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WILKINSON BARKER KNAUER, LLP

Washington, DC
Frankfurt, Germany

2300 N Street, NW
Washington, DC 20037-1128

telephone: 202.783.4141
facsimile: 202.783.5851
www.wbklaw.com

November 12, 1999

EX PARTE OR LATE FILED

VIA HAND DELIVERY

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
TW-A325
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: *WT Docket No. 99-217* and *CC Docket No. 96-98*
NOTICE OF EX PARTE COMMUNICATION

Dear Ms. Salas:

Pursuant to Section 1.1206(a)(1) of the Commission's Rules, we are writing to report that on November 10, 1999, undersigned counsel for The Wireless Communications Association International, Inc. ("WCA") met with Mark D. Schneider, Senior Legal Advisor to Commissioner Susan Ness, with regard to WCA's Petition for Rulemaking filed May 26, 1999, in which WCA asked the Commission to amend Section 1.4000 of its Rules to provide antenna preemption protection to all fixed wireless antennas one meter in diameter or diagonal measurement, not just those used to receive video programming services via off-air television, MDS, ITFS, LMDS or DBS. The Commission has incorporated WCA's proposal into its *Notice of Proposed Rulemaking* ("NPRM") in the above-referenced proceeding and, pursuant to paragraph 69 of the *NPRM*, has requested and received public comment thereon.

The discussion relating to this matter focused on the procedural and public interest benefits of separating WCA's proposal from the other issues raised in the *NPRM*, and of granting WCA's proposal via a separate order. WCA's counsel emphasized that the Commission has legal authority under Section 303 of the Communications Act of 1934, as amended, to extend antenna preemption protection to all fixed wireless antennas up to one meter in diameter or diagonal measurement, and that Section 207 of the Telecommunications Act of 1996 does not limit that authority in any respect. In addition, WCA's counsel indicated that near-term action on WCA's proposal is necessary to

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facilitate expedited deployment of the full range of fixed wireless broadband services in single-family and multiple tenant environments. Finally, WCA's counsel stressed that the legal issues raised by WCA's proposal are discrete enough to merit separate consideration, and that such consideration would not prejudice any future Commission action on any other issues raised in the *NPRM*.

Pursuant to Section 1.1206(b)(2) of the Commission's Rules, an original and one copy of this notice has been submitted for filing.

Should there be any questions concerning this matter, please contact the undersigned.

Very truly yours,



Paul J. Sinderbrand
Robert D. Primosch
Counsel for The Wireless Communications
Association International, Inc.

cc: Mark D. Schneider