



Cable and Broadband Internet Commission

Law Library, 4th Floor at City Hall
1 Junkins Avenue, Portsmouth NH
Wednesday March 18, 2026 at 5:00 p.m.

Zoom recording: https://www.youtube.com/watch?v=LN_t6oHhh8M

MEETING MINUTES

Attendees in Person: Rob Capone, Chair (Capone); Jeff Abrams (Abrams); Gary Lowe (Lowe); Amrishi Chicooree (Chicooree); and Alternate Jim Wilson (Wilson), Amrishi Chicooree (Chicooree). Excused: Luis Rodriguez (Rodriguez).

Staff: Suzanne M. Woodland, Regulatory Counsel (Regulatory Counsel Woodland)

1. **Call to Order:** The meeting was called to order at 5:00 p.m.
2. **Approval of minutes of the February 11, 2026 meeting:** Lowe moved to approve the February 11, 2026 minutes. Wilson suggested the following amendments: Section 6. Other Business: delete the first sentence and replace with "Wilson expressed interest in providing an overview to compare and contract 5G and wireless." On a motion by Abrams seconded by Lowe to approve the minutes as amended, the Commission voted unanimously to approve.
3. **Update on PPMTv** – Woodland reported she met with a PPMTv Board member and that PPMTv is conducting minimal production and still using the channel. Some of their equipment is being stored at Portsmouth High School. Currently renting office space above Jumpin Jay's and does not plan to move from there for the moment. They are fundraising to determine what the future might look like. Asked if there was any money in the Trust and Woodland reported there is \$100 and based on the three franchise fee payments to the City in FY26, it is likely the maximum amount for the fourth payment based on the current formula would be another \$2,000 or so and that would be it. PPMTv looking at other avenues.
4. **Other Business** (moved up) – Sean Clancy, staff liaison to EDC discussing subcommittee to work with members of the Commission to talk about communications and the technical backbone. Next EDC is March 20 so Commission may receive an update at their April meeting. Capone asked if a Commission member should attend. Woodward reported the EDC wants to establish their own committee but Wilson volunteered to attend.
5. **Schedule next meeting** (moved up): The next meeting was scheduled for April 15, 2026 at 5:00 p.m. Wilson offered to provide the 5G/wireless comparison at that meeting and the Commission accepted.

6. **Overview of Permitting Process for Small Cell Installations** – Woodland provided a written summary of emails. Request to Inspection and Planning Departments to describe the process triggered a review. Should only require electrical permit for the small cell antenna installation. If there's work in the HDC there's a work flow item to look at it from that perspective and with those criteria. Also flagged by Assessing to note any improvement to the property based on what's installed. Communicate to carriers about small cell installations on private property that they can apply online as to location, value and nature of the work to be processed as normal. Woodland will advise the carriers.
7. **Proposed Updates to Zoning Regulations** – Wilson presented, as his opinion, a draft Model Municipal Telecommunications Ordinance Plan. It is based on conversations with one consultant who "wrote the book" on the topic, another at Harvard Business School who teaches municipal communications and ran the consultancy at Gartner for strategic municipal communications infrastructure, and Gigi Sohn, expert on net neutrality. Drafted ordinance from the national, federal view. PowerPoint presentation, attached.

Woodland noted that the City already works on the basis of a "Dig Once Policy" such that utilities are asked, with mixed success, to complete conduit work whenever streets are opened for other construction projects.

Woodland noted that NH State Law does not allow municipalities to charge rent for right-of-way. Commission discussed appealing that in the Legislature with new ordinance(s).

Woodland to follow-up with DPW as to whether the utilities provide up to 40% excess availability in the conduits, set aside for future needs.

Wilson asked the other Commission members to review the full draft model for future discussion. The goal would be to create an ordinance that is good for 15+ years, with amendments. Wilson noted that this draft covers all technology that he is aware of currently. He plans to explore the NH code and the mismatch between federal and state law to assess how the model would be modified.

Woodland will flag specific comments. Generally speaking, she commented that the challenge will be adapting the model to City ordinance format. If there are elements to be included more urgently, eg. facilitating the ROW it's sometimes easier to update smaller elements (within the next 9 months) before updating the whole ordinance which is intended to follow the adoption of the Master Plan.

In addition, due to the age of the City, some of the infrastructure is owned by Eversource as the default utility. Elements of that are mapped on the GIS. Water, sewer, stormwater are in the GIS but utility infrastructure mapping is limited and will need to be discussed with them. Some utility security and proprietary information may be limited because it cannot be subject to the City's compliance with Right to Know ordinances. The City is also now more sensitive to cyber security when it comes to infrastructure.

Woodland will circulate information about the franchise fees: roughly \$360,000 allocated to the General Fund with any amount over that going to help fund PPMTv but the amount has dwindled.

Because NH is not a home rule state, towns and municipalities are allowed to assess only the fees and taxes specifically authorized in state law. The City must find statutory authority for any licensing or fees it might want to pursue.

8. **Public Comment** – None.

9. Adjournment: Capone moved to adjourn the meeting at 6:04 p.m., Abrams seconded the motion. All in favor. The motion was approved.

Prepared by: Stephanie Seacord

Approved on: July 22, 2026.

POLICY SUMMARY BRIEF

Model Municipal Telecommunications Ordinance Plan

Zoning · Right-of-Way · Permitting · Licensing
Wireline · Wireless · Fixed Wireless · Satellite

Initiatives, Key Actions & Consequences

Plan Purpose & Scope

Purpose

Establishes a comprehensive regulatory framework for deployment, operation, maintenance, and removal of telecom infrastructure within the Municipality — designed as a model template for local adoption.

Who It Applies To

ILECs, CLECs, cable operators, wireless carriers, fixed wireless ISPs, satellite earth station operators, neutral-host networks, and municipal broadband providers.

8 Core Goals

Universal broadband access · Technological equity · Public health & safety · Aesthetic preservation · Non-discriminatory ROW access · Streamlined permitting · Fair compensation · Coordinated deployment.

Technologies Covered

Legacy copper, fiber optic broadband, fixed wireless access, 4G/5G small cells, distributed antenna systems (DAS), and low-earth-orbit (LEO) satellite systems.

Legal Authority

Telecom Act of 1996 · Spectrum Act 2012 · FCC Orders 18-133 & 18-111 · Applicable State Telecom Acts. Federal and state preemptions are expressly acknowledged.

Plan Sections

Zoning · Right-of-Way · Permitting Procedures · Licensing & Franchising · Wireline Infrastructure · Wireless Infrastructure · Enforcement & Appeals.

Zoning Provisions

KEY ACTIONS

- 1** Zoning District Matrix: defines P/C/S/N permissibility across residential, commercial, industrial, agricultural, conservation, and historic zones.
- 2** Height Standards: Macro tower caps from 65 ft (residential SUP) to 199 ft (heavy industrial); SWFs capped at 50 ft or 10% above nearest pole.
- 3** Setbacks: 100% fallzone from property lines; 200 ft from residential zones; 300 ft from schools, parks, and day care facilities.
- 4** Stealth & Camouflage: Monopine, flagpole, steeple, and below-grade vault designs encouraged in sensitive areas.
- 5** Historic Districts: Review by Historic Preservation Commission or Design Review Board; must comply with Secretary of Interior Standards.
- 6** Environmental Review: Eligible Facility Requests (EFRs) are categorically exempt; other facilities subject to visual, noise, storm-water, and vegetation assessments.

CONSEQUENCES

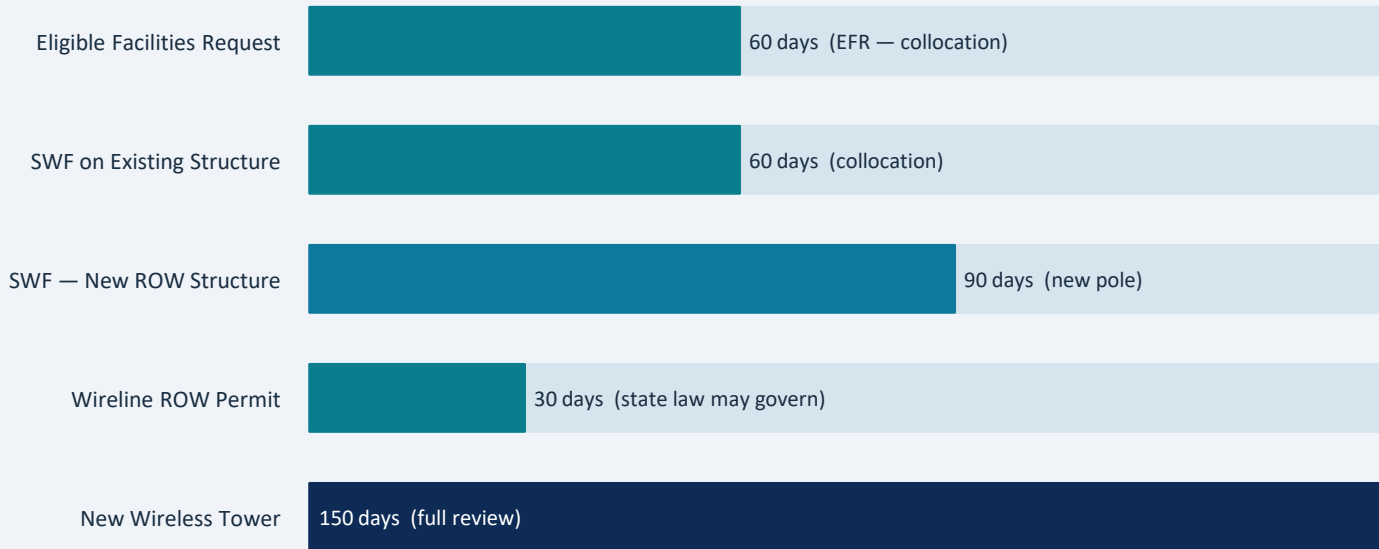
- ✓ **Regulatory Clarity**
Providers have predictable, codified approval pathways across all zones, reducing uncertainty and litigation risk.
- ✓ **Community Protection**
Height/setback rules and stealth requirements safeguard residential character, schools, and historic assets.
- ✓ **Federal Compliance**
Non-discriminatory review and shot-clock compliance minimize exposure to federal preemption challenges.
- ⚠ **Design Cost Burden**
Stealth design mandates may increase provider project costs; plan requires balance to avoid effective prohibition.
- ⚠ **Historic Review Delays**
HPC review must be completed within shot-clock periods — potential coordination challenge for municipalities.

Right-of-Way Management

Franchise Agreement	ROW Use Permit	Fees & Compensation	Dig Once Policy
Required for multi-block wireline, conduit systems, DAS networks, backhaul fiber	Required per-project for any excavation, new poles, ground cabinets, or aerial stringing	Linear infrastructure: \$0.50–\$2.00/route-foot/year	GIS database of all underground utilities maintained by Public Works
Standard 10-year term; renewable	Application must include site plan, traffic control plan, pavement restoration plan	SWF ROW fee: capped at \$270/year per FCC rules	Telecom conduit installed concurrently with all qualifying road construction
Must include: infrastructure description, fees, restoration, relocation, surety bond	Issued within 10 business days (SWF) / 30 days (wireline)	Cable franchise fee: up to 5% of gross revenues; street opening: \$250–\$2,500	Municipality-owned conduit offered to providers; 33% spare capacity required

Permitting Procedures & Shot Clocks

Federal Shot Clock Requirements



Actions: Batch processing for 10+ similar SWF apps · Completeness review within 10 business days · Master License Agreements for recurring deployments · Deemed-approved remedy for shot-clock violations

Licensing & Franchising

Cable Franchise

Non-exclusive; 10–15 yr term; up to 5% gross revenue fee; up to 3 PEG channels; I-Net dark fiber set-aside; build-out requirements for underserved areas.

Wireline / Telecom License

5–15 yr term; annual ROW fee by linear ft or gross revenue; network GIS maps required; annual subscriber reporting by census tract.

Fixed Wireless License

ROW License (systemwide) or individual ROW permits. Must disclose service area, frequency bands, and maintain FCC spectrum authorization.

Wireless Carriers (Mobile)

FCC-licensed — no separate Municipal telecom license required. ROW franchise or permit compliance under Sections 4 & 5 still required for infrastructure.

Municipal Broadband

Municipality may operate its own broadband network. Same permit timelines as private providers; no franchise fees charged to itself; open-access operation encouraged.

License Transfer

No assignment without written Municipal approval (120-day review). Must assume all obligations of original franchise; financial & technical capability demonstrated.

Infrastructure Deployment Standards

WIRELINE INFRASTRUCTURE

Fiber Deployment Incentives

50% permit fee reduction in unserved census blocks (<10/10Gbps); expedited permitting for FTTP and federally-funded projects; Dig Once coordination; Municipal conduit available at cost.

Underground Standards

Min. 24" burial depth (paved areas); 1.25" conduit min. (2" recommended); 33% spare capacity; detectable marking tape 12" above conduit; 5-year pavement cut moratorium on newly paved roads.

Aerial Standards (NESC)

18 ft clearance over roadways; 10 ft over sidewalks; 16 ft over alleys. Abandoned aerial plant must be removed within 90 days of decommissioning.

Open Access / Conduit Sharing

Where Municipal assistance is provided, provider must offer one empty conduit for IRU/lease at commercially reasonable rates; conduit location data filed with GIS database.

WIRELESS INFRASTRUCTURE

SWF Preferred Attachment Hierarchy

1st: Municipal light/traffic poles 2nd: Utility poles 3rd: WIP structures 4th: Commercial buildings 5th: New pole (only if all above not feasible). Written justification required for any departure.

Macro Tower Co-location

New macro towers must accommodate a minimum of two carriers. Co-location certification letter required with application; FAA 7460-1 filing required for towers near flight paths.

Fixed Wireless (FWA)

Ground-mounted or structure-mounted in ROW; must comply with FCC Part 15 or licensed spectrum rules; spectrum authorization evidence required with licensing application.

Satellite (OTARD & LEO)

Dishes $\leq$ 1 meter protected under federal OTARD rule; dishes $>$ 1 meter subject to local zoning (Section 3); LEO integration reviewed under standard permit process with FCC compliance documentation.

Enforcement, Compliance & Appeals



Inspections

Municipality may inspect any permitted facility for compliance with permit conditions, structural integrity, and aesthetic standards. Annual tower safety inspections required for macro towers.



Performance Bond / Financial Assurance

Surety bond or letter of credit required for new towers and major wireline deployments. Amount tied to estimated removal and site restoration costs. Bond reduced upon satisfactory completion.



Violations & Enforcement

Written notice of violation with cure period. Escalating fines for non-compliance. Authority to order removal of unpermitted or abandoned facilities at provider's expense.



Appeals Process

Any applicant may appeal a permit denial or conditions to the Zoning Board of Appeals (or equivalent). Denials must be in writing with substantial evidence. Federal law requires written, substantiated denials for wireless facilities.



Insurance Requirements

Commercial general liability (min. \$2M per occurrence / \$5M aggregate); automobile liability; workers' compensation; property damage; umbrella coverage for high-impact installations.

SUMMARY

Plan Consequences at a Glance

BENEFITS & OPPORTUNITIES



Universal Broadband Access

Fee reductions and streamlined permits incentivize fiber builds in unserved areas; Dig Once reduces costs.



Legal Risk Mitigation

Shot-clock compliance and written-record denials reduce exposure to federal preemption lawsuits under the Telecom Act.



Predictable Investment Climate

Master License Agreements, batch processing, and published fee schedules create investor-friendly regulatory certainty.



Community Aesthetic Control

Stealth mandates, setback rules, and historic review processes preserve neighborhood character.



Municipal Revenue Generation

Franchise fees (up to 5%), ROW occupancy fees, and permit fees provide sustainable public revenue streams.



Resilient Infrastructure

Co-location requirements, open-access conduit, and Dig Once policy reduce redundant ROW disruption and build shared capacity.

RISKS TO MANAGE



Administrative Capacity Demand

Multi-department coordination (Planning, Public Works, HPC) requires sufficient staffing and GIS resources.



Provider Cost Burden

Stealth design and insurance requirements may discourage smaller ISPs in low-density service areas.



Federal Preemption Exposure

Overly restrictive fee structures or slow processing risk preemption challenges and deemed-approval remedies.

Plan Adoption, Amendment & Review

Adoption

The Plan shall be adopted by municipal ordinance. Provisions may be incorporated by reference into the Municipal zoning code and ROW ordinance.

Annual Review

The Municipality shall conduct an annual review to address changes in federal/state law, FCC rulings, emerging technologies, and local deployment needs.

Conflict Resolution

In the event of conflict between this Plan and applicable federal or state law, the applicable law controls. All provisions shall be interpreted to maximize permissible local authority.