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Federal Communications Commission
Washington, D.C. 20554
FEB 10 2000

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FEB 28 2000

The Honorable Charles S. Robb
U. S. Senator
Russell Senate Office Building
First and Constitution Avenue, NE, Room 154
Washington, DC 20510

Dear Senator Robb:

Thank you for your letter on behalf of Tidewater Builders Association (TBA) of Chesapeake, Virginia. TBA believes that the Federal Communications Commission (Commission) should not adopt rules in WT Docket No. 99-217 and CC Docket No. 96-98 to facilitate reasonable and nondiscriminatory access by competitive telecommunications providers to rights-of-way, buildings, rooftops, and facilities in multiple tenant environments. TBA believes that Commission action in this area is unnecessary because building owners are aware of the importance of telecommunications services to tenants and would not jeopardize any rent revenue stream by actions that would displease tenants. In addition, TBA asserts that such rules may interfere with its ability to ensure a secure environment at its properties.

The Commission sought comment on these matters in FCC 99-141, released on July 7, 1999. This item represents another step in the Commission's ongoing efforts to foster competition in local telecommunications markets pursuant to Congress' directive in the Telecommunications Act of 1996. These efforts are intended to bring the benefits of competition, choice, and advanced services to all consumers of telecommunications, including both businesses and residential customers, regardless of where they live or whether they own or rent their premises. In particular, this item addresses issues that bear specifically on the availability of facilities-based telecommunications competition to customers in multiple tenant environments, including, for example, apartment buildings, office buildings, office parks, shopping centers, and manufactured housing communities. The item also explores the effect of State and local rights-of-way and taxation policies on telecommunications competition.

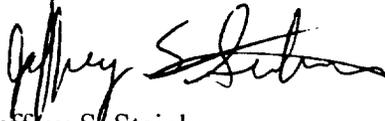
The purpose of this item is to explore broadly what actions the Commission can and should take to promote facilities-based competition to the incumbent local exchange carriers (LECs). Thus, the item seeks comment on a wide range of potential Commission actions, in most instances without reaching tentative conclusions. In addition to proposing and seeking comment on obligations that would apply to incumbent LECs and other utilities under certain provisions of the Communications Act, the item neutrally seeks comment on the legal and policy issues raised by a possible requirement that building owners, who allow any telecommunications carrier access to facilities that they control, make comparable access available to other carriers on a nondiscriminatory basis. The item also requests comment on whether the Commission should

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forbid telecommunications service providers, under some or all circumstances, from entering into exclusive contracts with building owners, and abrogate any existing exclusive contracts between these parties. Furthermore, the item requests comment on whether the Commission should modify its rules governing determination of the demarcation point between facilities controlled by the telephone company and by the landowner on multiple unit premises. In addition, the item requests comment on whether the Commission should extend rules similar to those adopted under section 207 of the 1996 Act to providers of telecommunications service. The item recognizes that section 207 by its terms applies only to video programming services, but asks whether the Commission has authority to adopt similar rules prohibiting restrictions on the placement of antennas used for over-the-air telecommunications service pursuant to other provisions of the Communications Act. These issues are addressed in TBA's letter.

Your letter and your constituent's letter have been placed in the record of this proceeding and will be given every consideration by the Commission. Thank you for your interest in this proceeding.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeffrey S. Steinberg". The signature is fluid and cursive, with the first name "Jeffrey" being more prominent and the last name "Steinberg" following in a similar style.

Jeffrey S. Steinberg
Deputy Chief, Commercial Wireless Division
Wireless Telecommunications Bureau

CHARLES S. ROBB
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United States Senate

WASHINGTON, DC 20510-4603

November 9, 1999

COMMITTEES:
ARMED SERVICES
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Democratic Policy Committee

*ATB
PR
6300*

Ms. Sheryl Wilkerson
Federal Communication Commission
Room 808
1919M Street, NW
Washington, D.C. 20554

Dear Ms. Wilkerson:

I have been contacted by the Tidewater Builders Association of Chesapeake, Virginia, expressing concern about promotion of competitive networks in local telecommunications markets. I am enclosing a copy of the correspondence I've received.

I would appreciate it if you could review the letter and consider its insightful suggestions as your committee evaluates related regulations. Many thanks for your consideration.

Sincerely,



Charles S. Robb

CSR/jag

Enclosure

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Honorary Member

July 29, 1999

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
445 12th 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.

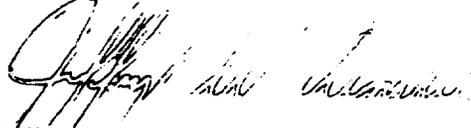
"Do Business With A Member"

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,



Jeffrey W. Ainslie
President

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