

<b>REQUEST FOR RECORDS DISPOSITION AUTHORITY</b>		LEAVE BLANK (NARA use only)	
To NATIONAL ARCHIVES & RECORDS ADMINISTRATION 8601 ADELPHI ROAD, COLLEGE PARK, MD 20740-6001		JOB NUMBER	N1-173-10-3
1 FROM (Agency or establishment) <b>Federal Communications Commission</b>		Date Received	5/26/10
2 MAJOR SUB DIVISION <b>Media Bureau</b>		NOTIFICATION TO AGENCY	
3 MINOR SUB DIVISION <b>Policy Division</b>		In accordance with the provisions of 44 U S C 3303a, the disposition request, including amendments is approved	
4 NAME OF PERSON WITH WHOM TO CONFER Shoko B Hair		5 TELEPHONE (202) 418-1379	DATE 5/26/10
6 <b>AGENCY CERTIFICATION</b> I hereby certify that I am authorized to act for this agency in matters pertaining to the disposition of its records and that the records proposed for Disposal on the attached <u>2</u> page(s) are not needed now for the business of this agency or will not be needed after the retention periods specified, and that written concurrence from the General Accounting Office, under the provisions of Title 8 of the GAO Manual for Guidance of Federal Agencies.		ARCHIVIST OF THE UNITED STATES <i>[Signature]</i>	
X <input type="checkbox"/> is not required		<input checked="" type="checkbox"/> is attached, or	
DATE May 24, 2010	SIGNATURE OF AGENCY REPRESENTATIVE <i>[Signature]</i>	<input checked="" type="checkbox"/> has been requested TITLE Records Officer	
7 ITEM NO	8 DESCRIPTION OF ITEM AND PROPOSED DISPOSITION	9 GRS OR SUPERSEDED JOB CITATION	10 ACTION TAKEN (NARA USE ONLY)
	See attachment.		

## **Over the Air Reception Devices (OTARD) - (Informal OTARD Cases)**

47 C.F.R. Section 1.4000 prohibits restrictions that impair the installation, maintenance or use of antennas used to receive video programming. The rule applies to video antennas including direct-to-home satellite dishes that are less than one meter in diameter, TV antennas, and wireless cable antennas. The rule prohibits most restrictions that: (1) unreasonably delay or prevent installation, maintenance or use; (2) unreasonably increase the cost of installation, maintenance or use, or (3) preclude reception on an acceptable quality signal. The rule applies to state or local laws or regulations, including zoning, land-use or building regulations, private covenants, homeowners' association rules, condominium or cooperative association restrictions, lease restrictions, or similar restrictions on property within the exclusive use or control of the antenna user where the user has an ownership or leasehold interest in the property.

An entity may file a petition with the Federal Communications Commission for violation of the restrictions. Most of the OTARD cases are handled informally. An OTARD petition will receive Cable Special Relief (CSR) number, but only after informal negotiations have failed. For those that do, the procedures for CSRs apply. (See N1-173-86-2, item 24). At the outset, however, all OTARD petitions are treated informally and a Commission staff member attempts to resolve the dispute by telephone negotiations with the parties involved. Approximately 80% of these cases are resolved by telephone. Some cases are dismissed because the rules do not apply or due to inactivity or loss of interest. The case file on an informal OTARD case includes any incoming documentation, the Commission's replies, staff notes, etc.

### **Disposition:**

- a. Closed Cases:** Destroy three years after case is resolved or closed.
- b. Dismissed Cases and Inactive Cases.** Destroy three years after case has been dismissed or three years after last transaction of inactive cases.