



CONFIDENTIAL

EX PARTE OR LATE FILED

October 20, 2000

Magalie R. Salas, Esq.  
Secretary  
Federal Communications Commission  
The Portals  
445 Twelfth Street, SW  
Washington, DC 20554

EX PARTE OR LATE FILED

RE: Ex Parte Communication CS Docket No. 95-184

(Attachments)

Dear Madam Secretary:

On Wednesday, October 18, 2000, I called Ms. Eloise Gore of the Cable Services Bureau to inform her about letters which have been sent by AT&T and MediaOne to multiple dwelling unit (MDU) building owners in California. The letters make assertions regarding prescriptive easements and that the coaxial cable in those buildings is not subject to the FCC MDU Inside Wiring Rules because the company intends to use the cable for non-video purposes in the future. I inquired whether the assertions were accurate and consistent with FCC regulations and their application.

I also indicated that the MDU owners had sent notice of termination letters to the cable company and stated that the MDU owner believes those letters comply with the requirements of the applicable FCC regulations.

I also stated that the prescriptive easement and prospective intention assertions were serving to intimidate MDU owners to not pursue contractual relationships with alternative video providers for the provision of video services. I also stated that the AT&T/MediaOne assertions were clearly inconsistent with the intent and purposes of the FCC MDU Inside Wiring Rules. Then I inquired whether these matters could be addressed in CS Docket No. 95-184, presently under consideration within the Cable Services Bureau. I suggested that the Notice of Proposed Rulemaking for that proceeding did address the matter and referenced FCC 97-304, adopted on August 27, 1997, at page 10, paragraph 19.

Ms. Gore directed me to file this letter with referenced materials which include the AT&T/MediaOne letters, the MDU notice letters and page 10 of the Notice.

Thank you for your attention.

Sincerely yours,

Richard Baxter  
Direct Digital Communications

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List A B C D E

Rich -- Here is draft Ex Parte letter. Brenda will be pleased to help you in any way needed. The letter and attachments should be sent via facsimile to Gore, then hard copies to Salas (original), Gore, Dickens, Norton, Kornegay and Kandutsch.

Ex Parte Filing Instructions:

**Original signed letter with all attachments should be mailed to:**

Magalie R. Salas, Esq.  
Secretary  
Federal Communications Commission  
The Portals  
445 Twelfth Street, SW  
Washington, DC 20554

**Copy of the letter with attachments should be faxed (*Fax cover sheet should indicate that the following information is being forwarded via first class mail.*) and mailed to:**

Ms. Eloise Gore  
Cable Services Bureau                      Fax: 202 418 1069

**Mail copy of letter with all attachments to:**

Ms. Royce Dickens  
Deputy Chief  
Policy and Rules Division  
Cable Services Bureau

Ms. Cheryl Kornegay  
Cable Services Bureau

Mr. John Norton  
Division Chief  
Policy and Rules Division  
Cable Services Division

Mr. Carl Kandutsch  
Cable Services Bureau

**Commission mailing address is:**

Federal Communications Commission  
The Portals  
445 Twelfth Street, SW  
Washington, DC 20554

cc: Ms. Eloise Gore  
Ms. Royce Dickens  
Ms. Cheryl Kornegay  
Mr. John Norton  
Mr. Carl Kandutsch  
Mr. Jay Gordon, Pres/CEO Direct Digital Communications