

FCC MAIL ROOM

9/23/96

SEP 26 1996

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Preemption of Local Zoning Regulation  
IB Docket # 95-19

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I installed a 7 ft satellite dish on my property September of 1995. I tried to reach the association of the housing development in which I reside. After leaving three messages that were never returned, I talked with several of the home owners that already had dishes and they said there were no problems. I, along with the representative from the store I purchased the satellite dish, spoke with each of my neighbors, and they had no problem with the installation. So, I installed the dish. Two weeks later, Donna Barbee, the manager of the association called me. I explained what had transpired, and she said "There should be no problems."

Five months later I received a threatening letter from Silver Springs Association demanding I remove my dish. I immediately phoned them and explained what happened, and would like an answer as soon as possible. I received no response.

In May of this year, I received another letter fining me, and threatening to put a lien on my property. I sent a letter explaining again what happened. In June I received yet another letter telling me I was scheduled to appear before their Architectural Committee and since I did not appear I am now fined more money.

On July first I spoke with Donna Barbee and said I would gladly come to the review committee meeting of July 23<sup>rd</sup>, but I will be on vacation until August 3<sup>rd</sup>. She said that would be all right. I asked her about the existing dishes in the other areas. She said it was given an OK to put the dish on the ground. I asked about the other owner that has his mounted on a mast. She said he signed a letter stating when he moved, the dish would be removed. I spoke with him and he said he signed no such letter.

A week later I received another letter stating the association spoke with their attorney, and he said they could not restrict me from having a dish, but could tell me where to locate it. I call and asked for Donna Barbee three times to found out why it was necessary for them to seek counsel, when I agreed to appear at their review in August. I did not get a response other that she is in a meeting.

I got another letter threatening a lien on my home if I did not pay the fine within ten days. I phoned the person to tell him what was happening and he was rude and told me he sends hundreds of letters out and does not have the time to go over each one of them. He said he would wait until September first.

My wife and I went to the meeting and were told to wait twenty minutes so the committee could go over the set of FCC rules they had. One gentleman in particular was adamant if it said no dishes in the cc&rs, there will be no dishes. We explained when my wife bought the home, we were not given the cc&rs. He said that was our responsibility. They decided to table the decision until as this gentleman stated, we can find something in the FCC laws that will make you comply. I am appearing again September 24<sup>th</sup>, and will tell them I am waiting for the reply pending the comments due by September 27<sup>th</sup> and the comments will be replied to by the end of the first two weeks in October, 1996.

Thank You for Your Concern,

*Edward W. Kinney*  
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