

November 17, 1998

EX PARTE OR LATE FILED

Ms. Magalie Roman Salas  
Secretary  
Federal Communications Commission  
Room 222  
1919 M Street, N.W.  
Washington, DC 20554

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

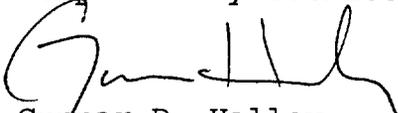
Re: Ex Parte Presentation in CC Docket No. 98-146

Dear Ms. Salas:

During the course of a meeting yesterday afternoon with Johnson Garrett, Evan Kwerel, Jonathan Levy and John Williams of the Office of Plans and Policy, Joseph Levin, Ben Freeman and Alexander de Neufville Byron of the Wireless Telecommunications Bureau, and Jennifer Fabian of the Common Carrier Bureau, David Turetsky, Terri Natoli, Ross Sullivan, Philip Verveer, and I, on behalf of Teligent, Inc., discussed issues relating to the above-referenced docket. Specifically, we discussed matters concerning Teligent's network deployment costs, its technology, the markets it intends to serve, and its capability to provide consumers with advanced telecommunications services.

In accordance with the Commission's rules, I hereby submit to the Secretary of the Commission two copies of this notice of Teligent's ex parte presentation as well as copies of: (1) two pages provided to participants of the meeting summarizing the means by which the Commission could accomplish telecommunications carrier access to tenants in multi-tenant environments as well as its jurisdiction to do so; and (2) a detailed summary of the information provided by Teligent during the course of the meeting.

Respectfully submitted,

  
Gunnar D. Halley

No. of Copies rec'd 0+2  
List ABCDE

cc: Johnson Garrett  
Evan Kwerel  
Jonathan Levy  
John Williams

Joseph Levin  
Ben Freeman  
Alexander de Neufville Byron  
Jennifer Fabian

Enclosures

## MULTI-TENANT BUILDING ACCESS AND FCC JURISDICTION

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- **Authority Over Interstate Wire and Radio Communications**: That portion of a telecommunications transmission path that is located within a multi-tenant environment ("MTE") constitutes an essential component of the transmission of interstate wire and radio communications. Moreover, the Commission's jurisdiction does not depend upon the ownership of such facilities. For example, whether inside wiring (or any portion of intra-MTE telecommunications facilities) is owned by the multi-tenant building owner or the incumbent LEC, the Commission's retains authority over inside wiring issues (i.e., the demarcation point, ownership, use). This jurisdiction offers the same basis for the Commission's authority to ensure that tenants within multi-tenant environments have access to their telecommunications carrier of choice. Both concede the importance of intra-MTE facilities for the transmission of interstate wire and radio communications to and from tenants in MTEs. The jurisdictional grants under Title I and Title II apply. The pro-competitive goals of the Telecommunications Act of 1996 are highly relevant. Nevertheless, the jurisdictional inquiry must also extend to grants of authority within the Communications Act that precede the 1996 amendments.
- **Authority Over Telecommunications Carriers**: The Commission can accomplish MTE access indirectly through its authority to regulate providers of interstate communications. Specifically, it should prohibit carriers from serving MTEs owned or operated by owners or managers that discriminate among telecommunications carriers or otherwise unreasonably restrict access by telecommunications carriers to the tenants in those MTEs. Alternatively, the Commission could prohibit carriers from entering into contracts with MTE owners or managers that provide or allow for discriminatory or unreasonable treatment of other carriers.
- **Section 224 Authority**: In those States that have not certified to the Commission that they regulate pole attachments, the Commission could accomplish MTE access by defining rights-of-way to include all areas within and on top of MTEs to which utilities, including incumbent LECs, have the right of access. As a result, telecommunications carriers could gain access to these areas pursuant to Section 224.
- **Section 207 Authority**: By including fixed wireless carriers within the scope of Section 207, the Commission would retain authority to ensure that MTE owners and managers do not unreasonably restrict the placement of antennas on building rooftops to serve tenants within those buildings.
- **Section 706 Authority**: Since many telecommunications carriers, including fixed wireless providers, will offer advanced telecommunications services and capabilities, the Commission could take measures to improve MTE access pursuant to its wide-ranging Section 706 authority.

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APPROACHES AVAILABLE TO THE COMMISSION  
TO IMPROVE TELECOMMUNICATIONS CARRIER ACCESS  
TO TENANTS IN MULTI-TENANT ENVIRONMENTS

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- **Directly prohibit discrimination by MTE owners**: The Commission should prohibit owners and managers of multi-tenant environments ("MTEs") from discriminating among telecommunications carriers or otherwise restricting a tenant's access to the carrier of its choice through unreasonable demands on carriers.
- **Prohibit discrimination-complacent carrier activity**: The Commission should prohibit telecommunications carriers from serving MTEs owned or operated by owners or managers that discriminate among telecommunications carriers or otherwise unreasonably restrict access by telecommunications carriers to the tenants in those MTEs. Alternatively, the Commission could prohibit carriers from entering into contracts with MTE owners or managers that provide or allow for discriminatory or unreasonable treatment of other carriers.
- **Define "rights-of-way" under Section 224 to allow for MTE access**: The Commission should interpret "right-of-way" as including the right of any utility, including incumbent LECs, to access or use intra-MTE space and facilities (even if such spaces are not actually being used). These spaces can and should include riser space, telephone and other equipment closets, in-building wiring, and rooftops. Telecommunications carriers should be granted access to these utility rights-of-way pursuant to Section 224. Of course, this option only provides a solution in those States subject to the Commission's Section 224 jurisdiction.
- **Move the demarcation point in all MTEs**: Incumbent LEC control over intra-MTE network facilities impedes facilities-based access to tenants, raises the costs of providing service to tenants, and places competitive carrier access at the discretion of the incumbent LEC. The Commission should move the demarcation point in all MTEs to the minimum point of entry so that all carriers, including the incumbent, access the premises at the same location, on the same terms and conditions, and at the same cost. It is important to note that this option requires MTE owner permission for telecommunications carrier entry, so nondiscriminatory access obligations would remain necessary.
- **Provide for subloop unbundling of intra-MTE riser cables and in-house wiring**: Where the demarcation point is not located at the minimum point of entry, a substantial portion of intra-MTE facilities may be a part of the incumbent LEC network. Some facilities-based carriers can bring their networks up to the entrance of an MTE. By providing unbundled access to intra-MTE facilities, the Commission will allow facilities-based carriers to avoid the wasteful purchase of an entire loop simply to reach a tenant in an MTE from the entrance of that MTE.
- **Include fixed wireless carriers within the ambit of Section 207**: By including fixed wireless carriers within the scope of Section 207's protections, carriers will be able to install their antennas on building rooftops without building owners imposing unreasonable restrictions or otherwise blocking access when a tenant within that building seeks to take service from the fixed wireless carrier.

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TELIGENT'S NOVEMBER 16, 1998 PRESENTATION  
TO THE FEDERAL COMMUNICATIONS COMMISSION

*CC Docket No. 98-146*

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- **Mission**: Teligent provides consumers with an integrated package of voice, data, and Internet services over its own networks.
  - Initially, Teligent intends to target small and medium-sized businesses in major metropolitan areas.
  - Teligent currently serves 15 markets: Austin, Chicago, Dallas, Denver, Houston, Jacksonville, Los Angeles, Miami, New York, Orlando, San Antonio, San Jose, San Francisco, Tampa, and Washington, D.C.
  - Within 5 years, Teligent will serve the top 74 markets in 39 States across the nation, covering over 750 municipalities, reaching a potential of 27 million business lines and 130 million people.
  
- **Opportunity**: Small and medium-sized businesses comprise a \$110 billion telecommunications market in 1998, and that market is expected to grow to \$250 billion in the next ten years.
  - By 2005, capacity demand for data applications is expected to exceed that for voice by 250 percent.
  
- **Local Access Options**: Multipoint fixed wireless technology offers advantages in provisioning, bandwidth, cost, and coverage. No one other technology -- such as copper, DSL, fiber and coaxial cable -- equals multipoint fixed wireless technology in all of these categories.
  - Only 3 percent of the country's commercial office buildings are directly connected to fiber and only 33 percent of business lines are fiber accessible. Teligent's point-to-multipoint fixed wireless network not only competes with fiber, but can provide high-bandwidth service to that majority of commercial office buildings not connected to fiber.
  - In environments of less than 500 lines, multipoint fixed wireless technology enjoys significant deployment and cost-of-service advantages over fiber.

- **Network Architecture:** Teligent's point-to-multipoint network allows its customer building antennas to communicate with a central base station antenna to carry traffic using an asynchronous transfer mode through a wireless or fiber link to the Teligent switch and out to local, long distance, or Internet networks.
  - Teligent's operation in the 24 GHz band allows it to cover more square miles than operations in the 28 GHz and 38 GHz bands.
  - Although Teligent's network will primarily use point-to-multipoint technology, it will continue to use point-to-point technology in certain settings.
  
- **Facilities:** Teligent maintains a central operations center in Herndon, Virginia that provides 24 hour/7 day a week customer care, network monitoring, provisioning and billing operations.
  - Teligent currently employs over 1,200 people, has installed 13 switches and has access to over 1,600 buildings nationwide. Teligent has employees in thirty markets.
  
- **Capital Sources and Expenditures:** Teligent has raised over \$1.67 billion of capital from different sources.
  - Only 25% of Teligent's costs are fixed. The other 75% of its cost structure is variable, or success-based.

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