



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

News Media Information 202 / 418-0500
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DA 10-394
March 9, 2010

MEDIA BUREAU ACTION

MEDIA BUREAU SEEKS COMMENT ON A PETITION PURSUANT TO THE COMMISSION'S OVER-THE-AIR RECEPTION DEVICES RULE REQUESTING WAIVER OF THE 1 METER SIZE LIMITATION IN HAWAII AND A DECLARATORY RULING THAT THE ANTENNA RESTRICTIONS OF A HOMEOWNERS ASSOCIATION ARE PREEMPTED

CSR-8302-O

Responses due: April 8, 2010
Replies due: April 23, 2010

Policarpio Medios ("Petitioner") has filed a Petition for Waiver and Declaratory Ruling on behalf of tenants renting his home in Waipahu, Hawaii. First, Petitioner requests a waiver of the coverage limitation of the Commission's Over-the-Air Reception Devices Rule ("OTARD") for satellite dish antennas located in Hawaii. The OTARD rule covers antennas that measure one meter or less or any size if they are located in Alaska. Petitioner states that to receive signals from at least one satellite service provider in Hawaii, an antenna of 1.2 meters is required. He asks that antennas larger than one meter in Hawaii be protected by OTARD.

Petitioner also requests a Declaratory Ruling that the antenna installation rules of Gentry Waipio Community Association ("Association") are preempted by Section 1.4000 of the Commission's rules. According to the Petition, the Association's rules require prior approval of antenna installations. This Public Notice announces the pleading cycle for this Petition during which responses and replies may be filed.

This proceeding will be treated as "permit but disclose" for purposes of the Commission's *ex parte* rules. See generally 47 C.F.R. §§ 1.1200-1.1216. As a result of the permit-but-disclose status of this proceeding, *ex parte* presentations will be governed by the procedures set forth in Section 1.1206 of the Commission's rules applicable to non-restricted proceedings.¹

Parties may file responses to the Petition on or before April 8, 2010 and replies on or before April 23, 2010. Please place the case identifier, **CSR-8302-O**, on all filings. One copy of responses, replies, or other communications must be served on all participants in the case.

¹ 47 C.F.R. § 1.1206.

Parties must file an original and two copies of each filing. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- Effective December 28, 2009, all hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St., SW, Room TW-A325, Washington, DC 20554. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. The filing hours are 8:00 a.m. to 7:00 p.m.
- 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 must be addressed to 445 12th 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 or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

One copy of each pleading must be sent to Rosalee Chiara, Media Bureau, Room 4-A833, 445 12th Street, S.W., Washington, D.C. 20554.

Copies of the Petition and any subsequently filed documents in this matter are also available for inspection in the Commission's Reference Information Center:

445 12th Street, S.W., CY-Level
Washington, D.C. 20554
(202) 418-0270

Alternate formats of this Public Notice (computer diskette, large print, audio recording, or Braille) are available to persons with disabilities by contacting the Consumer and Governmental Affairs Bureau at (202) 418-0530 or (202) 418-7365 (TTY).

For further information, contact Rosalee Chiara of the Media Bureau, (202) 418-0754. Press inquiries should be directed to Janice Wise (202) 418-8165.