



**Gulfport-Biloxi
Regional Airport Authority**

Commissioners
G. B. Werby
Frank Genzer
Travis Lott Jr.

B. A. Frallic, A.A.E.
Executive Director

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FCC MAIL ROOM

October 16, 1997

Office of the Secretary
Federal Communications Commission
Washington, DC 20554

Re: MM Docket No. 97-182

Dear Sir:

The Gulfport-Biloxi Regional Airport Authority **opposes** the proposed rule to preempt state and local zoning and land use restriction on the siting, placement and construction of broadcast station transmission facilities.

The Gulfport-Biloxi Regional Airport and the City of Gulfport, Mississippi have spent hundreds of thousands of dollars developing height/hazard and land use zoning to protect our airport approaches. The current review process allows a balance to be achieved between broadcast commerce and the economic viability of our airport. This process is sometimes time consuming, but it works for the general benefit of the public and assures the long-term safety of aeronautical activity at our airport. Our review process would be seriously and negatively impacted by shortening the response and review time to twenty one (21) days. The average time to gather data and coordinate initial review is thirty to forty five days. The unrealistic time frame in the NPRM would effectively deny public and local government review.

We do not believe that the expedience of installing digital television service towers should over shadow the importance of proper review to assure safety of aeronautical activity. Moreover, we question the logic of this rule change. We know of no rule change that has ever sacrificed safety or local governmental review and allowed a Federal agency to usurp the power to deny proper investigation; and that is what the automatic approval provision would do. Additionally, this rule would shift an extreme cost burden onto airports and local governments, and therefore is nothing more than another "unfunded mandate". By the same token, it dramatically changes the "burden of proof" to airports and local government which would be under extreme pressure to make quick determinations and bypass the reasonable review procedures which have evolved over the last fifty years.

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October 16, 1997
Page Two

The Gulfport-Biloxi Regional Airport Authority strongly opposes this proposal rule change. As written it will severely impact the capacity of our Airport and the future of safe and efficient air commerce in the Nation.

Sincerely,

GULFPORT-BILOXI REGIONAL
AIRPORT AUTHORITY



G.B. Werby, Chairman

GBW/cw

Senator Trent Lott
Senator Thad Cochran
Congressman Gene Taylor
Mayor Bob Short, City of Gulfport
Mr. Ronald Jones, City of Gulfport w/Encl.



County of Hamilton

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PRESIDENT OF THE BOARD
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COMMISSIONER
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FCC MAIL ROOM

Before the
FEDERAL COMMUNICATIONS COMMISSION
1919 M Street, N.W.,
Washington, D.C. 20554

In the Matter of

Preemption of State and Local Zoning and
Land Use Restrictions on the Siting,
Placement and Construction of Broadcast
Station Transmission Facilities

MM Docket No 97-182

COMMENTS OF

Commissioner John Dowlin
The Board of County Commissioners of Hamilton County, Ohio
603 County Administration Building
138 East Court Street
Cincinnati, Ohio 45202

The Board of County Commissioners of Hamilton County Ohio respectfully submits the following comments on the Commission's Public Notice of Proposed Rule Making released August 19, 1997.

The rulemaking would severely limit zoning authority over the siting and construction of television broadcast towers as the shift to digital television occurs (MM Docket No 97-182). The preemption of zoning for DTV construction and radio station transmission facility relocations resulting from such construction would be detrimental to the public interest in our County and in the State of Ohio. The Ohio legislature has already provided ample if not excessive opportunities for full and rapid build-out of all telecommunications facilities by designating such facilities as exempt from all zoning regulations in commercial and industrial zoning districts in all unincorporated areas. Any further preemption would unduly interfere with the legitimate

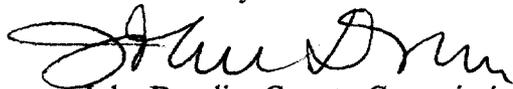
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affairs of local governments and their responsibilities to protect and maintain the residential character of neighborhoods. Obviously, given the amount and distribution of land zoned for nonresidential use, local zoning regulations and state zoning and land use laws in Ohio are not standing as any obstacle to the implementation of the DTV conversion or to the institution and improvement of broadcast service generally. Even in areas zoned for residential use the FCC has already prevented local governments from unduly prohibiting the provision of telecommunications services. Reasonable local regulation is essential to assure appropriate tower location in nonresidential areas whenever technologically feasible.

In regard to the petitioners proposal for specific time limits for local government action, we recommend that all such limits be extended to at least 62 days since many local commissions only meet every 30 or 31 days and additional time must be provided in the process for submittal, review and acceptance of applications as well as the possible need for review of new information at a second meeting.

The County Commissioners of Hamilton County, Ohio urge the Federal Communication Commission to reject any petition to preempt state and local zoning and land use restrictions on placement and construction of facilities that erode the residential character of our neighborhoods. Local regulations are essential to properly balance local safety and aesthetic concerns with the accelerated DTV transition schedule.

Submitted by:



John Dowlin, County Commissioner
Board of County Commissioners, Hamilton County, Ohio
138 East Court Street
Cincinnati, Ohio 45202

October 16, 1997

cc: Commissioner Bob Bedinghaus
Commissioner Tom Neyer, Jr
Planning Director Ron Miller
CCAO Executive Director Larry Long
NACO Executive Director Larry Naake



Paducah Airport Corporation

P. O. BOX 1131
PADUCAH, KY 42002-1131
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FAX (502)744-0522

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W. Westberry, President
Neil Archer, Vice President
Jim Paxton, Secretary/Treasurer
Gene Edwards, Director
Billy Harper, Director
Joseph G. Meredith, Director
Richard R. Roof, Airport Manager

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Office of the Secretary
Federal Communications Commission
Washington, DC 20554

FCC MAIL ROOM
Re: MM Docket No. 97-182

By the Respondent:

The Airport Board of the Paducah Airport Corporation, administrator of Barkley Regional Airport, a public-owned primary commercial service airport, states its strong opposition to the proposed preemption of local zoning jurisdiction as proposed in the NPRM, Docket No. 97-182.

Preventing hazards to aviation, such as broadcast towers located near the airport, is a vital safety concern. Because FAA has no legal power under FAR Part 77 to prevent construction of such hazards, airports within Kentucky must depend on the Kentucky Airport Zoning Commission(KAZC) to safeguard airports and aircraft operations against inappropriate construction of hazards such as broadcast towers.

Upon close scrutiny of the FCC proposal, we do not believe there are adequate appeal processes contained within the NPRM comparable to those of KAZC. Furthermore, the proposed appeal timelines contained in the NPRM are totally inadequate to permit a complete study of hazard consequences of a proposed broadcast tower.

The undersigned served as a Governor-appointed commissioner of the KAZC from 1978 to 1985 and was involved in hazard determination of dozens of broadcast towers during his tenure on the KAZC. In addition to having 23 years of experience in airport management, I have accumulated more than 6,000 flight hours, most in commercial air taxi operations, and hold an Airline Transport Pilot's rating. In earlier years, I was employed in commercial broadcasting. Based on my experiences, I believe I have an excellent understanding of the issues on both sides.

During my service as a KAZC Commissioner, I found the Commission always carefully considered the ramifications of a proposed broadcast tower construction application, both on aviation safety and on the technical/financial considerations of the broadcaster applicant. I firmly believe both sides were well represented in Commission deliberations and that the Commission's determinations as to hazard best served the public interest. Decisions definitely were not one-sided.

The FCC's NPRM would leave the KAZC virtually toothless and result in the loss of invaluable safeguards to airports and aviation.

We stand in strong opposition to the NPRM.

Sincerely,

Richard R. Roof
Richard R. Roof
Airport Manager

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DAVID LEE SWINDLER
1714 WILTSHIRE DR.
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October 12, 1997

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Evening 615 890 2439
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Office of Secretary
Federal Communications Commission
Washington D. C. 20554

FCC MAIL ROOM

Subject: FCC Proposal MM Docket No. 97-182

Dear Mr. Secretary:

I am opposed to the reported proposal which seemly removes the authority for local and state government to regulate the placement of tall communications towers.

There are many reasons why local and state authorities must maintain jurisdiction on the placement and elevation of proposed communications structures. The most significant reason is that Federal Government does not have sufficient information concerning the needs of local communities nor the present use of air space nor local affects of RF radiation. There are already too many towers causing all sorts of hazards and local people must limit their use to areas where we feel is safe.

By copy of this to Senator Fred Thompson, I am requesting that he look into the possibility that large sums of money was channeled to the Democratic party by individuals having interests in high definition television. It is obvious that expediting process of erecting towers would provide a significant benefit to the high definition television industry interest. The purpose of the FCC is to protect the interest of the citizens and to disrupt normal local zoning ordinances is clearly not in the interest of the citizen.

Sincerely,



David L. Swindler

CC: Senator Fred Thompson

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Charlie Hales, Commissioner
David C. Knowles, Director
1120 S.W. 5th, Room 1002
Portland, Oregon 97204-1966
Telephone: (503) 823-7700
FAX (503) 823-7800

October 15, 1997

OCT 20 1997

Office of the Secretary
Federal Communications Commission
Washington, D.C. 20554

FCC MAIL ROOM

RE: Preemption of State and Local Zoning and Land Use Restrictions on the Siting, Placement and Construction of Broadcast Station Transmission Facilities

MM Docket No. 97-182

Acting Secretary William F. Caton and Interested Parties:

In response to the National Association of Broadcasters "Petition for Further Notice of Proposed Rule Making" and the Federal Communications Commission's accelerated schedule for construction of DTV transmission facilities: The F.C.C. has arbitrarily created a context in which local jurisdictional authority is viewed as being in the way of progress and change. This seems a most precipitous move, particularly in the face of public reaction to the recent accelerated build out of wireless communications facilities. It will result in further erosion of public confidence and trust in their government(s). It is not shown to be necessary. There is no evidence that any community or the nation as a whole will suffer irreparable harm if this process does not occur within the time frame demanded by the F.C.C.

The accelerated and arbitrary schedule for build out of wireless communication facilities has not resulted in technological innovation sufficient to make a significant difference in the market desirability of the various competitors; however, the competitive pressures have led to commonplace zoning and building permit violations by some of those competing. These same arbitrarily induced pressures have led to poor siting choices and less than full disclosure of siting options by most of the competitors.

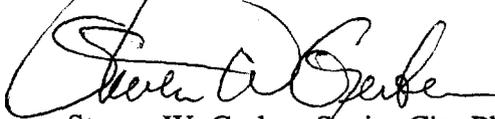
For each and every anecdotal horror story told by the N.A.B., there are equally horrific stories of disregard for local esthetics, standards and trust. There is, however, a system designed and frequently successful in balancing the needs of industry and business and the desires of the community. The local land use system is not only intended to provide consideration of competing beliefs or needs and make determinations that can and do include national concerns, but has done so without prejudice in all but a very few cases (for which there is recourse in the courts). The needs and desires of the broadcast industry, without such a balance, would and has resulted in "oil derrick" towers in the most prominent of places, skylines dominated by the linear light shows of a single tower for every TV station, towers that "howl" in the wind, drop ice a quarter of a mile away, and interfere with every imaginable sort of electronic consumer device. But this list is not cause to outlaw, ban or stifle every new facility, anymore than the unfounded claims of unproved cancer causing properties of low levels of radiofrequency energy are a reason to ban participation by the citizens of our communities.

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However, the DTV facilities in question will use high powered transmitters and very tall (appropriately) lighted towers, making them highly visible. Any perceived concerns will be proportionately magnified by this visibility. It is only through the local land use process that concerns which arise can be given due process, in practice resulting in greater acceptance within the community. Requiring the local jurisdictions to employ reasonable land use practices in terms of time of process and written findings is not altogether unpalatable, but entirely unnecessary in the state of Oregon. Our State land use laws already require written findings and decisions within 120 days of application.

Preemption of local land use authority will result in greater resistance to this and future attempts to infuse the nation with new tools and technologies. The reason for contemplating preemption of this authority is an artificially truncated time line, which has not been substantiated as necessary for the health or well-being of the people. A similarly foreshortened time line for wireless communications has resulted in negative consequences for local jurisdictions nation-wide. Your actions today will affect citizen opinion of all governments for years to come. Appropriate and timely land use review is a local function that should not be abridged in this manner.

Sincerely,



Steven W. Gerber, Senior City Planner
Portland Bureau of Planning

cc Gov. John A. Kitzhaber, Governor's Office, 254 State Capitol, Salem, OR 97310
Sen. Ron Wyden, 717 SHOB, Washington, D.C., 20510-3703
Sen. Gordon Smith, 359 SDOB, Washington, D.C., 20510-3704
Rep. Earl Blumenauer, 1113 LHOB, 20515-3730
Rep. Peter DeFazio, 2134 RHOB, 20515-3704
Rep. Jim Hill, Chair, House Sub-committee on Telecommunications and Trade,
434 NE Lincoln Street, Hillsboro, OR 97124-3148
Sen. David Nelson, Co-chair, Joint Technology Committee, 1407 NW Horn,
Pendleton, OR 97801
Rep. Ron Adams, Co-chair, Joint Technology Committee, PO Box 305,
Marylhurst, OR 97036
Dir. Richard Benner, Land Conservation and Development Department, 1175
Court St. NE, Salem, OR 97310

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**PAYETTE COUNTY
PLANNING AND ZONING**

PAYETTE COUNTY COURTHOUSE
P.O. BOX DRAWER D
PAYETTE, IDAHO 83661
208-642-6018

October 15, 1997

Office of Secretary
Federal Communications Commission
Washington, D.C. 20554

Dear Sirs;

In response to NOTICE OF PROPOSED RULE MAKING in the matter of Preemption of State and Local Zoning and Land Use Restrictions on the location, placement and construction of Broadcast Station Transmission Facilities (MM Docket No. 97-182), Payette County is not in favor of giving up any control over the placement of communication or broadcasting antennas or towers. We are a agricultural community and aerial application of pesticides and fertilizers are important to local farmers. Hazards need to be addressed that would not affect most other aircraft activities.

Local land use laws apply to everyone including the State of Idaho, U.S. Forest Service, B.L.M. and others.

Thank you for an opportunity to comment on this matter.

Sincerely,



Donald L. Dressen
Payette County Planning and Zoning Administrator

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COUNTY OF LANCASTER

FOUNDED 1651 IN VIRGINIA
LANCASTER COURTHOUSE
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LANCASTER, VIRGINIA 22503

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William H. Pennell, Jr.
County Administrator

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FCC MAIL ROOM

804-462-5129
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lcvovad@crosslink.net

BOARD OF SUPERVISORS
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Donald O. Conaway, 2nd District
H. Howard Whay, 3rd District
Lewis F. Conway, 4th District
Lloyd B. Hubbard, Jr., 5th District

October 15, 1997

Federal Communications Commission
Max Media Bureau
1919 M Street NW
Washington, D.C. 20554

Dear Sir or Madam:

I am writing to express my concern over a rule making (Docket #97-182) that will preempt local zoning authority over television and radio broadcast towers.

Although the introduction of digital television technology will require additional towers to be built, there is no reason to usurp a locality's right to control its own land use. The one element of local government that is or should be sacrosanct is a county, city or town's ability to control what type of uses are permitted in which zones.

Any intrusion into this arena by the state or federal government degrades the property values and quality of life of the citizens who live in these various communities.

I ask that you remove the zoning ordinance restrictions contained within this rule making and permit localities to consider the location of broadcast towers in the same fashion as all other uses in their communities.

Sincerely,

William H. Pennell, Jr.
County Administrator

cc: Congressman Herbert Bateman
Senator Charles Robb
Senator John Warner

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WASHINGTON PILOT'S ASSOCIATION

Okanogan County Chapter

P. O. Box 586

Okanogan, WA 98840

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FCC MAIL ROOM

Secretary
Federal Communications Commission
Washington, DC 20554

Reference: Docket Number 97-182

The Okanogan County Chapter of the Washington Pilot's Association includes 38 members who use personal aircraft for conducting business and pleasure flights throughout the western states. Our members include physicians, orchardists, small business owners, and air taxi operators. We are extremely concerned about efforts by the Federal Communications Commission (FCC) to usurp authority to regulate the construction of towers that affect aviation safety from the Federal Aviation Administration (FAA).

To remain below cloud cover or to fly through mountain passes when weather is inclement, flights by our members may be within 1,200 to 2,000 feet of the ground. Flights may be at lower elevations on other occasions when performing specialized operations such as aerial photography, or for members who conduct agricultural spray operations. Every flight includes segments within 1,000 feet during take off and landing phases of flight.

At the present time the FAA regulates towers and other man made structures that pose a hazard to aviation safety. Particularly with TV, radio, and now Cellular Telephone technologies which require tall towers, often with long guy wires, it is critical that the FAA retain responsibility for approval. These towers may be 2,000 feet tall, or even taller. Guy wires extend as far as 1/4 mile or more from the tower, and are invisible to aircraft. Wire strikes are known to cause fatal accidents, particularly during night or reduced visibility situations.

It is inconsistent for Congress to insist on greatly improved aviation safety and at the same time permit the FCC the authority to approve significant incursions into navigable airspace. During the past several years the number of aviation related fatalities has declined significantly. Granting the FCC blanket authority to approve towers will reverse this hard won trend.

Many local communities, such as the City of Okanogan where I reside, have followed the Federal Aviation Administration's guidance and created overlay zoning districts around their airports. The purpose of an airport overlay zoning district is to protect the airspace around the airport to assure aircraft can safely land and take off. Local zoning of this nature is critical to aviation safety. Local zoning is also vitally important to assure the safety of persons on the ground. Zoning near communities that regulates incursions into the overlying airspace provides residents with a measure of security and safety. Aircraft striking wires and falling to the ground pose a significant safety hazard to persons living,

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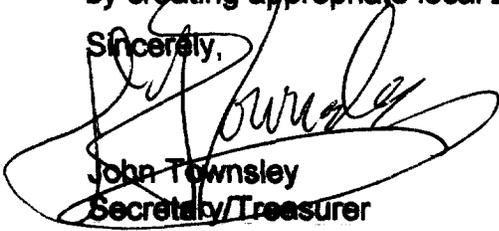
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working, or merely traveling below the towers. Local zoning protects residents from unnecessary exposure to these hazards. Allowing the FCC to regulate zoning authority will prevent communities, such as the City of Okanogan, from protecting its citizens from known hazards.

We believe it is inappropriate for the FCC to regulate air space. Leave that authority where it belongs, with the FAA. Preserve the ability of local communities to work within FAA guidelines to assure safety at municipal airports by creating appropriate local zoning.

Sincerely,



John Townsley
Secretary/Treasurer

cc: Representative Richard 'Doc' Hastings

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Before the
FEDERAL COMMUNICATIONS COMMISSION

In the Matter of

Preemption of State and Local)	
Zoning and Land Use Restrictions)	
on the Siting, Placement, and)	MM Docket
Construction of Broadcast)	No. 97-182
Station Transmission Facilities)	

COMMENTS

I oppose this proposed incredible infringement on local zoning authority. Local governments should be able to take six months, or longer, to act upon any request regarding transmission facilities. If a local government does not wish the power to be increased at a transmitter site, it should be in its authority to make that decision. It should be a local government's right to *not* increase the height of a given antenna. It should be local government's right to consider health and environmental effects of transmitters in its zoning decisions. RF interference with other telecommunications signals and consumer electronic devices should be considered in any zoning and land use decision. I am appalled at this fast-track approval process being prompted by all the cellular technology lobbyists in our nation's capital. Let the people decide for themselves what is right.

I look forward to hearing your views on this vital issue.

Sincerely,

Derek Bishop 10/10/97

Derek Bishop, Public School Teacher
P.O. Box 63
Naalehu, HI 96772-0063
(808) 939-8121

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