

## 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	9/19/96	AXIOM REAL ESTATE MANAGEM
95-59	9/19/96	BELLEMEAD DEVELOPMENT COR
95-59	9/19/96	BRAZOS APARTMENTS
95-59	9/19/96	BROADWAY 428 APARTMENTS
95-59	9/19/96	BROOK LEPAGE MANAGEMENT C
95-59	9/19/96	BURNS PROPERTIES, INC
95-59	9/19/96	CAPITAL & COUNTIES USA
95-59	9/19/96	COLTON DEL RIO PARTNERS
95-59	9/19/96	COLTON DEL RIO PARTNERS I
95-59	9/19/96	COLTON DEL RIO PARTNERS I
95-59	9/19/96	CREEKSIDE APARTMENTS
95-59	9/19/96	CROCKER PLAZA COMPANY
95-59	9/19/96	EL CORTEZ APARTMENTS
95-59	9/19/96	FAIRWAY VILLAGE APARTMENT
95-59	9/19/96	FOX GLEN APARTMENTS
95-59	9/19/96	FREDRICKS FUND III
95-59	9/19/96	FREDRICKS FUND IV
95-59	9/19/96	GOLD POINTE
95-59	9/19/96	GREENTREE VILLAGE
95-59	9/19/96	HARBOR COVE APRTMENTS
95-59	9/19/96	HARBOR MANAGEMENT, INC
95-59	9/19/96	KEARNY SPRING CO.
95-59	9/19/96	LA MADERA APARTMENTS
95-59	9/19/96	LASALLE PARTNERS
95-59	9/19/96	LEGOW MANAGEMENT COMPANY
95-59	9/19/96	LINCOLN GREEN
95-59	9/19/96	LOS ARBOLITOS APARTMENTS
95-59	9/19/96	LOS ARBOLITOS LTD
95-59	9/19/96	PARC EAST CONDOMINIUM UNI
95-59	9/19/96	PAVILION APARTMENTS
95-59	9/19/96	SHOLOMANOR APARTMENTS
95-59	9/19/96	SUMMIT AT LAKE UNION, THE
95-59	9/19/96	TABER MILL APARTMENTS
95-59	9/19/96	TIMBERS APARTMENT
95-59	9/19/96	TIMBERS APARTMENT
95-59	9/19/96	TRAMMELL CROW COMPANY
95-59	9/19/96	UNTED DOMINION REALTY TRU
95-59	9/19/96	VECTOR PROPERTY SERVICES

TOTAL : 38



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September 16, 1996 FCC MAIL ROOM

DOCKET FILE COPY ORIGINAL

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

Re: Preemption of Local 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 this original.

Burns Properties, Inc. is in the residential real estate management business. We manage Broadway 428 Apartments, a 12 unit apartment community in Tyler, Texas.

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 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 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 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 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 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,

A handwritten signature in black ink that reads "Robert S. Burns". The signature is written in a cursive style with a large initial "R".

Robert S. Burns, CPM  
President

RSB:db