

EX PARTE OR LATE FILED

R. SCOTT WHEELER  
MAYOR



RECEIVED  
AUG 13 1999  
FCC MAIL ROOM

ORIGINAL

August 6, 1999

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

Ex Parte Letter Re: Cases WT 99-217; CC 96-98/

Dear Secretary Salas:

Enclosed are two (2) copies of an ex parte presentation in the above-referenced proceeding.

Sincerely,

R. Scott Wheeler  
Mayor

No. of Copies rec'd  
List ABCDE

042

R. SCOTT WHEELER  
MAYOR



TOWN OF ADDISON, TEXAS

EX PARTE OR LATE FILED  
**RECEIVED**

**AUG 13 1999**

**FCC MAIL ROOM**

Post Office Box 9010, Addison, Texas 75001-9010 (972) 450-7026 Fax (972) 450-7041  
E-mail: [rwheeler@ci.addison.tx.us](mailto:rwheeler@ci.addison.tx.us)

August 6, 1999

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

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

Dear Chairman Kennard:

As Mayor of the Town of Addison, I respectfully request the Commission *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 certificated 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.

Such a rule would violate basic property rights allowing 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.

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.

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 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.

For these reasons please reject the proposed rule.

Sincerely,



R. Scott Wheeler  
Mayor

cc:

Commissioner Harold Furchtgott-Roth  
Federal Communications Commission  
445 12th 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 (two copies)  
Secretary  
Federal Communications Commission  
445 12th Street SW  
Washington, DC 20554

Mr. Jeffrey Steinberg  
Wireless Telecommunications Bureau  
Federal Communications Commission  
445 12th Street SW  
Washington D.C. 20554

Mr. Joel Tauenblatt  
Wireless Telecommunications Bureau  
Federal Communications Commission  
445 12th Street SW  
Washington D.C. 20554

International Transcription Services  
445 12th Street SW  
Room CY-B402  
Washington D.C. 20554

Mr. Kevin McCarty  
Assistant Executive Director  
U.S. Conference of Mayors  
1620 I Street, Fourth Floor  
Washington D.C. 20006

Ms. Barrie Tabin  
Legislative Counsel  
National League of Cities  
6th Floor  
1301 Pennsylvania Ave., N.W.  
Washington D.C. 20004

Mr. Robert Fogel  
Associate Legislative Director  
National Association of Counties  
440 First Street, N.W., 8th Floor  
Washington D.C. 20001

Mr. Dick Armey  
U.S. Representative  
9901 Valley Ranch Pkwy., Suite 3050  
Irving, TX 75063

Mr. Lee Ruck  
Executive Director  
NATO  
1650 Tysons Road, Suite 200  
McLean, VA 22102-3915

Mr. Thomas Frost  
Vice President, Engineering Services  
BOCA International  
4051 West Flossmoor Road  
Country Club Hills, IL 60478

Mr. Phil Gramm  
U.S. Senator  
2323 Bryan, Suite 2150  
Dallas, TX 75201

Mrs. Kay Bailey Hutchison  
U.S. Senator  
10440 N. Central Expy., Suite 1160  
Dallas, TX 75231