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EX PARTE OR LATE FILED

November 23, 1999

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Via Hand Delivery

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: Ex Parte Presentation in CS Docket No. 96-83

Dear Ms. Salas:

Pursuant to 47 C.F.R. § 1.1206, the National Apartment Association and the National Multi Housing Council, through undersigned counsel, submit this original and one copy of a letter disclosing an oral and a written ex parte presentation in the above-captioned proceeding. On November 22, 1999, I met with Marsha MacBride of Commissioner Powell's office. The meeting addressed the practical effects of the Second Report and Order in the above-referenced docket on owners and managers of apartment buildings, as described in the attached written presentation.

Please contact me with any questions.

Very truly yours,

Miller & Van Eaton, P.L.L.C.

By Matthew C. Ames

cc: Marsha MacBride, Esq.
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List ABCDE

THE OTARD RULES HAVE CREATED UNSAFE CONDITIONS, CAUSED PROPERTY DAMAGE, AND EXPOSED BUILDING OWNERS TO LIABILITY FOR WHICH THEY HAVE NO RECOURSE

- The OTARD rules should never have been extended to leased property, because, unlike owners, renters have little incentive to prevent long-term damage to the property or avoid creating potential hazards to third parties.

- Apartment residents and antenna installers routinely violate the vague guidelines contained in the OTARD Second Report and Order.

- Increasing numbers of apartment residents are installing antennas in ways that damage buildings and present possible safety hazards to the public.

- The safety exception in the rules is insufficient because tenants and installers either are ignorant of it or ignore it, and the Commission's rule restricts the ability of owners to establish and police installation standards.

- Landlord-tenant law in many states makes it extremely difficult for building owners and managers to deal with even installations that clearly violate the OTARD rule: the only effective sanction often is to commence eviction proceedings, which does nothing to address the improper installation unless the tenant actually is evicted.

- Property owners who attempt to control antenna installations have been subjected to the threat of litigation, including claims of $100,000 and more in damages.

- Extending the rules to common areas and restricted use areas would dramatically increase the number of unsafe installations.

- The decision to apply the rules to leased property should be reversed

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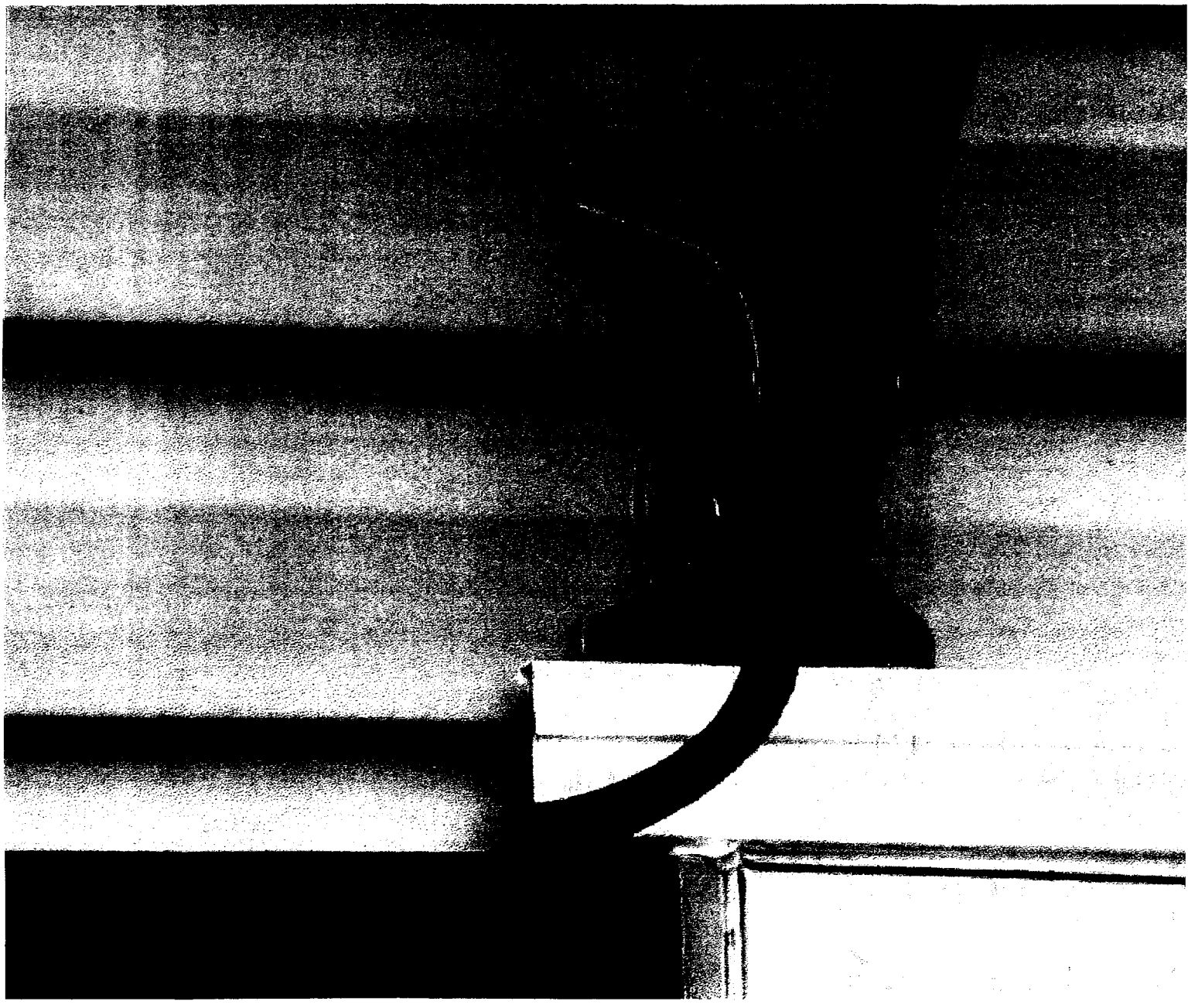
Location 7b.jpg



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SCHAUMBURG, IL

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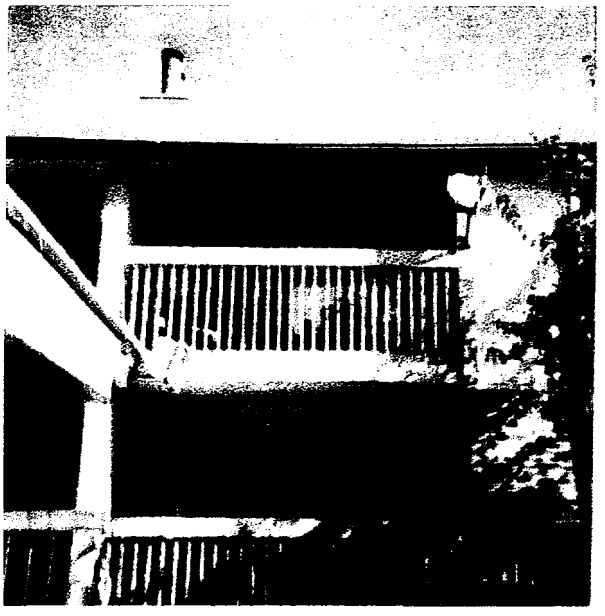

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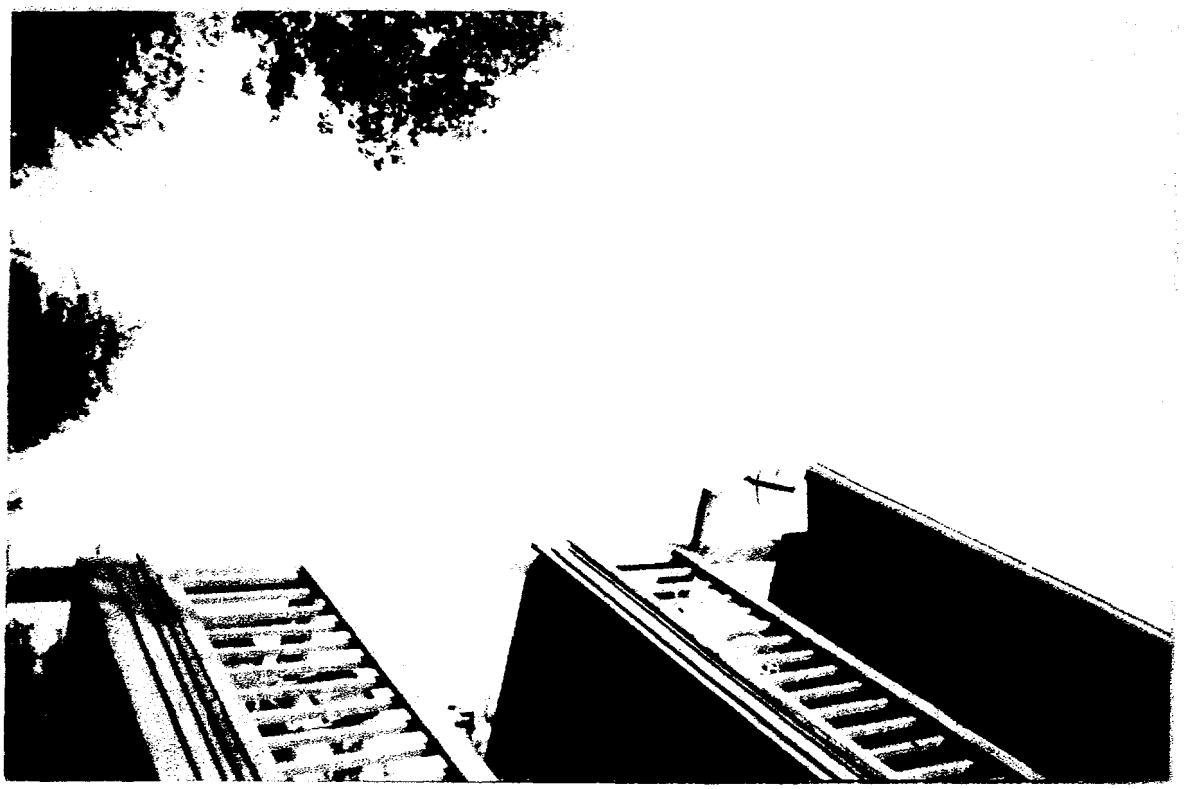

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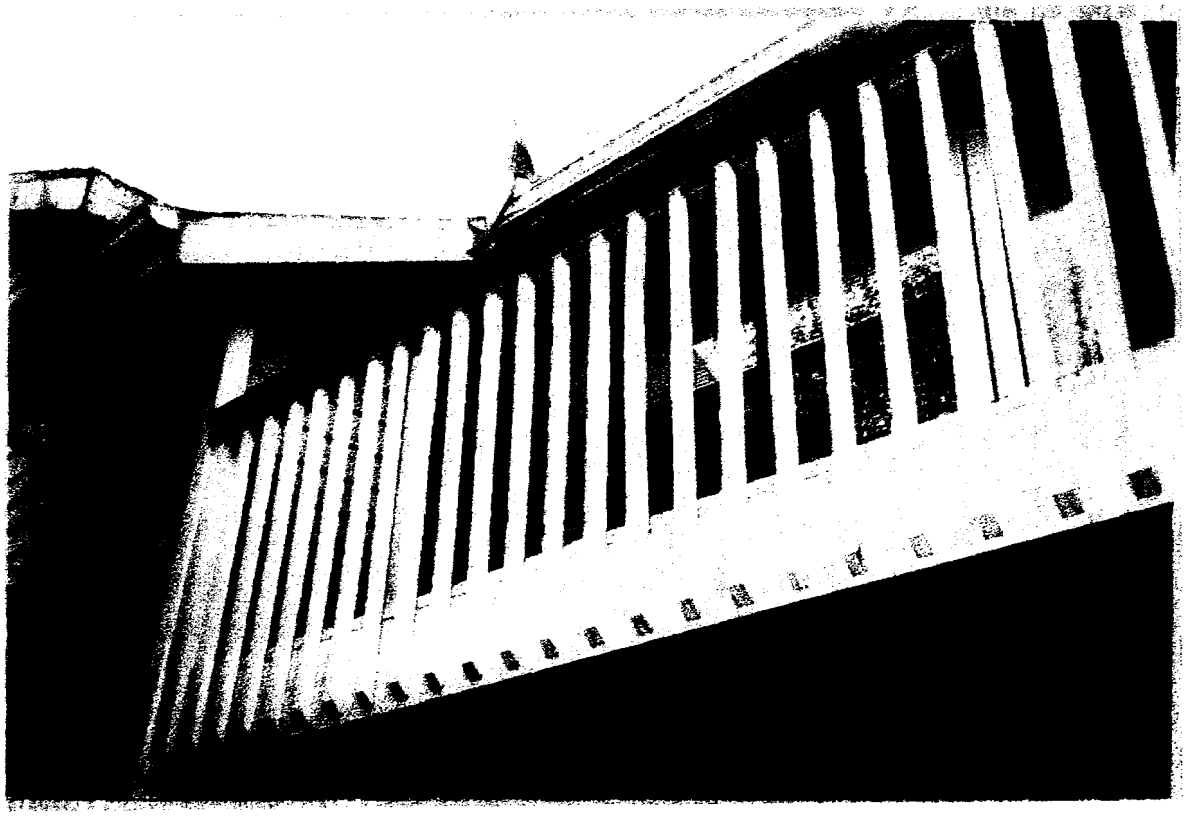

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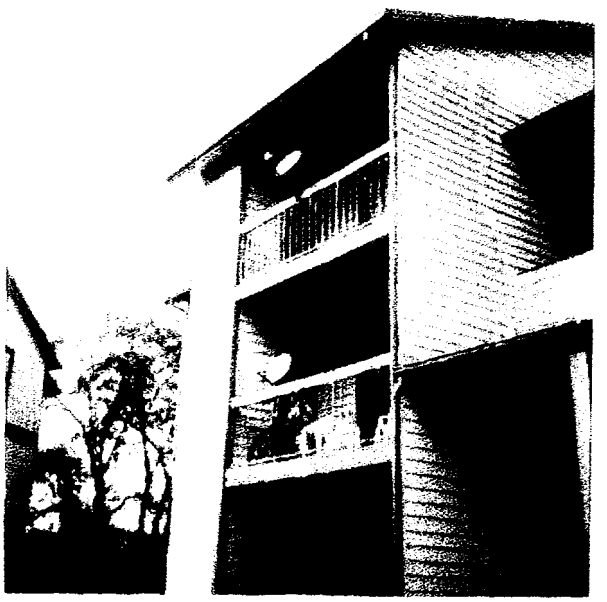

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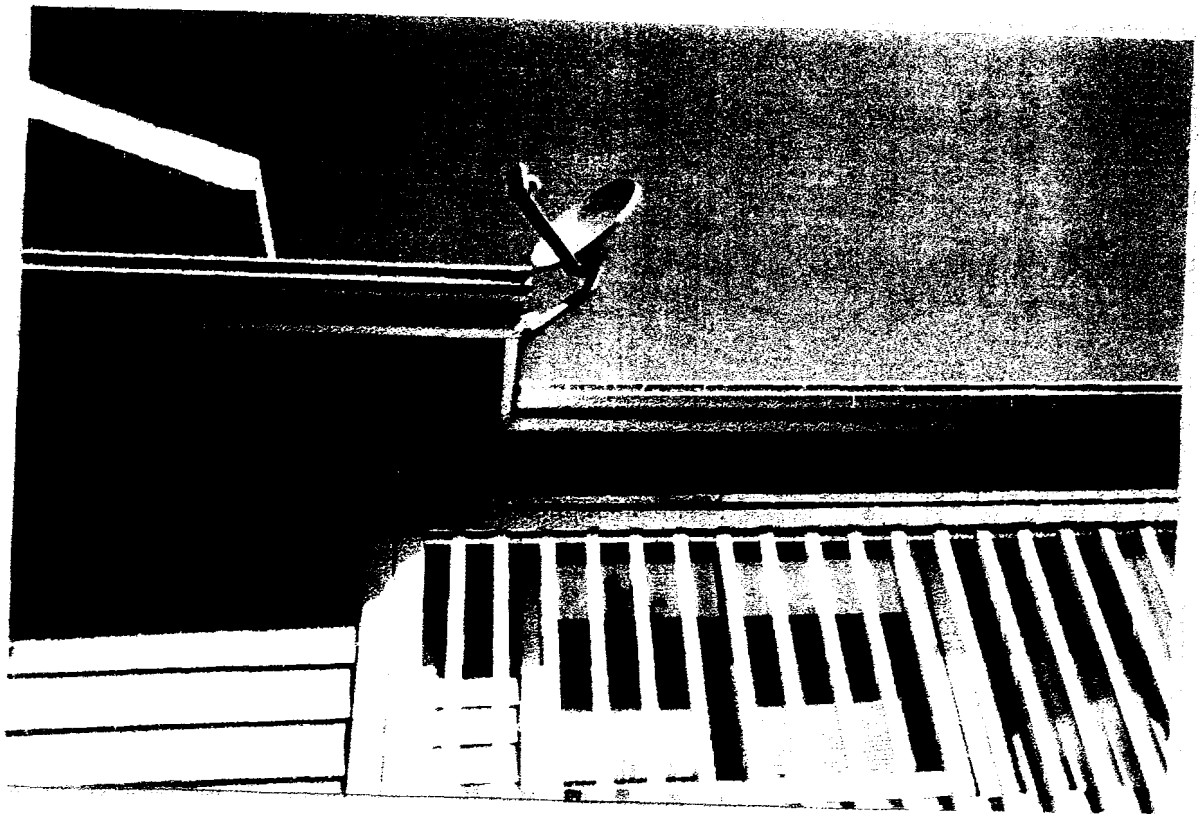

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