



RECEIVED

APR 26 1996

FCC MAIL ROOM

DOCKET FILE COPY ORIGINAL

3000 Swallow Hill Road • Pittsburgh, Pennsylvania 15220 • Phone 279-6000

April 11, 1996

Mr. William F. Canton  
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 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").

We are concerned that the proposed rule prohibiting enforcement of non governmental 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 "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 commentates, 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 consideration 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 ethnology 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,

William Redinger  
Resident Manager

No. of Copies rec'd \_\_\_\_\_  
List ABCDE \_\_\_\_\_

RECEIVED

DOCKET FILE COPY ORIGINAL

April 12, 1996

APR 26 1996



Coordinating  
Council of  
Cooperatives  
465 Grand Street  
New York, NY 10002

FCC MAIL ROOM

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

Re: **Satellite Earth Stations**  
**IB Docket No. 95-59**

Dear Mr. Caton:



Council of  
New York  
Cooperatives

2112 Broadway, #212  
New York, NY 10023

The Council of New York Cooperatives, the Coordinating Council of Cooperatives and the Federation of New York Housing Cooperatives are membership organizations providing information and services to the vast majority of approximately 8000 housing cooperatives, condominiums and homeowners associations that are the homes of some 500,000 New York families.

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.



Federation of  
New York  
Housing Cooperatives  
138-10 Franklin Avenue  
Flushing, NY 11355

We are concerned that the proposed rules prohibiting enforcement of nongovernmental restrictions will adversely affect the ability of housing cooperatives, condominiums and homeowners associations to set rules for their own communities. Our members are run by boards of directors committed to preserving the structural soundness of buildings, protecting the comfort and safety of all residents. In usurping the board's right to regulate the use and placement of satellite equipment in public areas of these entities, the government is harmful to our members.

No. of Copies rec'd \_\_\_\_\_  
List ABCDE \_\_\_\_\_

1



HARBOR GROUP MANAGEMENT COMPANY

April 17, 1996

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

DOCKET FILE COPY ORIGINAL

**RE: IB DOCKET NO. 95-59; PREEMPTION OF LOCAL ZONING REGULATION OF SATELLITE EARTH STATIONS**

Dear Mr. Caton:

My company operates 5,000 multifamily apartment units throughout the Southeast, and is growing at the rate of 1,200 units per year. I have recently been made aware that your Agency is considering changes which will allow residents of apartment communities to install satellite dishes of one (1) meter or less in diameter without prior approval of the property owner. I am writing to object to such action.

At the present time, all of our properties are wired for cable. Because of this, our residents have access to the current technology offered by existing companies. In addition, the telephone companies are entering the market very aggressively.

Our community rules do not permit attachments of the property such as satellite dishes. The issues are one of safety, structural damage and aesthetics. To enact a law which circumvents property owner rights as obvious as those listed above is unconscionable.

I urge you to reject this proposal which is obviously driven by lobbying efforts to circumvent property owner rights.

Sincerely,

Richard N. Swift  
President  
Property Management

No. of Copies rec'd \_\_\_\_\_  
List ABCDF

0

cc: The Honorable John Warner  
The Honorable Charles Robb