

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	9/12/96	ALTMAN MANAGEMENT II INC.
95-59	9/12/96	BOSTON FINANCIAL
95-59	9/12/96	EDMONDSON & GALLAGHER
95-59	9/12/96	JOHNSTON CAPITAL CORPORAT
95-59	9/12/96	O.L.P MANAGEMENT COMPANIE
95-59	9/12/96	SEVEN CORNERS APARTMENTS
95-59	9/12/96	TISHMAN SPEYER PROPERTIES
95-59	9/12/96	WALLICK COMPANIES, THE

TOTAL : 8

Samuel Geltman & Co.

REAL ESTATE

205 ROBIN ROAD • SUITE 202 • PARAMUS, N.J. 07652 • (201) 599-9292 • FAX (201) 599-1326

September 9, 1996

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

DOCKET FILE COPY ORIGINAL

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:

I 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." I enclose (6) copies of this letter, in addition to this original.

Samuel Geltman & Co. is in the residential real estate business. We own and manage over 10,000 apartment rental units in the states of New Jersey, Pennsylvania, Indiana, Arizona and 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. I 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.

Mr. William F. Caton
Federal Communications Commission
September 9, 1996
Page 2

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 my 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, I urge the FCC to avoid interfering in our relationships with our residents. All of the potential problems I 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,



Nancy J. Geltman
President

NJG/meh

Enclosures