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November 7, 1996

VIA HAND DELIVERY

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
Room 222
1919 M Street, N.W.
Washington, D.C. 20554

Re: *Ex Parte* Presentation in CS Dkt. No. 95-184, IB Dkt. No. 95-59/ CS Dkt. No. 96-83/ FO Dkt. Nos. 91-301/ 91-171 and CS Dkt. No. 96-85.

Dear Mr. Caton:

I am hereby submitting an original and six copies of this notice of the Independent Cable & Telecommunications Association ("ICTA") of an *ex parte* presentation in the above-referenced dockets.

On November 4, 1996, Bill Burhop, Executive Director of ICTA, John Norcutt, President of ICTA, Brenda Southall O'Connor, Assistant Executive Director of ICTA, David Gorozdos, an engineer with Mid-Atlantic Cable Services, Inc., an ICTA Member, and myself as ICTA's outside General Counsel, met with JoAnn Lucanik and Rick C. Chessen, Chief and Assistant Chief respectively of the Policy & Rules Division of the Cable Services Bureau, Meryl Icove, Legal Advisor to the Chief of the Cable Services Bureau, Lawrence Walke, an attorney with the Policy & Rules Division of the Cable Services Bureau, and Leora Hochstein and Alan Manuel, attorneys with the Consumer Protection Division of the Cable Services Bureau.

The parties visited four different types of multiple dwelling units ("MDUs") in order to examine the point at which the common wiring ends at each type of MDU and discussed why it would be appropriate in the Inside Wiring proceedings, CS Dkt. No. 95-184, to designate that point as the demarcation point for regulatory purposes. Also with regard to this docket, the parties discussed the pro-competitive effects of exclusive service contracts, the anti-competitive effects of service contracts with a perpetual term, the constitutional and public policy arguments against any provision for mandatory access to MDUs by franchised cable operators, and the manner in which the FCC's signal leakage rules should apply to operators of Satellite Master Antenna Television ("SMATV") systems.

In this meeting, the parties also addressed issues raised in ICTA's comments submitted in the OTAR rulemaking, IB Dkt. No. 95-59/ CS Dkt. No. 96-83, including the lack of statutory authority for

applying Section 207 of the Telecommunications Act of 1996 to rental MDUs and the unconstitutionality of any such application.

In relation to the Emergency Broadcast System proceedings, FO Dkt. Nos. 91-301/ 91-171, the parties discussed the burdens and costs which SMATV operators will face if the new Emergency Alert System requirements are applied to such operators, given that they operate on a headend-by-headend basis.

Finally, with regard to the Cable Act Reform rulemaking, CS Dkt. No. 96-85, the parties discussed the fact that, without safeguards, the economic dominance of franchised cable operators will enable them to price private cable operators out of the video services market.

Sincerely,

Deborah C. Costlow

Enclosures

cc: Rick C. Chessen
Leora Hochstein
Meryl Icove
JoAnn Lucanik
Alan Manuel
Lawrence Walke