



FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON D.C. 20554

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DOCKET FILE COPY ORIGINAL

May 22, 1996

Mr. Nick Podell  
M.H. Podell Company  
1201 Howard Avenue  
Burlingame, CA 94010

Dear Mr. Podell:

Thank you for your comments on the proposed changes to the current preemption rule for satellite antennas in IB Docket No. 95-59.

As you may know, the Commission issued a Report and Order and Further Notice of Proposed Rulemaking (Notice) on March 11, 1996. The comment cycle on the Further Notice is now at an end and the comments are under review. Your comments will be included in the record of this proceeding.

The Commission expects to issue a final ruling during the summer. I can assure you that any ruling will attempt to meet the legitimate concerns of all interested parties.

Thank you for your interest in this matter.

Sincerely yours,

Donald H. Gips  
Bureau Chief

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April 8, 1996

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

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

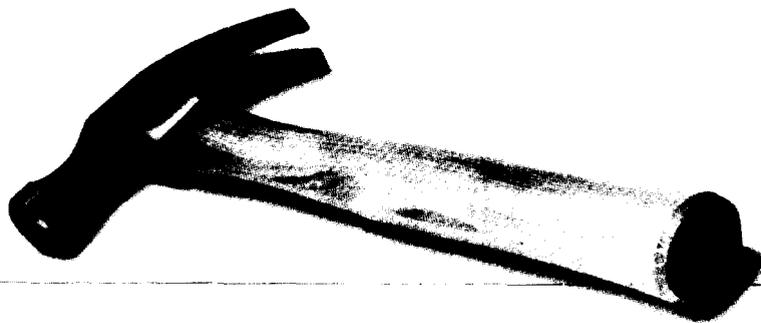
Dear Mr. Caton:

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 6 copies of this letter, in addition to this original.

M.H. Podell Company is in the residential real estate business. We own and manage 2,000 apartment units in the Silicon Valley.

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.



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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,

A handwritten signature in black ink, appearing to read "Nick Podell", written in a cursive style.

Nick Podell

NP/br

Enclosures