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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: Telecommunications Services / Insider Wiring, Customer Premises, CS Docket
No. 95-184

Dear Mr. Caton:

I am writing to you in response to the FCC's Notice of Proposed Rulemaking released on January 26, 1995, regarding telephone and cable wiring inside buildings. Please note that I am enclosing four (4) copies of this letter, in addition to this original.

As the Property Manager and owner representative of One Brickell Square, a Class "A", 28 floor, 415,150 rentable square foot, multi-tenant commercial property located on Brickell Avenue in Miami, Florida, owned and managed by Brickell Square Corporation Limited, I have a concern that any action by the FCC regarding access to private property by an uncontrollable number of communications companies may unintentionally and without need adversely affect the conduct of our business. Additionally, they may needlessly raise additional legal issues. With that in mind, we are concerned about several issues raised by the FCC's Notice.

Access to private property; location of the demarcation point; standards for connections; regulation of wiring; and customer access to wiring.

1. Access to Private Property:

I am aware of the need and advantage that modern telecommunications has to meet the needs of our tenants. The real estate market is extremely competitive and without modern telecommunications as an amenity, we would sacrifice ourselves to the



market and obviously lose needed revenue. However, I must also try to ensure that our tenants receive the services they desire at a reasonable cost.

Government intervention is not needed to ensure that our tenants have telecommunications providers to choose from. Indeed, we believe that such intervention could have the unintended effect of interfering with our ability to effectively manage our properties. Building owners and managers have a great many responsibilities that can only be met if their rights are preserved, including coordination among tenants and service providers; managing limited physical space; ensuring the security of tenants, visitors; and their physical surroundings; and compliance with safety codes. Needless regulation will not only harm our interests, but those of our tenants, and the public at large.

A building owner must have control over the space occupied by telephone lines and facilities, especially in a multi-occupant building, because only the landlord can coordinate the conflicting needs of multiple tenants and multiple service providers. Large scale changes in society, everything from increased telecommuting to implementation of the new telecommunications law, is causing an increase of services and service providers. With such constant change, the role of the landlord or manager and the importance of preserving control over riser and conduit space will only grow. Because of this, we believe that the best approach to the issues raised in the request for comments is to allow building owners to retain ownership and control over their property, including inside wiring, so long as they make sufficient capacity available to meet all the needs of these tenants.

A building has a limited amount of physical space in which telecommunications facilities can be installed. Even if that space can be expanded, it can not be expanded beyond certain limits, and it can certainly not be expanded without significant expense. Installation and maintenance of such facilities involves disruptions in the activities of tenants and damage to the physical fabric of a building. Telecommunications service providers are unlikely to consider such factors because they will not be responsible for any ill effects.

We are also concerned about the security of our building and our tenants. Telecommunications service providers have no such obligation. Consequently, any maintenance and installation activities must be conducted within the rules established by a building, and the management must have the ability to supervise those activities.



Given the public's justified concerns about personal safety, we simply cannot allow service personnel to go anywhere they please in our buildings without our knowledge.

Finally, we are responsible for compliance with local safety and building codes, and we are the front line in their enforcement. We cannot ensure compliance with such requirements if we do not have control over who does what work in our buildings, or when and where they do it. Limiting our control in this area will unfairly increase our exposure to liability and adversely affect public safety.

2. Demarcation Point

The Notice also asks for comment regarding the need for a common demarcation point, and the location of such a demarcation point. We believe that the only criterion for the location of the demarcation point should be the nature of the property, and not the specific technology involved. There should be a uniform demarcation point for all commercial properties, the demarcation point should be inside the premises, preferably at the telephone vault or frame room.

3. Connections

The Notice asks whether the FCC should issue technical standards for connections. We believe that government action in this regard is unnecessary. The telecommunications industry has already established standards that are widely followed, and we believe that it is in the interests of the companies and their customers that they continue to be followed.

4. Regulation of Wiring

We have no comments on the merits of any particular scheme for regulating inside wiring, because we are not service providers but users of telecommunications. In general, however, we think it important to note that there are substantial differences between residential and commercial buildings, and while it may make sense to account for the convergence in technologies, it probably does not make sense to adopt uniform rules for all kinds of property.

We are also concerned that the government might impose a huge new expense on telecommunications service providers and building owners by requiring retrofitting of existing buildings. We believe such matters should be left to the ongoing discussions



regarding amendments to the Model Building Code. Except where safety is involved, building and electrical codes are seldom retroactive.

5. Customer Access to Wiring

We have no objection to permitting a customer to install or maintain its own wiring or buy the wiring from a service provider, provided that the rights of the owner of the premises are taken into account. A tenant's rights in wiring should not extend beyond the limits of the demised premises, and the landlord must retain the right to obtain access to the wiring and control the type and placement of such wiring. We also believe that the owner of the premises should have a superseding right to acquire or install any wiring. In any case, a tenant's right to acquire or install wiring should be governed by the state property law and the terms of the tenant's lease. We must retain the right to control activities on our own property, if need be.

In conclusion, we urge the FCC to consider carefully any action it may take. Thank you for your attention to our concerns.

Sincerely,

Maria E. Contreras
Property Manager

MEC:yb

Enclosure