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August 8, 2000

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
445 12th Street, S.W.
12th Street Lobby, TW-A325
Washington, DC 20554

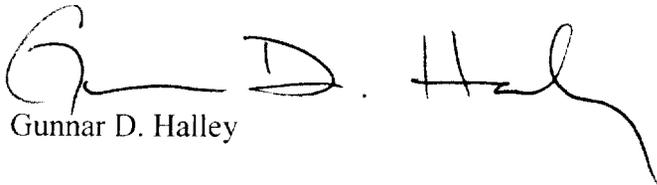
Re: Ex Parte Presentation in WT Docket No. 99-217 and CC Docket No. 96-98

Dear Ms. Salas:

Philip Verveer, Stephanie Podey and the undersigned, on behalf of the Smart Buildings Policy Project, met yesterday afternoon with Adam Krinsky, Legal Advisor to Commissioner Tristani, to discuss the various jurisdictional theories under which the Commission could adopt an order providing for nondiscriminatory telecommunications carrier access to tenants in multi-tenant environments. Specifically, we discussed the Commission's end-to-end jurisdiction over interstate communications and the importance and historical practice of using that jurisdiction to preserve a consumer's ability to exercise preferences. We explained the importance of Section 224 as a mechanism for ensuring nondiscriminatory telecommunications carrier access as well as the ability of the Commission to enact rules to govern building owner practices as they relate to interstate communications by employing ancillary jurisdiction theories. Finally, we discussed the Ambassador, Inc. v. United States (325 U.S. 317 (1945)) decision and the ability of the Commission to accomplish nondiscriminatory access through indirect means of regulation.

Because these topics concern a pending rulemaking at the Commission, in accordance with the Commission's rules, for each of the above-mentioned proceedings, I hereby submit to the Secretary of the Commission two copies of this notice of the Smart Buildings Policy Project's ex parte presentation.

Respectfully submitted,



Gunnar D. Halley

Counsel for the
SMART BUILDINGS POLICY PROJECT

cc: Adam Krinsky

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