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Federal Communications Commission
Washington, D.C. 20554

NOV 17 1999

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MAR 28 2000

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

The Honorable Constance A. Morella
U. S. House of Representatives
51 Monroe Street, Suite 507
Rockville, MD 20850

Dear Congresswoman Morella:

Thank you for your letter on behalf of your constituent, Arthur Lovell, Chairman of Leisure World Community Council (the "Council"). Mr. Lovell believes that the Commission should not adopt rules in WT Docket No. 99-217 and CC Docket No. 96-98 to require building owners, who allow any telecommunications carrier access to facilities that they control, to make comparable access available to other carriers on a nondiscriminatory basis. In particular, Mr. Lovell believes that such rules may interfere with the ability of the Council to ensure a private and secure environment for the Leisure World community. Moreover, Mr. Lovell believes that such rules are unnecessary where a residential community is owned and managed by its residents, as is the case with Leisure World, rather than by a non-resident landlord.

The Commission sought comment on this matter 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. Thus, the item seeks comment on a wide range of potential Commission actions, in most instances without reaching tentative conclusions. In particular, among other things, 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. These issues are addressed in

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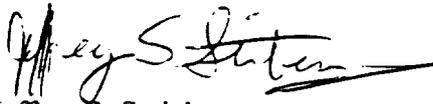
The Honorable Constance A. Morella

2.

Leisure World's comments.

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", with a long horizontal flourish extending to the right.

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

CONSTANCE A. MORELLA

5TH DISTRICT, MARYLAND

COMMITTEE ON SCIENCE
SUBCOMMITTEE ON BASIC RESEARCH
CHAIR
SUBCOMMITTEE ON TECHNOLOGY

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**Congress of the United States
House of Representatives**

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September 20, 1999

*WTR
packet
5/3/00*

Ms. Sheryl J. Wilkerson
Director of Legislative Affairs
Federal Communications Commission
1919 M Street, NW, Room 808
Washington, D.C. 20554

Dear Ms. Wilkerson:

I am writing to you on behalf of my constituent, Arthur Lovell, who has contacted my office in regards to a recent proposal by the Federal Communications Commission.

Please find enclosed a copy of the letter that I received from Mr. Lovell, which explains the situation in greater detail. I would appreciate it if you would review this matter and direct your response to my District Office.

If you need any additional information, please contact Bill Di Iorio in my District Office at (301) 424-3501. Thank you for your efforts and attention to this matter. I look forward to hearing from you.

Sincerely,

Constance A. Morella
Member of Congress

CAM:wrd
Enclosure

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Leisure World of Maryland Corporation

3701 Rossmore Boulevard • Silver Spring, Maryland 20906

(301) 598-1000

Congresswoman Constance Morella
2228 Rayburn House Office Bldg.
Washington, DC 20515

August 27, 1999

Dear Congresswoman Morella:

We seek your support in our opposition to any action by the Federal Communication Commission which would require forced entry on our properties by telecommunications providers for the purpose of installing wiring and equipment at their option, even though such entry is against our desire. This proposal is now being considered by the FCC in a recent inquiry in its Docket No. 96-98, a copy of which is attached for your convenience.

As you can see from the comments we filed with the FCC, Leisure World is a gated, restricted access community created for individuals 55 years old or more. We have some 6800 residents, mostly retired, who are organized into some 22 condominium associations, and a cooperative housing association, composing a total of 4600 dwelling units, both high rise and low rise buildings. There organizations which are self-governing, also have beneficial ownership in common properties such as a medical center, golf course, restaurants, etc.

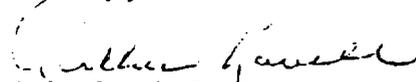
A principal objective of restricting access to our community is not only to protect our residents, all of whom have chosen to live in a secure environment, but also to insulate them from unwanted intrusion by persons not invited into the community, such as solicitors desiring to sell services and goods.

Insofar as concerns telecommunication, should a group desire to contract for service, there is no prohibition to doing so through their elected representatives. This has been our practice, and will continue to be so. However, we do not wish to have our community invaded by unwanted and uninvited concerns, in a manner not consistent with traditional competition. We stress that we are unlike other communities which are owned and managed by non residents, whose interest may diverge from those of the residents, and where forced access may possibly be beneficial to the residents.

In view of our concerns, we believe this matter is of such significant risk to the Leisure World Community that we consider it necessary to respectfully request the help of your office in opposing any rule which would mandate forced entry privileges as contemplated by the FCC inquiry. Since the Leisure World Community is self-governing and managed by the elected representatives of the owners we believe there should be no restrictions on our rights to contract for services in the manner we feel most beneficial to our residents, including contractual services on an exclusive basis if such is their determination.

If your office needs any additional information regarding this issue, please contact Robert Sullivan, General Manager (301)598-1000.

Sincerely yours,



Arthur Lovell, Chairman
Leisure World Community Council

Attachments: FCC Inquiry
Comments