

MASS MAILING

The attached document is part of a mass mailing received in Docket Nos. 96-83 and 95-59. The following list specifies the names of the parties filing formal comment. The number of identical documents as specified in the File Number/City, St. field have been received by the Commission on this same date. You may contact an information technician in the Public Reference Room, Room 239 or 230 to view the documents.

Docket Number	Receipt/Adopted/Issued	Name of Applicant
96-83	9/17/96	ALBERT B. ASHFRORTH
96-83	9/17/96	ALTUDA ARMS APARTMENTS
96-83	9/17/96	ANDERSON MANAGEMENT, INC.
96-83	9/17/96	BEEKMAN FINANCIAL MANAGEM
96-83	9/17/96	BEST ASSET MANAGEMENT, IN
96-83	9/17/96	BOADMOOR APARTMENTS
96-83	9/17/96	BOSTIC BROTHERS PROPERTIE
96-83	9/17/96	BOSTON FINANCIAL
96-83	9/17/96	BROOKDALE LAKES
96-83	9/17/96	CAMBRIDGE
96-83	9/17/96	CARAHER MANAGEMENT CORPO
96-83	9/17/96	CARAHER MANAGEMENT CORPO
96-83	9/17/96	CARDINAL APARTMENTS
96-83	9/17/96	CASA DEL MONTE MOBILE HOM
96-83	9/17/96	CB COMMERCIAL REAL ESTATE
96-83	9/17/96	CEDAR POINT APARTMENTS
96-83	9/17/96	COLONIAL MANOR
96-83	9/17/96	COLONIAL MANOR APARTMENTS
96-83	9/17/96	COUNTRY CLUB APARTMENTS
96-83	9/17/96	COUNTRY CLUB APARTMENTS
96-83	9/17/96	COUNTRY FAIR APARTMENTS
96-83	9/17/96	CRESCENT REAL ESTATE EQUI
96-83	9/17/96	CRUSADOER ARMS APARTMENTS
96-83	9/17/96	ENGLISHBROOK APARTMENTS
96-83	9/17/96	FEDERAL MANOR APARTMENTS
96-83	9/17/96	FIRDALE VILLAGE
96-83	9/17/96	FIRST REAL ESTATE INVESTM
96-83	9/17/96	FIRST WORTHING COMPANY
96-83	9/17/96	GREATER CINCINNATI AND NO
96-83	9/17/96	GSSW, LP
96-83	9/17/96	GSSW, LP
96-83	9/17/96	GSSW, LP
96-83	9/17/96	GSSW. LP
96-83	9/17/96	HARRISON FERRY APARTMENTS
96-83	9/17/96	HEKEMIAN CO., INC.
96-83	9/17/96	HEKEMIAN CO., INC.
96-83	9/17/96	IRWIN R. ROSE AND COMPANY
96-83	9/17/96	LAKE FOREST APARTMENT
96-83	9/17/96	LAS CASITAS APARTMENTS
96-83	9/17/96	LEONARDS GROVE APARTMENT
96-83	9/17/96	LEONARDS GROVE APARTMENT
96-83	9/17/96	LIVING OAKS APARTMENT
96-83	9/17/96	MABLETON VILLAGE APRTMENT
96-83	9/17/96	MANULIFE REAL ESTATE
96-83	9/17/96	MENDIK COMPANY, THE
96-83	9/17/96	MULBERRY HILL APARTMENTS
96-83	9/17/96	MULBERRY HILL APARTMENTS
96-83	9/17/96	NOONEY KROMBACH COMPANY
96-83	9/17/96	NORLAND PROPERTIES
96-83	9/17/96	OAKCREEK APARTMENTS
96-83	9/17/96	OLYMPUS APARTMENTS
96-83	9/17/96	PARK PLACE ON TURTLE CREE

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96-83	9/17/96	PECAN RIDGE APARTMENTS
96-83	9/17/96	PORTSIDE MOBILE HOME COMP
96-83	9/17/96	PRENTISS PROPERTIES LIMIT
96-83	9/17/96	PW FUNDING INC.
96-83	9/17/96	QUAIL CROSSING APARTMENTS
96-83	9/17/96	REGENCY WINDSOR COMPANY
96-83	9/17/96	REGENT MANAGEMENT, INC.
96-83	9/17/96	SOLARIUM APARTMENTS
96-83	9/17/96	TESTERMAN MANAGEMENT
96-83	9/17/96	TOWNHOMES IN THE PINES GE
96-83	9/17/96	URBAN GREEN APARTMENTS
96-83	9/17/96	VALLEY CREEK APARTMENTS
96-83	9/17/96	VALLEY FORGE APARTMENT
96-83	9/17/96	VILLAGE GREEN
96-83	9/17/96	WELLSFORD RESIDENTIAL PRO
96-83	9/17/96	WESTRIDGES, THE
96-83	9/17/96	WESTWOOD APARTMENTS
96-83	9/17/96	WESTWOOD APARTMENTS
96-83	9/17/96	WINDCHASE APARTMENTS
96-83	9/17/96	WINDCHASE APARTMENTS
96-83	9/17/96	YARROW BAY CLUB APARTMENT

TOTAL : 73

QUAIL CROSSING APARTMENTS

9135 NORTH MERIDIAN STREET, SUITE A-6

MAIL ADDRESS: P. O. BOX 40879

INDIANAPOLIS, INDIANA 46240-0879

OWNERS AND OPERATORS OF:
QUAIL CROSSING APARTMENTS
790 EAST WARRIOR TRAIL
GRAND PRAIRIE, TEXAS 75051-5930
PHONE: AREA CODE: 214/263-3524

AREA CODE: 317/844-8825
FAX: 317/575-0850

September 11, 1996

DOCKET FILE COPY ORIGINAL

Mr. William F. Caton, Acting Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, DC 20554

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 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." We enclose six (6) copies of this letter, in addition to the original.

Irwin R. Rose and Company is in the residential real estate business in five states, owning and managing 22 multi-family apartment communities (all non-governmental financed) totaling some 3500 dwelling units. We have been engaged exclusively in this business for 36 years.

Granting persons who do not have an ownership interest in the property 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 property 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.

The weight or wind resistance of a satellite and the quality of installation may create maintenance problems and--more importantly--a hazard to the safety

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Mr. William F. Caton, Acting Secretary
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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 repair. 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 create problems because all of our residents may not be able to receive certain services. It is our understanding that satellites are positioned only in certain areas, thus limiting access. And a community-type satellite dish or antenna mounted on the roof of our property is not necessarily the answer because of the great variation in condition and quality of 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.

Very truly yours,



Douglas C. Rose
Vice President

DCR:etf
dr\caton911.96
enclosures - six (6) copies of letter

cc: File