

## 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	9/17/96	ALBERT B. ASHFRORTH
95-59	9/17/96	ALTUDA ARMS APARTMENTS
95-59	9/17/96	ANDERSON MANAGEMENT, INC.
95-59	9/17/96	BEEKMAN FINANCIAL MANAGEM
95-59	9/17/96	BEST ASSET MANAGEMENT, IN
95-59	9/17/96	BOADMOOR APARTMENTS
95-59	9/17/96	BOSTIC BROTHERS PROPERTIE
95-59	9/17/96	BOSTON FINANCIAL
95-59	9/17/96	BROOKDALE LAKES
95-59	9/17/96	CAMBRIDGE
95-59	9/17/96	CARDINAL APARTMENTS
95-59	9/17/96	CASA DEL MONTE MOBILE HOM
95-59	9/17/96	CB COMMERCIAL REAL ESTATE
95-59	9/17/96	CEDAR POINT APARTMENTS
95-59	9/17/96	COLONIAL MANOR
95-59	9/17/96	COLONIAL MANOR APARTMENTS
95-59	9/17/96	COUNTRY CLUB APARTMENTS
95-59	9/17/96	COUNTRY FAIR APARTMENTS
95-59	9/17/96	CRESCENT REAL ESTATE EQUI
95-59	9/17/96	CRUSADOER ARMS APARTMENTS
95-59	9/17/96	FEDERAL MANOR APARTMENTS
95-59	9/17/96	FIRDALE VILLAGE
95-59	9/17/96	FIRST REAL ESTATE INVESTM
95-59	9/17/96	FIRST WORTHING COMPANY
95-59	9/17/96	GREATER CINCINNATI AND NO
95-59	9/17/96	GSSW, LP
95-59	9/17/96	HARRISON FERRY APARTMENTS
95-59	9/17/96	HEKEMIAN CO., INC.
95-59	9/17/96	IRWIN R. ROSE AND COMPANY
95-59	9/17/96	LAKE FOREST APARTMENT
95-59	9/17/96	LAS CASITAS APARTMENTS
95-59	9/17/96	LEONARDS GROVE APARTMENT
95-59	9/17/96	LIVING OAKS APARTMENT
95-59	9/17/96	MABLETON VILLAGE APRTMENT
95-59	9/17/96	MANULIFE REAL ESTATE
95-59	9/17/96	MENDIK COMPANY, THE
95-59	9/17/96	MULBERRY HILL APARTMENTS
95-59	9/17/96	NOONEY KROMBACH COMPANY
95-59	9/17/96	NORLAND PROPERTIES
95-59	9/17/96	OAKCREEK APARTMENTS
95-59	9/17/96	OLYMPUS APARTMENTS
95-59	9/17/96	PARK PLACE ON TURTLE CREE
95-59	9/17/96	PECAN RIDGE APARTMENTS
95-59	9/17/96	PORTSIDE MOBILE HOME COMP
95-59	9/17/96	PRENTISS PROPERTIES LIMIT
95-59	9/17/96	PW FUNDING INC.
95-59	9/17/96	QUAIL CROSSING APARTMENTS
95-59	9/17/96	REGENCY WINDSOR COMPANY
95-59	9/17/96	REGENT MANAGEMENT, INC.

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95-59	9/17/96	SOLARIUM APARTMENTS
95-59	9/17/96	TESTERMAN MANAGEMENT
95-59	9/17/96	TOWNHOMES IN THE PINES GE
95-59	9/17/96	URBAN GREEN APARTMENTS
95-59	9/17/96	VALLEY CREEK APARTMENTS
95-59	9/17/96	VALLEY FORGE APARTMENT
95-59	9/17/96	VILLAGE GREEN
95-59	9/17/96	WELLSFORD RESIDENTIAL PRO
95-59	9/17/96	WESTRIDGES, THE
95-59	9/17/96	WESTRIDGES, THE
95-59	9/17/96	WINDCHASE APARTMENTS
95-59	9/17/96	YARROW BAY CLUB APARTMENT

TOTAL : 64

**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  
730 EAST WARRIOR TRAIL  
GRAND PRAIRIE, TEXAS 75061-5930  
PHONE: AREA CODE: 214/963-3524

RECEIVED  
SEP 17 1996  
FCC MAIL ROOM

AREA CODE: 317/844-8925  
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

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