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Ms. Magalie Roman Salas  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> St. SW  
TW-A325  
Washington, D.C. 20554

**Re: Promotion of competitive Networks in Local Telecommunications Markets, WT Docket No. 99-217/Implementation of the Local competition Provisions in the Telecommunications Act of 1996, CC Docket No. 96-98**

Dear Ms. Salas:

On behalf of over 800 members of the Tidewater Builders Association, I am writing in response to the FCC's Notice of Proposed Rulemaking released on July 7, 1999, regarding forced access to buildings. We are enclosing six (6) copies of this letter, in addition to the original.

We are concerned that any action by the FCC regarding access to private property by large numbers of communications companies may inadvertently and unnecessarily adversely affect the conduct of our business and needlessly raise additional legal issues. There are several other issues in the FCC notice that also raise concerns

We do not believe that the FCC needs to take action in this area because TBA's members are doing everything they can to meet tenants' demands for access to telecommunications. In addition, the FCC's request for comments raises the following issues of concern to us: nondiscriminatory access to private property; expansion of the scope of existing easements; location of the demarcation point; exclusive contracts; and expansion of the satellite dish rules to include nonvideo services.

TBA's multifamily companies are cognizant of the importance of telecommunication services to tenants and they would not risk rent revenue streams by actions that would be unsatisfactory to tenants. Multifamily companies make business decisions daily in order to compete with properties in the market area and it behooves them to keep properties up-to-date. TBA building owners must have control over who enters buildings; owners face liability for damage to buildings, leased premises, and facilities of other providers, and for personal injury to tenants and visitors. Owners of course are also liable for safety code violations. A single set of rules won't work because there are different concerns depending on the demographics of a market, the type of building, etc.

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### **Expansion of Satellite Dish Rule**

We oppose the existing rule because we do not believe that Congress meant to interfere with our ability to manage our property. The FCC should not expand the satellite rule to include data and other services, because the law only applies to antennas used to receive video programming.

In summary, we urge the FCC to carefully consider any action it may take. Thank you for your consideration of our views.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeffrey W. Ainslie". The signature is fluid and cursive, with the first name being the most prominent.

Jeffrey W. Ainslie  
President

cc: Senator John Warner  
Senator Charles Robb  
Congressman Owen Pickett  
Congressman Robert Scott  
Congressman Norman Sisisky