



Robert J. Thomas
Mayor

ORIGINAL
CITY OF WESTLAND
CATV — COMMUNITY RELATIONS

33455 West Warren Road, Westland, Michigan 48185 • (313) 467-3198 • FAX 427-8590

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Diane E. Abbott
Manager

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Chairman William Kennard
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

EX PARTE OR LATE FILED

Ex Parte Filing in cases WT 99-217/CC 96-98

Dear Chairman Kennard;

Please do not adopt the rule proposed in these cases allowing any phone company to serve any tenant of a building and to place their antenna on the building roof.

In some states 70 or more new phone companies have been certified to provide service. Add in the wireless phone companies and under your rule you may have 100 companies allowed to place their wires in a building, and their antennas on the roof- all without the landlord's permission.

The FCC lacks the authority to do this. It would violate basic property rights- a landlord, city or condominium has the right to control who comes on their property. Congress did not give the FCC the authority to condemn space for 100 phone companies in every building in the country.

The FCC cannot preempt state and local building codes, zoning ordinances, environmental legislation and other laws affecting antennas on roofs. Zoning and building codes are purely matters of state and local jurisdiction which under Federalism and the Tenth Amendment you may not preempt.

For example, building codes are imposed in part for engineering related safety reasons. These vary by region, weather patterns and building type- such as the likelihood of earthquakes, hurricanes and maximum amount of snow and ice. If antennas are too heavy or too high, roofs collapse. If they are not properly secured, they will blow over and damage the building, its inhabitants or passers-by.

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The application of zoning principles is highly dependent on local conditions. These vary greatly state by state, from municipality to municipality and within municipalities. We have successfully applied these principles and balanced competing concerns for eighty years. Zoning has not unnecessarily impeded technology or the development of our economy, nor will it here. There is simply no basis to conclude that for a brand-new technology (wireless fixed telephones) with a minuscule track record that there are problems on such a massive scale with the 38,000 units of local government in the U.S. as to warrant Federal action.

On rights of way, local management of them is essential to protect the public health, safety and welfare. Congress has specifically prohibited you from acting in this area.

We believe the telephone providers' complaints about rights-of-way management and fees are overblown, as show by the small number of court cases on this-only about a dozen nationwide in the three years since the 1996 Act. With 38,000 municipalities nationwide and thousands of phone companies is too high. The FCC has no authority to affect state or local taxes any more than it can affect Federal taxes.

For these reasons please reject the proposed rule and take no action on rights of way and taxes.

Very truly yours,

Diane E. Abbott



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Manager

cc:

**Commissioner Harold Furchtgott-Roth, Commissioner Michael Powell,
Commissioner Gloria Tristani, Commissioner Susan Ness, Ms. Magalie Roman
Salas, Mr. Jeffrey Steinberg, Mr. Joel Tauenblatt, International Transcription
Services, Mr. Kevin McCarty, Ms. Barrie Tabin, Mr. Robert Fogel, Mr. Lee Ruck,
Mr. Thomas Frost, Representative Lynn Rivers, Senator Spencer Abraham,
Senator Carl Levin**

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July 22, 1999



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OFFICE OF THE CHAIRMAN

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FEDERAL COMMUNICATIONS COMMISSION OFFICE OF THE SECRETARY

Chairman William Kennard
Federal Communications Commission
445 12th Street SW
Washington DC 20554

Ex Parte Filing in cases WT 99-217/CC 96-98

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Chairman William Kennard
July 22, 1999
Page 2

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Finally, we are surprised that you suggest that the combined federal, state and local tax burden on new phone companies is too high. The FCC has no authority to affect state or local taxes any more than it can affect federal taxes.

For these reasons, please reject the proposed rule and take no action on rights of way and taxes.

Sincerely,



Ronald J. Blanchard, Mayor
City of Cadillac

df

c:

Commissioner Harold Furchtgott-Roth
Federal Communication Commission
445 12th Street SW
Washington, DC 20554

Commissioner Michael Powell
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Commissioner Susan Ness
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Commissioner Gloria Tristani
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Ms. Magalie Roman Salas (two copies)
Secretary
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Washington, DC 20554

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Legislative Counsel
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Mr. Robert Fogel
Associate Legislative Director
National Association of Counties
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Mr. Jeffrey Steinberg
Wireless Telecommunications Bureau
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Mr. Joel Tauenblatt
Wireless Telecommunications Bureau
Federal Communications Commission
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Washington, DC 20554

International Transcription Services
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Washington, DC 20554

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Assistant Executive Director
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Mr. Thomas Frost
Vice President, Engineering Services
BOCA International
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George A. McManus, State Senate
State of Michigan Capital Building
P.O. Box 30036
Lansing, MI 48909-7536

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OFFICE OF THE CHAIRMAN

July 26, 1999

Fred Korzon, *Supervisor*
Wilma S. Cotton, *Clerk*
David C. Payne, *Treasurer*

Chairman William Kennard
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Trustees: Jerry J. Tobias
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Sherry Stefanos
Janet Roncelli

AUG 04 1999

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Ex Parte Filing in cases WT 99-217/CC 96-98

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Similarly, zoning laws are matters of local concern which protect and promote the public health, safety and welfare, ensure compatibility of uses, preserve property values and the character of our communities. We may restrict the numbers, types, locations, size and aesthetics of antennas on buildings ((such as requiring them to be properly screened) to achieve these legitimate goals, yet see that needed services are provided. This requires us to balance competing concerns-which we do every day, with success. Everyone wants garbage picked up, no one wants a transfer station. Everyone wants electricity; no one wants a substation near their home.

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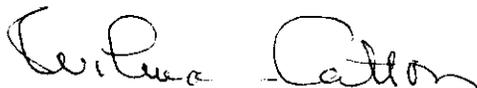
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Finally, we are surprised that you suggest that the combined Federal, state and local tax burden on new phone companies is too high. The FCC has no authority to affect state or local taxes any more than it can affect Federal taxes.

For these reasons please reject the proposed rule and take no action on rights of way and taxes.

Very truly yours,



Wilma S. Cotton
Bloomfield Township Clerk

CC: Commissioner Harold Furchtgott-Roth
Commissioner Michael Powell
Commissioner Gloria Tristani
Commissioner Susan Ness
Ms. Magalie Roman Sales (two copies)
Mr. Jeffrey Steinberg
Mr. Joel Tauenblatt
International Transcription Services
Mr. Kevin McCarty
Ms. Barrie Tabin
Mr. Robert Fogel
Mr. Lee Ruck
Mr. Thomas Frost
Representative J. Knollenberg
Senator C. Levin
Senator S. Abraham

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City of Milan

147 Wabash Street Milan, Michigan 48126-1549

Office of the City Administrator
Michael J. Czymbor

Telephone (734) 439-1501 Fax: (734) 439-3925
Email: michaelc@ci.milan.mi.us

July 23, 1999

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Chairman William Kennard
Federal Communications Commission
445 12th Street SW
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Ex Parte Filing in cases WT 99-217; CC 96-98

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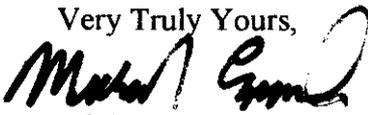
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Very Truly Yours,



Michael J. Cymbor
City Administrator

Cc: Commissioner Harold Furchtgott-Roth
Federal Communications Commission
445 12st Street SW
Washington, DC 20554

Commissioner Michael Powell
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Commissioner Gloria Tristani
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Commissioner Susan Ness
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

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Office of the Mayor
1155 28th St., S.W. • P.O. Box 905
Wyoming, MI 49509-0905
TELEPHONE 616/530-7227

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July 27, 1999

Chairman William Kennard
Federal Communications Commission
445 12th Street SW
Washington, DC 20554



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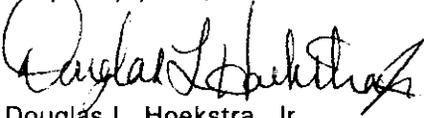
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Very truly yours,



Douglas L. Hoekstra, Jr.
Mayor

Cc: Commissioner Harold Furchtgott-Roth
Commissioner Michael Powell
Commissioner Gloria Tristani
Commissioner Susan Ness
Ms. Magalie Roman Salas
Mr. Jeffrey Steinberg
Mr. Joel Tauenblatt
International Transcription Services
Mr. Kevin McCarty
Ms. Barrie Tobin
Mr. Robert Fogel
Mr. Lee Ruck
Mr. Thomas Frost
Representative Vernon J. Ehlers
Senator Carl Levin
Senator Spencer Abraham



ORIGINAL
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LYNN S. HORTON, Mayor

301 14th Street • Brentwood, Washington 98327 • (360) 478-5266 • FAX (360) 478-5883

July 28, 1999

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

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Federal Communications Commission
445 12th Street SW
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Chairman William Kennard

Page Two

July 28, 1999

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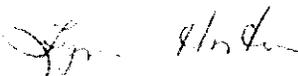
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Lynn Horton

Mayor

cc: Commissioner Harold Furchtgott-Roth
Commissioner Michael Powell
Commissioner Gloria Tristani
Commissioner Susan Ness
Ms. Barrie Tabin
Mr. Robert Fogel
Ms. Magalie Roman Salas (2)
Mr. Jeffrey Steinberg
Mr. Joel Tauenblatt
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Congressman Norm Dicks