

Docket Number	Receipt/Adopted/Issued	Name of Applicant
95-59	9/30/96	INDEPENDENCE HILL
95-59	9/30/96	IVY TERRACE APARTMENTS
95-59	9/30/96	JENNY LIND HALL
95-59	9/30/96	JOHN B. HUGHES I & II
95-59	9/30/96	LA ARBLEDA APARTMENTS
95-59	9/30/96	LA SOMBRA APARTMENTS
95-59	9/30/96	LAGUNA SHORES APARTMENTS
95-59	9/30/96	LAKE MEADOWS APARTMENT
95-59	9/30/96	LAKE RIDGE APARTMENTS
95-59	9/30/96	LAKESIDE PLACE
95-59	9/30/96	LANTHAU CENTER
95-59	9/30/96	LERNER AND COMPANY REAL E
95-59	9/30/96	MANKATO TOWER APARTMENTS
95-59	9/30/96	MCMILLIAN APARTMENTS
95-59	9/30/96	MIDTOWN PLAZA APARTMENTS
95-59	9/30/96	MINK REALTY INVESTORS
95-59	9/30/96	MOODY RAMBIN INTEREST, IN
95-59	9/30/96	MOUNT LA JOLLA ASSOCIATIO
95-59	9/30/96	NEW SALEM ACRES APARTMENT
95-59	9/30/96	NEWTON PLAZA APARTMENTS
95-59	9/30/96	NORTH HILLS APARTMENTS
95-59	9/30/96	OAK RUN APARTMENTS
95-59	9/30/96	OXFORD DEVELOPMENT COMPAN
95-59	9/30/96	PARAN MANAGEMENT COMPANY
95-59	9/30/96	PINEBUSCH APARTMENTS
95-59	9/30/96	PINETREEVILLAGE APARTMENT
95-59	9/30/96	PIPER'S COVE APSRTMENT
95-59	9/30/96	PLUMTREE APARTMENTS
95-59	9/30/96	POTTERWOOD APARTMENTS
95-59	9/30/96	PRENTISS PRIOPERTIES LIM
95-59	9/30/96	PROPERTY ASSET MANAGEMENT
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95-59	9/30/96	PROPERTY ASSET MANAGEMENT
95-59	9/30/96	REFLECTIONS AT THE LAKES
95-59	9/30/96	RIVERBEND APARTMENTS
95-59	9/30/96	RIVERWALK
95-59	9/30/96	ROSCHE SERVICE CORPORATIO
95-59	9/30/96	SHADOW-WOOD
95-59	9/30/96	SHIREWOOD TOWNHOMES
95-59	9/30/96	SILVER LAKES APARTMENT
95-59	9/30/96	SLAGE CREEK APARTMENTS
95-59	9/30/96	SOUTH GATE APARTMENTS
95-59	9/30/96	SPIRE REALTY GROUP INC.
95-59	9/30/96	STANTON PARTNERS, INC.
95-59	9/30/96	TISHMAN SPEYER PROPERTIES
95-59	9/30/96	TISHMAN SPEYER PROPERTIES
95-59	9/30/96	TISHMAN SPEYER PROPERTIES
95-59	9/30/96	TMC MANAGEMENT CORPORATIO
95-59	9/30/96	TMC MANAMGENT CORPORATION
95-59	9/30/96	TONTI REALTY
95-59	9/30/96	VANTAGE POINT APARTMENTS
95-59	9/30/96	VICKERY CREEK APARTMENT
95-59	9/30/96	VILLAGE IN THE WOODS
95-59	9/30/96	VILLAS OF HENDERSON

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95-59	9/30/96	VILLAS OF HENDERSON PASS
95-59	9/30/96	WESTVIEW APARTMENTS
95-59	9/30/96	WIL ANDREWS
95-59	9/30/96	WILLOWGATE APARTMENTS
95-59	9/30/96	WINDEMERE, THE
95-59	9/30/96	WYKEHAM TOWNHOMES

TOTAL : 123

BARNHART INTERESTS, INC.
RECEIVED

September 23, 1996

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

SEP 30 1996

FEDERAL COMMUNICATIONS COMMISSION
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SEP 27 1996
FCC MAIL ROOM

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 are writing 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 an antenna on common areas of leased premises, property not within the exclusive control of a person with an ownership interest, where a 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 this original.

Barnhart Interests, Inc. is in the commercial real estate business. We own and manage three office buildings in Houston, Texas totalling approximately one million square feet.

We are concerned that imposition of a rule granting persons a presumptive right to receive over-the-air signals – persons who do not have ownership interest in the property they occupy through lease agreement with a property owner—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 several reasons.

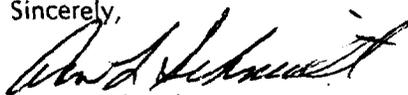
The FCC should not extend regulations implementing Section 207 of the Telecommunications Act of 1996 to situations in which the viewer does not have exclusive use or control and direct ownership interests in the property where the antenna is to be installed, use and maintained. There are many factors 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 office building 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 of occupants, 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. Additionally, slipshod or faulty contractors might create safety problems during installation.

The technical limitations of satellite technology create problems because all of our tenants may not be able to receive certain services. It is our understanding that satellites are only positioned in certain areas, thus limiting access. But a building-type of 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 relationships with our tenants. 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,



Ann L. Schmidt
Vice President
Property Management

:ls:satellite.FCC