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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

September 25, 2000

VIA HAND DELIVERY

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

Re: CapNet; Written Ex Parte Presentation;
WT Docket No. 99-217; CC Docket No. 96-98 /

Dear Sir/Madam:

Please find attached a letter from Timothy D. Hugo, Executive Director of CapNet, to Chairman William E. Kennard, Commissioner Ness, Commissioner Furchgott-Roth, Commissioner Powell, and Commissioner Tristani delivered September 22, 2000 that concerns the above-captioned proceedings.

Pursuant to Section 1.1206(b) of the FCC's rules, 47 C.F.R. § 1.1206(b), I am submitting to the Secretary four copies of this *ex parte* presentation. Should there be any questions regarding the above, please do not hesitate to contact the undersigned at 202-367-7600.

Very truly yours,

Timothy D. Hugo
Executive Director
CapNet

Enclosures

Cc:

Chairman Kennard
Roth

Commissioner Powell
Clint Odom

Peter Tenhula

Thomas Sugrue (WTB)

Joel Taubenblatt (WTB)

Eloise Gore (CSB)

Paul Noone (WTB)

Richard Arsenault (WTB)

Commissioner Ness

Commissioner Tristani

Mark Schneider

Adam Krinsky

Jim Schlichting (WTB)

Lauren Van Wazer (WTB)

Cheryl King (CSB)

Mark Rubin (WTB)

Commissioner Furchtgott-

Helgi Walker

Kathy Brown

Jeffrey Steinberg (WTB)

Leon Jackler (WTB)

Wilbert Nixon (WTB)

David Furth (WTB)



VIA HAND DELIVERY

September 18, 2000

The Honorable William E. Kennard, Chairman
The Honorable Susan Ness, Commissioner
The Honorable Harold Furchtgott-Roth, Commissioner
The Honorable Michael Powell, Commissioner
The Honorable Gloria Tristani, Commissioner
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Re: WT Docket No. 99-217 and CC Docket No. 96-98

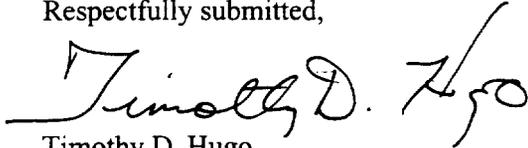
Dear Mr. Chairman and Commissioners:

CapNet, a technology organization comprised of some of America's largest and most innovative companies, is committed to continued dynamism in telecommunications and high technology growth in the Greater Washington area. CapNet is pleased that, in part, because of the FCC's pro-competitive policies, the telecommunications industry is constructing more sophisticated networks and providing more people with broadband capabilities both in the Greater Washington area and nationwide.

Nevertheless, this growth will be much more rapid and widespread if the FCC takes the appropriate action in the *Competitive Networks* rulemaking. Unreasonable restrictions on access to multi-tenant buildings are a primary drain on optimal growth and dynamism in telecommunications. Your leadership is necessary to eliminate this drag on the economy for the ultimate benefit of telecommunications consumers. On behalf of CapNet and its members, I strongly urge the FCC's prompt adoption of effective and definitive prohibitions on any unreasonable building owner practices that impede telecommunications carrier access to tenants in multi-tenant buildings. Unreasonable practices include exclusive contracts or behavior, and any behavior which gives a certain carrier (e.g. the RBOC or a building owner-related carrier) "preferred" treatment—which discriminates against other carriers and frustrates consumer choice.

CapNet urges the Commission to continue vigorous enforcement of its rules adopted pursuant to Section 224 of the Communications Act and to continue application of the statutory requirements in a pro-competitive manner. As the Commission is well aware, the mandate from the Eleventh Circuit's Gulf Power II decision has not yet issued, and the Commission has requested that the court stay issuance of its mandate until such time as the Supreme Court can consider the Eleventh Circuit's decision.

Respectfully submitted,



Timothy D. Hugo
Executive Director
CapNet

cc: Clint Odom
Peter Tenhula
Thomas Sugrue (WTB)
(WTB)
Joel Taubenblatt (WTB)
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