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December 4, 1996

VIA HAND DELIVERY

EX PARTE PRESENTATION

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

RECEIVED

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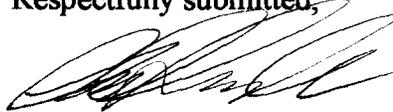
FEDERAL COMMUNICATIONS COMMISSION

Re: Notice of Proposed Rulemaking in CS Docket No. 95-184 and the Further Notice of Proposed Rulemaking portion of the First Order on Reconsideration and Further Notice of Proposed Rulemaking in MM Docket No. 92-260.

Dear Mr. Caton:

Pursuant to Section 1.1206(a)(2) of the Commission's Rules, I submit this letter and one copy to you to provide notice of today's ex parte presentation made to Jackie Chorney, legal assistant to Chairman Hundt, by the Wireless Cable Association International, Inc. ("WCA") represented by Mr. Richard Alston, President of WCA, and myself as counsel to WCA. The topics discussed in the meeting are set forth in the attached summary, a copy of which was presented to Ms. Chorney. Should you have any questions about this filing, please contact me.

Respectfully submitted,



Paul J. Sinderbrand

cc: Jackie Chorney
Attachment

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SUMMARY OF WCA POSITION ON CABLE INSIDE WIRING
CS Docket No. 95-184
MM Docket No. 92-260

- FCC Should Preempt Discriminatory Mandatory Access Laws.
 - Building owners concerned about aesthetics often refuse access to competing MVPDs if cable has absolute right of access.

- FCC Should Adopt “Fresh Look” Doctrine For Cable’s Long-term Pre-Competition Access Agreements
 - Doctrine should apply not just for “perpetual” agreements, but for any agreements lasting 3 years or more. *See Expanded Interconnection With Local Telephone Company Facilities*, 7 FCC Rcd 7369, 7463-64 (1992), *aff’d* 8 FCC Rcd 7341, 7345 (1993)(restricting termination charges under long term local access agreements exceeding 3 years in length).
 - Fresh look period should not be determined building by building, but should last until 180 days after FCC determines cable operator is subject to effective competition.

- FCC Should Adopt Dual Demarcation Points For Inside Wiring
 - “§16(d) wiring” should run from wall plate inside individual unit of MDU to television set, and individual should have ability to purchase wiring in accordance with current rules.
 - “Common area wiring” should be wiring devoted to individual unit, and should run from junction with common wiring to junction with §16(d) wiring at wall plate.
 - Dual demarcation points conforms to 1992 Cable Act, while addressing concerns of MDU owners regarding tenant ownership of wiring in common areas.

- To Avoid A “Taking,” Cable Operator That Owns “Common Area Wiring” Should Be Entitled To Recover Replacement Cost Of Wiring And Passive Devices, Less Costs Already Recovered.