



HUBACHER AMES & TAYLOR, PLLC

ATTORNEYS

*Arthur S. Hubacher
ahubacher@hatlegal.com

*Matthew C. Ames
mames@hatlegal.com

*Member of VA & DC Bars

11350 Random Hills Road, Suite 800
Fairfax, Virginia 22030
Phone 703-279-6535
Facsimile 703-279-6536

<https://HATLEGAL.COM>

J. Kirk Taylor
Phone 817-917-4074
kirk@hatlegal.com
Member of TX & IL Bars

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Via Electronic Filing

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: *Ex parte* notice in *Improving Competitive Broadband Access to Multiple Tenant Environments*, GN Docket No. 17-142; *Petition of the Multifamily Broadband Council Seeking Preemption of Article 52 of the San Francisco Police Code*, MB Docket No. 17-91.

Dear Ms. Dortch:

On June 25, 2019, Kevin Donnelly, Vice President, Government Affairs, of the National Multifamily Housing Council and the undersigned counsel met with Nirali Patel of Chairman Pai's office in connection with the above-listed dockets. The following issues were discussed at the meeting: (i) the scope of the preemption in the draft Declaratory Ruling to be considered at the Commission's July 10 meeting; (ii) disparities between the treatment of wiring owned by property owners and wiring owned by carriers; and (iii) the reasons property owners seek compensation for use of wiring they own. The participants also discussed the perspective of property owners on distributed antenna systems, as described in the attached statement.

Please let me know if you have any questions or need additional information.

Very truly yours,

HUBACHER AMES & TAYLOR, P.L.L.C.

Matthew C. Ames

**Perspective of the National Multifamily Housing Council on DAS Issues
Raised in Draft Notice of Proposed Rulemaking and Declaratory Ruling in
GN Docket No. 17-14 and MB Docket No. 17-91**

Property owners report that they often face difficulties with wireless service coverage inside their buildings.¹ Poor mobile coverage inside a building is a common cause of complaints to building owners from residents and tenants. Furthermore, satisfactory mobile coverage is a key factor in decisions by prospective residents and tenants; commercial tenants may even negotiate to include access to satisfactory mobile service for their employees as a lease obligation. Property owners are therefore investing substantial sums to construct distributed antenna system (“DAS”) facilities, either to solve current coverage problems, or to ensure compliance with such lease requirements.

A DAS may cost anywhere from \$250,000 to over one million dollars.² Nevertheless, wireless carriers have no obligation to connect to any DAS, under any terms, and they insist on retaining complete control over their networks. Consequently, property owners are subsidizing the extension of wireless broadband networks to meet tenant demand. Furthermore, wireless carriers typically refuse to pay for DAS construction or to do anything more than connect their interface equipment at the property. For example, wireless carriers may insist on the right to terminate their use of the DAS at any time for any reason, thus creating the risk that the building owner’s investment will be rendered valueless. The carriers may even require the property owner to bear the cost of a landline backhaul connection from the DAS to the carrier’s backhaul facilities.

With this background in mind, the discussion of issues related to DASs in the pending Notice of Proposed Rulemaking raises the following questions: Should wireless carriers be required to connect to a DAS, if one is available at a property? Should such carriers be obligated to pay a share of the cost of constructing and operating the DAS? Should they be required to serve the property by means of the DAS for a minimum time period? If so, what should that time be? If not, should carriers be required to reimburse the property owner for a share of the cost of the DAS if they terminate before a certain time has passed? What other policies could the Commission adopt that would encourage property owners to deploy DAS facilities?

¹ Comments of National Multifamily Housing Council, *et al.* in WT Docket No. 19-71 (filed June 3, 2019), at 8.

² *Id.*