



PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION

445 12th STREET, S.W.

WASHINGTON, D.C. 20554

DA 04-57

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

Released: January 14, 2004

MEDIA BUREAU ACTION

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

The Commission has received a Petition for Declaratory Ruling from Michael and Alexandra Pinter asking the Commission to determine whether the Second Bear Creek Homeowners' Association's ("Association") Direct Broadcast Satellite Antenna Policy ("Policy") is preempted by Section 1.4000 of the Commission's rules (47 C.F.R. § 1.4000). The Petition alleges that the Association's written Policy and enforcement of requirements concerning the installation of satellite and other antennas violate the Commission's rule preempting restrictions that impair installation, maintenance or use of over-the-air reception devices by requiring prior approval and imposing unreasonable expenses, including attorneys' fees.

Parties may file responses to the Petition on or before **February 13, 2004** and replies on or before **March 1, 2004**. One copy of each pleading must be served on all parties. Please place the case identifier, **CSR-6245-O**, on all filings.

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

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

This document is also available to individuals with disabilities requiring accessible formats (electronic ASCII text, Braille, large print and audiocassette) by contacting Brian Millin at (202) 418-7426 (Voice), (202) 418-7365 (TTY), or by sending an email to bmillin@fcc.gov.

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

QUALEX INTERNATIONAL
(202) 863-2893

When filing responses or replies, one copy of each pleading must be served on all parties, and 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: Media Bureau, Policy Division

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission's contractor, Natek, Inc., will receive hand-delivered or messenger-delivered paper filing for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail and Priority Mail should be addressed to 445 12th Street, SW, Washington, D.C. 20554.

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

Media Bureau Contact: Rosalee Chiara at (202) 418-0754.

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