrete blocks that are securing the pole in place. I erred when I mixed the concrete, resulting in an unsteady pole, a situation which is disastrous for satellite television reception. In the next few weeks, when I can assure warm temperatures and dry weather, I will be putting new concrete in the bucket to allow the pole the proper support it needs, so those blocks will be removed at that time. Second, would it be helpful to cover the bucket, perhaps by covering it with black landscaping fabric, or by placing one or more potted plants in front of it? I cannot cover the dish itself, as that would severely diminish or eliminate my reception. If you have further suggestions, I am glad to hear them. I will gladly work to make it more acceptable to you and others in the neighborhood at my own reasonable expense, while not impairing my ability to view the television programming I wish to enjoy.

I look forward to your response and hope that we are able to come to a mutually agreeable resolution.