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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)
)
Preemption of Local Zoning)
Regulation of Satellite)
Earth Stations)
)
In the Matter of)
)
Implementation of Section 207 of the)
Telecommunications Act of 1996)
)
Restrictions on Over-the-Air Reception)
Devices: Television Broadcast Service)
and Multichannel Multipoint Distribution)
Service)

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Federal Communications Commission
Office of Secretary

IB Docket No. 95-59

CS Docket No. 96-83

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REPLY PERTAINING TO
PETITION FOR RECONSIDERATION AND CLARIFICATION
OF THE
SATELLITE BROADCASTING
AND COMMUNICATIONS ASSOCIATION OF AMERICA

Satellite Broadcasting and Communications Association of America ("SBCA") submits this Reply to its Petition for Reconsideration and Clarification solely to bring to the Commission's attention the *absence* of any oppositions to SBCA's petition. No opposition to SBCA's petition was filed with the Commission, nor was one served on SBCA. Accordingly, SBCA urges the Commission to adopt promptly the modifications and clarifications proposed in SBCA's petition.

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Specifically, the Commission should reconsider its refusal to exercise its exclusive jurisdiction over direct-to-home (“DTH”) satellite antennas. The Commission’s authority under the Telecommunications Act of 1996 to exercise exclusive jurisdiction is clearer than its authority not to exercise exclusive jurisdiction. Moreover, as SBCA explained in its petition, exercising exclusive jurisdiction will also produce tangible benefits for consumers and local authorities alike.

In addition, the Commission should clarify promptly the enforcement, fine and penalty provisions of its preemption rule. To this end, the Commission should explicitly provide in its rule that only safety and historic district regulations are enforceable immediately in accordance with their terms. It should further provide that all other restrictions may not be enforced until their validity has been upheld. Moreover, the Commission should impose a 21-day grace period during which a satellite owner is afforded an opportunity to comply with such restrictions in order to avoid fines and penalties.

In order to adopt a rule that is adaptable to the rapidly changing technological environment for satellite services, the Commission should also clarify both that all small antennas used for video-related services are included within the purview of Section 1.4000(a) and that residential areas are included within the scope of Section 25.104(b)(1). Finally, the Commission should clarify its definition of “impair” by defining “unreasonably” to mean “in a manner different from other appurtenances of comparable size.” Adoption of this objective, non-discriminatory standard will ensure that the Commission’s rule is not circumvented by subjective interpretations of the term “impair.”

Prompt adoption of these modifications and clarifications will ensure that viewers have access to the wealth of services made available through DTH satellite antennas. Accordingly, SBCA urges the Commission to adopt expeditiously the modification and clarifications proposed by SBCA, all of which are unopposed.

Respectfully submitted,



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