

BOULDER RIDGE CONDOMINIUM ASSOCIATION

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Macomb, MI 48044
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June 1, 2003

Re: Boulder Ridge Condominium Association Guidelines for Satellite Dish (antenna) Installation

Dear Co-Owner:

The Board of Directors of Boulder Ridge Condominium Association has adopted guidelines for co-owner use of a Satellite Dish (antenna) within our community. The Board initiated discussion of this topic when it first noticed Satellite Dishes being introduced into the community. The process of developing the guidelines has been lengthy and complex. It has been the determination of the Board to implement Guidelines for Satellite Dish (antenna) installation which are consistent, manageable and does not impede the rights of an individual's use of a satellite dish as granted by the Federal Communications Commission (FCC).

Discussion has revolved around how to address this issue within our community knowing that the (FCC) documented interpretation must be taken into account. Earlier this month, the Board created a draft of proposed guidelines. The FCC specifically defined Section 207 as it relates to the rights of condominium co-owners (May 2001) before producing the resulting document. Confirmation was done with the FCC to ensure that the proposed guidelines are in concert with FCC rules and regulations regarding an individual's rights as well as the rights of the condominium association. The official guidelines have been adopted. A copy of the Boulder Ridge Condominium Association Guidelines for Satellite Dish (antenna) Installation is enclosed.

The guidelines address:

- Permission required prior to satellite dish installation
- What type of satellite dish may be installed
- Who may install a satellite dish
- Where a satellite dish may be installed
- How a satellite dish may be installed
- How violations of the satellite dish guidelines will be addressed

It is expected, as with any policy implemented within a community of our size, that there will be co-owners who accept the guidelines and those who will not. Any questions or correspondence can be directed to the management company. Attention: Mr. Ken Nelson, Key Property Services, 46875 Garfield Rd., Macomb, MI 48044. Copies of FCC information used by the Board to develop the guidelines may be viewed at the above address.

Sincerely,

The Board of Directors
Boulder Ridge Condominium Association

Federal Communications Commission (FCC) Rules and Regulations for Satellite Dish (antenna) Installation

Based upon FCC interpretations of Section 207 of the Telecommunications Act of 1996:
The FCC has adopted the Over-the-Air Reception Devices Rule concerning governmental and nongovernmental restrictions on viewers' ability to receive video programming signals from various sources (i.e., direct broadcast satellites). The rule is cited as 47 C.F.R. Section 1.4000 and has been in effect since October 14, 1996.

The FCC rule prohibits most restrictions that:

- 1) Unreasonably delay or prevent installation, maintenance or use; or
- 2) Unreasonably increase the cost of installation, maintenance or use; or
- 3) Preclude reception of an acceptable quality signal.

Boulder Ridge Condominium Association Guidelines for Satellite Dish (antenna) Installation

The following text includes anticipated questions and corresponding answers regarding Satellite Dish (antenna) Installation. *The FCC Rules and Regulations (denoted **A:**) and corresponding Boulder Ridge Condominium Association Guidelines (denoted **BRCA:**) follow each question.*

Does the FCC rule require a request to be submitted and approved for Satellite Dish (antenna) Installation?

A: The FCC does not allow local regulations that require a permit or approval to be obtained prior to Satellite Dish (antenna) Installation on the basis that unreasonable delay is caused.

BRCA: A Satellite Dish (antenna) Installation is not subject to the association's standard policy of Work Order Requests that are used when modification of the building exterior is desired. It is the responsibility of each co-owner to adhere to the Boulder Ridge Condominium Association Guidelines for Satellite Dish (antenna) Installation.

What size and type of Satellite Dish (antenna) does the FCC rule allow?

A: A Satellite Dish (antenna) that is one meter (39.37") or less in diameter and is designed to receive direct broadcast satellite service, including direct-to-home satellite service, or to receive or transmit fixed wireless signals via satellite is allowed by the FCC rule.

BRCA: A Satellite Dish (antenna) larger than one meter (39.37") is not allowed.

How does the FCC rule directly apply to condominiums?

A: The FCC applies the rule to Satellite Dish (antenna) users who live in a multiple-dwelling building, such as a condominium, if the Satellite Dish (antenna) user has an "exclusive use" area in which to install the Satellite Dish (antenna). *"Exclusive use" means an area of the property that only you may enter and use to the exclusion of other residents.* The FCC rule does not apply to common elements, such as a roof, areas associated with walkways (porches or garages), or the exterior walls of the buildings. Drilling through an exterior wall (i.e., to run cable from the patio or balcony into the unit) is not within the protection of the FCC rule because the exterior wall is a common element.

BRCA: Areas for Satellite Dish (antenna) Installation will not be expanded beyond what is defined and supported by the FCC. Drilling into an exterior wall is not allowed. It is the responsibility of each co-owner to check with a retailer or installer for advice on how to install a Satellite Dish (antenna) without drilling a hole through an exterior wall.

In a condominium building, does the FCC rule apply if the Satellite Dish (antenna) Installation hangs or protrudes beyond the balcony railing or patio wall?

A: No. The FCC rule does not prohibit restrictions on Satellite Dishes (antennas) Installations that hang or protrude beyond the balcony railing or patio wall of a condominium unit if such installation is in, on, or over a common element. A Satellite Dish (antenna) Installation that extends beyond the balcony railing or patio wall is considered to be in a common element that is not within the scope of the rule. Therefore, the rule does not apply to a condominium unit unless the Satellite Dish (antenna) Installation is wholly within an "exclusive use" area.

BRCA: Areas for Satellite Dish (antenna) Installation will not be expanded beyond what is defined and supported by the FCC. The association only allows Satellite Dish (antenna) Installations wholly within the "exclusive use" area of a condominium unit.

Can other areas of a condominium unit, besides a balcony or patio, be used due to the inability to receive a direct satellite signal?

A: According to the FCC rule, the association is not obligated to provide a place for Satellite Dish (antenna) Installation if your "exclusive use" area does not receive a direct satellite signal.

BRCA: Areas for Satellite Dish (antenna) Installation will not be expanded beyond what is defined and supported by the FCC.

Can a condominium co-owner be required to remove an existing Satellite Dish (antenna) Installation, or be fined, if a guideline is being violated?

A: The FCC provides a 21-day grace period for the removal of a Satellite Dish (antenna) Installation. In most cases, you cannot be fined. However, the 21-day grace period does not apply if the FCC rule does not apply to your installation (i.e., if the Satellite Dish (antenna) is installed in, on, or over a common element, which is not an "exclusive use" area, protruding beyond a patio wall or balcony railing and/or does not adhere to the installation guidelines). If the FCC rule does not apply at all in your case, the 21-day grace period does not apply.

BRCA: The association will follow the policy established by the FCC where:

- 1) An installation occurs after the date of this document or subsequent revision in which a violation exists, a fine will be immediately applicable; or
- 2) An installation exists prior to the date of this document or subsequent revision that violates a guideline, the 21-day grace period will apply from the date of notification by the Property Manager in which to correct the violation or remove the Satellite Dish (antenna) Installation. If, after the 21-day grace period, the Satellite Dish (antenna) Installation does not conform to the **Boulder Ridge Condominium Association Guidelines for Satellite Dish (antenna) Installation** the association's fine process will be implemented until such time that the proper resolution is reached (i.e., removal or correction of the Satellite Dish (antenna) Installation and fines paid).

What responsibility does a condominium co-owner have when selling their unit?

BRCA: The co-owner has the responsibility to remove the Satellite Dish (antenna) Installation and to refurbish the "exclusive use" area to its original condition. The seller is subject to verification of compliance and any associated liability prior to transfer of ownership.