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**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the matter of	)	
	)	
Implementation of the Cable Television	)	MM Docket No. 92-260
Consumer Protection and Competition	)	
Act of 1992	)	
	)	
Cable Home Wiring	)	

**REPLY COMMENTS OF  
THE WIRELESS CABLE ASSOCIATION INTERNATIONAL, INC.**

The Wireless Cable Association International, Inc. ("WCA"), by its attorneys and pursuant to Section 1.415 of the Commission's Rules, hereby briefly replies to the comments filed in response to the *Notice of Proposed Rule Making* ("NPRM") in this proceeding.

In its initial comments in this proceeding, WCA urged the Commission to adopt rules analogous to those that governed the detariffing of telephone wiring in implementing the mandate of Section 16(d) of the Cable Television Consumer Protection and Competition Act of 1992 (the "1992 Cable Act"), which directs the Commission "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."<sup>1</sup>

Specifically, WCA urged the Commission to: (1) decree that all inside cabling installed after the effective date of the new rules belongs to the subscriber; and (2) afford

<sup>1</sup>Pub. L. No. 102-385, 102 Stat. 1460 (1992).

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subscribers the absolute right to use, remove, replace, rearrange or maintain any inside cabling installed before the effective date of the new rules, even if that inside cabling is owned by a cable system operator or other multichannel video program distributor under applicable state law.<sup>2</sup> WCA demonstrated that by adopting this approach, the Commission could avoid the regulatory morass that would otherwise be caused by a need to determine whether a given subscriber owns his or her inside cabling prior to termination and, if not, the appropriate pricing for that inside cabling.<sup>3</sup>

WCA was not alone in advocating the adoption of the telephone inside wiring precedent for inside cabling. Indeed, WCA's views were shared by emerging competitors to cable,<sup>4</sup> public interest advocates,<sup>5</sup> the electronics industry,<sup>6</sup> and a variety of other

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<sup>2</sup>See Comments of Wireless Cable Association International, MM Docket No. 90-260, at 1-2 (filed Dec. 1, 1992)[hereinafter cited as "WCA Comments"].

<sup>3</sup>See *id.* at 5-8.

<sup>4</sup>Comments of United States Telephone Ass'n, MM Docket No. 92-260, at 4-5 (filed Dec. 1, 1992); Comments of BellSouth Corp., MM Docket No. 92-260, at 2 (filed Dec. 1, 1992); Comments of Bell Atlantic, MM Docket No. 92-260, at 4-5 (filed Dec. 1, 1992); Comments of Pacific Bell and Nevada Bell, MM Docket No. 92-260 (filed Dec. 1, 1992); Comments of the Nynex Telephone Companies, MM Docket No. 92-260, at 3-4 (filed Dec. 1, 1992).

<sup>5</sup>See Comments of Media Access Project, MM Docket No. 92-260, at 2 (filed Dec. 1, 1992)("The most important point MAP wishes to stress is that, regardless of who has title to the installed wire, any rules the Commission creates must permit alternative providers to connect to cable wiring at the minimum point of entry into the home. Consumers should control the wiring and its use on their side of the demarcation point.")

<sup>6</sup>Comments of the Consumer Electronics Group of the Electronic Industries Ass'n, MM Docket No. 92-260, at 5-9 (filed Dec. 1, 1992); Comments of Multiplex Technology, Inc., MM Docket No. 92-260, at 5-8 (filed Dec. 1, 1992).

interested parties.<sup>7</sup>

Not surprisingly, some in the cable industry have attempted to gut Section 16(d) by advocating the adoption of rules governing inside cabling that would frustrate Congress's dual goals of promoting competition from emerging multichannel video providers and protecting consumers from unnecessary expense and inconvenience. Those proposals are so transparent that WCA need not respond to them at this time.<sup>8</sup> Rather, WCA will devote the remainder of this reply to expressing its support for the proposal

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<sup>7</sup>See Comments of the Utilities Telecommunications Council, MM Docket No. 92-260, at 3-6 (filed Dec. 1, 1992); Comments of Amer. Public Power Ass'n, MM Docket No. 92-260, at 14-21 (filed Dec. 1, 1992); Comments of Building Industry Consulting Service Int'l, MM Docket No. 92-260, at 3-7 (filed Dec. 1, 1992).

<sup>8</sup>To cite one example, National Cable Television Association and others argue that the Commission's rules implementing Section 16(d) should not apply to inside cabling that has already been installed. See Comments of Nat'l Cable Television Ass'n, MM Docket No. 92-260, at 11 (filed Dec. 1, 1992); Comments of Community Antenna Television Ass'n, MM Docket No. 92-260, at 3 (filed Dec. 1, 1992)[hereinafter cited as "CATA Comments"]. Yet, there is not one shred of support in the legislative history of the 1992 Cable Act for such a limitation. Where Congress intended for existing relationships to be "grandfathered" under the 1992 Cable Act, it said so directly. See, e.g. Section 19. Given that the majority of the homes in the United States are already wired for cable, Congress presumably would have said so explicitly had it intended the Commission to grandfather existing relationships between cable operators and subscribers relating to home cabling and subject those subscribers to possible abusive conduct.

Similarly, Community Television Antenna Association and Times Mirror Cable Television, Inc., among others, have suggested that the Commission refrain from regulating the price or terms under which home wiring is sold to consumers. Comments of Times Mirror Cable Television, Inc., MM Docket No. 92-260, at 5 (filed Dec. 1, 1992); CATA Comments, *supra* at 3-4. As WCA noted in its initial comments, however, regulation of price is necessary, lest cable operators require consumers pay such exorbitant fees that the rights afforded consumers under Section 16(d) are rendered illusory.

advanced by Tele-Communications Inc. ("TCI"), the nation's largest cable television system operator.

In its comments, TCI urged the Commission to adopt a simplified regulatory structure to govern inside cabling under which ownership of existing cabling would automatically vest in the consumer upon the voluntary termination of service and ownership of cabling installed after the effective date of new rules would vest upon installation in the consumer.<sup>9</sup> WCA believes that TCI's approach would be an effective alternative to that proposed by WCA.<sup>10</sup> It satisfies Congress' intentions by eliminating unnecessary consumer inconvenience and costs and preventing anti-competitive actions by cable operators when a former subscriber switches service providers. At the same time, adoption of TCI's proposal would avoid any need for the Commission to either determine ownership of inside cabling under state laws or establish appropriate pricing. It is, in short, an elegant solution to a thorny problem.

WHEREFORE, for the foregoing reasons, WCA urges the Commission to

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<sup>9</sup>See Comments of Tele-Communications Inc., MM Docket No. 92-260, at ii (filed Dec. 1, 1992). TCI has urged that the rules it advocates apply with equal force to all multichannel video program distributors, a concept that WCA does not oppose.

<sup>10</sup>The only issue on which WCA parts company with TCI is over the identification of the demarcation point in a multiple dwelling unit environment. While TCI would establish the demarcation point in most situations at the subscriber's wall, WCA remains convinced that inside cabling should include all cabling that is devoted exclusively to providing service to the subscriber's unit, even if the wiring is run through a common area of the building. See WCA Comments, *supra*, at 1-2 n.2.

adopt rules implementing Section 16(d) that comport with either WCA's initial proposal or that advanced by TCI.

Respectfully submitted,

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