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APR 22 1996

IB 95-59

FCC MAIL ROOM BALLANTRAYE HOMEOWNERS ASSOCIATION
P.O. BOX 41278
FREDERICKSBURG, VA 22404

April 10, 1996

Office of the Secretary
Federal Communications Commission
Washington, D.C. 20554

DOCKET FILE COPY ORIGINAL

Re: Telecommunications Act of
1996 and Satellite Dishes

Gentlemen:

I represent the owners of 200 townhomes located in a suburban area of Spotsylvania, VA. Our development is in a wooded area located on 17 acres. We have gone to great lengths over the years in enforcing our restrictive covenants -- including the prohibition of radio and TV antennae on decks or the outside of the buildings. None of the residents seem to have a problem with this, especially since all units are cabled.

Now we learn that you are planning to upset all this. When this becomes law, this will open up Pandora's box and the bucolic nature of our community will be changed forever. We urge you to reconsider what you are doing -- at the very minimum including language which addresses placement and aesthetics of these installations in communities such as ours.

Respectfully yours,


Donald G. Colt, President
Ballantraye HOA

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FCC MAIL ROOM

 **Colony Bay**
APARTMENTS

6530 Covington Road
Fort Wayne, Indiana 46804
(219) 432-2518 or (219) 432-2510

April 8, 1996

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

DOCKET FILE COPY ORIGINAL

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

Dear Mr. Canton:

We are writing in response to the FCC's Report and Orders and Further Notice of Proposed Rule making released on March 11, 1996, regarding preemption of certain local regulation of satellite earth station antennas, and proposing to prohibit enforcement of non governmental restrictions on such antennas that are less than one meter in diameter (the "FNPRM").

Colony Bay Apartments is in the residential real estate business. We are a large business and have over 2,000 tenants.

We are concerned that the proposed rule prohibiting enforcement of non governmental restrictions will adversely affect the conduct of our business with 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 "non governmental 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 railings 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 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 of 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 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 of our concerns.

Sincerely,



Penny Henshaw
Property Manager

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APR 22 1996

FCC MAIL ROOM

W. Blythe Thomas

84-664 Ala Mahiku Drive # 151-A

WAI'ANAE, HI 96792-1601

Telephone-FAX 808-595-9962

Transmobile 808-291-4966

DOCKET FILE COPY ORIGINAL

Office of the Secretary
Federal Communications Commission
WASHINGTON, DC 20554

RE IB Docket No. 95-59; FCC 96-78 - Notice of Proposed Rulemaking; 47 CFR ss 25.104(f)

Dear Commissioners

As a member of a Homeowners Association (condominium) I am greatly concerned with the proposed rule preempting private restrictions on antennas

In enacting Section 207 of the Telecommunications Act of 1996 Congress recognized that the governing documents of many homeowners associations limit the installation of antennas and that such restrictions could prevent the homeowners in such projects from taking advantage of the technological advances that have made direct satellite services utilizing small antennas possible. However I believe that the Commission's total disregard of the serious implementation problems posed by the unique characteristics of homeowners' associations of safety and health concerns and of aesthetic considerations and other legitimate concerns of homeowners associations in the Notice of Proposed Rulemaking strikes at the very heart of such associations.

The proposed rule fails to recognize that the only appropriate place to mount an antenna is likely to be on the common property which is owned jointly by all of the association members for their *common* benefit and not just for the benefit of those homeowners who may desire to install antennas. Depending on the particular location the installations could seriously impair the ability of all of the association members to use the common property for its intended purpose. For example, if the only practical place to mount antennas is on a recreation deck, do homeowners have a right to install as many antennas as they please on the deck even though those installations make the deck unusable for recreational purposes? What if there is insufficient space in the only feasible locations for all of the homeowners who wish to install antennas? Who is to allocate the available space and on what basis? Who resolves the dispute if one homeowner's antenna interferes with another's reception? If antennas can only receive the signal if installed on one side of a building, do owners on the opposite side have a right to run their cables through commonly owned conduits? What if there is insufficient space in the existing conduits (which is quite likely to be the case)?

Another major concern is the potential effect of antenna installations on maintenance of the common property. Having to deal with multiple antenna installations on the sides of roofs of buildings will substantially increase the cost of repainting and/or reroofing, both of which already represent the largest periodic maintenance expenses for many homeowners associations. Such installations are also likely to impair the integrity of waterproofing. There is also the issue of possible increases in insurance premiums due to the likelihood that plaintiffs' attorneys will name the association as a party in any personal injury suit related to an antenna installed on the common property (such as an antenna falling off the side of a building and injuring a passerby). It is clearly inequitable to require all homeowners to bear the burden of these additional costs created by the desires of those who want to install antennas.

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Architectural control is one of the primary goals of homeowners' associations and the ability of those associations to preserve the harmonious appearance of the building or neighborhood is one of the benefits which homeowners seek in purchasing apartments or homes in such communities. The placing of an antenna by a homeowner on a single-family residence which is unrestricted by private covenants is a fundamentally different act than the placing of such an antenna on a multi-family dwelling or on a home united by common protective covenants. In the former case, no other homeowner could object to the antenna based upon reliance on the other owner's promise, as contained in the protective covenants, not to install offensive exterior antennas or otherwise potentially adversely affect the property values of others. In the latter case, however, the same is most emphatically not true one need only imagine the appearance of a condominium studded with dozens, or perhaps hundreds, of antennas to realize the potential adverse impact of the proposed rule. At a minimum, homeowners' associations should be able to prohibit the installation of personal antennas if an alternative source of video programming, such as a community master antenna, is provided which enables the homeowners to receive the same services at no increase in cost.

Moreover, the Commission's casual dismissal of homeowners' association's covenants as being only directed at aesthetic concerns is greatly misplaced. Homeowners' associations are, in many cases, private mini-governments which perform many of the same functions as public government. Among those functions is, in varying degrees, protecting the health and safety of the inhabitants. Therefore, the private covenants which the homeowners have voluntarily accepted by purchasing homes in those associations should be accorded due respect and the right of homeowners' associations to assert architectural, safety, and health control over the placement and appearance of antennas to the extent not inconsistent with the antennas' ability to receive signals should be expressly recognized in the proposed rule.

In short, the apparent simplicity of the proposed rule masks the complex issues which will lead to the inevitable conflicts over the application of that rule which will erupt the minute it becomes effective. I believe the Commission has failed to fully consider and appreciate the unique nature and complexity of the homeowners' associations and has therefore proposed a rule which will simply turn out to be another full employment act for lawyers who will have no other forum than the courts to answer the questions posed above if they are not addressed in detail by the Commission by promulgating a revised rule which balances the right of individual homeowners to receive video programming with the rights of their fellow homeowners to be treated fairly and to maintain the aesthetic environment that they bargained for when they invested their hard-earned money in their homes

Sincerely,



W. BLYTHE THOMAS
84-664 Ala Mahiku Drive, #181-A,
WAI'ANAE, HI 96792-1601
a resident of
Makaha Valley Plantation

April 13, 1996

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APR 22 1996

Atkinson Plaza

Association of Apartment Owners

FCC MAIL ROOM Atkinson Drive • Honolulu, HI 96814

April 15, 1996

Office of the Secretary
Federal Communications Commission
Washington, D.C. 20554

DOCKET FILE COPY ORIGINAL

RE: IB Docket No. 95-59; FCC 96-78 - Notice of Proposed Rulemaking; 47 CFR §25.104(f)

Dear Commissioners:

I am a member of a homeowners' association (condominium, coop, or planned community) who is greatly concerned with the proposed rule preempting private restrictions on antennas.

In enacting Section 207 of the Telecommunications Act of 1996, Congress recognized that the governing documents of many homeowners' associations limit the installation of antennas and that such restrictions could prevent the homeowners in such projects from taking advantage of the technological advances that have made direct satellite services utilizing small antennas possible. However, I believe that the Commission's total disregard of the serious implementation problems posed by the unique characteristics of homeowners' associations, of safety and health concerns, and of aesthetic considerations and other legitimate concerns of homeowners' associations in the Notice of Proposed Rulemaking strikes at the very heart of such associations.

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Architectural control is the one of the primary goals of homeowners' associations and the ability of those associations to preserve the harmonious appearance of the building or neighborhood is one of the benefits which homeowners seek in purchasing apartments or homes in such communities. The placing of an antenna by a homeowner on a single-family residence which is unrestricted by private covenants is a fundamentally different act than the placing of such an antenna on a multi-family dwelling or on a home in a planned development by the owner of one of many dwellings united by common protective covenants. In the former case, no other homeowner could object to the antenna based upon reliance on the other owner's promise, as contained in the protective covenants, not to install offensive exterior antennas or otherwise potentially adversely affect the property values of others. In the latter case, however, the same is most emphatically not true. One need only imagine the appearance of a condominium studded with dozens, or perhaps hundreds, of antennas to realize the potential adverse impact of the proposed rule. At a minimum, homeowners' associations should be able to prohibit the installation of personal antennas if an alternative source of video programming, such as a community master antenna, is provided which enables the homeowners to receive the same services at no increase in cost.

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Sincerely,


Signature

Juliana Woo Rothstein, President, Board of Directors, AOA Atkinson Plaza
Printed Name

Address:

475 Atkinson Drive #607

Honolulu, HI 96814

Project: Association of Apartment Owners
Atkinson Plaza

cc: Community Associations Institute
Public Affairs Department
1630 Duke Street
Alexandra VA 22314
fax 703-684-1581

RECEIVED x Hall Homeowners Association

APR 22 1996

April 4, 1996

FCC MAIL ROOM

Mr. William Caton
Office of the Secretary
Federal Communications Commission
Washington D.C. 20554

RE: I. B. Doc # 95-59

LOCKET FILE COPY ORIGINAL

Dear Mr. Caton:

We, the Fox Hall Homeowners Association, Inc. are very concerned about the Telecommunications Act of 1996. In particular, the provision related to "Over-The-Air Reception Devices," Section 207, will allow a viewer's ability to receive video programming services through devices designed for over-the-air reception of television broadcast signals, multichannel multipoint distribution service, or direct broadcast satellite services.

Obviously, under the Act and the proposed rule, restrictive covenants containing out-right prohibitions of satellite dishes or antennas will no longer be enforceable against satellite antennas less than one meter in diameter. In addition, an Association's ability to control the location, placement and aesthetics of a satellite installation could also be affected to the extent that such controls would "impair a viewer's ability to receive video programming."

Although we understand the public policy concerns regarding the free access to the "information super-highway" by a broad spectrum of the citizenry, we are disturbed by the FCC's clear intention to remove control from Homeowner Associations over certain community and proprietary considerations, including aesthetics. Homeowner Associations need to continue architectural control because each community should be able to adopt their own policies concerning satellite dishes.

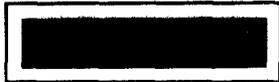
Thank you in advance for your consideration in changing the proposed regulations concerning IB Doc # 95-59.

Sincerely,


William E. Goode

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②



800 Second Avenue South
Suite 880
Minneapolis, MN 55402
(612) 341-7800
Fax (612) 332-8284

April 9, 1996

APR 22 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 Earth Stations, 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 six (6) copies of this letter, in addition to this original.

Shelter Corporation is in the residential real estate business. Shelter Corporation manages 28 properties consisting of 5,799 units located throughout the United States.

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 railings 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 installation may create maintenance problems and -- more importantly -- a hazard to the safety of residents, building employees, and passersby. 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.

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Mr. William Caton

April 9, 1996

Page Two

Third, the technical limitations of satellite technology create problems because all of 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 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,

A handwritten signature in cursive script, appearing to read "Diane DeVon".

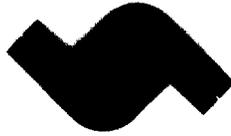
Diane DeVon
Manager, Property Operations

DD:sma

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APR 22 1996

FCC MAIL ROOM



LAWSON REALTY

Another Lawson Company

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 Earth Stations, IB Docket No. 95-59

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Lawson Realty is in the residential property management business. We manage twenty (20) properties in sizes of twenty-four (24) units to four-hundred-ninety (490) units. 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 restriction 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.

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In conclusion, we urge the FCC to avoid interfering in our relationships with 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,

LAWSON REALTY CORPORATION


Gary E. Hartman
President

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Office of the Secretary
Federal Communications Commission
Washington, D.C. 20554

RE: IB Docket No. 95-59; FCC 96-78 - Notice of Proposed Rulemaking; 47 CFR §25.104(f)

Dear Commissioners:

I am a member of a homeowners' association (condominium, coop, or planned community) who is greatly concerned with the proposed rule preempting private restrictions on antennas.

In enacting Section 207 of the Telecommunications Act of 1996, Congress recognized that the governing documents of many homeowners' associations limit the installation of antennas and that such restrictions could prevent the homeowners in such projects from taking advantage of the technological advances that have made direct satellite services utilizing small antennas possible. However, I believe that the Commission's total disregard of the serious implementation problems posed by the unique characteristics of homeowners' associations, of safety and health concerns, and of aesthetic considerations and other legitimate concerns of homeowners' associations in the Notice of Proposed Rulemaking strikes at the very heart of such associations.

The proposed rule fails to recognize that the only appropriate place to mount an antenna is likely to be on the common property which is owned jointly by all of the association members for their common benefit and not just for the benefit of those homeowners who may desire to install antennas. Depending on the particular location, the installations could seriously impair the ability of all of the association members to use common property for its intended purpose. For example, if the only practical place to mount antennas is on a recreation deck, do homeowners have a right to install as many antennas as they please on the deck even though those installations make the deck unusable for recreational purposes? What if there is insufficient space in the only feasible locations for all of the homeowners who wish to install antennas? Who is to allocate the available space and on what basis? Who resolves the dispute if one homeowner's antenna interferes with another's reception? If antennas can only receive the signal if

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Another major concern is the potential effect of antenna installations on maintenance of the common property. Having to deal with multiple antenna installations on the sides or roofs of buildings will substantially increase the cost of repainting and/or reroofing, both of which already represent the largest periodic maintenance expenses for many homeowners' associations. Such installations are also likely to impair the integrity of waterproofing. There is also the issue of possible increases in insurance premiums due to the likelihood that plaintiffs' attorneys will name the association as a party in any personal injury suit related to an antenna installed on the common property (such as an antenna falling off the side of a building and injuring a passerby). It is clearly inequitable to require all homeowners to bear the burden of these additional costs created by the desires of those who want to install antennas.

Architectural control is the one of the primary goals of homeowners' associations and the ability of those associations to preserve the harmonious appearance of the building or neighborhood is one of the benefits which homeowners seek in purchasing apartments or homes in such communities. The placing of an antenna by a homeowner on a single-family residence which is unrestricted by private covenants is a fundamentally different act than the placing of such an antenna on a multi-family dwelling or on a home in a planned development by the owner of one of many dwellings united by common protective covenants. In the former case, no other homeowner could object to the antenna based upon reliance on the other owner's promise, as contained in the protective covenants, not to install offensive exterior antennas or otherwise potentially adversely affect the property values of others. In the latter case, however, the same is most emphatically not true. One need only imagine the appearance of a condominium studded with dozens, or perhaps hundreds, of antennas to realize the potential adverse impact of the proposed rule. At a minimum, homeowners' associations should be able to prohibit the installation of personal antennas if an alternative source of video programming, such as a community master antenna, is provided which enables the homeowners to receive the same services at no increase in cost.

Moreover, the Commission's casual dismissal of homeowners' association's covenants as being only directed at aesthetic concerns is greatly misplaced. Homeowners' associations are, in many cases, private mini-governments which perform many of the same functions as public government. Among those functions is, in varying degrees, protecting the health and safety of the

inhabitants. Therefore, the private covenants which the homeowners have voluntarily accepted by purchasing homes in those associations should be accorded due respect and the right of homeowners' associations to assert architectural, safety, and health control over the placement and appearance of antennas to the extent not inconsistent with the antennas' ability to receive signals should be expressly recognized in the proposed rule.

In short, the apparent simplicity of the proposed rule masks the complex issues which will lead to the inevitable conflicts over the application of that rule which will erupt the minute it becomes effective. I believe the Commission has failed to fully consider and appreciate the unique nature and complexity of homeowners' associations and has therefore proposed a rule which will simply turn out to be another full employment act for lawyers who will have no other forum than the courts to answer the questions posed above if they are not addressed in detail by the Commission by promulgating a revised rule which balances the right of individual homeowners to receive video programming with the rights of their fellow homeowners to be treated fairly and to maintain the aesthetic environment that they bargained for when they invested their hard-earned money in their homes.

Sincerely,



Signature

DENNIS E. LOGAN

Printed Name

Address:

87-209 HOLELUA ST. #4

WAINA'E, HAWAII

Project: PULU-HOLELUA COMMUNITY ASSOC.

PRESIDENT, BOARD OF DIRECTORS

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APR 22 1996

FCC MAIL ROOM

DOCKET FILE COPY ORIGINAL

Office of the Secretary
Federal Communications Commission
Washington, D.C. 20554

RE: IB Docket No. 95-59; FCC 96-78 - Notice of Proposed Rulemaking; 47 CFR §25.104(f)

Dear Commissioners:

I am a member of a homeowners' association (condominium, coop, or planned community) who is greatly concerned with the proposed rule preempting private restrictions on antennas.

In enacting Section 207 of the Telecommunications Act of 1996, Congress recognized that the governing documents of many homeowners' associations limit the installation of antennas and that such restrictions could prevent the homeowners in such projects from taking advantage of the technological advances that have made direct satellite services utilizing small antennas possible. However, I believe that the Commission's total disregard of the serious implementation problems posed by the unique characteristics of homeowners' associations, of safety and health concerns, and of aesthetic considerations and other legitimate concerns of homeowners' associations in the Notice of Proposed Rulemaking strikes at the very heart of such associations.

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Sincerely,

Robert E. Kasenar

Signature

ROBERT E. KASENAR

Printed Name

Address:

1415 VICTORIA ST #401

HONOLULU HI 96822

Project: THE TOWN HOUSE

We as owners also have rights to live in peace after a lifetime of hard work to invest in our home. Keep out of our lives!!

RECEIVED

APR 22 1996

FCC MAIL ROOM

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Office of the Secretary
Federal Communications Commission
Washington, D.C. 20554

RE: IB Docket No. 95-59; FCC 96-78 - Notice of Proposed Rulemaking; 47 CFR §25.104(f)

Dear Commissioners:

I am a member of a homeowners' association (condominium, coop, or planned community) who is greatly concerned with the proposed rule preempting private restrictions on antennas.

In enacting Section 207 of the Telecommunications Act of 1996, Congress recognized that the governing documents of many homeowners' associations limit the installation of antennas and that such restrictions could prevent the homeowners in such projects from taking advantage of the technological advances that have made direct satellite services utilizing small antennas possible. However, I believe that the Commission's total disregard of the serious implementation problems posed by the unique characteristics of homeowners' associations, of safety and health concerns, and of aesthetic considerations and other legitimate concerns of homeowners' associations in the Notice of Proposed Rulemaking strikes at the very heart of such associations.

The proposed rule fails to recognize that the only appropriate place to mount an antenna is likely to be on the common property which is owned jointly by all of the association members for their common benefit and not just for the benefit of those homeowners who may desire to install antennas. Depending on the particular location, the installations could seriously impair the ability of all of the association members to use common property for its intended purpose. For example, if the only practical place to mount antennas is on a recreation deck, do homeowners have a right to install as many antennas as they please on the deck even though those installations make the deck unusable for recreational purposes? What if there is insufficient space in the only feasible locations for all of the homeowners who wish to install antennas? Who is to allocate the available space and on what basis? Who resolves the dispute if one homeowner's antenna interferes with another's reception? If antennas can only receive the signal if

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installed on one side of a building, do owners on the opposite side have a right to run their cables through commonly owned conduits? What if there is insufficient space in the existing conduits (which is quite likely to be the case)?

Another major concern is the potential effect of antenna installations on maintenance of the common property. Having to deal with multiple antenna installations on the sides or roofs of buildings will substantially increase the cost of repainting and/or reroofing, both of which already represent the largest periodic maintenance expenses for many homeowners' associations. Such installations are also likely to impair the integrity of waterproofing. There is also the issue of possible increases in insurance premiums due to the likelihood that plaintiffs' attorneys will name the association as a party in any personal injury suit related to an antenna installed on the common property (such as an antenna falling off the side of a building and injuring a passerby). It is clearly inequitable to require all homeowners to bear the burden of these additional costs created by the desires of those who want to install antennas.

Architectural control is the one of the primary goals of homeowners' associations and the ability of those associations to preserve the harmonious appearance of the building or neighborhood is one of the benefits which homeowners seek in purchasing apartments or homes in such communities. The placing of an antenna by a homeowner on a single-family residence which is unrestricted by private covenants is a fundamentally different act than the placing of such an antenna on a multi-family dwelling or on a home in a planned development by the owner of one of many dwellings united by common protective covenants. In the former case, no other homeowner could object to the antenna based upon reliance on the other owner's promise, as contained in the protective covenants, not to install offensive exterior antennas or otherwise potentially adversely affect the property values of others. In the latter case, however, the same is most emphatically not true. One need only imagine the appearance of a condominium studded with dozens, or perhaps hundreds, of antennas to realize the potential adverse impact of the proposed rule. At a minimum, homeowners' associations should be able to prohibit the installation of personal antennas if an alternative source of video programming, such as a community master antenna, is provided which enables the homeowners to receive the same services at no increase in cost.

Moreover, the Commission's casual dismissal of homeowners' association's covenants as being only directed at aesthetic concerns is greatly misplaced. Homeowners' associations are, in many cases, private mini-governments which perform many of the same functions as public government. Among those functions is, in varying degrees, protecting the health and safety of the

inhabitants. Therefore, the private covenants which the homeowners have voluntarily accepted by purchasing homes in those associations should be accorded due respect and the right of homeowners' associations to assert architectural, safety, and health control over the placement and appearance of antennas to the extent not inconsistent with the antennas' ability to receive signals should be expressly recognized in the proposed rule.

In short, the apparent simplicity of the proposed rule masks the complex issues which will lead to the inevitable conflicts over the application of that rule which will erupt the minute it becomes effective. I believe the Commission has failed to fully consider and appreciate the unique nature and complexity of homeowners' associations and has therefore proposed a rule which will simply turn out to be another full employment act for lawyers who will have no other forum than the courts to answer the questions posed above if they are not addressed in detail by the Commission by promulgating a revised rule which balances the right of individual homeowners to receive video programming with the rights of their fellow homeowners to be treated fairly and to maintain the aesthetic environment that they bargained for when they invested their hard-earned money in their homes.

Sincerely,

James F. McManus
JAMES F. McMANUS

Signature

JAMES F McMANUS

Printed Name

Address:

1415 VICTORIA ST
HONOLULU HI 96822

Project: THE TOWN HOUSE

We as owners also have rights to live in peace after a lifetime of hard work to invest in our home, Keep out of our lives!!

7159589

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APR 22 1996

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DAVENTRY PARK HOA, INC.

P. O. Box 580

Annandale, Virginia 22003

April 8, 1996

Office of the Secretary
Federal Communications Commission
Washington, D. C. 20554

DOCKET FILE COPY ORIGINAL

Re: Telecommunications Act of 1996
Satellite Dishes
Proposed Rulemaking

Dear Sirs:

It has come to our attention, that under proposed rules governing "nongovernmental restrictive covenants", paragraph 62 of the FCC's Notice of Proposed Rulemaking, the authority of homeowners associations to promulgate or enforce certain restrictions within covenanted/planned communities would be eliminated.

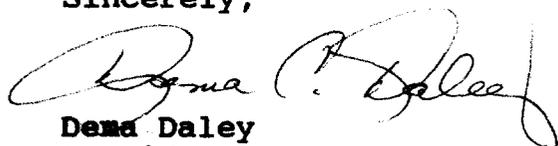
Although the Board of Directors and members of the Architectural Committee of Daventry Park HOA, Inc. realizes the public policy concerns regarding free access to the "information super-highway", there is great concern regarding the placement of needed equipment within communities to receive technology.

Historically, homeowner association covenants and rules regarding architectural controls have played a major role in determining the aesthetics of association communities. In turn, the adherence to and enforcement of those covenants and rules supports not only the aesthetic value of communities but, more importantly, the property value of homes within the communities. Satellite dishes, placed without regard to the visual impact upon neighbors, would undo years of voluntary efforts to maintain a level of uniformity within communities.

The Board of Directors of Daventry Park HOA, Inc. requests that the FCC review its proposed rules regarding the aesthetic placement of technology in restricted communities, preserving a degree of control in planned communities.

Thank you for your time and consideration in this matter.

Sincerely,



Dana Daley
President

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15 Apr 96

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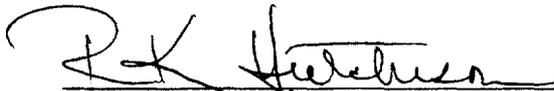
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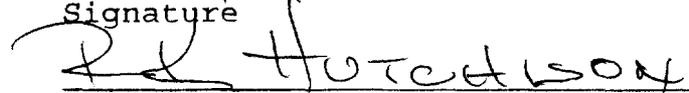
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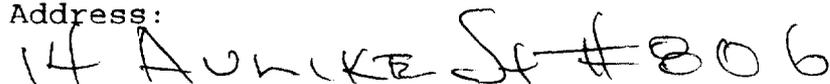


Signature



Printed Name

Address:



14 Aunike St #806



Honolulu HI 96734

Project: 

MERIDIAN EAST

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