



NEWS

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

News media Information 202 / 418-0500
Fax-On-Demand 202 / 418-2830
TTY 202/418-2555
Internet: <http://www.fcc.gov>
<ftp.fcc.gov>

This is an unofficial announcement of Commission action. Release of the full text of a Commission order constitutes official action. See *MCI v. FCC*, 515 F.2d 385 (D.C. Circ 1974).

FOR IMMEDIATE RELEASE
November 24, 1999

NEWS MEDIA CONTACT
Michelle Russo: (202) 418-2358 or
mrusso@fcc.gov

Commission Reaffirms Over-the-Air Reception Devices Order

Washington, DC – The Federal Communications Commission (FCC) has adopted an *Order on Reconsideration* regarding restrictions on over-the-air reception devices. The FCC denied three separate petitions asking the Commission to revisit its November 20, 1998 *Second Report and Order* (13 FCC Rcd 23874 (1998)).

The *Order on Reconsideration* reaffirms the findings in the *Second Report and Order* and does not consider or prejudge questions raised in the *Promotion of Competitive Networks in Local Telecommunications Markets Notice of Proposed Rulemaking and Notice of Inquiry* (FCC 99-141, released July 7, 1999).

As directed by Congress in Section 207 of the Telecommunications Act of 1996, the FCC adopted the Over-the-Air Reception Devices (“OTARD”) rule concerning governmental and non-governmental restrictions on viewers’ ability to receive video programming signals from direct broadcast satellite service (“DBS”), television broadcast stations and wireless cable video providers. The rule prohibits restrictions that impair the installation, maintenance or use of antennas used to receive video programming. The rule applies to restrictions on video antennas installed where the viewer has an ownership or leasehold interest in the property and that is within the viewer’s exclusive use or control. It applies to restrictions in condominiums, cooperatives or rental buildings as long as the viewer installs the antenna in an area where the viewer has exclusive use, such as a balcony or patio.

The three petitions were filed by the Community Associations Institute (“CAI Petition”); the Personal Communications Industry Association, Teligent, Inc., Association for Local Telecommunications Services, WinStar Communications, Inc., and Nextlink Communications, Inc. (collectively, “PCIA Petition”); and by the Association for Maximum Service Television and the National Association of Broadcasters (collectively, “NAB Petition”). The CAI petition argued that the OTARD rule was too expansive while the PCIA and NAB petitions sought greater access to common or restricted access areas.

The *Order on Reconsideration* denied the petitions for reconsideration because the parties presented no new arguments or facts that have not been previously considered or that cause the FCC to change its prior determination.

Action by the Commission, November 19, 1999, by Order on Reconsideration in CS Docket No. 96-83 (FCC 99-360). Chairman Kennard, Commissioners Ness, Furchtgott-Roth, Powell and Tristani.

-FCC-

Cable Services Bureau contact: Eloise Gore at (202) 418-7200

