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January 28, 1997

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**FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY**

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.

Dear Mr. Caton:

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

On January 22, 1997, Deborah Costlow, ICTA's outside General Counsel, met with Marsha MacBride, Legal Advisor to Commissioner James Quello.

The parties discussed methods to increase competition in the provision of multichannel video programming distribution services to residential multiple dwelling units ("MDUs") and whether competition would be better advanced by allowing the MDU owner or the tenant to exercise the choice of which provider(s) will service the property. ICTA argued that the Commission should allow market forces to prevail, including in those instances where the result is that an MDU owner grants access to a sole provider. ICTA opposed adoption of a federal mandatory access scheme.

The parties also addressed whether the Commission should relocate the cable demarcation point for regulatory purposes and discussed related constitutional takings issues.

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ICTA argued that the Commission should move the demarcation point for MDUs to that point where the wire is dedicated to an individual rental unit.

Lastly, ICTA highlighted the difficulties a new entrant faces in competing against an incumbent provider, such as the incumbent's ability to undersell its new competitor during the period in which that competitor is recouping its costs.

Sincerely,

A handwritten signature in cursive script that reads "Treg Tremont".

Treg Tremont

cc: Marsha MacBride