

4:45



w/ Lloyd Constantine

1808

Thinks there are an additional four buildings for which no license has been issued

3/21/94

440 East 56th

1/24/94

35 East 85th

1/21/94

611 Terrace (Rector Place 380)

1/24/94

1255 Madison (Wobes Hotel)

Consrank has cleared the path

[38 East 85th quad 11/23/93] 40-47.3 (40-46.46.5) 73-56-54.0 (73-57.35) 242.106

433 East 56th Pending

200 Rector 6-12 5/2/95

Send Lloyd a copy of Jennifer's April 20, 1993 letter.

11, 41 191.

TWCV Exh. 50 received into evidence on 2/12/97.
(See Order FCC 97M-19, released 2/14/97.)

HENRY A. PEPPER
ROBERT F. CORAZZINI
MICHAEL GUTMANN
JOHN F. GARZIGLIA
JAL J. FRIEDMAN
LEON S. MANDELL
HOWARD J. BARR
JOSEPH CYBULSKI
ANNE E. RICHTER
NOT ADMITTED IN D.C.

PEPPER & CORAZZINI

ATTORNEYS AT LAW
200 MONTGOMERY BUILDING
1776 K STREET, NORTHWEST
WASHINGTON, D. C. 20006
(202) 296-0600

ROBERT LEWIS THOMPSON
GREGG P. SKALL
C. THEODORE MALLECK
OF COUNSEL
FREDERICK W. FORD
1900-1986

TELECOPIER (202) 296-5572

April 20, 1993

Peter
*Pls. Review and
advise.*

Mr. Bruce McKinnon
Liberty Cable Co., Inc.
30 Rockefeller Plaza
Suite 3026
New York, NY 10020

B.N.
4/28/93

Re: Construction and Operation
of New Microwave Paths

Dear Bruce:

Behrooz Nourain and I have had several discussions recently regarding when it is permissible for Liberty to construct and operate new microwave paths and stations, and when it is not. Some things were revealed during these conversations that gave both Behrooz and I pause. In order to ensure that everything Liberty does is in strict accordance with the rules, and to ensure that your competitors are given no ammunition against you, I am writing this letter to detail the parameters within which construction and operation of new paths and new stations is permissible.

First, there is a difference between construction and operation. An 18 GHz system can be constructed or modified at any time. However, operation of the new system, or operation of the system as modified, cannot commence until the authorization is in hand. Thus, when Liberty decides to serve a new building from a transmitter that is already part of a licensed 18 GHz system, the equipment necessary to serve the new building can be erected prior to grant of the modification application that adds the new microwave path. However, the new microwave path cannot be activated, and cannot be used to serve the residents of the new building with video programming, until the modified authorization is granted.

The time it takes the FCC to process new station and modification applications varies. Right now, the Microwave Branch is processing new station applications in 60-90 days. Modification applications take more time to process, somewhere around 90-120 days. These time periods are computed from the date upon which the FCC receives the application. Because of the lengthy processing time for modifications, the FCC says it will

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Mr. Bruce McKinnon
April 20, 1993
Page 2

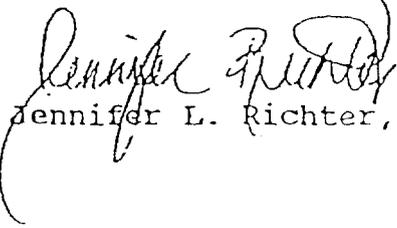
grant STA's (special temporary authority to operate) when a modification application has been pending for more than 90 days.

The 60-90-120 days it takes for the FCC to process an application does not take into consideration the month it takes Behrooz, Comsearch and myself to prepare the application. Thus, Liberty's business plans should allow for the following: For new stations, allow for at least 90 days from your initial decision to construct a new transmitter before operations can begin; For modifications, allow for at least 120 days from your decision to add a new microwave path before operations can begin. Of course, construction of either type of station can begin as soon as the decision is made, but operation is only permissible when the FCC has granted you authorization to do so.

If Liberty is desperate to begin operation of a station, either new or modified, and grant of the underlying application is pending, let me know and we can apply for an STA. If you have constructed a new station or new path and want to test the equipment, you can request the use of Hughes' Experimental License. I believe Liberty has used the Experimental License in the past. As you may know, some private cable operators were using Hughes' Experimental License to serve subscribers while their station applications were pending. Hughes feels this behavior is in contravention of its authority under the license, and for this reason, Hughes is reluctant to permit operators the use of the Experimental License except in rare circumstances. If you would like to obtain the use of Hughes' Experimental License for specific paths, we should discuss it further.

If you have any questions or concerns relating to the foregoing, don't hesitate to contact me.

Yours truly,


Jennifer L. Richter, Esq.

cc: Mr. Behrooz Nourain

FCC/CP 017982

1808

PEPPER & CORAZZINI

VINCENT A. PEPPER
ROBERT F. CORAZZINI
PETER GUTMANN
JOHN F. GARZIGLIA
NEAL J. FRIEDMAN
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LOUISE CYBULSKI
JENNIFER L. RICHTER
*NOT ADMITTED IN D.C.

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WASHINGTON, D. C. 20006
—
(202) 296-0600

ROBERT LEWIS THOMPSON
GREGG P. SKALL
WILLIAM J. FRANKLIN
E. THEODORE MALLYCK
OF COUNSEL
—
FREDERICK W. FORD
1909-1988
—
TELECOPIER (202) 296-5572

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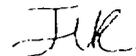
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Yours truly,



Jennifer L. Richter, Esq.

cc: Mr. Behrooz Nourain

JLR/kaw
d:\wp\1808\opertn.ltr

FCC/CP 017984