

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
95-59	10/7/96	ALLEGIS REALTY INVESTORS
95-59	10/7/96	ALLEGIS REALTY INVESTORS
95-59	10/7/96	ALLEGIS REALTY INVESTORS
95-59	10/7/96	COLONIAL PROPERTIES TRUST
95-59	10/7/96	GRIFFIN PROPERTIES
95-59	10/7/96	KINGSTOWN RESIDENTIAL OWN
95-59	10/7/96	LAKESPUR 6 CONDOMINIUM
95-59	10/7/96	MID-RISE 2
95-59	10/7/96	MSNHSTTAN REALTY GROUP
95-59	10/7/96	NEW HORIZAN SOUTH BAY
95-59	10/7/96	OAK HILLS

TOTAL : 11

Allegis Realty Investors LLC
242 Trumbull Street
Hartford, CT 06103-1205

Robert C. Burrill
Managing Director
Tel: (860) 275-2381
Fax: (860) 275-4225

RECEIVED

OCT 7 1996

FCC MAIL ROOM

Allegis

September 16, 1996

DOCKET FILE COPY ORIGINAL

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

Please accept this letter as written comments from Allegis Realty Investors LLC in response to the FCC's August 6, 1996 Further Notice of Proposed Rulemaking. The Commission requested comments regarding the effect that a potential federal rule could have on commercial property owners in situations where the viewer does not have exclusive use or control and a direct ownership interest in the property where a satellite antenna is to be installed, used or maintained.

We ask that the FCC refrain from issuing a rule that would restrict the ability of property owners to engage in competitive, free-market negotiations with tenants and telecommunications service providers in making satellite antennas or other high-tech services accessible to users of commercial property. In our view:

- **An FCC rule is unnecessary.** Telecom access and pricing issues are now and should continue to be privately negotiated and settled jointly among tenants, telecom access providers and real estate owners. Property owners, operating in a highly competitive market, are already meeting tenant needs by providing the latest in telecom services. It's a well-functioning, free market process that doesn't need governmental intrusion.
- **An FCC rule would be contrary to congressional intent.** When Congress has considered telecom access issues in the past, including the Telecommunications Act of 1996, it rejected proposals that would have required building owners to provide access to a potentially unlimited number of telecom providers.
- **An FCC rule would violate constitutionally protected property rights.** If the federal government were to give tenants the right to place satellite antennas on private property without the consent or involvement of a property owner, this action would constitute a "taking" of property, which violates rights that are protected by the U.S. Constitution.

We urge you to consider the detrimental effect that intrusive government regulations would have on the free-market process in which owners and providers now participate in securing competitive telecom services for occupants of commercial property. It is a process that we believe Congress fully intended to encourage in approving the Telecommunications Act of 1996 and which we urge the FCC to retain.

As requested, six copies of our comment letter are enclosed. Thank you for considering our views.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert C. Burrill". The signature is fluid and cursive, written over a white background.

Robert C. Burrill
Managing Director

cc: C. Dodd
J. Lieberman