

HMB

Property Services, Inc.

Three Cascades
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Seattle, WA
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HMB PROPERTY SERVICES, INC.

March 15, 1996

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

Dear Mr. Caton:

We write in response to the FCC's Notice of Proposed Rulemaking released on January 26, 1995, regarding telephone and cable wiring inside buildings. We enclose four (4) copies of this letter, in addition to this original.

We are concerned that any action by the FCC regarding access to private property by large numbers of communications companies may inadvertently and unnecessarily adversely affect the conduct of our business and needlessly raise additional legal issues. The Commission's public notice also raises a number of other issues that concern us.

HMB Property Services, Inc., is in the commercial real estate business we own 8 properties consisting of 1,300,000 square feet.

The FCC's request for comments raises the following issues of concern to us: access to private property; locations of the demarcation point; standards for connections; regulations of wiring; and customer access to wiring.

1. ACCESS TO PRIVATE PROPERTY

We are sure you will appreciate that modern telecommunications is critically important to our commercial tenants. No business can survive in today's economy without effective and up-to-date telecommunications services. For that reason, it is equally important for us to ensure that our tenants receive all the services they desire at a reasonable cost. The commercial real estate business is fiercely competitive, and if we did not provide our tenants with access to the latest telecommunications services, we could not survive ourselves.

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Government intervention, however, is neither necessary nor desirable to ensure that telecommunications service providers can serve our tenants. 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, and visitors; 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. Although this has traditionally been more of an issue for commercial properties, such coordination may become increasingly important in the residential area as well. Large scale changes in society, everything from increased telecommuting to implementation of the new telecommunications law are leading to a proliferation of services, service providers and residential telecommunications needs. With such changes, the role of the landlord or manager and the importance of preserving control over riser and conduit space will only grow. For this reason, 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.

A building has a finite amount of physical space in which telecommunications facilities can be installed. Even if that space can be expanded, it cannot 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 very concerned about the security of our buildings 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's manager, and the manager 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

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when and where they do it. Limiting our control in this area will unfairly increase our exposure to liability and adversely affect public safety.

In short, we are fully capable of meeting our obligations to our tenants. As keen competitors in the marketplace, we will continue to make sure they have the services they need. It is unnecessary for the government to interject itself in this field, and any action by the government is likely to prove counterproductive.

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, and a different demarcation point for residential properties. In the case of the commercial buildings, the demarcation point should be inside the premises, preferably at the telephone vault or frame room. For residential properties, the demarcation point should be outside the building if the building is an apartment building where there is no resident superintendent, and in any event outside each resident's premises.

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. REGULATIONS 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

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

We also note that the Notice treats residential and commercial buildings as distinct entities. Mixed use buildings, however, are becoming increasingly common and must be considered in any regulatory scheme.

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 superseding right to acquire or install any wiring. In any case, a tenant's right to acquire or install wiring should be governed by state property law and the terms of the tenant's lease. We must retain the right to control activities on our own property.

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

Sincerely,



Lyla A. Gambow, CPM
Vice President, Property Management

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MANAGEMENT

March 18, 1996

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

Dear Secretary Caton:

Here are points to consider regarding FCC Inside Wire Rules:

A. *Service Provider Access to Private Property*

- * Property managers 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 inadvertently and unnecessarily adversely affect the conduct of business by undermining property managers' ability to responsibly manage complex building systems; ensure service reliability and tenant safety; compliance with building systems; ensure service reliability.
- * Unlimited access could also require building owners and managers to guarantee building to a potentially unlimited number of service providers and assume much, if not all, of the costs and liabilities associated with such access. Existing buildings have limited space available for installation and maintenance of telecommunications systems. Unlimited access could force owners to incur 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 the property manager can coordinate the conflicting needs of multiple tenants/residents and multiple service providers.



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- * Property managers believe that owners and managers of residential and commercial buildings should have the right to choose and control the telecommunications systems serving their 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 the legislative fiat. Negotiation on a competitive basis 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.
- * Property managers feel that 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 buildings (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*

- * Property managers are concerned that the existing communications system be kept in tact 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 and placements of such wiring and should have a superseding right to acquire or install any wiring.

Very truly yours,

INCOME PROPERTY MANAGEMENT COMPANY

A handwritten signature in black ink, appearing to read "REK/KIRCH". The signature is stylized and somewhat cursive.

R. E. "Kirby" Kirch, CPM
Vice President/Branch Manager

REK/EMB

CRG

COMPLEAT RESOURCE GROUP, INC.
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(615) 783-1000

March 18, 1996

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

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MAR 21, 1996

**RE: TELECOMMUNICATIONS SERVICES - INSIDE WIRING
CUSTOMER PREMISES EQUIPMENT
CS DOCKET NO. 95-184**

Dear Mr. Caton:

I am writing in response to Federal Communications Commission's (FCC) notice of proposed rule-making dated January 26, 1996, regarding telephone and cable wiring inside buildings. Compleat Resource Group, Inc. ("CRG") is concerned that any action by the FCC regarding access to private property by large numbers of communications companies may adversely affect the conduct of CRG's business and needlessly raise additional legal complexities.

The FCC's public notice also raises other issues that concern CRG. Specifically, CRG feels that ACCESS TO PRIVATE PROPERTY is an unnecessary and unwanted government intervention in the operation of private business. CRG is committed to making sure that efficient telephone, cable and other telecommunications services are provided to multi-family apartment residents at attractive costs. Government intervention is not necessary to ensure the availability of these services and such intervention could have the effect of interfering with a property owner's ability to control the limited space available for telecommunications equipment on its property. Additionally, CRG has concerns regarding the safety and security of residents and their personal property. Multiple telecommunications providers on a multi-family apartment property compromises the property managers ability to control access and supervise service and installation activities.

It is our opinion that the DEMARCATIION POINT should be outside the building and within existing utilities easements.

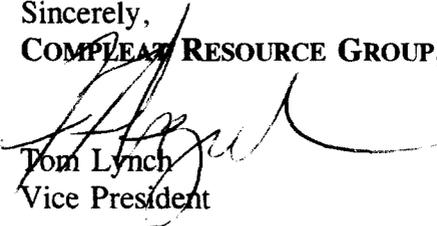
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The **CONNECTIONS AND WIRING** proposals are unnecessary. There are already building codes in place; the FCC does not need to impose additional standards.

CRG is, among other things, in the residential real estate telecommunications business. CRG currently services over 100,000 apartment residents with superior services at attractive pricing which residents are very unlikely to acquire on their own. The FCC's proposed rule is unnecessary and would create chaos and customer confusion in an already highly competitive market place.

Sincerely,
COMPLETE RESOURCE GROUP, INC.



Tom Lynch
Vice President

TL/mr

Enclosures