Chapel Ridge

apartment community & exclusive fitness club

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APR 15 1996

FCC MAIL ROOM

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, NW, Room 222
Washington, DC 20554

DOCKET FILE COPY ORIGINAL

Re: Preemption of Local Zoning Regulation of Satellite, IB Docket No. 95-59

Dear Mr. Caton,

We write in response to the FCC's Report and Order and Further Notice of Proposed Rulemaking released on March 11,1996, regarding preemption of certain local regulation of satellite earth station antennas, and proposing to prohibit enforcement of nongovernmental restrictions on such antennas that are less than one meter in diameter (the "FNPRM"). We enclose (6) copies of this letter, in addition to this original.

I, Josie Garza, am the cleaning lady of Chapel Ridge Apartments. I maintain 426 apartments. Our management company is Dial Communities, which also has two other properties here in San Antonio, Texas.

We are concerned that the proposed rule prohibiting enforcement of nongovernmental restrictions will adversely affect the conduct of our business without justification and needlessly raise additional legal issues. We question whether the Commission has the authority to require us to allow the physical invasion of our property. We must retain the authority to control the use of our property, for several reasons.

First, the FNPRM incorrectly states that "nongovernmental restrictions would appear to be directed to aesthetic considerations." Aesthetic considerations are not trivial - the appearance of a building directly affects its marketability. most people prefer to live in attractive communities, and the sight of hundreds of satellite antennas bolted to the outside walls and railing of apartment units would be extremely unappealing to present and future residents. Aesthetic considerations have definite economic ramifications.

Second, the weight or wind resistance of a satellite and the quality of a installation may create maintenance problems and, more importantly, a hazard to the safety of residents, building employees, and passers - by. Damage to the property caused by water seepage into the building interior, corrosion of metal mounts, or weakening of concrete could lead to safety hazards and very costly maintenance and repair.

Third, the technical limitations of satellite technology create problems because all our residents may not be able to receive certain services. It is our understanding that satellites are only positioned in certain areas, thus limiting access.

In conclusion, we urge the FCC to avoid interfering in our relationships with our residents. All of our residents. All of the potential problems we cite will adversely affect the safety and security of our property as well as our bottom line and our property rights. Thank you for your attention to our concerns .

Sincerely,

No. of Copies rec'd 0+6
List ABCDE

Josie Garza

Josie Garza

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