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Real Estate Management

March 11, 1996

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, NW, Room 222
Washington, DC 20554

Re: Telecommunications Services - Inside Wiring, customer Premises
Equipment, CS Docket No. 95-184

Dear Mr. Caton:

This letter is in response to the FCC's Notice of Proposed Rulemaking released on January 26, 1996, regarding telephone and cable wiring inside buildings. I have enclosed four (4) copies of this letter, in addition to this original.

My concerns are that any action by the FCC regarding access to private property by large numbers of communications companies may inadvertently and unnecessarily have an adverse affect in the manner that I conduct my business in addition to needlessly raising additional legal issues. The Commission's public notice also raises a number of other issues that concern me. On the behalf of the investors that I represent, I urge the FCC to consider carefully any action it may take.

Background

Forest Properties manages commercial properties and multifamily communities ranging in size from 42 to 200 units. By definition, our operation is a small business considering the gross income is less than \$5,000,000 annually.

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Issues Raised by the FCC's Notice

The proposed rules could significantly affect our industry. Serving as a Director with the Triad Apartment Association in Greensboro, NC and on the Legislative Committee for the Apartment Association of North Carolina, I am very concerned as are my constituents regarding the following issues.

1. Access to Private Property. We are committed to making sure that efficient telephone and cable service is provided to our residents at a reasonable cost. Government intervention is neither necessary nor desirable to ensure the availability of services and we believe that such intervention could have the unintended effect of interfering with our ability to effectively manage our properties, control the limited space available in most of our properties, and ensure the safety and security of our residents.
2. Demarcation point. Depending on the type of property, the demarcation point should be outside the building or outside of the premises of each resident.
3. Connections and Regulation of Wiring. There are already standards and building codes in place; the FCC does not need to impose new standards.
4. Customer Access to Wiring. This should be governed by state property law. We must retain the right to control activities on our property if need be.

Thank you for considering my comments.

Sincerely,



Steven L. Clark
President

March 11, 1996



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Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W.
Room 222
Washington, D.C. 20554

Re: CS Docket No. 95-184; FCC 95-504, Telecommunications Inside Wiring, Customer Premises Equipment

Dear Mr. Caton:

It has come to our attention that the Federal Communications Commission (FCC) is soliciting comments on if certain telephone and cable inside wiring rules should be harmonized or otherwise changed in light of the evolving and converging telecommunication marketplaces. As this proposed regulation could have a major impact on our business; the management of residential or commercial investment properties, we respectfully urge the FCC to consider the following points:

A.) Service Provider Access to Private Property:

- * As Property Managers, we support the goal of telecommunications reform legislation -- to foster increased competition among service providers, but do not believe that service providers should be given unrestricted access to buildings. Access to private property by large numbers of communications companies may adversely affect our business by undermining our ability to responsibly manage complex building systems; ensure service reliability and tenant safety; compliance with safety codes; as well as needlessly raise additional legal issues.
- * Unlimited access could in effect require us to guarantee building access to a potentially unlimited number of service providers and incur liability associated with such access. Existing buildings have limited space available for installation and maintenance of telecommunications systems. Unlimited access could present owner's with exorbitant costs for expansion and renovation of riser cable space.
- * A property manager or building owner must have control over the space occupied by telephone lines and facilities, especially in a multi-occupant building, because only we can coordinate the conflicting needs of multiple tenants/residents and multiple service providers.

e:lrnm1@caton.fcc

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- * As owners and managers of residential and commercial buildings we should have the right to choose and control the telecommunications systems serving the tenants and facilities. For all forms of telecommunications system installation, maintenance and service, entry into private property should be provided pursuant to a negotiated agreement between the property owner/manager and the service provider -- not by legislative fiat. Competitive negotiation will allow for consideration of the level of expertise, professionalism and reputation of the potential service provider. Owners should have the right to negotiate mutually accepted terms and conditions for granting access to building space and the valuable tenant markets contained within.

- * Owners/managers should be compensated for granting access to their multifamily projects and for any actual damage incurred while the multifamily project is being wired for cable and/or any other similar system. The compensation for granting access could be in the form of one payment or multiple payments over time.

B.) Demarcation Point:

- * Consideration should be given to the nature of the property, and not the specific technology involved. There should be a uniform demarcation point for all commercial properties (inside the premises, preferably at the telephone vault or frame room), and a different demarcation point for residential properties (outside the building).

C.) Connections:

- * Government action in issuing technical standards for connections is unnecessary -- the telecommunications industry established standards that are widely followed.

D.) Regulation of Wiring:

- * As consumers rather than providers of telecommunications, we cannot state the merit of one configuration of inside wiring over another. While it should definitely be noted that there are differences between types of building (residential, commercial, etc.) which allows for the consideration of the differences in technology, it may not make sense to adopt uniform rules for all kinds of property types.

E.) Customer Access to Wiring:

- * The existing communication system must be kept intact when an existing licensee is terminated from servicing a given multifamily project in order to avoid additional property damage and work. The terminated licensee should negotiate with the new licensee as to the use of the existing equipment while keeping the owner/property manager informed of the negotiations.

- * The property manager should retain the right to obtain access to the wiring and control the type of placements of such wiring and should have a superseding right to acquire or install any wiring.

Thank you for your consideration in this matters.

Sincerely,

A handwritten signature in cursive script that reads "Ted Welter". The signature is written in black ink and is positioned above the printed name.

Theodore J. Welter, CPM, AMS
Vice President/Operations

TJW/cah