



Federal Communications Commission
Washington, D.C. 20554

SEP 16 1999

The Honorable **Chip** Pickering
U. S. House of Representatives
427 Cannon **House** Office Building
Washington, DC 20515

Dear Congressman Pickering:

Thank you for your letter in support of the Commission's initiative to facilitate **the** development of telecommunications competition in multiple tenant environments. On **July** 7, 1999, the **Commission** released a **Notice** of Proposed Rulemaking in WT Docket No. 99-217 and CC Docket No. 96-98 which, among other **things**, sought comment on the Commission's authority to take action to ensure that competitive providers will have **reasonable** and nondiscriminatory access to **rights-of-way**, buildings, rooftops, and facilities in multiple. tenant environments. In your **letter**, you state your belief **that** the Communications **Act** provides **the** Commission with adequate authority to **ensure** such access. In particular, you reference **the** Commission's authority under sections 207 **and** 224 of the Act, as well as **tha** Commission's general authority under the Act over interstate radio and wire communications. Your **letter** **has** been placed in the record for this **proceeding** and will be considered by the Commission.

Thank you again for your interest in the development of telecommunications competition in multiple tenant **environments**.

Sincerely,

A handwritten signature in black ink that reads "Steven E. Weingarten".

Steven E. **Weingarten**
Chief, Commercial Wireless Division
Wireless Telecommunications Bureau

EX PARTE OR LATE FILED ORIGINAL

99-217

427 CANNON HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225-5031

823 22ND AVENUE
MERIDIAN, MS 39301
(601) 693-6681

110 D AIRPORT ROAD
PEARL, MS 39208
(601) 932-2410

2040 AIRPORT ROAD, SUITE D
COLUMBUS, MS 39701
(601) 327-2766

CHIP PICKERING
THIRD DISTRICT, MISSISSIPPI

Congress of the United States
House of Representatives
Washington, DC 20515-2403

COMMITTEES
COMMERCE
SUBCOMMITTEES
TELECOMMUNICATIONS, TRADE AND
CONSUMER PROTECTION
ENERGY AND POWER
HEALTH AND ENVIRONMENT

ASSISTANT WHIP AT LARGE
POLICY COMMITTEE

August 5, 1999

RECEIVED

SEP - 7 2000

4203

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

The Honorable William E. Kennard
Federal Communications Commission
The Portals
445 12th Street, S.W.
Suite 8-B201
Washington, D.C. 20554

Dear Chairman Kennard:

I understand that many consumers that **work** or live in multi-tenant buildings are experiencing difficulty in obtaining access to their telecommunications carrier of choice. This threatens the realization of widespread telecommunications competition.

I would like to congratulate the Federal Communications Commission (FCC) for addressing this obstacle to telecommunications competition in its recently released Notice of Proposed Rulemaking. Nevertheless, it has come to my attention that several Commissioners have expressed some concern as to whether the FCC possesses the requisite authority to order multi-tenant building owners to allow telecommunications carrier access to their buildings so that the consumers therein can receive the benefits of competition that Congress intended. I believe that Congress has already provided the FCC with adequate authority to resolve the building access issue in an equitable manner.

The FCC retains substantial authority under the Communications Act over interstate radio and wire communications -- authority that includes facilities and services incidental to transmission. To the extent that occupants of multi-tenant buildings are restricted in their access to radio or wire communications from their carrier of choice due to a landlord's control over transmission facilities within a building, the FCC already has jurisdiction to remedy the problem.

The FCC also has authority to provide telecommunications carrier access to rights-of-way that are used by utilities. As the FCC properly recognized in its NPRM, to the extent that transmission facilities (such as wires) or even rights-of-way (such as open conduits or riser space or the right to access a rooftop) within a building are controlled by a utility (such as an incumbent local exchange carrier), the FCC can require the utility to provide telecommunications carriers nondiscriminatory access to those intra-building facilities pursuant to Section 224. Indeed, it is my understanding that some ILECs and electric utilities presently locate their own antennas on rooftops in order to transmit telecommunications and video signals. If ILECs already engage in such activity, I see no reason why the FCC cannot allow CLECs to do the same pursuant to Section 224.

No. of Copies rec'd 2
List ABCDE

The Honorable William E. Kennard
August 5, 1999
Page 2

Finally, the FCC's existing authority under Section 207 of the Telecommunications Act provides more than ample ancillary, and even direct, bases of FCC authority to resolve the building access issue.

Given the specific grants of authority afforded the FCC by the Communications Act, I believe the agency already possesses the tools to resolve the building access issue so that commercial and residential occupants of multi-tenants buildings nationwide can enjoy the benefits of telecommunications competition. I would encourage the FCC to use that authority to reach a resolution that will ensure that the benefits of competition extend to commercial and residential tenants in multi-tenant buildings in balance with the property rights of building owners to find a fair, equitable solution.

With best wishes, I am

Sincerely yours,


Chip Pickering