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December 15, 1

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DEC 15 1992

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Donna R. Searcy
Secretary
Federal Communications Commission
1919 M Street, N. W.
Washington, D. C. 20554

Re: MM Docket No. 92-260

Dear Ms. Searcy:

We are submitting herewith on behalf of TKR Cable Company an original and nine (9) copies of its Reply Comments in the above-captioned matter.

Should additional information be necessary in connection with this matter, please communicate with this office.

Very truly yours,

James E. Meyers
Counsel for
TKR CABLE COMPANY

Enclosures

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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	)	MM Docket No. 92-260
	)	
Cable Home Wiring	)	

To: The Commission

REPLY COMMENTS OF TKR CABLE COMPANY

TKR Cable Company ("TKR") through undersigned counsel submits its reply comments in this matter above-captioned. Several commenters urge the Commission to adopt telephone industry home wiring rules.[1] They also ask the Commission to expand the scope and application of section 16(d) of the 1992 Cable Act to require cable operators to provide service over subscriber home wiring that is being used in connection with other services.[2] These commenters also insist that cable operators be responsible for signal leakage over a

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[1]See Comments of NYNEX Telephone Companies at 3-4; Comments of Bell Atlantic at 4; Comments of Pacific Bell and Nevada Bell at 2; Comments of Bellsouth Corporation at 4; Comments of United States Telephone Association at 5; Comments of The Utilities Telecommunications Council at 5; Comments of Multiplex Technology, Inc. at 5; Comments of Building Industry Consulting Service International at 3.

[2]See Comments of American Public Power Association at 7; Comments of Multiplex Technology, Inc. at 6 ("Users...must be given right to attach their own equipment and to 'filter off' unwanted cable signals..."); Comments of Consumer Electronics Group of the Electronic Industries Association at 6; Comments of Bell Atlantic at 6; Comments of NYNEX Telephone Companies at 4.

subscriber's home wiring even if the cable operator is not providing service to the subscriber.[3] These notions are unwarranted and unacceptable. They ignore the limitations of current cable television technology and of section 16(d) of the 1992 Cable Act.

The Senate Report[4] provides the only supporting basis for the telephone regulatory model for cable home wiring. As alluded to in TKR's comments, however, the conferees adopted the House version of the legislation, notwithstanding identical Senate language, which Congress enacted as section 16(d). H. Rep. 102-802 (September 14, 1992) at H8330 Cong. Rec. (September 14, 1992). See Comments of TKR at 1 n.2. The preferred interpretation of section 16(d), contained in the House Report,[5] rejects the telephone model:

> This section does not address matters concerning the cable facilities inside the subscriber's home prior to termination of service.[6] In this regard, the Committee does not intend that cable operators be treated as common carriers with respect to the internal cabling installed in subscribers' homes.

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[3]See Comments of Bellsouth Corporation at 11. See also Comments of Bell Atlantic at 6.

[4]S. Rep. 102-92, 102d Cong., 1st Sess. (June 28, 1991) at 23.

[5]H. Rep. 102-628, 102d Cong., 2d Sess. (June 29, 1992) at 118-19.

[6]The Commission's rule-makings concerning the detariffing, installation and maintenance of telephone home wiring presupposed a continuity of telephone service. See, e.g., sections 68.104 and 68.213 of the rules.

House Report at 118-19. Accordingly, it would be inappropriate for the Commission to require a telephone model for its home wiring regulations.

Cable operators likewise should not be required to provide service through home wiring plant being utilized by the subscriber for other service providers, and section 16(d) does not contemplate this type of interference in a cable operator's provision of cable service. Cable television systems must have discretion to provide cable service over a dedicated plant in order to ensure compliance with safety requirements such as grounding and aeronautical frequency signal leakage, in order to maintain system integrity upstream of the subscriber's premises, and in order to prevent theft of service. Taken in the most well-intended light, any notions that simultaneous use of home wiring networks is permissible, much less desirable, are at best premature and ignore the purposes and requirements of the 1992 Cable Act.[7] Accordingly, the Commission's home

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[7]Once a subscriber has acquired ownership of the home wiring and, for example, seeks to re-subscribe to cable, simultaneous use of cable home wiring by multiple providers must not be required for among the following reasons:

- Signals carried simultaneously by different service providers on the same in-home wiring distribution system would likely interfere with other signals carried on the in-home distribution system to the detriment of the subscriber and all other service providers. Resolution of such problems, if possible, would be unnecessarily expensive and unsatisfactory to the customer. It would also increase the cost of providing cable service to the subscriber contrary to the basic goals of the 1992 Cable Act. Given rapid and dynamic technological advances in broadband delivery networks, it would be impossible and unduly restrictive to force cable television

wiring regulations should guarantee cable operators full and complete usage of in-home wiring when the cable operator is providing service to a customer.

Lastly, those commenters that insist on a continuing

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operators to define usable frequency ranges and/or non-interfering technical parameters within which it could convert cable service from the cable system to the in-home distribution system.

- Cable television operators would be unnecessarily restricted in providing service around blocks or ranges of frequencies which would be rendered unusable in the home wiring distribution system, thus limiting the level of cable television service deliverable off-system to the premises. Even if frequency blocking techniques were readily available and effective, they would be extremely expensive to employ, contrary to 1992 Act goals.
- Frequency coordination would be required of, potentially, each home wiring distribution system, an unreasonably expensive and burdensome proposition for closed communications networks, and contrary to 1992 Cable Act goals.
- Cable systems would be unnecessarily limited in service levels and unnecessarily restricted in cable system expansion in terms of band width and channel capacity, to the detriment of the customer and to the inordinate benefit of the competitive service provider. (Cable operators would not have capability to deliver into the home wiring network all of the available cable service it provides over the system, thereby providing a disincentive to increase channels of service and program diversity, contrary to 1992 Cable Act goals.)
- Simultaneous usage could precipitate the need for a second home wiring installation if the excess capacity of the present in-home wiring distribution system is being used to accommodate a second service. The need for a second installation would create a disincentive with a subscriber to take expanded cable service offerings upon rebuild or upgrade. (Other service providers benefit by having created a disincentive in the cable operator to increase the diversity of its service offerings.)
- Cable operators would be unable to meet 1992 Cable Act and franchise compliance requirements concerning mix, quality and level of service.

These points are important to show that the Commission prescribe rules that give cable operators the flexibility to provide cable service over a discrete dedicated plant, and to prohibit any efforts to require the channeling of a cable operator's service into a shared distribution system.

responsibility of cable operators to prevent home wiring signal leakage during any period in which the cable operator is <u>not</u> providing cable service to the subscriber ignore the contrary intention of Congress. House Report at 119. As such their Draconian suggestion should be rejected by the Commission. Accordingly, the Commission should clarify that cable operators have no signal leakage responsibility with respect to home wiring then-presently receiving the cable operator's service.

Respectfully submitted,

TKR Cable Company

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