

Date: April 10, 1998

Topic: Policy and procedures on mini-dish requests at VPP

With two small amendments that have been applied, the VPP Board of Directors adopted the following policy and set of procedures for installation of satellite mini-dish units at Prospect Point.

1. Policy.

In recognition of the relevance of the Telecommunications Act of 1996 and of the FCC's implementation of some rules governing Direct Broadcast Satellite (DBS) mini-dish technology, the VPP Board of Directors establishes as a policy its intent to comply with the spirit of the legislation by routinely approving owner requests for installation and operation of such antennas from areas where the condo owner has exclusive use and control. Antennas, which are not mounted to the structure, need not be authorized in advance, but owners are required to seek and obtain approval for any installation to the exterior structure on or near a patio or deck, and approval routinely shall not be denied unless there are safety or structural issues associated with the request. Furthermore, procedures for processing such requests must not present unreasonable delays, nor unreasonably increase the costs of such installations for the condo owner concerned. The goal of this policy is to allow those owners who wish, and who have adequate line-of-site visibility to the DBS satellite concerned from their patio, or deck, to employ such technology (at owner expense) without obstacle from VPP rules, even to include permanent mounting of the dish to the wall or adjacent eave of an owner's patio or deck.

However, it shall also be the policy of VPP that such an owner, having obtained permission and installed a DBS mini-dish, is not thereby exempted from the cable TV fee which is assessed to all owners on a pro-rata basis under the cable service account for VPP units as a group. Furthermore, unless and until clarified by the FCC, this policy should not be construed to authorize or endorse the use of VPP common area walls, roofs, or grounds for the mounting of a DBS mini-dish, except where the owner can demonstrate that he/she and his/her fellow occupants of the unit concerned have "exclusive use and control."

It shall remain the policy of VPP that any owner initiative involving installation and mounting to any exterior structure must be coordinated with the management company by correspondence which includes a rough drawing of the proposed installation, and identification of the licensed and insured agent/contractor who is to do the work. The purpose of this procedure is to allow management review for considerations of safety, structural integrity, Association liability and insurance, and appearance. Management may respond to the request with alternative suggestions to improve the design or implementation of the proposed installation, but will do so promptly (within a matter of only 3 working days) so as not to constitute an unreasonably delay to the installation.

2. Procedures:

A. Owners should be advised of the policy in a routine and periodic way, and it should be permanently established for owner review in an appropriate document (e.g., VPP rules, or By Laws).

B. The VPP Board and the Management Company shall promulgate procedures, which provide more details to prospective dish buyers.

C. As part of the detailed procedures, the installation criteria shall be provided to owners, as follows:

- (1) **Size.** This policy applies to satellite antennas that are not larger than 39 inches (i.e., 1 meter in diameter)
- (2) **Safety.** Location should not endanger a pedestrian, as an obstacle nor present any sharp edges by which anyone might be cut. It should not be an object available to children to play upon.
- (3) **Access.** Current technology requires that the dish be clear of any obstruction for line of sight visibility to the satellite. In our alpine climate, this implies the need for the dish user to clean off any snow accumulation. Mounting locations must be within the boundaries of the exterior exclusive use area (patio or deck) such that direct access to the dish is enabled.
- (4) **Orientation.** All DBS satellites are over the equator, i.e., to the south. It is the dish purchaser's responsibility to determine whether adequate line-of-sight vectors are available to the service that purchaser chooses, from within his/her area of exclusive control. (Note: VPP acknowledges that this obstructs any practical means for owners with only north facing patios/decks to present a request for a workable disk mounting configuration).
- (5) **Wall Penetrations.** Mounting to the exterior walls or roof overhangs must be done in such a way that any damage created thereby can be made whole (i.e., returned to its former condition) upon possible removal of the dish at the time of sale of the, condo unit concerned. Likewise, the place where the cable passes through the exterior wall (from outside of the condo to the inside) must be finished so as to be watertight and attractive, consistent with the surrounding exterior finish.
- (6) **Visibility.** Two aspects matter here: location and color. Within the range of the exclusive use area, and consistent with safety and orientation factors mentioned above, the dish should be located in as unobtrusive a place as possible. Moreover, the color of the dish may not attract attention to itself. Commercial practice currently provides dish units in metallic gray and black. In the future, painted dishes may become possible. If so, the allowed colors must blend with the exterior color scheme of the VPP structures.

- (7) Contractor authorized. The installer must satisfy VPP standard criteria for contract workers in the Association area. The VPP manager will coordinate on the installation, to assure for the Board of Directors that the approved plans are implemented as approved, that no safety or liability issues are presented during the installation, and that the mounting meets construction objectives.

D. Procedures for processing of requests:

- (1) For all installations, which would in any way change the integrity of the exterior structure, a written request must be submitted by the owner concerned to the VPP management for prompt processing and reply to the owner.
- (2) The written request should explicitly address all the installation criteria described above, explaining how each item is to be satisfied. Typically, a drawing (may be hand sketched) should accompany the correspondence.
- (3) VPP management will acknowledge receipt of the request to the requesting owner by phone and/or immediately returned correspondence, advising of the expected processing schedule.
- (4) VPP management will then take no more than 3 days to evaluate the request against the criteria established by the policy and the mounting criteria details, to determine if the proposed installation is Consistent with the criteria.
- (5) Having done the research, the manager will contact at least 3 of the VPP Board members to report on the findings and provide recommendations for approval, or modification of the request. So long as the owner's request meets the general spirit of the policy, the Board and VPP management will attempt to find a way to endorse the request, typically by suggesting alternative installation features which improve the degree of installation detailed criteria compliance.
- (6) Notice of the Board's decision will be provided by phone (if possible) to the requesting owner on the 4th working day after receipt of the request, with correspondence follow-up by mail.
- (7) In the event of a Board decision to disapprove such a request (for cause), a Board member will make the notification to the owner concerned, providing sufficient explanation as to the limits of the policy and the reason why the request cannot be approved. Correspondence follow-up by mail will also be provided in such a case, with carefully worded justification for the Board's action. Such disapprovals are subject to legal action by the owner concerned, and must be legally sufficient so as to not put VPP Association in jeopardy of suit for obstruction of an owner's rights under the Telecommunications Act.

E. Installation

- (1) Installation shall be done consistent with the approved proposal, by the specified installer who is qualified for such work in the VPP condo area .(i.e., licensed contractor, has insurance, etc.).
- (2) The VPP Board of Directors requires that the Association manager conduct an inspection of the installation upon completion of the work, to assure compliance with the approved proposal. The owner concerned shall allow this inspection at a mutually convenient time soon after the installation. Significant deviation of the installation from the approved proposal will be cause for remedial action, or removal of the dish, after coordination with the owner concerned.