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Real Estate & Investment Company

September 27, 1996

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The Honorable William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, NW
Room 222
Washington, DC 20554

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Re: Preemption of Local Zoning Regulation of Satellite Earth Stations, IB Docket No. 95-59 and Implementation of Section 207 of the Telecommunications Act of 1996, CS Docket 96-83

Dear Mr. Caton:

Our firm owns and manages several shopping centers in Metropolitan Detroit as well as out state Michigan. We are very concerned about the effects of the captioned matter on our properties.

We submit the following comments in response to the FCC's Report and Order and Further Notice of Proposed Rulemaking issued on August 6, 1996. Please find enclosed six copies of this letter, including the original. The Commission asked for comments on the legal, technical, and practical issues regarding whether or not it should extend the Rule to cover restrictions on antennas installed on common property for the benefit of one with an ownership interest or on a landlord's property for the benefit of a renter.

First, the extensions of the Rule under consideration would violate the landowner's rights under the Fifth Amendment of the U.S. Constitution, and the Commission has no authority to compensate for such takings. Second, granting viewers the right to install antennas raises many technical and practical problems, including issues regarding space for multiple antennas, installation, maintenance, safety and liability.

Mandatory access to antennas is unnecessary to accomplish the goal of providing competitive services because market forces require building owners to satisfy the needs of their tenants - in the telecommunications arena and otherwise.

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Thank you for your consideration in this matter.

Sincerely,

 SOURCE REAL ESTATE & INVESTMENT COMPANY


Matthew D. Swantko
Vice President

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