



FCC MAIL ROOM

SEP 3 1996

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September 23, 1996

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Mr. William F. Caton
Acting Secretary
Federal Communication Commission
1919 M. Street, NW Room 222
Washington D.C. 20554

**RE: Preemption of Local Zoning Regulations of Satellite Earth Stations,
IB Docket No. 95-50 and Implementation of Section 207 of the Telecommunications
Act of 1996. CS Docket No. 96-83**

Dear Mr. Caton:

We write in response to the FCC's Report and Order and Further Notice of Proposed Rulemaking released on August 6, 1996, which asks for comments "with regard to placement of antennas on common areas or rental properties, property not within the exclusive control of a person with an ownership interest, where a community association or landlord is legally responsible for maintenance and repair and can be liable for failure to perform its duties properly."

Irvine Apartment Communities is in the residential real estate rental business. We own 50 communities comprising of over 13,500 apartment units in Southern California. Our resident base consists of more than 33,800 tenants.

Granting persons who do not have an ownership interest in the property that they rent a presumptive right to install a satellite dish or to demand a community-based signal will adversely affect the conduct of our business without justification and needlessly raise additional legal issues. We question whether the Commission has the authority to require us to allow the physical invasion of our property. We must retain the authority to control the use of our property, for many reasons.

The FCC should not extend regulations implementing Section 207 of the Telecommunications Act of 1996 to situations in which the viewer does not have exclusive use or control and a direct ownership interest in the property where the antenna is to be installed, used and maintained. There are many factors such as safety, security, aesthetics, liability, and insurance costs that a private owner must consider and manage on a day-to-day basis. All of these factors are vital to the operation of an apartment community and cannot be discounted or properly compensated for on a uniform basis.

APARTMENT HOMES
5051 ALTON PARKWAY #10 • IRVINE, CALIFORNIA 92714
714-733-0404 FAX 714-733-2326

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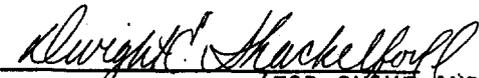
The weight or wind resistance of a satellite dish and the quality of installation may create maintenance problems and, more importantly, a hazard to the safety of residents, building employees, and passers-by. Damage to the property caused by water seepage into the building interior, corrosion of metal mounts, or weakening of concrete could lead to safety hazards and very costly maintenance and repairs. Slipshod or faulty contractors could create all kinds of safety problems. Even good installers cannot guarantee against weather damage.

The technical limitations of satellite technology creates problems because all of our residents may not be able to receive certain services. It is our understanding that satellites are only positioned in certain areas, thus limiting access. And a community-type satellite dish or antenna mounted on the roof of our property is not the answer because of the great variation in condition and quality of the roofs, and it may be totally impractical and uneconomical to provide service to a small universe of potential subscribers.

In conclusion, we urge the FCC to avoid interfering in our relationship with our residents. All of the potential problems we cite will adversely affect the safety and security of our property, as well as our bottom line and our property rights.

Thank you for your attention to our concerns.

Sincerely,


Resident Manager (FOR SHAYE ANDERS)