COMMUNITY ASSOCIATIONS INSTITUTE

The nation's voice for condominium, cooperative and homeowner associations

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

March 30, 1998

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

Re: Ex parte communication with Eloise Gore, Esq., Darryl Cooper, Esq., and Lynn Crakes, Esq., of the Cable Services Bureau in the matters of Telecommunications Services Inside Wiring; Customer Premises Equipment, CS Docket No. 95-184; Preemption of Local Zoning Regulations of Satellite Earth Stations, IB Docket No. 95-59; and Implementation of Section 207 of the Telecommunications Act of 1996 Restrictions on Over-the-Air Reception Devices: Television Broadcast and Multichannel Multipoint Distribution Services, CS Docket Number 96-83, FCC 96-151 and Telecommunications Services Inside Wiring, Customer Premises Equipment, CS Docket Number 95-184, and Implementation of the Cable Television Consumer Protection and Competition Act of 1992, Cable Inside Wiring, MM Docket Number 92-260.

Dear Mr. Caton:

On March 30, 1998, Rodney D. Clark, Vice President of Government and Public Affairs, Lara E. Howley, Esq., Manager, Foundation and Special Projects, and Robert M. Diamond, Esq., representing the Community Associations Institute, met with Eloise Gore, Esq., Darryl Cooper, Esq., and Lynn Crakes, Esq., of the Cable Services Bureau, to discuss implementation of the OTARD Rule and CAI's recommendations pertaining to central antenna systems. The attached proposal summarizes the points discussed during the presentation.

CAI is pleased to file the enclosed original and two copies of this letter and attachments with the Secretary to satisfy the FCC's ex parte filing requirements. Please contact me at 703-548-8600 with any questions.

Sincerely,

Rodney D. Clark

Rodney D. Clark
Vice President
Government and Public Affairs

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Attachment

cc: Eloise Gore, Esq.
Darryl Cooper, Esq.
Lynn Crakes, Esq.

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Installation Parameters:

- The association would either install the central antenna or contract with an installer.
- The association and the installer would negotiate any antenna purchase or installation costs.
- Any association resident desiring service from the central antenna would be connected to the central antenna and subscribe to the provider's service.
- The association could then enforce restrictions against the individual installation of antennas.
- The association would be able to protect common property by managing the method of antenna installations.
- The association could permit the simultaneous use of the wiring that it owns.
- If the association does not own the home run wiring or the ownership is in dispute, the association could negotiate ownership or the simultaneous use of wiring.
- The installer and the resident would negotiate any installation costs associated with cable home wiring, although the association could negotiate to have any such costs included in the overall agreement.

Billing/Economic Parameters:

- Subject to provisions within association documents, the association and the service provider would negotiate all billing and economic aspects of any central antenna arrangement.

- The association could include charges for basic service as a common expense as many associations currently do in bulk-buy cable arrangements. The charge could be included in the assessment bill or a separate bill. Under this arrangement, individual residents wanting additional service options would request those from the provider who would then bill those residents directly for the extra services.

- The association could include basic or a package of basic and premium services as a common expense. The charge could be included in the assessment bill or a separate bill.

- The association could elect to have the provider directly bill all residents who subscribe to the service for whatever package of programs they choose. Under this arrangement, the association would have no involvement with billing.

- The association and provider could agree to other options that are more appropriate for individual situations.

Timing Parameters:

- For 90 days following the announcement of an association's good faith intent to install a central antenna system, any owner who installs an antenna on individually-owned or exclusive use areas could be required to remove the antenna and use the central antenna system once it is activated provided that the central antenna delivers, at a reasonable cost, the desired services available through the individual antenna. The owner's current monthly service fee could be used as a baseline to determine reasonable cost.

- Residents installing individual antennas before the association announces an intent to install a central antenna would not be required to remove their antenna unless they wished to receive service from the central antenna. In that situation, they could be required to remove their individual antennas and restore the property to its original condition.

- Residents who have such "grandfathered" antennas and who do not elect to use the central antenna system could be required to remove their antennas and restore the property to its original condition when ownership of the unit changes or if the central antenna delivers the desired services available through the individual antenna and the association agrees to pay the costs of removing the antenna.

- After the installation of a central antenna, a resident would not be permitted to install an individual antenna, provided the desired service is available via the central antenna, without the consent of the association.

Additional Services & Antennas:

- If association residents desire a service beyond that currently available through the central antenna, they would be required to ask the association to install a central antenna to provide that service. The association would then elect to: a) install a central antenna to provide the service, passing any installation costs to those who desire the service or; b) allow the residents to install an individual antenna on individually-owned or exclusive use area property.

- If association residents do not have access to individually-owned or exclusive use area property on which to install an antenna or are not able to obtain a signal from such property, then the association must make a good faith effort to install a central antenna if another central antenna already exists and if such an installation is technically feasible. The costs would be passed along to the residents who desire the service.

- Community associations would be permitted to choose the number of central antennas they install and individual residents would not be able to require an association to install a central antenna if the association chose not to proceed with such an installation. If simultaneous use of inside wiring is technologically feasible, then associations will have an increased incentive to permit multiple central antennas, as disruption and damage to common property will be minimized. If simultaneous use of inside wiring is not feasible, this central antenna proposal would encourage the development of such technology.

Corollary Issues:

- Existing exclusivity agreements will limit the availability of the central antenna option for some associations.

- Timing factors related to the cable inside wiring rule may impact central antenna installations.

- If a "fresh look" or similar option is enacted, the FCC should prohibit cable providers from enforcing claims against community associations for violations of exclusive contracts that fall within the parameters of such an option.

- In any event, the FCC should prohibit cable providers from enforcing claims against community associations for violations of exclusive contracts because individual residents are installing competitive satellite and other antenna services under Section 207 of the Telecommunications Act of 1996.