

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D. C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Implementation of the)
Cable Television Consumer)
Protection and Competition)
Act of 1992)
)
Cable Home Wiring)

MM Docket No. 92-260

COMMENTS OF THE NYNEX TELEPHONE COMPANIES

The NYNEX Telephone Companies, New England Telephone and Telegraph Company and New York Telephone Company ("NET" and "NYT", respectively; the "NTCs", collectively), submit these comments in response to the Notice of Proposed Rule Making ("NPRM") released by the Federal Communications Commission (the "Commission") on November 6, 1992 in the above-entitled proceeding.

The Commission is required by § 16(d) of the Cable Television Consumer Protection and Competition Act of 1992 (the "Cable Act of 1992") to "prescribe rules concerning the disposition, after a subscriber to a cable system terminates service, of any cable installed by the cable operator within the premises of such subscriber."¹ The Commission should seize

¹ Pub. L. No. 102-385, § 16(d), 102 Stat.

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this opportunity to adopt rules that will permit and encourage the development of competition in the cable and video industries.

I. APPROPRIATE RULES GOVERNING CABLE HOME WIRING ARE CRITICAL TO A COMPETITIVE MARKET FOR CABLE AND VIDEO SERVICES.

Customer choice is the cornerstone of a competitive market, and true competition for cable services cannot be achieved unless customers have the ability to choose freely among the services offered by competing providers. Permitting the customer to own or control cable home wiring will help to ensure that customers can exercise free choice regarding the provision of cable and video services.

Cable home wiring distributes cable television signals at the customer premises. Like telephone or electrical wiring, the cable home wiring becomes an integral part of the customer premises. If cable home wiring were owned or controlled by the cable services provider that installed it, the only way a customer could change providers would be to incur the expense, inconvenience, and other disadvantages of rewiring the premises. In some settings, such as highrise apartment buildings, space limitations may make rewiring prohibitively expensive or impossible as a practical matter. These substantial barriers to the exercise of free choice clearly favor the incumbent provider and constrain competition.

In addition, if cable home wiring were owned or controlled by the cable services provider that installed it, the customer would be precluded from using existing cable home wiring for new services that could be delivered over the existing wiring. The use of cable home wiring would reduce the cost of

new services, and allow new services to be provided more quickly, on a more wide-spread basis. As but one example, use of cable home wiring would have a direct, positive effect on the availability of Video Dialtone services that could be provisioned using cable home wiring on an exclusive basis or on a shared basis with the cable services provider.

II. COMMISSION RULES SHOULD EXPRESSLY PROVIDE THAT THE CUSTOMER HAS EXCLUSIVE CONTROL OF CABLE HOME WIRING.²

When it adopted inside wiring rules for the telephone companies in 1990, the Commission did not decide the issue of ownership of inside wiring. Instead, the Commission concluded that ownership should be determined according to state law. However, the Commission expressly stated that no claim of ownership by a carrier could prevent a customer from removing, reconfiguring or rearranging inside wiring on the customer's side of the demarcation point. That demarcation point is the point of interconnection between the network and the customer's inside wiring. The Commission concluded that customer control of inside wiring was essential to achieve the Commission's goal of competition in the market for inside wiring.³

² The NTCs expressly reserve comment on the issue of ownership. After they have had an opportunity to consider any facts concerning the provision of cable home wiring placed on the record by other commenters on December 1, 1992, the NTCs may address this issue in Reply Comments.

³ Review of Sections 68.104 and 68.213 of the Commission's Rules Concerning Connection of Simple Inside Wiring to the Telephone Network and Petition for Modification of Section 68.213 of the Commission's Rules filed by the Electronic Industries Association, CC Docket No. 88-57, Report and Order and Further Notice of Proposed Rule Making, released June 14, 1990, 5 FCC Rcd. 4686, ¶ 6; ¶ 3, n.2; ¶ 29, n.23.

The NTCs propose that cable services customers likewise be afforded exclusive control over cable home wiring to the extent described below. This control is necessary to achieve the Commission's objectives of increased competition and efficient deployment of new services. Issues of ownership should not be allowed to defeat these objectives.

Furthermore, the NTCs propose that customer control of cable home wiring should begin immediately upon installation. A Commission rule providing for customer control only upon a customer's termination of service would not fully achieve Commission objectives. The Commission should make it clear that -- even if the cable service provided by the installer has not been terminated -- the customer controls the cable home wiring and may simultaneously obtain additional services from other providers through simultaneous use of spare capacity of the wiring.

III. TECHNOLOGY DICTATES THAT DIFFERENT RULES SHOULD APPLY TO CUSTOMERS IN DIFFERENT SETTINGS IN ORDER TO PERMIT EFFECTIVE COMPETITION IN ALL CIRCUMSTANCES.

Customer control of cable home wiring should extend to the point necessary to allow the customer meaningful ability to remove, reconfigure, rearrange and use the cable home wiring. The location of this point is determined by the technology, and varies depending upon the setting.

In the case of a single unit premises (e.g., a single-family, detached house), customer control should extend to the grounding block. The grounding block is located at the end of the customer's drop cable. The grounding block provides a

means of attaching a ground wire, and a barrel connector for attachment of the cable wiring located in the premises. This is a logical place at which to test and to connect to the customer's wiring in order to provide cable and/or video services to the customer. All cable wiring and devices on the customer's side of the grounding block should be controlled by the customer. The customer should not have control of or access to the grounding block or the cable, devices and active electronics toward the "headend" (i.e., on the cable services provider's side of the grounding block).

In the case of a single unit premises that is not equipped with a grounding block, an interface point should be established on the exterior of the premises. The customer should control all cable wiring and devices on the customer's side of the interface point.

Multiple unit premises should be classified in two categories: (1) multiple unit premises with active electronics located in the premises and (2) multiple unit premises with no active electronics located in the premises. Active electronics may include amplifiers or electrical sources used to increase the signal in the coaxial cable, or electronics to convert an optical signal delivered over fiber to an electrical signal.

In the first scenario, where there are active electronics located in the multiple unit premises, the customer should not have control of or access to the service provider's powered coaxial cable or active electronics. In such cases, the customer's control should extend only to the point at which unpowered coaxial cable begins. If powered vertical distribution

coaxial cable exists, this point will typically be located on each floor of a multi-unit dwelling at a multi-port tap or cluster tap. However, in some instances, this point may be on the roof, in the basement, or at one or more other locations in the building. In the second scenario, where there are no active electronics located in the multiple unit premises, the customer's control of cable home wiring should extend to the grounding block or, if there is no grounding block, to an interface point established on the exterior of the multiple unit premises.

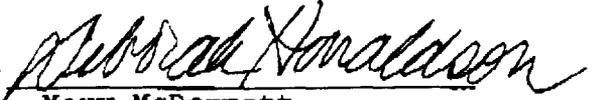
In multiple building settings, each building should be considered separately. The extent of an individual customer's control should be determined as described above, and will depend upon whether or not active electronics are located on the premises.

IV. CONCLUSION

The NTCs respectfully request that the Commission adopt rules consistent with the foregoing.

Respectfully submitted,

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Dated: December 1, 1992