



# PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION  
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WASHINGTON, D.C. 20554

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DA 08-957

MEDIA BUREAU ACTION

Released: April 25, 2008

## PETITIONS SEEKING DECLARATORY RULINGS THAT RESTRICTIONS OF HOMEOWNERS ASSOCIATIONS IN CALIFORNIA AND OHIO ARE PREEMPTED BY THE COMMISSION'S OVER-THE-AIR RECEPTION DEVICES RULE

**RESPONSES DUE: May 30, 2008**

**REPLIES DUE: June 16, 2008**

The Commission has received two Petitions for Declaratory Rulings with respect to the Over-the-Air Reception Devices Rule. The first, from Mr. James Bannister, asks the Commission to determine whether antenna restrictions of the Ponderosa Woods Homeowners Association ("Ponderosa Woods") that ban antenna installations without prior approval are preempted by the Commission's rule. Ponderosa Woods is located in San Jose, California. The second Petition, from Mr. Richard Rhoad, asks whether the antenna restrictions of the Villas at Highland Lakes Board of Trustees ("Villas at Highland") are preempted by the Commission's rule. The Villas at Highland are located in Westerville, Ohio. This Public Notice announces the pleading cycle for each of these Petitions during which responses and replies may be filed.

For purposes of our ex parte rules, these proceedings 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 Petitions on or before **May 30, 2008** and replies on or before **June 16, 2008**. Please place the case identifier, **CSR-7861-O**, on all filings addressing Ponderosa Woods and **CSR-7862-O** on all filings addressing Villas at Highland.

An original and two copies of all filings should be addressed to the Commission's Secretary, Marlene H. Dortch, Office of the Secretary, Federal Communications Commission, 445 12<sup>th</sup> Street, S.W., Suite TW-A325, Washington, D.C. 20554. Attn: Media Bureau, Policy Division. One copy of responses, replies, or other communications must be served on all participants in the case.

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 will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, NE, Suite 110, Washington, DC 20002. The filing hours at this location are 8 a.m. to 7 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, Express, and Priority mail should be addressed to 445 12<sup>th</sup> Street, SW, Washington, DC 20554.

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

Copies of the petitions and other filings in this proceeding will be available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW, Room CY-A257, Washington, DC 20554, telephone (202) 418-0270.

Copies of filed documents may be obtained from the Commission's duplicating contractor, Best Copy and Printing, Inc., Portals II, 445 12th Street, SW, Room CY-B402, Washington, DC, 20554, telephone 202-488-5300 or (800) 378-3160, facsimile 202-488-5563, or via e-mail at [fcc@bcpiweb.com](mailto:fcc@bcpiweb.com); or via their website at [FCC@BCPIWEB.COM](http://FCC@BCPIWEB.COM).

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