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By Messenger

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

RECEIVED

JUL 3 1996

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

Re: *Ex Parte Presentation, IB Docket No. 95-59*

Dear Mr. Caton:

On July 2, 1996, I along with Andy Paul of the Satellite Broadcasting and Communications Association ("SBCA") and Jim Rogers of Latham & Watkins, counsel to DIRECTV, Inc., met with Jackie Chorney, of the Office of the Chairman; John P. Stern, Senior Legal Advisor to the Chief of the International Bureau; and Rosalee Chiara of the International Bureau.

In addition to topics already discussed in our comments in this proceeding, we discussed the existing provisions of the BOCA code applicable to satellite antennas and proposed revisions to the BOCA code as reflected in the attached document. We also discussed the scope of Section 25.104 and its applicability to various local codes including the National Fire Prevention Association model code. A copy of the relevant portions of that code are attached. In addition, we discussed the substance of a previously submitted document concerning proposed language revising Section 25.104.

Please associate the attached documents with this docket.

Very truly yours,



Diane S. Killory
Counsel to the Satellite Broadcasting and
Communications Association

Enclosures

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William F. Caton, Acting Secretary

July 3, 1996

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**cc: Jackie Chorney
John P. Stern
Rosalee Chiara**

3109.1 Permits not required: A building permit is not required for roof installation of antennal structures (*i.e.*, **antennas and any structures upon which they are mounted**) not more than 12 feet (3658 mm) in **height** for private radio or television reception. Such a structure shall not be erected so as to injure the roof covering, and when removed from the roof, the roof covering shall be repaired to maintain weather and water tightness. The installation of any antennal structure mounted on the roof of a building shall not be erected nearer to the *lot line* than the total height of the antennal structure above the roof, nor shall such structure be erected near electric power lines or encroach upon any street or other public space.

3109.2 Permits required: Approval shall be secured for all roof-mounted antennal structures (*i.e.*, **antennas and any structures upon which they are mounted**) more than 12 feet (3658 mm) in height above the roof. The application shall be accompanied by detailed drawings of the structure and methods of anchorage. All connections to the roof structure shall be properly flashed to maintain water tightness. The design and materials of construction shall comply with the requirements of **Section 3108.3** for character, quality and minimum dimension.

3109.3 Dish antenna: An antenna consisting of a radiation element which transmits or receives radiation signals generated as electrical, light or sound energy, and supported by a structure with or without a reflective component to the radiating dish, usually in a circular shape with a parabolic curve design constructed of a solid or open mesh surface, shall be known as a dish antenna.

3109.3.1 Permits: The approval of the code official shall be secured for all dish ~~antennas antennal structures~~ more than ~~2 feet (610 mm)~~ **one meter** in diameter erected on the roof of or attached to any building ~~or structure~~. **Notwithstanding the foregoing**, a permit is not required, **nor must the approval of the code official be secured**, for dish antennas ~~not more than 2 feet (610 mm)~~ **one meter or less** in diameter erected and maintained on the roof of ~~or attached to any building or structure in any area~~, **or 2 meters or less in diameter erected and maintained on the roof of or attached to any building in any area where commercial or industrial uses are generally permitted by non-federal land use regulation.**

3109.3.2 Structural provisions: Dish antennas larger than ~~2 feet (610 mm)~~ **one meter** in diameter **erected on the roof of or attached to any building in any area** shall be subject to the structural provisions of Sections 1608.0, 1609.0 and 3108.4. The snow *load* provisions of Section 1608.0 shall not apply where the antenna has a heater to melt falling snow. **Notwithstanding the foregoing, the structural provisions of Sections 1608.0, 1609.0 and 3108.4 shall not apply to dish antennas one meter or less in diameter erected and maintained on the roof of or attached to any building in any area, or 2 meters or less in diameter erected and maintained on the roof of or attached to any building in any area where commercial or industrial uses are generally permitted by non-federal land use regulation.**

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NFPA 1
Fire Prevention Code
1992 Edition

This edition of NFPA 1, *Fire Prevention Code*, was prepared by the Technical Committee on Fire Prevention Code and acted on by the National Fire Protection Association, Inc. at its Annual Meeting held May 18-21, 1992 in New Orleans, LA. It was issued by the Standards Council on July 17, 1992, with an effective date of August 14, 1992, and supersedes all previous editions.

The 1992 edition of this document has been approved by the American National Standards Institute

Origin and Development of NFPA 1

This Code was originally developed as a result of the request of many members of the National Fire Protection Association who expressed a need for a document covering all aspects of fire protection and prevention which utilized the other developed NFPA standards and codes. NFPA Staff initiated this work in 1971 upon the directive from the NFPA Board of Directors.

This Code in conjunction with the other NFPA codes and standards is intended to provide local jurisdictions with a guideline for the development of a local fire prevention code. Prerogatives of local officials are excluded from the main text of the document but included within appendices as guidance for exercising desired prerogatives.

The National Fire Protection Association wishes to publicly thank the many individuals who have participated in the development of this Code and particularly the members of the Fire Prevention Code Committee.

The 1992 edition is a major rewrite of the *Fire Prevention Code*. The Committee examined changes in the built environment as it is affected by fire and incorporated significant portions of the *Life Safety Code*®. A special task group on hazardous materials examined technological changes in the handling, storage, and use of combustible and flammable materials. Chapters extracting hazardous material requirements place greater emphasis on protection of life and property from chemical products made and used in the environment.

The extracts contained in NFPA 1 reflect the technical knowledge of the originating committees who contributed or commented on the Fire Prevention Code Committee efforts.

Combustion. A chemical process that involves oxidation sufficient to produce light or heat. (101:3-2)

Construction Documents. Documents that consist of scaled design drawings and specifications for the purpose of construction of new facilities or modification to existing facilities. (Also see definition of Shop Drawings.)

Container. Any vessel of 60 U.S. gal or less capacity used for transporting or storing liquids.

Dedicated Smoke Control Systems. Systems that are intended for the purpose of smoke control only. They are separate systems of air moving and distribution equipment that do not function under normal building operating conditions. Upon activation, these systems operate specifically to perform the smoke control function.

Detached Storage. Storage in a separate building or in an outside area located away from all structures.

Detention and Correctional Occupancies. Detention and correctional occupancies are those used to house individuals under varied degrees of restraint or security and, as such, are occupied by persons who are mostly incapable of self-preservation because security measures are not under the occupants' control.

Adult correctional institutions
Adult local detention facilities
Adult community residential centers
Juvenile detention facilities

Juvenile training schools
Juvenile community residential centers
Adult and juvenile work camps
Adult and juvenile substance abuse centers

Chapters 14 and 15 of NFPA 101 address the residential housing areas of the detention and correctional occupancy as defined by 14-1.3(d) and 15-1.3(d). Other uses within detention and correctional facilities, such as gymnasiums or industries, shall be in accordance with the appropriate chapter of the Code. (101:4-1.5)

Dormitories. Dormitories include buildings or spaces in buildings where group sleeping accommodations are provided for more than 16 persons who are not members of the same family in one room or a series of closely associated rooms under joint occupancy and single management, with or without meals, but without individual cooking facilities. Examples are college dormitories, fraternity houses, and military barracks. (101:16-1.3.1)

Dwelling. A single unit providing complete and independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation.

Educational Occupancies. Educational occupancies include all buildings or portions of buildings used for educational purposes through the twelfth grade by six or more persons for four or more hours per day or more than twelve hours per week. Educational occupancies include:

Academies
Kindergartens

Nursery schools
Schools

Educational occupancies also include day-care facilities of any occupant load. Other occupancies associated with educational institutions shall be in accordance with the appropriate parts of this Code. (101:4-1.3)

Emergency. A fire, explosion, or hazardous condition that poses an immediate threat to the safety of life or damage to property.

Existing Condition. Any situation, circumstance, or process that was ongoing or in effect prior to the adoption of this Code.

Exit. That portion of a means of egress that is separated from all other spaces of the building or structure by construction or equipment as required in 5-1.3.1 of NFPA 101 to provide a protected way of travel to the exit discharge. Exits include exterior exit doors, exit passageways, horizontal exits, and separated exit stairs or ramps. (101:3-2)

Exit Access. That portion of a means of egress that leads to an exit. (101:3-2)

Exit Discharge. That portion of a means of egress between the termination of an exit and a public way. (101:3-2)

Fire Compartment. A space within a building that is enclosed by fire barriers on all sides, including the top and bottom. (101:3-2)

Fire Door Assembly. Any combination of a fire door, frame, hardware, and other accessories that together provide a specific degree of fire protection to the opening. (80:1-4)

Fire Hazard. Any situation, process, material, or condition that, on the basis of applicable data, may cause a fire or explosion or provide a ready fuel supply to augment the spread or intensity of the fire or explosion and that poses a threat to life or property.

Fire Hydrant. A valved connection on a water supply system having one or more outlets used to supply hose and fire department pumps with water.

Fire Protection System. Any fire alarm device or system, or fire extinguishing device or system, or combination thereof, designed and installed for detecting, controlling, or extinguishing a fire or otherwise alerting occupants, the fire department, or both that a fire has occurred.

Fire Retardants. Liquids, solids, or gases that tend to inhibit combustion when applied on, mixed in, or combined with combustible materials.

Fire Watcher. A person assigned to be in an area for the express purpose of notifying the fire department of an emergency, preventing a fire from occurring, extinguishing small fires, or protecting the public from fire or life safety dangers addressed in this Code. Specific requirements for personnel, their training, and any equipment are found in the appropriate sections of this Code.

Liquefied Natural Gas. A fluid in the liquid state composed predominantly of methane and that may contain minor quantities of ethane, propane, nitrogen, or other components normally found in natural gas

Liquefied Petroleum Gas. Any material having a vapor pressure not exceeding that allowed for commercial propane composed predominantly of the following hydrocarbons, either by themselves or as mixtures: propane, propylene, butane (normal butane or isobutane and butylenes).

Listed.* Equipment or materials included in a list published by an organization acceptable to the authority having jurisdiction and concerned with product evaluation, that maintains periodic inspection of production of listed equipment or materials and whose listing states either that the equipment or material meets appropriate standards or has been tested and found suitable for use in a specified manner.

Lodging or Rooming Occupancies. Buildings that provide sleeping accommodations for a total of 16 or fewer persons on either a transient or permanent basis, with or without meals, but without separate cooking facilities for individual occupants except as provided in Chapter 13. (101:20-1.1.1)

Marine Vessel. Every description of water craft or other artificial contrivance used as a means of transportation in or on the water.

May. Term used to state a permissive use or alternative method to a specific requirement.

Means of Egress. A means of egress is a continuous and unobstructed way of exit travel from any point in a building or structure to a public way and consists of three separate and distinct parts: (a) the exit access, (b) the exit, and (c) the exit discharge. A means of egress comprises the vertical and horizontal travel and shall include intervening room spaces, doorways, hallways, corridors, passageways, balconies, ramps, stairs, enclosures, lobbies, escalators, horizontal exits, courts, and yards. (101:5-1.2.9)

Means of Escape. A way out of a building or structure that does not conform to the strict definition of means of egress but does provide an alternate way out. (101:3-2)

Mercantile Occupancies. Mercantile occupancies include stores, markets, and other rooms, buildings, or structures for the display and sale of merchandise. Mercantile occupancies include:

Auction rooms	Shopping centers
Department stores	Supermarkets
Drugstores	

Minor merchandising operations in buildings predominantly of other occupancies, such as a newsstand in an office building, shall be subject to the exit requirements of the predominant occupancy. (101:4-1.7)

Mezzanine. An intermediate level between the floor and the ceiling of any room or space. (101:3-2)

Nonflammable Gas. A class of gases that is nonflammable, generally nonreactive.

Noncombustible Material. A material that, in the form in which it is used and under the conditions anticipated, will not aid combustion or add appreciable heat to an ambient fire. Materials, where tested in accordance with ASTM E 136, *Standard Test Method for Behavior of Materials in a Vertical Tube Furnace at 750°C*, and conforming to the criteria contained in Section 7 of the referenced standard shall be considered as noncombustible.

Nondedicated Smoke Control Systems. Systems that share components with some other system(s) such as the building HVAC system. Activation causes the system to change its mode of operation to achieve the smoke control objective.

Nursing Home. A building or part thereof used on a 24-hour basis for the housing and nursing care of four or more persons who, because of mental or physical incapacity, may be unable to provide for their own needs and safety without the assistance of another person. The term nursing home, wherever used in this Code, shall include nursing and convalescent homes, skilled nursing facilities, intermediate care facilities, and infirmaries in homes for the aged. (101:12-1.3)

Occupancy. The purpose for which a building or portion thereof is used or intended to be used. (101:3-2)

Occupant Load. The total number of persons that may occupy a building or portion thereof at any one time. (101:3-2)

Occupiable Story. A story occupied by people on a regular basis. Stories used exclusively for mechanical equipment rooms, elevator penthouses, and similar spaces are not occupiable stories. (101:3-2)

One- and Two-Family Dwelling. One- and two-family dwellings include buildings containing not more than two dwelling units in which each living unit is occupied by members of a single family with no more than three outsiders, if any, accommodated in rented rooms. (101:21-1.1.1)

OSHA. The Occupational Safety and Health Administration.

Patch Kettle. Any pot or container with a capacity of less than 6 gal (22.71 L) used for preheating tar, asphalt, pitch, or similar substances for the repair of roofs, streets, floors, pipes, or similar objects.

Permit. A document issued by the authority having jurisdiction for the purpose of authorizing performance of a specified activity.

Peroxide Forming Chemical. A chemical that, when exposed to air, will form explosive peroxides that are shock, pressure, or heat sensitive.

Personal Care. "Personal care" means protective care of residents who do not require chronic or convalescent medical or nursing care. Personal care involves responsibility for the safety of the resident while inside the building.

Special Uses. Shall include, but not be limited to, events or occurrences where threatening life safety situations or fire hazards exist or are likely to exist as determined by the authority having jurisdiction.

Standard. A document containing only mandatory provisions using the word "shall" to indicate requirements. Explanatory material may be included only in the form of "fine print" notes, in footnotes, or in an appendix.

Standpipe System. An arrangement of piping, valves, hose connections, and allied equipment installed in a building or structure with the hose connections located in such a manner that water can be discharged in streams or spray patterns through attached hoses and nozzles, for the purpose of extinguishing a fire and so protecting a building or structure and its contents in addition to protecting the occupants. This is accomplished by connections to water supply systems or by pumps, tanks, and other equipment necessary to provide an adequate supply of water to hose connections. (14:1-3)

Storage Occupancies. Storage occupancies include all buildings or structures utilized primarily for the storage or sheltering of goods, merchandise, products, vehicles, or animals. Storage occupancies include:

Barns	Parking structures
Bulk oil storage	Stables
Cold storage	Truck and marine terminals
Freight terminals	Warehouses
Grain elevators	
Hangars (for storage only)	

Minor storage incidental to another occupancy shall be treated as part of the predominant occupancy. (101:4-1.10)

Story. That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above. (101:3-2)

STP (Standard Temperature and Pressure). A temperature of 70°F (21.1°C) and a pressure of 1 atmosphere (14.7 psi or 760 mm Hg).

Street. Any public thoroughfare (road, avenue, boulevard) 30 ft (9.1 m) or more in width that has been dedicated or deeded to the public for public use and is accessible for use by the fire department in fighting fire. Enclosed spaces and tunnels, even though used for vehicular and pedestrian traffic, are not considered as streets for the purposes of this Code. (101:3-2)

Street Floor. Any story or floor level accessible from the street or from outside the building at ground level with floor level at the main entrance not more than three risers above or below ground level at these points, and so arranged and utilized as to qualify as the main floor. Where, due to differences in street levels, there are two or more stories accessible from the street, each is a street floor for the purposes of this Code. Where there is no floor level within the specified limits for a street floor above or below ground level, the building shall be considered as having no street floor. (101:3-2)

Structure. That which is built or constructed. The term structure shall be construed as if followed by the words "or portion thereof." (101:3-2)

Summarily Abate. To immediately judge a condition to be a fire hazard to life or property and to order immediate correction of such condition.

System. Several items of equipment assembled, grouped, or otherwise interconnected for the accomplishment of a purpose or function.

Temporary Wiring. Approved wiring for power and lighting during a period of construction, remodeling, maintenance, repair, or demolition, and decorative lighting, carnival power and lighting, and similar purposes.

Water Capacity. The volumetric measure of the amount of water a container can hold.

Written Notice. A notification in writing delivered in person to the individual or parties intended, or delivered at, or sent by certified or registered mail to, the last residential or business address of legal record.

PART III GENERAL FIRE SAFETY REQUIREMENTS

CHAPTER 3 GENERAL PROVISIONS

SECTION 3-1 FUNDAMENTAL REQUIREMENTS

3-1.1 Every new and existing building or structure shall be so constructed, arranged, equipped, maintained, and operated in accordance with this Code so as to provide a reasonable level of life safety, property protection, and public welfare from the actual and potential hazards created by fire, explosion, and other hazardous conditions.

3-1.1.1 Every new and existing building shall comply with this Code and NFPA 101, *Life Safety Code*.

3-1.2 It shall be illegal for any person to throw or place, or cause to be thrown or placed, any lighted match, cigar, cigarette, matches, or other flaming or glowing substance or thing on any surface or article where it may cause or start a fire.

3-1.3 Any person who deliberately, or through negligence, sets fire to or causes the burning of any combustible material in such a manner as to endanger the safety of any person or property shall be deemed to be in violation of this Code.

3-1.4 Fire Exit Drills. Fire exit drills shall be conducted regularly in occupancies where specified by Chapters 9 through 25 or by appropriate action of the authority having jurisdiction. Drills shall be designed in cooperation with the authority having jurisdiction.

3-1.5 Factors Affecting Egress.

3-1.5.1 No furnishings, decorations, or other objects shall be so placed as to obstruct exits, access thereto, egress therefrom, or visibility thereof. (101:31-1.2.2.1)

3-1.5.2 Hangings or draperies shall not be placed over exit doors or otherwise be located to conceal or obscure any exit. Mirrors shall not be placed on exit doors. Mirrors shall not be placed in or adjacent to any exit in such a manner as to confuse the direction of exit. (101:31-1.2.2.2)

3-1.5.3 There shall be no obstruction by railings, barriers, or gates that divide the open space into sections appurtenant to individual rooms, apartments, or other uses. Where the authority having jurisdiction finds the required path of travel to be obstructed by furniture or other movable objects, the authority may require that they be fastened out of the way or may require that railings or other permanent barriers be installed to protect the path of travel against encroachment. (101:31-1.2.2.3)

3-1.5.4 No person shall fail to leave any overcrowded premises when told to do so by the management of the premises or the authority having jurisdiction. Premises are deemed to be overcrowded when the occupant load exceeds the exit capacity or the posted occupant load.