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Mililani Town Association
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Mililani Town, Hawaii 96789
Telephone (808) 623-7300

April 25, 1996

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

DOCKET FILE COPY ORIGINAL

Re: CS Docket No. 96-83

Gentlemen:

The Mililani Town Association has been informed of your proposed regulations to prohibit restrictions that impair a homeowner's ability to receive over-the-air television broadcasts. Our understanding that the proposed regulation would strip condominiums, coops and community associations of its powers to regulate placement and appearance of antennas.

Mililani Town Association is the largest community association in the State of Hawaii with over 12,000 units of single-family homes and townhouses. The association is over 27 years old. M.T.A. has a governing document called the Mililani Town Declaration of Covenants, Conditions and Restrictions. Within the DCC&Rs is a restrictive covenants which reads:

"... No antenna of any sort shall be installed or maintained which is visible from neighboring property except that antenna placed on the ground and not exceeding ten (10) feet in height above normal grade are allowed if not visible from the adjacent street."

This provision was specifically included in the Mililani Town Declaration of Covenants, Conditions and Restrictions (DCC&R) by the developer to prevent a proliferation of antennas throughout the community. The homeowners are aware of this restriction and like all the other restrictions within the DCC&R, consider the restrictions desirable and necessary to protect the aesthetic of their community and thus the value of their property. In 1986, Mililani Town won the prestigious recognition as being Hawaii's first and only **"ALL AMERICA CITY"** by the Citizen's Forum on Self Government of the National Municipal League in Washington, D.C. This success is attributable to the ability of the association to enforce its restrictive covenants and preserve the aesthetic appearance of the community.

Within the Mililani Town DCC&R are provisions which allows the members to amend or delete its governing documents. The membership has not indicated any strong desire to change any of its DCC&R restrictions.

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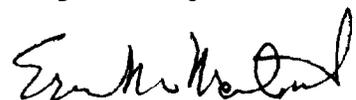
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Mililani Town is currently serviced by both cable-conduit and wireless cable companies. Antennas are permitted in Mililani Town provided they meet the conditions cited above. Exceptions have also been made by Board resolution to allow specific antennas which are covered or camouflaged such that they do not have the appearance as being an antenna and which blend in with the existing structure. Therefore M.T.A. homeowners already have a variety of options available to them.

The Mililani Town Association opposes the proposed FCC rules which would eliminate the authority of community associations to regulate the placement and appearance of antennas on residential properties within that association's jurisdiction. Such a federal mandate usurps the powers of the associations to be self-governing. Almost all association DCC&Rs allow its members to change their governing documents if that is what the members choose to do. The Mililani Town DCC&R has such a provision. Its membership does not seek to change its restriction and therefore does not seek relief from the FCC to override its existing restrictions on antennas. The property owners selected where they wanted to live and the restrictive conditions that governed such projects. The desires of a few homeowners who do not agree with a restriction should not adversely affect the lives of the majority.

Considering the continued technological advancements being made for more efficient, miniaturized antennas, eventually the need for visible antennas may be eliminated altogether. However, should such a condition arise in the near future, passage of the FCC proposal would have created a blight of antennas in the community which would exist forever regardless if the homeowners no longer require such erected antennas. Therefore the proposed Federal Communication Commission's proposed rule changes to override community association restrictions does not serve the best interest of homeowners. The Mililani Town Association beseeches you to reconsider the proposed changes in CS Docket NO. 96-83 and leave matters to the individual associations, be it community, condominium, townhouse, or any other type of planned association. The matter under consideration is not a health or safety issue nor one that violates law. Yet it is an issue which affects the life-styles and comfort of people who have selected to live in planned projects with the restrictions with which they agree. That is suppose to be the democratic way. It would be unfortunate for government itself to interfere with such a process.

Respectfully,



Eric M. Matsumoto, President
Mililani Town Association