



DATE: February 6, 2020

Re: Site ID: W047
Location: 908 National Road Wheeling WV 26003
Latitude: 40-4-37.8 N
Longitude: 80-41-25.7 W

AT&T Mobility operates its wireless network in compliance with its FCC license and FCC rules and regulations concerning radio frequency emissions and/or radio frequency interference ("RFI"). While we cannot guarantee that the operation of our network will not cause harmful interference with other wireless users, the possibility of such interference, if any, is extremely remote. With regard to governmental users, this is especially true because of the significant differences in frequencies between our proposed installation (700,850, 1900 and 2300 MHz) and those frequencies used by local police, fire and EMS departments. In the unlikely event that interference does occur, AT&T Mobility agrees to abide by its existing policy of fully cooperating with the entity experiencing interference to identify and correct, to the extent reasonably possible, any issues caused by its installation. The FCC recognizes that both commercial and public safety parties affected by such interference need to collaborate and share responsibility for identifying the causes of interference, identifying mitigation alternatives, and developing joint planning and technical solutions for preventing interference.

Congress has recognized the reservation of exclusive jurisdiction to the FCC over matters involving RFI. The FCC retains complete authority to regulate RFI, both as to other users of radio spectrum and equipment which either relies on, or is sensitive to RF emissions, and the FCC staff considers any effort by local or state law to regulate RFI to be preempted by the Communications Act of 1934, as amended. In a July 2, 1997 letter from the Staff of the FCC's Wireless Telecommunications Bureau to the Johnson County, Kansas Director of Planning and Development, the FCC stated the following:

I understand your concern about the possibility of interference with local public safety communications and appreciate your attempt to find a solution to local interference problems. However, based upon a review of the proposed regulations and applicable law, the Division staff considers your effort to regulate radio frequency interference (RFI) to be preempted by the Communications Act of 1934, as amended. The FCC has exclusive jurisdiction over RFI matters. See, e.g., 47 U.S.C. 152(a), 301, 302(a), 303(f); *Head v. New Mexico Board of Examiners of Optometry*, 374 U.S. 424, 430, n.6 (1963); *Broyde v. Gotham Tower, Inc.*, 13 F.3d

994 (6th Cir. 1994). Congress has recognized the reservation of exclusive jurisdiction to the Federal Communications Commission over matters involving RFI.

Local or state law shall not regulate such matters, nor shall radio-transmitting equipment be subject to local or state regulation as part of any effort to resolve an RFI complaint. H.R. Rep. No. 765, 97th Cong., 2d Sess. 33 (1982), reprinted in 1982 U.S. Code Cong. & Ad. News 2277.

Notwithstanding the forgoing, formal federal government procedures exist to protect the interests of local police, fire and EMS departments if they experience interference problems. The FCC has procedures in place to respond to interference complaints, and any RFI issues can be directed to the FCC's Consumer and Government Affairs Bureau for additional information.

Sincerely yours,

Joseph Spiecha / RF Engineer
AT&T Mobility RF Engineering