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November 10, 2000

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

**RE: Ex Parte Communication – NPRM CS 95-184**

Dear Secretary Salas:

The enclosed letter from ICTA's Executive Committee was submitted on November 10, 2000 to Chairman Kennard, Commissioner Ness, and Deborah Lathen, Bureau Chief, Cable Services Bureau.

Copies of the letter were also submitted to their legal advisors and the legal advisors for Commissioners Powell, Furchgott-Roth, and Tristani.

Sincerely,

*William J. Burhop*  
William J. Burhop  
Executive Director

Enclosure

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the ASOCDE

**Independent Cable & Telecommunications Association**

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Washington, DC 20015  
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PH: 202.364.0882 FX: 202.364.8309



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November 7, 2000

Honorable William Kennard  
Chairman  
Federal Communications Commission  
The Portals  
445 Twelfth Street, SW  
Washington, DC 20554

Dear Chariman Kennard:

ICTA has repeatedly praised the FCC for adoption of the MDU Inside Wiring Rules that were intended to enhance video competition in multiple resident building environments. Also, following two years of concerted effort during which Private Cable Operator (PCO) use of microwave equipment was severely impaired and expenditures for legal and technical analyses totaling over half the ICTA budget were necessitated, the International Bureau finally came to understand PCO use of 18 GHz. Then the FCC adopted a spectrum reallocation so that PCO use could continue to enhance MDU competition.

On August 28, 1997, the FCC Cable Services Bureau issued a Further Notice of Proposed Rulemaking (95-184) that addresses perpetual contracts, exclusive contracts, state mandatory access statutes and changes to the Inside Wiring Rules. Following numerous meetings and filings over the past years, all we have been promised is that these matters are a high priority and that regulatory action will be taken soon.

A high percentage of all MDU units are governed by the patently anti-competitive use of perpetual contracts that benefit only franchised cable companies. The FCC has said that state and local mandatory access laws and regulations frustrate and retard competition by PCOs and clearly buttress franchised cable's monopoly. The Inside Wiring Rules were a step in the right direction but included numerous caveats, loopholes and unrealistic provisions so that they are far less stimulative of competition and beneficial for residents than they could have been.

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Honorable William Kennard  
November 7, 2000  
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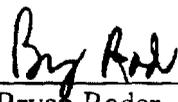
In July of 1999, the Wireless Bureau NPRM on Promotion of Competitive Networks was released. It addressed many complex issues about which many parties filed stacks of documents. It took a gigantic effort by ICTA to inform the Wireless Bureau staff that there are differences between office/commercial buildings and residential buildings and that all MTEs are not the same, that there are differences between the infrastructure and business models for telephony and video and that there are differences between what enhances competition for wireless CLECs and what retards competition in MDUs for MVPDs.

Regardless, the Wireless Bureau Final Report and Order was adopted on October 12, 2000, only 15 months following the release of the NPRM.

The CSB Further Notice of Proposed Rulemaking (95-184) now has been gestating for more than 37 months. A schedule for completion is not even evident.

We request the opportunity to discuss your views and plans to act on this CSB rulemaking which is critical to our ability to enhance competition in MDUs.

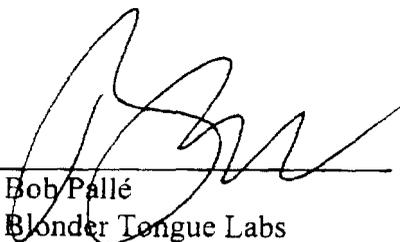
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