



PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION

445 12th STREET, S.W.

WASHINGTON, D.C. 20554

DA 00-196

News media information 202/418-0500 Fax-On-Demand 202/418-2830 Internet: <http://www.fcc.gov> <ftp.fcc.gov>

CABLE SERVICES BUREAU ACTION

February 4, 2000

PETITION SEEKING DECLARATORY RULING THAT CERTAIN RESTRICTIONS OF A HOMEOWNERS ASSOCIATION ARE PREEMPTED BY THE COMMISSION'S OVER-THE-AIR RECEPTION DEVICES RULE

The Commission has received a Petition for Declaratory Ruling from Dr. and Mrs. Irvin Guterman asking the Commission to determine whether the Dumont Oaks Corporation ("Dumont Oaks") Declaration of Protective Covenants, Conditions, Restrictions and Easements (CC&R's) for The Palatine in Potomac restricting installation and placement of television antennas and satellite dishes is preempted by Section 1.4000 of the Commission's rules. The Petition alleges that the Dumont Oaks covenants violate the Commission's rule preempting restrictions that impair installation, maintenance or use of over-the-air reception devices (satellite dishes and antennas) by requiring prior approval and restricting placement. The Palatine in Potomac is located in Potomac, Maryland.

For purposes of our ex parte rules, this proceeding will be considered as non-restricted pursuant to Section 1.1206 of the Commission's rules ("Permit-but-disclose proceeding").

Parties may file responses to the Petition on or before **March 6, 2000** and replies on or before **March 21, 2000**. Please place the case identifier, **CSR-5503-O**, on all filings.

The Petition is available for public inspection in the Commission's Reference Information Center, Court Yard Level:

445 12th Street, S.W.
Washington, D.C. 20554
(202) 418-7092

Copies of the Petition and other pleadings are available for purchase from:

ITS, Inc.
1231 20th Street, N.W.
Washington, D.C. 20036
(202) 857-3800
Facsimile: (202) 857-3805
<http://www.itdocs.com>

When filing responses or replies, an original and two copies of all pleadings should be addressed to:

Office of the Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554
Attn: Cable Services Bureau

One copy of each pleading must also be served on all parties.

Media Contact: Michelle Russo at (202) 418-2358.

Cable Services Bureau Contact: Roberto Rodas at (202) 418-1024.

TTY: (202) 418-7172.

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