

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of
Carleen Schreder
Petition for Declaratory Ruling Under 47 CFR
1.4000
CSR 8508-O

ORDER OF DISMISSAL

Adopted: May 18, 2020

Released: May 19, 2020

By the Chief, Policy Division, Media Bureau:

1. Petitioner, Carleen Schreder, filed a Petition for Declaratory Ruling (Petition) asking the Commission to determine whether antenna installation rules of the Moorings Condominium Association (Moorings), New Buffalo, Michigan, are preempted by section 1.4000 of the Commission’s Over-the-Air Reception Devices Rule (OTARD Rule).1 For the reasons discussed below, we dismiss the Petition without prejudice.

2. At the time that Petitioner filed the Petition, she owned a condominium home and boat slip located at the Moorings condominium development.2 The Petition sought protection under the OTARD Rule for a satellite dish installed on a mooring post affixed to a finger pier next to Petitioner’s unit, which the Moorings requested be removed pursuant to its antenna installation rules and regulations. The Petition asserted that the antenna is covered by the OTARD Rule because the mooring post is a limited common element reserved for the exclusive use of the unit owner.

3. The Bureau issued a Public Notice seeking responses to the Petition.3 Given the passage of time since the Petition was filed and the record closed, Bureau staff attempted to reach Petitioner in January 2020 in order to ascertain current and accurate information about the disposition of the dispute, and left a message requesting a return call. Petitioner contacted Bureau staff and stated that she no longer owned the boat and requested that the Petition be withdrawn because she does not wish to pursue the matter any further. Subsequently, the Bureau sent a letter confirming Petitioner’s request to withdraw the Petition.4 The parties have not responded to the letter.

4. According to the current facts provided by the Petitioner, which were not disputed by any other party to the proceeding, no current controversy exists for the Commission to adjudicate. As such, it

1 47 CFR § 1.4000.

2 Petition at 1.

3 Media Bureau Seeks Comment on Petition for Declaratory Ruling that Rules of a Marina Condominium Association in New Buffalo, Michigan are Preempted by the Commission’s Over-The-Air Reception Devices Rule, CSR 8508-O, Public Notice, DA 11-1265 (MB 2011). The Bureau received a response from the Moorings opposing the Petition. One resident of the Moorings condominium development filed an opposition to the Petition. 3

4 Letter from Michael Scurato, Acting Assistant Division Chief, Policy Division, FCC Media Bureau, to Carleen L. Schreder, Petitioner (Feb. 19, 2020). We note that a copy was sent to the Mooring’s attorney.

is appropriate for the Commission to grant the Petitioner’s request to withdraw the Petition and dismiss the Petition.

5. Accordingly, **IT IS ORDERED** that, pursuant to authority delegated by sections 0.61 and 0.283 of the Commission’s rules,⁵ the request to withdraw the Petition for Declaratory Ruling **IS GRANTED** and the Petition for Declaratory Ruling **IS DISMISSED WITHOUT PREJUDICE**.

6. **IT IS FURTHER ORDERED** that the above-referenced proceeding **IS TERMINATED**.

7. **IT IS FURTHER ORDERED** that a copy of this Order of Dismissal shall be served via e-mail to Carleen Schreder, Petitioner, and Kotz, Sangster, Wysocki & Berg, P.C., counsel for the Moorings.

FEDERAL COMMUNICATIONS COMMISSION

Maria Mullarkey
Chief, Policy Division, Media Bureau

⁵ 47 CFR §§ 0.61, 0.283.