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WORLDGATE

CONDOMINIUM

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Chairman William E. Kennard
Federal Communications Commission
445 12th Street, NW
Washington, DC 20554

February 01, 2000

Re: **CS Docket No. 95-184**
Telecommunications Service Inside Wiring

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Dear Chairman Kennard:

We, the Board of Directors for the Worldgate Condominium Unit Owners, are writing to you to make you fully aware of a recent series of events that have occurred between our Association and Cox Communications, Inc. We are also in need of your immediate intervention in helping to resolve what we believe to be grievous damages suffered by us because of the actions of Cox Communications; damages that we believe have seriously undermined not only the homeowner's right to media choice but to the FCC rules governing cable television service within multi-unit dwellings.

Our Association's legal counsel, following FCC rules and guidelines, as to the election of inside "home run" wiring, notified Cox Communications. Cox failed to give the required response within the established time limits and as a result forfeited their right to litigate any dispute they may have with the Worldgate Unit Owners Association. Consequently, the community was notified about its right and obligation to notify Cox that they were opting to choose an alternative cable provider, in this case, Bell Atlantic Video.

It should be pointed out that Bell Atlantic Video, on several occasions, asked Cox Communications to negotiate, in good faith, the option of either purchasing or leasing the inside "home run" wiring. In all cases, Cox has flatly refused to negotiate any compromise or settlement with Bell Atlantic. Moreover, the Worldgate Board of Directors, with the assistance of District Supervisor Stuart Mendelsohn, has also attempted to negotiate a mutually beneficial settlement with Cox. Again, this effort was futile as it became apparent that Cox has no intention of compromising with anyone.

More alarming, however, is Cox's blatant and wanton disregard for clearly stated guidelines found in the FCC Rules and Regulations governing multi-dwelling units. In two cases where homeowners notified Cox as to their desire to change to an alternative cable provider, Cox dispatched work crews to remove "home run" coaxial cable that extended into the privately owned residences of these homeowners. Section 76.5 (mm) 2 of Appendix A states that the demarcation point for inside wiring is "the closest practicable point thereto that does not require access to the individual subscriber's dwelling unit". This point lies in a common area utility area within each building at the Worldgate, not the individual subscriber's legally decided property.

To date, Cox continues to attempt to access individual homeowner property to remove inside wiring refuses to negotiate a compromise and blatantly attempts to violate the FCC Rules and Regulations as legislated by the Telecommunications Act of 1996. We respectfully request that the Board of Commissioners begin an immediate investigation into the circumstances outlined

12917 Alton Square
Herndon, Virginia 20170
Tel: 703-904-7671
Fax: 703-904-8789

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above with the purpose of enabling our community to exercise their right to choose an alternative cable provider.

We would appreciate your time and effort in helping to resolve this issue and look forward to an amicable compromise with Cox Communications. We believe that assistance you can provide will help not only the Worldgate Condominiums, but also all consumers nationwide.

You may contact us directly by calling our Board representative, Victor Golowaty at (703) 435-1365.

Sincerely,



James T. Davenport
President, Worldgate Board of Directors
For Worldgate Condominium Unit Owners Association

CC. Commissioner Susan Ness
Commissioner Michael Powell
Commissioner Gloria Tristani
Commissioner Harold Furchigott-Roth
Commission Secretary Magalie Roman Salas

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