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FEDERAL COMMUNICATIONS COMMISSION  
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September 7, 2000

**VIA HAND DELIVERY**

Ms. Magalie Roman Salas  
Secretary  
Federal Communications Commission  
445 Twelfth Street, S.W.  
TW-A325  
Washington, D.C. 20554

Re: WT Docket No. 99-217 and CC Docket No. 96-98  
NOTICE OF EX PARTE COMMUNICATION

Dear Ms. Salas:

Pursuant to Section 1.1206(a)(1) of the Commission's Rules, we are writing to report that on September 6, 2000, undersigned counsel for The Wireless Communications Association International, Inc. ("WCA"); Jay C. Keithley, Vice President, Law & External Affairs, Sprint Corporation; Todd A. Rowley, Vice President, Spectrum Management, Sprint Broadband Wireless Group; and Robert S. Koppel, Senior Counsel, Wireless Regulatory Affairs, WorldCom, Inc., met with Peter Tenhula, Senior Legal Advisor to Commissioner Michael K. Powell, with regard to WCA's proposal in WT Docket No. 99-217 to amend Section 1.4000 (47 C.F.R. § 1.4000) to provide antenna preemption protection to all fixed wireless antennas one meter in diameter or diagonal measurement, not just those used to receive video programming services via off-air television, MDS, ITFS, LMDS or DBS.

WCA discussed the immediate marketplace need for the above-described amendment of Section 1.4000. In particular, WCA emphasized that Sprint and WorldCom are in the process of launching fixed wireless broadband service over MDS and ITFS frequencies in markets across the United States, and that the timely rollout of MDS/ITFS-based fixed wireless broadband service is now threatened by an increasing number of antenna restrictions imposed by homeowners associations ("HOAs") and local governments on subscriber premises MDS/ITFS antennas used to receive high-speed Internet access service exclusively. WCA also noted that the Section 207 of the Telecommunications Act of 1996 does not constrain the Commission's broad preemption

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authority in this matter, and in support cited the Commission's decision following passage of Section 207, in which it reaffirmed its authority to preempt non-federal restrictions on satellite antennas not explicitly covered by the statute.<sup>1/</sup>

Pursuant to Section 1.1206(b)(2) of the Commission's Rules, an original and one copy of this notice has been submitted for filing.

Should there be any questions concerning this matter, please contact the undersigned.

Very truly yours,



Paul J. Sinderbrand  
Robert D. Primosch  
Counsel for The Wireless Communications  
Association International, Inc.

cc: Peter Tenhula

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<sup>1</sup> *Preemption of Local Zoning Regulation of Satellite Earth Stations*, 11 FCC Rcd 5809, 5812 (1996).