

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
)	
Petition of the Multifamily Broadband Council)	
Seeking Preemption of Article 52 of the)	MB Docket No. 17-91
San Francisco Police Code)	

**REPLY COMMENTS OF
ALLIANCE RESIDENTIAL, LLC**

June 9, 2017

Alliance Residential, LLC ("Alliance") hereby submits these Replies to the Federal Communications Commission ("FCC" or "Commission") to comments filed in response to the April 4, 2017 Public Notice seeking comment on the Petition for Preemption ("Petition") submitted by the Multifamily Broadband Council ("MBC"), and the April 13, 2017 Order extending the comment and reply comment filing deadlines. We ask that the Commission grant the Petition because Article 52 of the San Francisco Police Code ("Article 52") conflicts with federal law, impedes broadband deployment by discouraging facilities-based competition and infrastructure investment in multiple dwelling unit properties ("MDUs"), disrupts service by mandating access to existing wiring, and shifts development and maintenance costs to MDU owners.

These comments supplement and extend Alliance's preliminary comments filed on May 12 and May 15, 2017.

Alliance is one of the largest private multifamily owners and managers in the United States, with offices throughout the West, Southwest, South-Central, Southeast, Mid-Atlantic, and Northeast. We have invested in more than \$10 billion worth of real estate and manage a \$15

billion portfolio, with a focus on superior local leadership and a comprehensive national support structure for properties. We own and manage multifamily communities across 19 states and 29 metropolitan markets.

Alliance shares MBC's view that Article 52 should be preempted. Article 52 interferes with the federal regulatory framework for competitive access to inside wiring, where the FCC "occupies the field." The record in this docket has clearly demonstrated that arrangements for exclusive use of wiring are not, contrary to the wild speculation of some of the Petition's few opponents, a product of any anti-competitive intentions, but grounded in the real world experience of MDU owners and service providers with a shared interest in ensuring that multifamily residents have access to reliable, competitive service.

We draw the Commission's attention to the fact that eleven small, independent competitive services providers filed comments in support of the Petition, as did NCTA - The Internet & Television Association. These service providers echoed the observations of many MDU owners, both individually and through their trade organizations, that Article 52's compulsory taking of inside wiring will:

- Create disincentives for providers to install their own wiring (shifting costs to MDU owners and, ultimately, to MDU residents);
- Create disincentives for providers to maintain and upgrade wiring, since the benefits of such reinvestment may be freely claimed by another service provider (shifting maintenance costs to MDU owners and residents);
- Result in unwanted interference with and disconnection of services delivered by existing providers; and

- Create a host of harmful technical problems, including damage to wiring, improper grounding, and inadequate physical separation to prevent interference.

This broad consensus on the harmful effects of Article 52 demonstrates the wisdom and balanced consideration of the Commission in prior rulemaking, justifying preemption.

Respectfully submitted,

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Dated: June 9, 2017