

EX PARTE OR LATE FILED

LAW OFFICES OF
MILLER & VAN EATON, P.L.L.C.
A PROFESSIONAL LIMITED LIABILITY CORPORATION

MATTHEW C. AMES
FREDERICK E. ELLROD III
STEPHEN J. GUZZETTA
WILLIAM L. LOWERY

1155 CONNECTICUT AVENUE, N.W.
SUITE 1000
WASHINGTON, D.C. 20036-4306

WILLIAM R. MALONE
NICHOLAS P. MILLER
MARIA F. SILVEIRA
JOSEPH VAN EATON

INCORPORATING THE PRACTICE OF
MILLER & HOLBROOKE

Of Counsel
FREDERICK E. DOOLEY

WWW.MILLERVANEATON.COM
TELEPHONE (202) 785-0600
FAX (202) 785-1234

January 6, 1999

VIA HAND DELIVERY

Magalie R. Salas
Secretary
Federal Communications Commission
Room 222
1919 M Street, N.W.
Washington, D.C. 20554

RECEIVED
JAN - 6 1999
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: Ex Parte Presentation in MM Docket No. 92-266

Dear Secretary Salas:

Pursuant to 47 C.F.R. § 1.1206, I submit an original and one (1) copy of the attached memorandum concerning an oral ex parte presentation in MM Docket No. 92-266. A copy of this letter and the attached memorandum is being provided to each of the Commission's participants.

Very truly yours,
MILLER & VAN EATON, P.L.L.C.

By: 
Frederick E. Ellrod III

Enclosures

cc: Patrick Boateng
Kathleen Costello
Marjorie Reed Greene
William H. Johnson
Austin P. O'Connor

No. of Copies rec'd 0+1
List A B C D E

**LAW OFFICES OF
MILLER & VAN EATON, P.L.L.C.**
A PROFESSIONAL LIMITED LIABILITY CORPORATION
1155 CONNECTICUT AVENUE, N.W.
SUITE 1000
WASHINGTON, D.C. 20036-4306

MATTHEW C. AMES
FREDERICK E. ELLROD III
STEPHEN J. GUZZETTA
WILLIAM L. LOWERY

WILLIAM R. MALONE
NICHOLAS P. MILLER
MARIA F. SILVEIRA
JOSEPH VAN EATON

INCORPORATING THE PRACTICE OF
MILLER & HOLBROOKE

Of Counsel
FREDERICK E. DOOLEY

WWW.MILLERVANEATON.COM
TELEPHONE (202) 785-0600
FAX (202) 785-1234

MEMORANDUM

TO: Magalie R. Salas
Secretary
Federal Communications Commission

FROM: Frederick E. Ellrod III, Esq.

SUBJECT: Ex Parte Presentation in MM Docket No. 92-266

DATE: January 6, 1999

RECEIVED
JAN - 6 1999
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Pursuant to 47 C.F.R. § 1.1206, I hereby submit an original and one (1) copy of this memorandum disclosing an oral ex parte presentation in *Implementation of Sections of the Cable Television Consumer Protection and Competition Act of 1992: Rate Regulation*, MM Docket No. 92-266.

On January 6, 1999, representatives of the National Association of Telecommunications Officers and Advisors ("NATOA") and its counsel met with Patrick Boateng, Kathleen Costello, Marjorie Reed Greene, William H. Johnson, and Austin P. O'Connor concerning the transition of rate regulation upon the sunset of cable programming services tier regulation at the end of March, 1999. Representing NATOA were Jane E. Lawton, President; F. Lee Ruck, Executive Director; Brian Davis; Al Lister; Rick Maultra; and Frederick E. Ellrod III and Joseph Van Eaton of Miller & Van Eaton, P.L.L.C.

During the meeting, NATOA's representatives discussed what sorts of actions, including changes in basic rate regulation, might be needed due to the upcoming deregulation of cable programming services ("CPS"). NATOA inquired as to how the Commission would handle CPS complaints pending as of March 31, 1999. The NATOA representatives pointed out that problems would be posed in the absence of a final true-up for the CPS tier. In addition, NATOA discussed the problems of properly allocating costs among the regulated basic tier and unregulated CPS tiers. The NATOA representatives noted problems in the appeal process, granting of stays of local rate orders, and access to supporting information that could become worse after the sunset date. In addition, NATOA raised questions regarding artificial regulatory incentives to shift channels among tiers that could result from the current rate regulations.

FEE00037.DOC