

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,



Signature

R. A. SMOLIK - VICE PRESIDENT - BOD - AOA
Printed Name

Address:

99-1038 MOANALUA RD. #1001

AIEA, HAWAII 96701

Project: PEARL RIDGE GARDENS # TOWER
for BOARD OF DIRECTORS AOA

41395-9

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APR 22 1996

DAVENTRY PARK HOA, INC.

P. O. Box 580

Annandale, Virginia 22003

FCC MAIL ROOM

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,



David Shriver
Treasurer

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Bay Cove Homeowners Association

April 15, 1996

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

APR 22 1996

PROG. ROOM

RE: I.B. Doc #95-59

Dear Mr. Caton:

DOCKET FILE COPY ORIGINAL

We, the Bay Cove Homeowners Association, Inc., Henrico County, Richmond, Virginia are very concerned about the Telecommunications Act of 1996. We are particularly concerned about 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.

Under the Act and the proposed rule, our present restrictive covenants covering the 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.

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

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

Sincerely,


Tracey Jenkins

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Riverlake Colony Homeowners Association

April 15, 1996

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

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APR 22 1996

PROCESSED
DOCKET FILE COPY ORIGINAL

RE: I.B. Doc #95-59

Dear Mr. Caton:

We, the Riverlake Colony Homeowners Association, Inc., Henrico County, Richmond, Virginia are very concerned about the Telecommunications Act of 1996. We are particularly concerned about 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.

Under the Act and the proposed rule, our present restrictive covenants covering the 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.

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

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

Sincerely,


Temple Brown

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RECEIVED

APR 22 1996

FEDERAL ROOM

FEDERAL COMMUNICATIONS COMMISSION

April 10, 1996

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.

Laura Negley Gill Real Estate Services, Inc. is in the residential real estate business. We own and/or manage the following real estate:

Greenspoint Building 1939 - 15,500 Briarbend Apartments - 48 Units
Greenspoint Building 1937 - 15,500 Spanish Main Apartments 89 Units
El Rancho Grande Apartments - 116 Units
All located in San Antonio, except Briarbend Apts. in New Braunfels and El Rancho Grande in Brownsville.

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 it's 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

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Page two

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 limitation of satellite technology create problems because all of our residents may not be able to receive certain services. It is our understanding that satellite 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,



Paula J. Wagner, CPM[®]
Vice President Property Management
Laura Negley Gill Real Estate Services, Inc.

IB95-59

RECEIVED

APR 22 1996

DAVENTRY PARK HOA, INC.
P. O. Box 580
Annandale, Virginia 22003

FCC MAIL ROOM

April 8, 1996

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

Re: Telecommunications Act of 1996
Satellite Dishes
Proposed Rulemaking

DOCKET FILE COPY ORIGINAL

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,

Margaret Flynn

Margaret Flynn
Director

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APR 22 1996

COMMUNICATIONS DIVISION

301 SYLVAN AVENUE (RT. 9W)
ENGLEWOOD CLIFFS, NEW JERSEY 07632
PHONE: 201-871-2055 FAX: 201-871-2064



April 11, 1996

DOCKET FILE COPY ORIGINAL

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

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

Dear Mr. Caton:

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The Kamson Corporation is in the residential real estate business. We The Kamson Corporation own and manage sixty (60) properties throughout New Jersey, New York and Pennsylvania.

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 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.

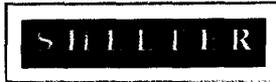
Third, the technical limitations of satellite technology create problems because all of our residents may not be able to receive certain services. It is our understanding that satellites are only positioned in certain areas, thus limiting access.

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 to our concerns.

Sincerely,

THE KAMSON CORPORATION
Paul Kaliades
Paul Kaliades
Vice President
PK/mv

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April 9, 1996

REC-22110

APR 22 1996

FEDERAL 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:

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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.

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Mr. William Caton
April 9, 1996
Page Two

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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,

A handwritten signature in cursive script, appearing to read "Terry G. Harrell".

Terry G. Harrell
Manager, Property Operations

TGH:sma

APR 22 1996

FEDERAL COMMUNICATIONS COMMISSION

deVille Southwest Properties

820 SOUTHWEST BOULEVARD
JEFFERSON CITY, MISSOURI 65109
(314) 635-0613

April 10, 1996

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 non-governmental restrictions on such antennas that are less than one meter in diameter.

I am co-owner of deVille Southwest Properties and we try hard to keep our complex attractive and appealing for our tenants. This ruling would destroy the aesthetics and lower the total marketing value of all apartments nationwide. Most people prefer to live in attractive communities, and the sight of hundreds of satellite antennas bolted to balconies and walls of apartment units would be extremely unappealing to present and future tenants.

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.

We urge the FCC to avoid interfering in our relationships with our tenants.

Sincerely,



Gilbert J. Schanzmeyer
416 Schellridge Rd.
Jefferson City, MO 65109

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2-1-95-179

APR 22 1996 DAVENTRY PARK HOA, INC.

FOOD MAIL ROOM P. O. Box 580
Annandale, Virginia 22003

April 8, 1996

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

Re: Telecommunications Act of 1996
Satellite Dishes
Proposed Rulemaking

DOCKET FILE COPY ORIGINAL

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.

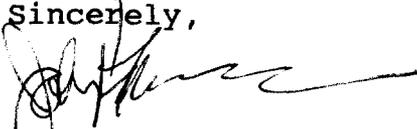
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Historically, homeowner association covenants and rules regarding architectural controls have played a major role in determining the aesthetics of association communities. In turn, the adherence to and enforcement of those covenants and rules supports 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,


John P. Feldmann
Vice President

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IB 9527

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APR 22 1996
FCC MAIL ROOM

ALA WAI MANOR
620 MCCULLY STREET
HONOLULU, HAWAII 96826

April 8, 1996

Office of the Secretary
Federal Communications Commission
Washington, DC 20054

DOCKET FILE COPY ORIGINAL

RE: TELECOMMUNICATIONS ACT OF 1996

Dear Sir:

I wish to take this opportunity to express my concern for a proposed Federal Communications Commission regulation which reads as follows:

"No restrictive covenant, encumbrance, homeowners' association rule or other nongovernmental restriction shall be enforceable to the extent that it impairs a viewer's ability to receive video programming services over a satellite antenna less than one meter in diameter".

The following questions must be fully considered prior to approving this proposed regulation:

1. If satellite antennas can be placed on common property of a community association by one of its members, there are substantial ownership questions. The common property is not owned exclusively (if at all) by the member.
2. Who decides what and how much common property may be used by a member for a satellite antenna?
3. How many satellite antennas can be placed on the common property? If there is insufficient space, who decides which owners can attach the antenna on the common elements?
4. What happens if someone wants to place an antenna on the recreation deck? Does that person's right to the antenna supercede the other owners right to use the recreation deck?
5. Even if an antenna is not placed on common property, one antenna can conflict with another. If one antenna blocks the reception for another unit, whose rights control the placement of the satellite antennas.
6. Can the Association mandate that the person installing the antenna maintain insurance and be responsible for costs caused by the antenna (i.e. increased maintenance costs for the roof)?

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OFFICE OF THE SECRETARY
FEDERAL COMMUNICATIONS COMMISSION
Page 2

Aesthetic controls are one of the most important characteristics of a condominium. An uncontrolled proliferation of antennas could seriously threaten property values by destroying the appearance of the project. Therefore, as a minimum, the rule should expressly recognize the right of homeowner's associations to impose reasonable restrictions on the location and appearance of antennas so long as those rules do not amount to a prohibition or materially affect the ability of the antennas to receive signals

Sincerely,



Marijane Carlos

President

Ala Wai Manor

*on behalf of the
full Board of
Directors*

RECEIVED

APR 22 1996

FCC MAIL ROOM



DOCKET FILE COPY ORIGINAL

April 12, 1996

Office of Secretary, FCC
Washington, D.C. 20544

Dear Sirs:

As President of the Board of Directors for Washington Harbour Condominiums, I would like to comment on IB Docket No. 95-59, Preemption of Local Zoning Regulation of Satellite Earth Stations, FCC 96-78.

The Owners of the condominiums here have spent millions of dollars to make Washington Harbour the premier place to live in Washington. It was designed by a prominent architect to be both pleasing to the eye and functional and since then, every Board has been careful to guard the beauty and serenity of the property.

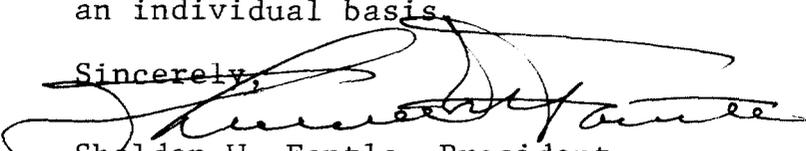
We owners, feel that in being here on our property, we can best deal with requests regarding satellite dishes or other things that are put on balconies (limited common areas) and gauge the impact on the entire environment surrounding our homes.

It would be a great disservice to the Association if this control were taken out of our hands and put into someone's hands who has no interest or knowledge of the Condominium's needs.

We here at Washington Harbour want all of our residents to be happy in their homes, however, there must be guide lines and some restrictions where one's actions so closely impact on other residents.

I would respectfully request that decisions of the nature that appear in the proposal be left to the Associations to deal with on an individual basis.

Sincerely,


Sheldon W. Fantle, President
Washington Harbour Condominium
Unit Owners' Association, Inc.

SWF/jw

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4 1595-59



Great Northwest

Community Improvement Association, Inc.

8809 Timberwilde Drive • San Antonio, Texas 78250 • (210) 681-2983 • Fax 681-2986

April 5, 1996

COCKET FILE COPY ORIGINAL

Office of the Secretary
Federal Communications Commission
Washington DC 20554

Re: Proposed Regulations
Siting of Satellite Dishes
Telecommunications Act of 1996

Gentlemen:

It has come to our attention that you are considering adopting regulations and have issued a preliminary rule which states that "no restrictive covenant, encumbrance, homeowners' association rule, or other nongovernmental restriction shall be enforceable to the extent that it impairs a viewer's ability to receive video programming services over a satellite antenna less than one meter in diameter".

As a homeowners' association of some 5,000 single family homes, we wish to go on record in opposition to the preliminary rule and proposed regulation.

By resolution, our Board of Directors has asked that any rule adopted by the Commission reflect the right of a deed restricted community to regulate or restrict the placement of such satellite antennae. We believe a small community of neighbors is better able to establish an appropriate standard for such installations than is the federal government on some sweeping national basis. We have no quarrel with a regulation which makes it illegal to simply prohibit such dishes rather than deal with placement.

We trust our concerns will be taken into consideration

Sincerely,

Brian J. Erickson
Community Manager

BJE/wpw

cc. Public Affairs Department
Community Associations Institute
1630 Duke Street
Alexandria VA 22314

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COMMUNICATIONS DIVISION
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC 20554

April 9, 1996

APR 22 1996

FEDERAL COMMUNICATIONS COMMISSION

BUCKET FILE COPY ORIGINAL

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

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.

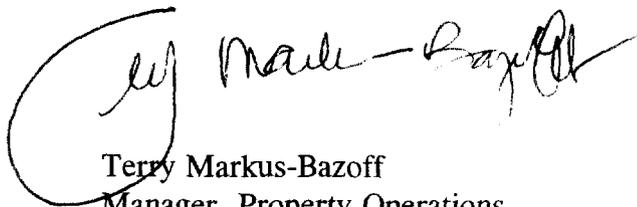
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Mr. William Caton
April 9, 1996
Page Two

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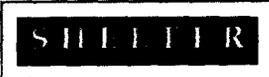
In conclusion, we urge the FCC to avoid interfering in our relationships with our residents. All of the potential problems we cite will adversely affect the safety and security of our property as well as our bottom line and our property rights. Thank you for your attention to our concerns.

Sincerely,

A handwritten signature in cursive script, appearing to read "Terry Markus-Bazoff". The signature is written in black ink and is positioned above the printed name and title.

Terry Markus-Bazoff
Manager, Property Operations

TMB:sma



April 9, 1996

APR 22 1996

FCC FILE

DOCKET FILE COPY ORIGINAL

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

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

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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.

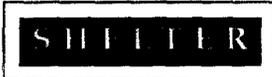
In conclusion, we urge the FCC to avoid interfering in our relationships with our residents. All of the potential problems we cite will adversely affect the safety and security of our property as well as our bottom line and our property rights. Thank you for your attention to our concerns.

Sincerely,

A handwritten signature in cursive script, appearing to read "Beth Wilson".

Beth Wilson
Manager, Property Operations

BW:sma



April 9, 1996

RECEIVED

DOCKET FILE COPY ORIGINAL APR 22 1996
FCC MAIL ROOM

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

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.

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Mr. William Caton
April 9, 1996
Page Two

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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,

A handwritten signature in cursive script, appearing to read "Jean M. Ferguson".

Jean M. Ferguson
Director of Operations

JMF:sma

SAMCO DEVELOPMENT CORPORATION

4801 Radford Avenue, Suite 104, Richmond, Virginia 23230-3541 • 804 359-9398 • Fax 804 359-6539

April 11, 1996

DOCKET FILE COPY ORIGINAL

APR 22 1996

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

SUBJECT: IB Docket No. 95-59 Satellite Regulation

Dear Mr. Caton:

I take great exception to the FCC's Report and Order and Further Notice of Proposed Rulemaking released on March 11, 1996, regarding regulation of satellite earth station antennas. In short, I feel that you are grievously overstepping your authority by telling me as a property owner what regulations I may or may not impose in regard to the appearance of my property.

I urge the FCC to avoid interfering in an owner's relationship with their residents, their safety and security and, more importantly, our basic property rights. Accordingly, I would strongly urge you to reconsider your position in this matter.

Very truly yours,



Sam Kornblau
Chairman Of The Board

CC: John Warner
Chuck Robb
Tom Bliley

0



APR 22 1996

April 9, 1996

DOCKET FILE COPY ORIGINAL

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

Dear Mr. Caton:

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

I am writing 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.

Clover Financial Corporation is in the residential real estate business. We manage over 5,000 residential apartments. 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, please be aware that 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.

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