

# P & J REALTY COMPANY

104 FIFTH AVENUE NEW YORK NEW YORK 10011-6997 212-929-4210 FAX 212-645-4549

MAR 18 1996

March 12, 1996

FCC

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

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

Dear Mr. Caton:

I am writing in response to the FCC's Notice of Proposed Rulemaking released on January 26, 1996, regarding telephone and cable wiring inside buildings. As a Partner of P&J Realty Company which owns and manages two commercial buildings with over 350,000 square feet of office space in New York City, I am concerned that any action by the FCC may inadvertently adversely affect the conduct of our business and needlessly raise important legal issues.

## Access to Private Property

Modern telecommunications are 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 vital 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.

Government intervention, therefore, is not necessary to ensure that telecommunications service providers can serve our tenants. 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 and riser 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.

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Mr. William F. Caton  
Federal Communications Commission  
March 12, 1996 - Page 2

### Regulation of Wiring/Access to Wiring

The FCC has requested comments on whether the convergency of cable and telephone technologies means that the current approaches to regulating inside wiring for the two technologies should be revised to reflect that convergence. For the most part, this strikes us as a technical issue that we need not address. We are concerned, however, that any such rules not impose any new obligations on building owners with respect to control of inside wiring. Ownership of inside wiring should remain a matter of private contract and state property law.

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

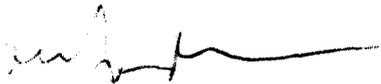
We have no objection to permitting a customer to install or maintain its own wiring or buy the wiring from a service provider, provided that the rights of the owner of the premises are taken into account. A tenant's rights to wiring should not extend beyond the limits of the demised premises, and the 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 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.

### Demarcation Point

The demarcation point should be determined by the nature of the property, located inside the premises in a commercial building in the telephone vault or frame room, and outside a resident's premises in an apartment building.

Thank you for your attention to our concerns.

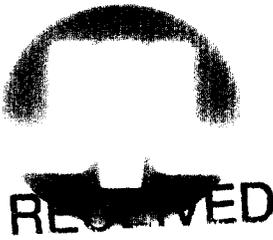
Sincerely,



Joseph H. Gardner

JHG/kk

cc: Senator Daniel Moynihan



**THE  
MICHELSON  
ORGANIZATION**

Pierre Laclède Center  
Suite 900  
7701 Forsyth Boulevard  
St. Louis, Missouri 63105-1813  
314/862-7080

**MARCH 1996**

**FCC MAIL ROOM**

March 13, 1996

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

Re: Telecommunications Services - Inside Wiring, Customer Premises Equipment, CS  
Docket #95-184

Dear Mr. Caton:

We are writing in regard to the above captioned FCC notice released on January 26, 1996.

The Michelson Organization is in the business of managing multi-family residential property which includes 33 apartment communities in 14 states. Access to efficient telephone and cable television service is important to the residents of the communities we manage, and as part of our service commitment to these residents, we want to make sure that those services are available, to the best of our ability, at a reasonable cost.

We are deeply concerned about several factors that the implementation of this FCC rule may impose:

1. We are concerned about the security of the buildings we manage and the residents who occupy those buildings. Telecommunications providers have no such obligation. Management must not be denied the ability to supervise these activities. We jeopardize the personal safety of all those who would be affected by this change.
2. Indiscriminate installation and maintenance of such facilities involves disruptions in the activities of residents and damage to the buildings themselves. Telecommunication service providers are unlikely to consider such factors because they will not be responsible for any ill effects, but the property owner / manager will.

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Mr. William F. Caton  
FCC  
March 13, 1996  
Page two of two

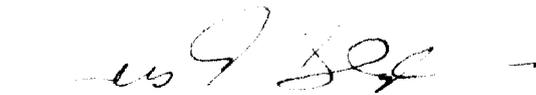
3. We must have control over the space occupied by phone and cable facilities because only we as owner / manager can coordinate the conflicting needs of multiple residents and multiple service providers.

Government intervention, therefore, is neither necessary or desirable to ensure that telecommunications service providers are able to serve our residents. We as owners / managers have many responsibilities that can only be met if our rights are preserved, including coordination among residents and service providers, managing limited physical space, ensuring the security of residents and visitors, and compliance with safety codes. Needless regulation will not only harm our interests, but those of our residents and the public at large.

In short, we are fully capable of meeting our obligations to, and the demands of, our residents. As service oriented competitors in the marketplace, we continue to make sure our customers, the residents, 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.

Thank you for reviewing our comments.

Very truly yours,



Susan A. Slayton  
Assistant Vice President

SAS:mkb

cc: Bruce V. Michelson

SOUTH SHORE INDUSTRIAL PARK TRUST

10 Industrial Park Road  
Hingham, Massachusetts 02043

March 11, 1996

RECEIVED  
MAR 18 1996  
FEDERAL COMMUNICATIONS COMMISSION

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

DOCKET FILE COPY ORIGINAL

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

Dear Mr. Caton:

Please accept these comments respectfully submitted in response to the Federal Communications Commission's Notice of Proposed Rule Making released on January 26, 1995, regarding communications wiring inside private buildings. As requested, we enclose four copies with the original of this letter. We urge that you reject any proposal requiring property owners to permit private telecommunications facilities, without compensation or sufficient protection from construction impacts, space limitations or other liabilities. Perhaps inadvertently, those promulgating the proposed regulations will expose building owners to liability, choosing an unnecessarily bureaucratic and litigious means to accommodate technological change.

The South Shore Industrial Park Trust is a small real estate investment business, owning and managing eight buildings with a total of approximately 205,300 square feet. As a small organization, we can ill afford to spend time commenting on proposed adverse regulatory actions. However, we may surely not remain silent when our rights to manage our own properties, in the best interest of our tenants, are debilitated by government intervention. Commercial real estate is among one of the best examples of a competitive marketplace. For several years, we have provided our tenants (or permitted them to provide for themselves) access to the most modern telecommunications services. Failure to keep up with available technology is counterproductive, resulting in fewer tenants, lower rents, and a general marketplace disadvantage. The marketplace creates a dynamic, effective incentive to permit tenants such access as they desire.

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Mr. William F. Caton

March 11, 1996

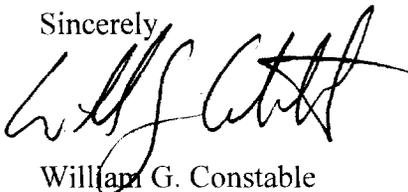
Page 2

Far worse for the tenants, however, would be the circumstance in which a building owner must relinquish control over its building penetrations, utility conduits, equipment rooms, and common areas. Building and fire codes, personal security, efficient operations, tenant's rights and available space are all compromised if building owners cannot control their properties.

The rule making appears an attempt by the FCC to use antiquated "command & control" techniques to encourage a goal which may more easily be accommodated by this dynamic market place. Other aspects of the proposed rule are also disturbing. Whether or not the rule involves a confiscation of property rights without just compensation, this governmental intrusion will surely create more litigation and economic dislocation than would the normal "give and take" of business negotiations.

If we may provide further information or assistance to the efforts of the Federal Communications Commission, please do not hesitate to contact me.

Sincerely

A handwritten signature in black ink, appearing to read "William G. Constable". The signature is fluid and cursive, with a large initial "W" and "G".

William G. Constable

WGC:sbd

wpc:fccwirng.wgc

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MAR 14 1996

FCC MAIL ROOM  
March 13, 1996



CS 95-184

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

GREENVILLE, SC  
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TULSA, OK  
DENVER, CO  
ATLANTA, GA  
SAN FRANCISCO, CA  
PHOENIX, AZ

RE: Federal Communications Commission Inside Wiring Rules

Dear Mr. Caton:

The ramifications of the recent Telecommunications Act are not yet fully realized. There are issues evolving from that Act that are causing immediate concern on the part of the real estate industry.

Competition in the marketplace is one of the factors that makes this country great. The concept of giving telecommunication service providers unrestricted access to buildings is short sighted. This passage of this act raises issues for property owners: service reliability, tenant safety, compliance of safety codes, costs for expansion of riser cable space. Entry to private property should be part of a negotiated agreement between property owner/manager and service provider. Owner should have the right to negotiate terms which are mutually agreed to in granting access to any property and the tenant markets contained within.

When it comes to demarcation, consideration should be given as to the type of property and not the specific technology involved. For commercial property the telephone vault room should be the demarcation point.

My final concern is that property managers should continue to retain the right to obtain access to the wiring and should control the type and placement of such wiring. This right should supersede anyone elses. Property owners/managers have the right and must maintain the right to decide who and how these properties are entered.

Sincerely,

INSIGNIA COMMERCIAL GROUP, INC.

Bobbie L. Walsh, CPM®  
Director of Management

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