



# the seasons

401 N. ARMISTEAD ST., ALEXANDRIA, VIRGINIA 22312 PHONE: (703) 354-7800 FAX: (703) 354-2058  
23 April 1996

Office of the Secretary  
Federal Communications Commission  
Washington, D.C. 20544

DOCKET FILE COPY ORIGINAL

Dear Secretary:

Re: IB Docket #95-59, Pre-emption of Local Zoning Regs...FCC96-78

1. Notice of reference docket was sent to us on 11 April 1996. Our first following Board of Directors meeting was 15 April. Our Board of Directors request that FCC proceed with all proper caution and care with implementation of the Telecommunications Act of 1996. We asked our Management to send you notice on 16 April of our intent to file this protest prior to 1 May 1996.
2. Our concern about reference regulation is centered on property rights. The Seasons Council of Co-Owners is a condominium organized under Virginia's Horizontal Properties Act in 1974. We have 351 Units divided among five buildings. The Units are individually owned, i.e. our Master Deed describes what the purchaser bought in terms of the plane of the surface of the floor slab, or the interior surface of the lath supporting the plaster. Almost all of our Units have a patio which is identified in our Master Deed as a 'Limited Common Element'. The 'Common Elements' are owned jointly and severally by all of the Co-Owners, and include the roadways, the hallways, the piping and wiring within the walls, the basic framing and the major supporting walls. We provide an antenna for HBO commercial type TV, and are wired at contractor expense for Cable TV.
3. There is no access from any Unit to the building roof. Our patios are all one-directional, i.e. are on the side of the building the apartment unit faces, and we doubt that our patios would accommodate a one meter antenna. Our Master Deed prohibits use of any 'common elements' solely by any Co-Owner. The problem goes to the definition of what a Co-Owner owns - and our structures are such that no Co-Owner has access to space in all directions.
4. We believe our Co-Owners deserve as good opportunity to use the emerging communication devices as any other multi-occupied dwelling resident. However since the Master Deed describes so minutely what the Co-Owners have purchased, as distinct from what is a 'common element', we are concerned at the potential costs the sweeping language of your proposed rule might impose on the Council should any of our Co-Owners seek to extend the definition of what the Master Deed conveyed. As a minimum the rule should make clear it does not seek to redefine property ownership as described in Master Deeds.

Yours in Service,

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*Lucille R. Anderson*  
Lucille R. Anderson  
President.



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April 24, 1996

FCC MAIL ROOM

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

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

Dear Mr. Caton:

On behalf of F & W Management Corporation, General Partner and management agent for nearly 8,000 multifamily units in Virginia and North Carolina, I am writing to oppose the FCC's proposal to prohibit enforcement of nongovernmental restrictions on satellite antennas that are less than one meter in diameter. Specifically, we are opposed to the Commission's proposal which will adversely affect the operation and management of multifamily and commercial structures.

The FCC proposal is unnecessary, since our property owners are already providing telecommunication service options to their tenants and residents. The proposed rule will interfere with effective property management. Building owners are required to maintain structures in a safe and aesthetic manner. However, a property owner cannot maintain the interior or exterior premises in a safe condition if individual residents are allowed to install at their will telecommunications equipment on the property. For example, telecommunications equipment providers installing equipment on the roofs would subject the roof to more wear and tear. Roofing contractors would not provide warranties for such providers' activities on the roofs. To attach the satellite cable to the resident's television, a hole would have to be drilled through the roof or through exterior walls. Such holes are sealed by soft, synthetic material, which tends to degrade and shrink more quickly than concrete. This degradation could compromise the structural integrity of the building by weakening roofs and exterior walls. Water damage would occur as a result of the drilling of such holes.

In addition to these potential problems, there is also a question of potential harm to residents and building occupants resulting from installation of satellite equipment. The weight or wind resistance of a satellite and the quality of installation may create maintenance problems and could present a safety hazard to residents, building employees and pedestrians below. The building owner may bear the ultimate responsibility when it is unclear which telecommunications provider caused the damage.

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Mr. William F. Caton  
April 24, 1996  
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The proposed also raises the issue of aesthetic consideration. Although the Commission appears to minimize the importance of aesthetic issues, it is clear that the installation of numerous satellites on a building will reduce the building's attractiveness. Building owners recognize that attractiveness affects marketability. Most people prefer to live in an attractive building, and the sight of hundreds of satellite antennas bolted to the outside of the building would be unappealing to present and future residents.

F & W Management Corporation is committed to providing shelter with the highest quality and most cost effective services. At the same time, we seek to protect the safety and security of the resident's property. This proposal interferes with the owner's private property rights and compromises the safety of building residents. We urge the Commission not to adopt this proposed rule.

Sincerely,



Charles C. Nimmo, CPM  
President

CCN/js



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April 22, 1996

DOCKET FILE COPY ORIGINAL

Mr. William F. Caton  
Acting Secretary  
Federal Communications Commission  
1919 M Street, NW  
Washington, D.C. 20554

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

Dear Mr. Caton:

We are developers, owners, and managers of large apartment communities in Virginia and the Carolinas. As long-term investors, we are acutely interested in aesthetic, economic, and maintenance considerations.

The FCC proposal is unnecessary, since we already provide telecommunication service options to our residents. The proposed rule will interfere with effective property management. We are required to maintain structures in a safe and aesthetic manner. However, we cannot maintain the interior or exterior premises in a safe condition if individual residents are allowed to install at their will telecommunications equipment on the property. For example, telecommunications equipment providers installing equipment on the roofs would subject the roof to more wear and tear. Roofing contractors would not provide warranties for such providers' activities on the roofs. To attach the satellite cable to the resident's television, a hole would have to be drilled through the roof or through existing exterior walls. Such holes are sealed by soft, synthetic material, which tends to degrade and shrink more quickly than concrete. This degradation could compromise the structural integrity of the building by weakening roofs and exterior walls. Water damage would occur as a result of the drilling of such holes.

In addition to these potential problems, there is also a question of potential harm to residents and building occupants resulting from installation of satellite equipment. The weight or wind resistance of a satellite may create maintenance problems and could present a safety hazard to residents, building employees and pedestrians below. We could be liable for damages to such persons even though we had nothing to do with the installation. We may bear the ultimate responsibility when it is unclear which telecommunications provider caused the damage.

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The proposal also raises the issue of aesthetic considerations. Although the Commission appears to minimize the importance of aesthetic issues, it is clear that the installation of numerous satellites on a building will reduce the building's attractiveness, thereby affecting marketability. Most people prefer to live in an attractive building, and the sight of hundreds of satellite antennas bolted to the outside of the building would be unappealing to present and future residents.

This proposal interferes with our property rights and compromises the safety of building residents. We urge the Commission not to adopt this proposed rule.

Very truly yours,



Bradley J. Waitzer

BJW/ss