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July 15, 1996

VIA HAND DELIVERY

William F. Caton
Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, DC 20554

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Federal Communications Commission
Office of Secretary

Re: *Implementation of Section 207 of the Telecommunications Act of 1996:
Restrictions on Over-the-Air Reception Devices: Television Broadcast and
Multichannel Multipoint Distribution Service -- CS Docket No 96-83
EX PARTE COMMUNICATION*

Dear Mr. Caton:

This morning, the undersigned, counsel to the Wireless Cable Association International, Inc. ("WCA"), spoke by telephone with Randi Albert of the Cable Services Bureau regarding the height at which wireless cable reception antennas are typically mounted.

In response to Ms. Albert's inquiry, it was pointed out that, as a national average, reception antennas are mounted approximately 25 feet above the highest point of the roofline.^{1/} Or, put another way, approximately one-half of the antennas in use today are mounted more than 25 feet above the highest point of the roofline. In addition, as WCA has previously noted,^{2/} the average height of an antenna mount varies greatly from market to market, depending upon terrain and, even more importantly, the height and density of foliage. Thus, there are markets where the

^{1/}This figure does not include tree mounts, which are typically much higher. However, because tree mounts are barely visible, they do not present the aesthetic concerns of mast mounts. As such, WCA believes the Commission should not permit any local height restrictions on tree mounts.

^{2/}See Letter from Paul J. Sinderbrand to William F. Caton, CS Docket No 96-83, at 1 (filed June 14, 1996).

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average height above roofline is greater than 25 feet.

During the course of the discussion, it was reiterated that a preemption of local restrictions on only those reception antennas mounted 25 feet or less above the roofline would prove harmful to the wireless cable industry. It was noted that, were the Commission to permit impairment of antennas mounted more than 25 feet above the roofline, as many as one-half of the existing wireless cable subscriber base could find their right to unimpeded reception jeopardized. And, by logical extension, the wireless cable industry's potential subscriber base could be reduced by fifty percent were local restriction on antennas mounted more than 25 feet above roofline permitted. As WCA has previously noted, the use of masts as tall as 40 feet is not atypical in the wireless cable industry.^{3/} Thus, WCA would not oppose a preemption of local impairments on antennas mounted 40 feet or less above maximum roofline (which would accommodate most wireless cable subscribers), provided that local authorities are required by the Commission to permit taller antenna mounting under appropriate circumstances.

Please contact the undersigned should you have any questions regarding this *ex parte* presentation.

Respectfully submitted,



Paul J. Sinderbrand

Counsel to the Wireless Cable Association
International, Inc.

cc: Randi Albert

^{3/}*Id.*