

FCC MAIL ROOM

OCT 28 1996

RECEIVED

TEK ELEKTRONIX, INC.

13820 Ranch Place
N. Potomac, MD 20878
301-294-9449
Fax: 301-294-7461

October 22, 1996

DOCKET FILE COPY ORIGINAL

Secretary William Caton
Federal Communications Commission
1919 M. Street, N.W.
Washington, D.C. 20554

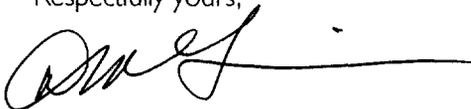
Dear Secretary Caton,

We are filing for a declaratory ruling on docket number CS-96-83 under Section 207, Telecommunications Act, 1996. This concerns our rights to receive over the air televised broadcast with a television antenna mounted on our roof at our residence at 13820 Ranch Place, North Potomac, MD, 2878. The antenna is less than 12 feet high. It stands on our single family home under the covenant of the Potomac Ridge Homeowners Association, management by Vanguard Management, Agent 540-8600, P.O. Box 29, Germantown, Maryland 20875.

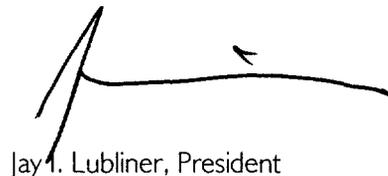
The Potomac Ridge Homeowners Association does not recognize our rights to have this antenna under the new legislation. The Association began to take administrative and implied civil action to prevent our use of this antenna. We are requesting this ruling because despite the television broadcasters city grade contour suggest we should have adequate signal strength, our elevation and aluminum sided homes do not permit us to receive adequate signals. It is our understanding that this unreasonable delay, undue cost and inhibited over the air signals is not allowable under the new legislation. We believe that the Potomac Ridge Homeowners Association cannot usurp your control of the broadcast airwaves.

Please see the enclosed documents for additional details. We look forward to receiving your ruling on this important issue.

Respectfully yours,



Deborah M. Galvin, Ph.D.



Jay L. Lubliner, President

Enclosures (3)

No. of Copies rec'd
List ABCDE

3

RECEIVED JUL 03 1996 RECEIVED JUL 15 1996

POTOMAC RIDGE HOMEOWNERS ASSOCIATION
ARCHITECTURAL REVIEW COMMITTEE

c/o Vanguard Management
P.O. Box 39
Germantown, MD 20875

ARCHITECTURAL CHANGE REQUEST APPLICATION

1. APPLICANT'S NAME JAY LUBLINER DATE 7-1-86
ADDRESS 13820 RANCH PLACE PHONE (H) 294-9449
LOT # 26 BLOCK B TOWNHOME() SINGLE FAMILY
(W) 419 4384

2. DESCRIPTION OF CHANGE ADDITION OF TV ANTENNA ON ROOF
PEAK NEAR CENTER. SEE LOCATION ON PLAN
ENCLOSED. SEE ACCOMPANYING DETAIL SHEETS.

NOTE: Information listed below is necessary for consideration of the following changes and must accompany the application:

A) Addition/physical alteration (deck, room addition, fence, shed, play equipment, patio):

- (1) location survey/site plan to show location on property with respect to house, boundary lines, neighboring homes and street;
- (2) blueprint or sketch to indicate dimensions, and design;
- (3) type of materials to be used, size, and type of finish/stain.

B) Paint/Stain: (fill out this section only if changing existing color of home, doors, trim, etc.)

(1) Paint chip (manufacturer sample) must accompany application.

(2) Current color of home or accent:

Doors: _____
Siding: _____
Other Accent: _____
(fence, shed, etc.)

Garage Door: _____
Shutters: _____
Gutters/Downspout: _____

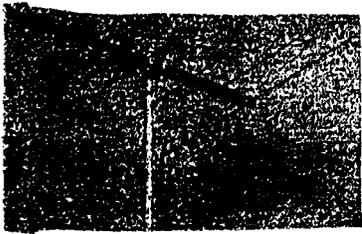
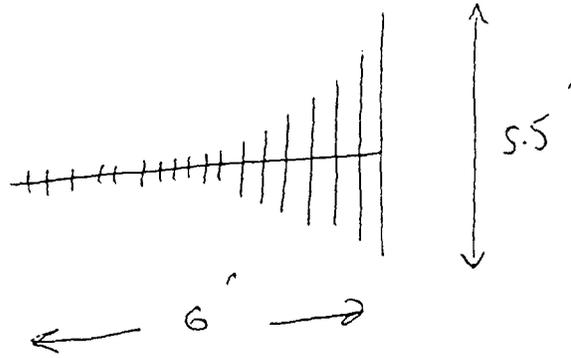
(3) Color Change/alteration:

Doors: _____
Siding: _____
Other Accent: _____
(fence, shed, etc.)

Garage Door: _____
Shutters: _____
Gutters/Downspout: _____

Owner's Signature: _____

Date: 7-1-86



Aluminum color

TV broadcast antenna

6 feet long
 5 1/2 feet wide
 20 elements

to cover VHF, UHF channels



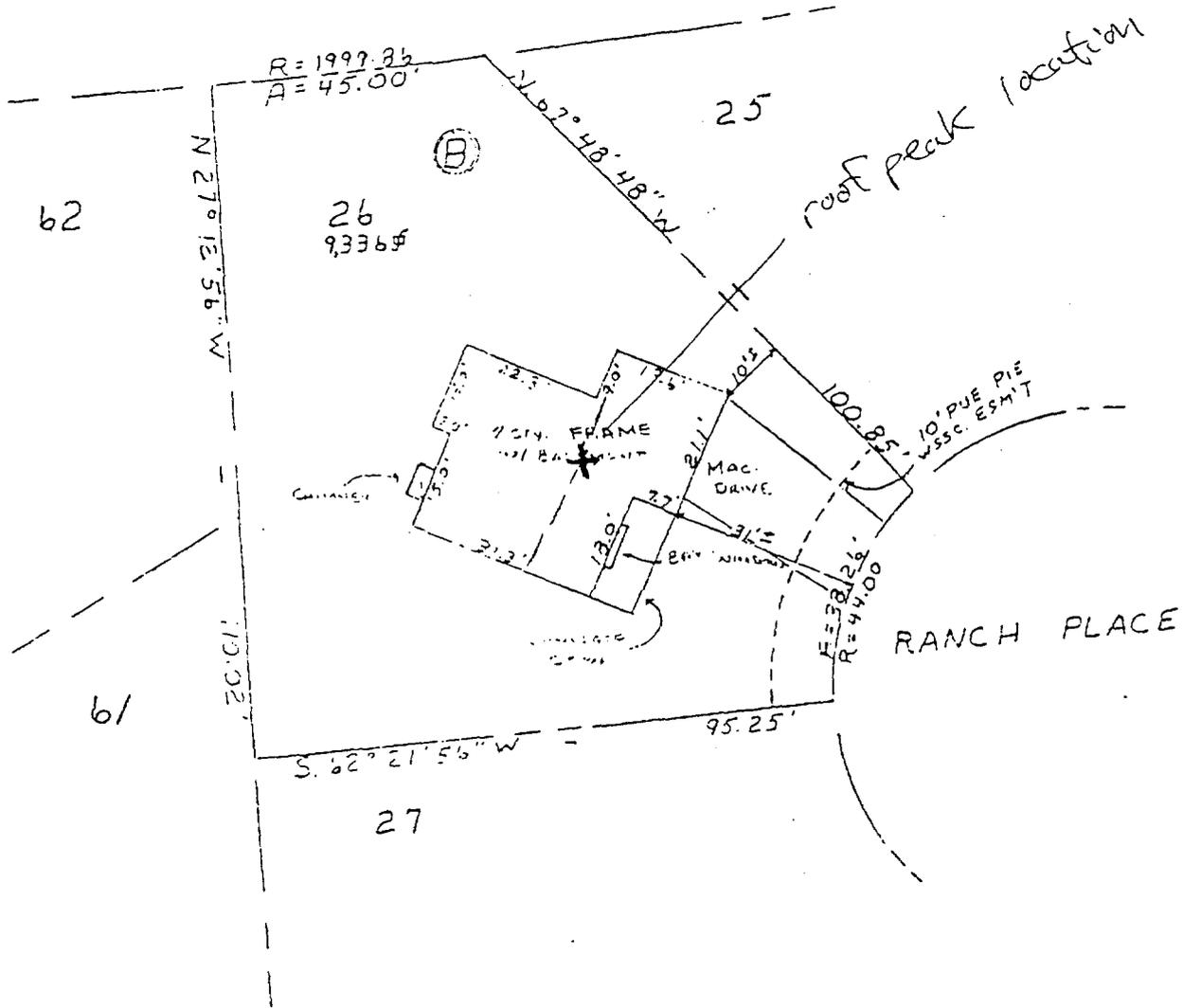
Aluminum

Roof tripod and rotator to support
 antenna and mast.
 Total height with mast about 10 feet

House Location Survey
 13820 RANCH PLACE
 LOT 26 BLOCK B
 POTOMAC RIDGE
 ELECTION (8th.) DISTRICT
 MONTGOMERY COUNTY, MARYLAND



PARCEL "F"
 0.74356 AC.
 (H.O.A.)



This Lot is Not Subject To A 100 Year Flood
 Plain As Established By U.S.D. Flood Insurance
 Rate Usage Overlay Shows

FINAL: 9/24/85
 WALL CHECK: 7-2-85 (UNDER CONST.)

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE POSITION OF THE EXISTING IMPROVEMENTS
 SHOWN HEREON HAS BEEN CAREFULLY ESTABLISHED BY ACCEPTED LAND
 SURVEYING PRACTICES AND THAT UNLESS SHOWN OTHERWISE IN EXCERPTS
 HEREON THIS PLAN WAS PREPARED IN ACCORDANCE WITH THE PLAN OF
 LEGISLATION AND/OR DEED OF RECORD AND IT IS NOT TO BE USED IN
 DETERMINING PROPERTY LINES.

[Handwritten signature and date]
 8/28/85

KWANA CORPORATION

13221 NEW HAVEN ROAD AVE. SUITE 303
 SILVER SPRING, MARYLAND 20910 (301) 284-0000

PS. 123
 No. 17413
 Drawn: [initials]
 Scale: [initials]
 Checked: [initials]
 Job: [initials]

Potomac Ridge Homeowners Association, Inc.
c/o Vanguard Management Associates, Inc.
P.O. Box 39 * Germantown, Maryland 20875-0039
(301)540-8600

September 11, 1996

Jay & Deborah Lubliner
13820 Ranch Place
N. Potomac, MD 20878

VIA: Regular mail and Hand delivery

During a recent visit to the community, the following maintenance and/or covenant violation(s) was/were noted:

TV Antenna installed on roof
(See attachment)

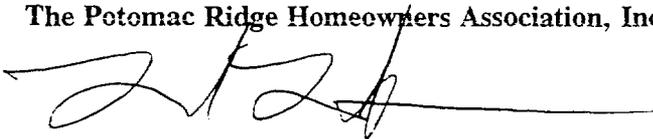
All covenants, By Laws, rules and regulations are for the mutual benefit, safety and welfare of all unit owners and residents of Potomac Ridge. In accordance with Association policy, you are requested to accomplish the following immediately:

Remove the antenna.

Should you disagree with the above or cannot meet the deadline for the requested action, a WRITTEN appeal to the Board of Directors must be received within five (5) days of the date of this letter.

Thank you for your cooperation in this matter.

For the Board of Directors
The Potomac Ridge Homeowners Association, Inc.


Lenard Goldbaum, Agent

cc: Board of Directors

Potomac Ridge Homeowners Association, Inc.
c/o Vanguard Management Associates, Inc.
P.O. Box 39 * Germantown, Maryland 20875-0039
(301)540-8600

Dear Homeowner:

It has been found that you have installed a(n):

Off-the-air television antenna

This letter is in reference to the new telecommunications law along with the Federal Communication Commission (FCC) rules regarding the preemption of community restrictions on satellite antennas less than one meter in diameter, off-the-air television antennas and multipoint distribution service antennas less than one meter.

The new rules which were submitted by the FCC and are now in effect, give Associations the right to restrict placement of these type of antennas as long as the Associations do not:

- unreasonably delay the installation
- unreasonably increase the cost of installation
- restrict an acceptable quality of signal

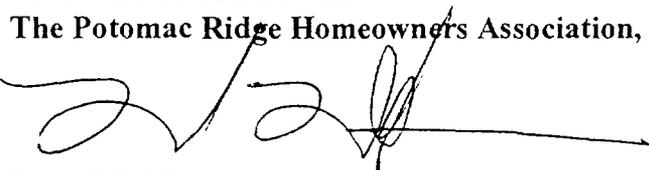
The position of the AERC committee and Board of Directors regarding TV antennas is that an acceptable quality of signal may be received by placement of the antenna in the attic. This is the only acceptable placement for an off-the-air TV antenna.

The Board of Directors is presently working on acceptable placements for satellite dishes and MDS antennas.

Should you disagree with the above or cannot meet the deadline for the requested action, a WRITTEN appeal to the Board of Directors must be received within five (5) days of the date of this letter.

Thank you for your cooperation in this matter.

For the Board of Directors
The Potomac Ridge Homeowners Association, Inc.


Lenard Goldbaum, Agent

cc: Board of Directors

Sept 19, 96

To: Potomac Ridge Assoc.
c/o Vanguard Management

RECEIVED SEP 25 1996

Upon receiving your notice last week, requesting me to remove my TV antennas, I give you the following position:

I properly applied to the architecture committee and was initially denied prior to the enactment of telecommunication Bill. You were unaware the legislation covered various forms of receiving antennas. I supplied you with a copy of the law and I was told the committee would review it. Several weeks past, the architecture committee chair told

interferer with the law. He saw
no reason not to install it.

Your view on what is acceptable
signal quality according to you, does
not satisfy my needs. The attic
is not suitable for me to rotate
appropriate antennas in the desired
directions for my interests. It would
be too costly to design an attic
for rotatable antennas and the
aluminum sliding would deter good
signal reception. You have
caused? unreasonable delay in my

were given to me verbally. Please consider my view and give me a prompt response to this matter.

The antenna is below maximum height and is not in violation of section 207 telecommunications act. Besides your notice contains erroneous information on the rulings. I am entitled to keep it where it is. Hope a suitable solution can be had.

Sincerely

Jay Heller

13820 ranch pl.

Potomac Ridge Homeowners Association, Inc.
c/o Vanguard Management Associates, Inc.
P.O. Box 39 * Germantown, Maryland 20875-0039
(301)540-8600

September 30, 1996

Jay and Deborah Lubliner
13820 Ranch Place
N. Potomac, MD 20878

Re: Your letter of September 19, 1996

Dear Mr. and Mrs. Lubliner:

Regarding your written response, dated September 19, 1996, to the violation notice of September 11, 1996, the following is provided:

The denial of your architectural change application for a rooftop antenna was not an "initial" denial, as your letter states. It was a firm, final denial of that specific application. Your letter states that the Association was "unaware" of the legislation covering antennas. Again, untrue. The Association has been, at all times, completely aware and knowledgeable of the legislation during the entire period. Your letter states that you supplied the Association with a copy of the law. This is not correct. You supplied a very early draft of the proposed law. This draft bears no resemblance to the final regulation as enacted.

You appear to understand the law with regards to cost and delays. However, the law very specifically protects only the ability to receive a signal of acceptable quality. This is clearly different from protecting the ability to receive all desired signals with high-quality viewing. Such an interpretation, which your letter suggests is your position, is well outside the protection of the Telecommunications Act.

Your letter states that the Association has caused unreasonable delay. The response was provided under the same time constraints as with any other architectural change request, and was provided prior to the finalization of the regulation. Thus, your complaint in the matter of timeliness is also unfounded as well as irrelevant.

Your letter suggests that your antenna falls within the height restrictions of Section 207 of the Telecommunications Act. The Act's restrictions on height are specifically applicable to MDS antennas, which are a dish-type of antenna, and in no way protect your current off-the-air television antenna.

In light of the above, your written appeal is denied. You are specifically directed to remove the antenna within ten (10) days of the date of this letter. This is a final notice. If you fail to do so, the Association will pursue removal through legal means and all associated costs will become a lien on your property if not reimbursed by you. The Association has absolute confidence in its ability to prevail in this matter, and can readily supply overwhelming proof that an acceptable-quality TV broadcast signal can be received with no delay and at reasonable cost using only interior antennas.

No further delays in removal of the offending antenna will be entertained. A copy of this letter is being provided to all Potomac Ridge residents who have made complaints about your antenna.

Sincerely for the
POTOMAC RIDGE BOARD OF DIRECTORS

A handwritten signature in black ink, appearing to read 'Lenard Goldbaum', written over a horizontal line.

Lenard Goldbaum, Agent

cc: Board of Directors
CCOC
Silverman and Schild