



# GREENBELT HOMES, INC.

HAMILTON PLACE, GREENBELT, MARYLAND 20770

Area Code 301 474-4161

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APR 17 1996

FCC MAIL



April 12, 1996

9559

Office of the Secretary  
Federal Communications Commission  
1919 M Street, N.W.  
Washington, D.C. 20554

DOCKET FILE COPY ORIGINAL

Re: Proposed Rule Making,  
25.104(f)

Dear Secretary:

I write on behalf of Greenbelt Homes, Inc., a 1600 unit market equity cooperative housing development in Greenbelt, MD. The proposed paragraph (f) which would specifically eliminate all nongovernmental restrictions on the installation of 1 meter satellite antennas, except where health and safety concerns exist, is - and I say this with respect for your efforts and legislative mandate - bad policy which arises from bad legislation. This paragraph would eliminate the reasonable clauses of proposed 25.104(a), which allows aesthetic concerns to be managed locally, and 25.104(c-e) which allow for appeal to the Commission in extraordinary cases.

Greenbelt Homes, Inc., is one organization negatively affected by the proposed 25.104(f), but let me provide some context. Ours is an older, wooded, historic, cooperative community. As a corporation, our tangible structural assets and common spaces are jointly owned by our members who also occupy the housing. Our members participate in creating reasonable rules and regulations which balance individual autonomy with community needs. We have addressed the issue of small satellite dishes; installation of such dishes is allowed, subject only to general considerations of aesthetics, neighbor approval, structural integrity of the jointly owned housing stock, and interference with other elements of the infrastructure such as drainage swales and underground utilities.

We oppose 25.104(f) not out of antipathy towards satellite dishes but rather because this proposed rule removes desirable powers of self regulation of jointly owned assets, and at the same time removes possibilities of appeal.

Sincerely,

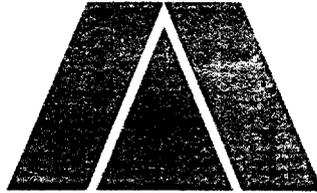
Alan Turnbull  
President

cc: The Honorable Steny Hoyer  
The Honorable Barbara Mikulski  
The Honorable Paul Sarbanes  
Community Association Institute

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ALLSTATE MANAGEMENT CORP.

April 9, 1996

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

DOCKET FILE COPY ORIGINAL

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.

Allstate Management 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.

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.

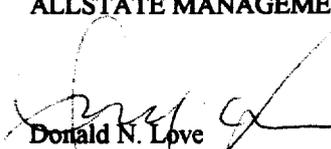
Third, the technical limitations of satellite technology create problems because all of our residents may not be able to receive certain services. It is our understanding that satellites are only positioned in certain areas, thus limiting access.

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.

Very truly yours,

ALLSTATE MANAGEMENT CORP.

  
Donald N. Love  
President

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DNL/d

23 West Park Avenue • Merchantville, NJ 08109 • (609) 662-1176

# Del Webb Corporation

# RECEIVED

LEGAL DEPARTMENT

April 15, 1996

APR 17 '96

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Mr. William Caton  
Acting Secretary  
Federal Communications Commission  
1919 M St. NW, Room 222  
Washington, D.C. 20554

DOCKET FILE COPY ORIGINAL

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

Dear Mr. Caton:

I am writing in my capacity as Corporate Counsel for the Del Webb Corporation in opposition to the Commission's proposed rule issued on March 11, 1996, regarding preemption of certain local regulation of satellite earth stations and the proposal to prohibit enforcement of nongovernmental restrictions on such antennas that are less than one meter in diameter.

Del Webb is a leading developer of master-planned, residential communities in California, Nevada, Arizona, Texas and South Carolina. We are concerned that the FCC proposal will adversely affect the conduct of our business.

Del Webb is not necessarily opposed to the use of satellite reception devices, but the rights of homeowners and homeowners associations to adopt and enforce reasonable regulations on the size and placement of these devices must be preserved. The proposed rule would not allow even reasonable restrictions on the placement or shielding of satellite reception devices. Policies to promote the use of these devices must maintain a balance with the rights of other homeowners to live in aesthetically pleasing neighborhoods.

We note that the notice of proposed rulemaking states that "nongovernmental restrictions would appear to be directed to aesthetic considerations." The FCC implies that aesthetic considerations are unimportant. We submit that the appearance of a residential community is not a trivial issue. The sight of hundreds of satellite antennas bolted to the outside of houses in our communities would be unappealing to current and future residents. Actual customer complaints about the size, appearance and location of satellite dishes have led to the imposition of rules prohibiting them in planned communities in any location that is visible to neighborhood properties. Aesthetic considerations have definite economic ramifications. Homeowners buy into deed-restricted master planned communities and other neighborhoods with the expectation that the restrictions will be enforced for the benefit of all property owners. The FCC should not abrogate these local restrictions and thwart the reasonable expectations of property owners.

For these reasons, we urge the FCC not to adopt this proposal.

Sincerely,

*Catherine England for*  
Robert C. Venberg  
Corporate Counsel

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WILLOW  
RIVER  
FAMILY COMMUNITY

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

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.

Willow River is in the residential real estate business. We own and manage 300 units in the Salem area in Virginia.

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 would prefer to live in attractive communities, and the sight of hundreds of satellite antennas bolted to the outside wall 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 installation may create maintenance problems and - more important - 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.

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*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 area, thur 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*

*Debbie Mills*  
Debbie Mills  
General Manager  
Willow River Apartments