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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Hand Delivery

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Re: Ex Parte Presentation in WT Docket No. 96-198

Dear Ms. Salas:

On Thursday, 24 June 1999, Mark Berejka of Microsoft Corporation, and undersigned counsel for Microsoft, met with Robert Calaff in the office of Commissioner Harold Furchtgott-Roth in connection with the above captioned proceeding.

Microsoft argued that the Commission's Order adopting regulations to implement Section 255 of the Telecommunications Act of 1996 should explicitly exclude equipment, such as computers, that are used primarily to provide information services rather than telecommunications services. Moreover, Microsoft argued that this Order should explicitly exclude software that is offered from sale separately from, and is not integral to the operation of, telecommunications equipment and consumer premises equipment. Microsoft specifically encouraged the Commission to adopt that portion of Paragraph 56 of the NPRM in this matter, where it stated that, "where software to be used with CPE is marketed separately from the CPE, we believe that the software itself would not be subject to Section 255 and that it could not even be considered to fall within the statutory definition of CPE."

Respectfully submitted,

Scott Blake Harris

SBH:psr

cc: Robert Calaff

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