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Federal Communications Commission
Washington, D.C. 20554

DEC 30 1999

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

The Honorable Mark Green
U.S. House of Representatives
1218 Longworth House Office Building
Washington, D.C. 20515

Dear Congressman Green:

Thank you for your letter on behalf of your constituent, Rick Stephenson, General Manager of Total Service Development, LLC, a property management and construction company. Mr. Stephenson 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. Mr. Stephenson 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.

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.

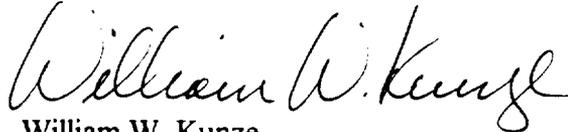
The purpose of this item is to explore broadly what actions the Commission can and should take to promote facilities-based competition to the incumbent local exchange carriers (LECs). Thus, the item seeks comment on a wide range of potential Commission actions, in most instances without reaching tentative 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.

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 cursive script that reads "William W. Kunze".

William W. Kunze
Deputy Chief, Commercial Wireless Division
Wireless Telecommunications Bureau

MARK GREEN
8TH DISTRICT, WISCONSIN
ASSISTANT MAJORITY WHIP



CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES

September 20, 1999

COMMITTEE ON BANKING
AND FINANCIAL SERVICES
COMMITTEE ON THE BUDGET
COMMITTEE ON SCIENCE
REPUBLICAN POLICY
COMMITTEE

*CB
Docket
4470*

Sheryl Wilkerson
Director
Office of Legislative Affairs
Federal Communications Commission
445 12th Street SW
Washington, D.C. 20024

Dear Ms. Wilkerson:

I am writing you regarding two different rulemaking proceedings currently before the FCC. Specifically, the proceedings concern the promotion of competitive networks in local telecommunications markets, WT Docket #99-217, and the implementation of the local provisions in the T&communications Act of 1996, CC Docket #98-98.

I am forwarding, for your consideration, a letter I received from one of my constituents who is concerned about the FCC's proposed new rules. I request that you give full and fair consideration to Mr. Stephenson's comments and include them in the public record for each proceeding. I urge you to carefully consider the points he makes before making your final decisions.

Please keep me informed of any new developments on either proceeding so that I can pass that information along to interested constituents.

Thank you for your attention to this matter. Please feel free to contact my Washington office should you have any questions or concerns.

Best Regards,

Mark Green
Member of Congress

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1218 LONGWORTH BUILDING
WASHINGTON, DC 20515
(202) 225-5805

700 EAST WAVERLY STREET
GREEN BAY, WI 54301
(920) 437-1984

609 WEST COLLEGE AVENUE
MILWAUKEE, WI 53211
(414) 380-0061

837 CLERMONT STREET
ROOM 117
ANTIGO, WI 54409
(715) 627-1511

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Villas at
Beaver Dam Creek
Green Bay

August 25, 1999

Villa DeNeve
Fond du Lac

Congressman Mark Green
1218 Longworth House Office Building
Washington, D.C. 205 15

Villas on Wescott
Fond du Lac

Re: Promotion of Competitive Networks in Local Telecommunications Markets, WT Docket No. 990217; Implementation of the Local Provisions in the Telecommunications Act of 1998, CC Docket No. 98-98

Dear Congressman Green:

Villas at
Union Square
Sheboygan

We write in response to the FCC's Notice of Proposed Rulemaking release on July 7, 1999, regarding forced access to buildings. We enclose six (6) copies of this letter in addition to this 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. The Commission's public notice also raises a number of other issues that concern us.

Columns Apts
Green Bay

First and foremost, we do not believe the FCC needs to act in this field because we are doing everything we can to satisfy our residents' demands for access to telecommunications. In addition, the FCC's request for comments raises the following issues of particular 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 existing satellite dish or "OTARD" rules to include nonvideo services.

Columns Apt.
Fond du Lac

FCC Action is Not Necessary: We are aware of the importance of telecommunications services to residents, and would not jeopardize our rent revenue stream by actions that would displease our residents. We compete against many other properties in our market, and we have a strong incentive to keep our properties up-to-date.

Marion Apts.
Fond du Lac

"Nondiscriminatory" Access: We must have control over space occupied by providers, especially when there are multiple providers involved. We must have control over who enters a building because we face liability for damage to the building, leased premises, and facilities of other providers, and for personal injury to residents and visitors. We are also liable for safety codes. Qualifications and reliability of providers are a real issue.

Town Homes
Duplexes
Bellevue, WI

Corporate Offices
1221 Bellevue Street
Green Bay, 54302

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Villas at
Beaver Dam Creek
Green Bay

What does "nondiscriminatory" mean? Contract terms vary because each contract is different. A new company without a track record poses greater risks than an established one.

Villa DeNevue
Fond du Lac

Scope of Easements: If we had known governments would allow other companies to piggy-back, we would have negotiated different terms. Expanding rights now would be a taking.

Villas on Wescott
Fond du Lac

Demarcation Point: Current demarcation point rules work fine because they offer flexibility – There is no need to change them.

Villas at
Union Square
Sheboygan

Exclusive Contracts: They generally work to the benefit of our residents and they give competitors a chance to establish a foothold in our area.

Expansion of Satellite Dish Rules: We are opposed to the existing rules because we do not believe Congress meant to interfere with our ability to manage our property. The FCC should not expand the rules to include data and other services.

We believe no further action is necessary on these key issues.

Columns Apts.
Green Bay

Thank you for your attention to our concerns

Sincerely,

Columns Apt.
Fond du Lac

A handwritten signature in cursive script that reads "Rick Stephenson".

Rick Stephenson
General Manager – Total Service Development, LLC

Marion Apts.
Fond du Lac

CC: Senator Herbert Kohl
Senator Russell Feingold
Federal Communications Commission
Brown County Multifamily Association
Wisconsin Builders Association

Town Homes
Duplexes
Bellevue, WI

corporate Offices
1221 Bellevue Street
Green Bay, WI 54302