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*Squire, Sanders & Dempsey*

L.L.P.

*Counsellors at Law*

*1201 Pennsylvania Avenue, N.W.*

*P.O. Box 407*

*Washington, D.C. 20044-0407*

*Telephone (202) 626-6600*

*Cable Squire DC*

*Telex (202) 626-6780*

*Direct Dial Number*

*(202) 626-6677*

January 23, 1997

**By Hand**

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

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JAN 23 1997

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

Re: Notice of Oral and Written Ex Parte Presentation: IB Docket No. 95-59, CS Docket No. 96-83; Preemption of Local Zoning Regulation of Satellite Earth Stations; Implementation of Section 207 of the Telecommunications Act of 1996; Restrictions on Over-the-Air Reception Devices: Television Broadcast and Multichannel Multipoint Distribution Services

Dear Mr. Caton:

On January 23, 1996, representatives of the Consumer Electronics Manufacturers Association ("CEMA") met with Meredith Jones, William Johnson, Barbara Esbin, JoAnn Lucanik, Rick Chessen and Darryl Cooper of the Cable Services Bureau to discuss CEMA's position and petition for clarification and reconsideration in the above-referenced proceeding. The information discussed during the meeting is contained in CEMA's petition and in the comments and reply comments CEMA has filed in this proceeding. CEMA also made the points contained in the attached hand-out which was distributed at the meeting. Representing CEMA were CEMA officials Gary Klein and Michael Petricone, as well as the undersigned.

In accordance with Section 1.1206(a) of the Commission's rules, four copies of this notice and its attachment are being submitted for inclusion in the public record of the two dockets. Please contact me if you have any questions.

Sincerely,



David Alan Nall

cc: Meredith Jones      Barbara Esbin      Rick Chessen  
William Johnson      JoAnn Lucanik      Darryl Cooper

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**Consumer Electronics Manufacturers Association  
A sector of the Electronic Industries Association**

2500 Wilson Boulevard ■ Arlington, VA 22201-3834 USA  
Tel 703/907-7600 ■ Fax 703/907-7601

January 22, 1996

**Ex Parte Meeting re:**

**IB Docket No. 95-59  
CS Docket No. 96-83**

CEMA suggests that the Commission clarify and reconsider, in part, its August 6 Report and Order as described below:

**The Commission should clarify language in its Order and Rules that potentially undermines consumer interests. The Order and new Section 1.4000 of the Commission's rules introduce at least three ambiguities that require clarification if consumer interests, and the intent of Section 207, are to be served:**

- At paragraph 25 of the Order, the Commission suggests that it will permit local safety regulations so long as they do not discriminate among devices that are comparable "in size, weight, and appearance". The word "appearance" should be eliminated from the final rule to avoid any mistaken impression that an antenna's appearance can be taken into consideration to justify safety restrictions.
- At paragraph 20 of the Order, the Commission states that its new rule would only invalidate local restrictions that would require an antenna to be placed in a position where reception would be impossible or "substantially degraded". Section 207 clearly obliges the Commission to prohibit restrictions that "impair" a viewer's access to over-the-air programming. The Commission should not equate "impair" with "substantially degrade"—even "moderate" degradation will "impair" a viewer's access to over-the-air programming. The Commission should clarify that local restrictions on the placement of antennas (other than exempted safety and historic district restrictions) cannot require consumers to endure any signal degradation.
- At paragraph 37 of the Order, the Commission indicates that that the BOCA code's blanket restriction on size is "unacceptable", thus implying that it will prohibit enforcement of the BOCA code and any similar safety rules that restrict the installation of DBC antennas one meter or less in diameter and are based solely on the

