

FEDERAL COMMUNICATIONS COMMISSION
LOCAL AND STATE GOVERNMENT ADVISORY COMMITTEE

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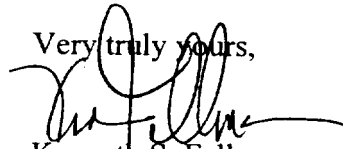
Ms. Magalie Roman Salas, Secretary
Federal Communications Commission
445 Twelfth Street, SW, TW-B204
Washington, D.C. 20554

*Re: Notice of Proposed Rulemaking, Notice of Inquiry, and Third
Further Notice of Proposed Rulemaking, WT Docket No. 99-217,
CC Docket No. 96-98*

Dear Ms. Salas:

On behalf of the Commission's Local and State Government Advisory
Committee, I am hereby submitting an original and two copies of the
LSGAC's Advisory Recommendation No. 24 with respect to the
referenced matter.

Very truly yours,



Kenneth S. Fellman
Chairman, LSGAC

KSF/eaj

Enclosure

- cc: Honorable William E. Kennard, Chairman (w/encl)
- Honorable Harold Furchtgott-Roth, Commissioner (w/encl)
- Honorable Gloria Tristani, Commissioner (w/encl)
- Honorable Susan Ness, Commissioner (w/encl)
- Honorable Michael Powell, Commissioner (w/encl)
- LSGAC Members and Staff (w/encl; via email)

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**FCC Local and State Government Advisory Committee
Advisory Recommendation Number 24:**

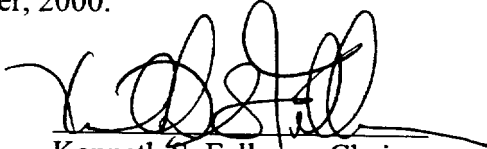
**Notice of Proposed Rulemaking, Notice of Inquiry, and Third
Further Notice of Proposed Rulemaking, WT Docket No. 99-217,
CC Docket No. 96-98**

1. On August 23, 2000, the LSGAC issued its Advisory Recommendation No. 23 in the Competitive Networks Notice of Inquiry, WT Docket No. 99-217, CC Docket No. 96-98. In that Recommendation, the LSGAC suggested that the record in this proceeding did not support further action by the Commission. Specifically, the LSGAC recommended that the Commission rely upon the expertise of local government associations with respect to best practices regarding management and control of local government rights of way.
2. Since the date of Advisory Recommendation No. 23, the National League of Cities, the National Association of Counties, the U. S. Conference of Mayors, and the National Association of Telecommunications Officers and Advisors have made an historic agreement to undertake the development a local government resource guide to management of public rights of way.
3. Every local government has unique interests and concerns which must be incorporated into its rights of way management policies. At the same time, all local governments must address their unique issues consistent with the policies of the Telecommunications Act of 1996. Rarely have these four national associations come together to commit resources to proactively address such a timely issue of concern to all local governments. The LSGAC believes that this project will result in a comprehensive and useful tool for local governments throughout the nation to address best management practices, with examples of successful rights of way regulation. Further, there will be a clearer understanding of methods to manage access to and occupation in public rights of way so as to protect local government concerns while providing the telecommunications industry with non-discriminatory and competitively neutral access to rights of ways.

RECOMMENDATION:

To the extent that the Commission is otherwise inclined to follow the NOI with its own attempt to develop right of way management guidelines or practices, the LSGAC respectfully recommends that the Commission refrain from doing so, and defer instead to the expertise of the national associations representing local government.

Respectfully submitted on this 23rd day of October, 2000.


Kenneth S. Fellman, Chairman
LSGAC