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MAR 21 1996

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March 18, 1996

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

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Dear Secretary Caton:

As Legislative Chairman of the Northern Nevada/Tahoe Chapter #89 of the Institute of Real Estate Management, I discussed CS Docket #95-184 with other members of our organization at our March 15, 1996 meeting. They asked that I inform you of their concerns.

Though we all are committed to the right of competition, there are a number of problems when applying this in a realistic manner to access to private property. The major concern is liability. If a renter of a multi space or multi family property is allowed by law to utilize whomever, they wish to supply service and interior wiring to support that service, who is liable for any damage or remodeling required because of the new or reconfigured wiring. The easy answer is, make the installer or the customer liable. The problem compounds itself when the supplier is terminated and the wiring is removed after the occupant leaves the premise. If damage is caused then the occupant though possibly liable will probably be unavailable to pursue for payment. In many cases the supplier may be out of business, which may result in a problem removing the old wiring and equipment. Again, finding a source for reimbursement may be extremely difficult if not impossible.

In a multi occupant building requiring unlimited access can very probably cause increases in cost to the occupants and increases in liability to the owner and property manager just because of the nature of having multiple companies and people accessing the building and equipment rooms. There is no way a professional working relationship could be established with the suppliers because of the number of suppliers. The property manager or owner would loose control over their property. This translates into problems and again an increased liability unnecessarily. As agents for the owners and in some cases as owners ourselves, we believe that the owner has the right to determine and choose who should supply the basic telecommunication systems within a building. The owner through the property manager should have the exclusive right to negotiate and decide on any right of access.

Any legislation should determine a demarkation point based on the nature of the property such as an equipment room in a multi occupant property and for single occupant or residential

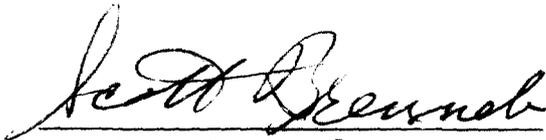
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properties possibly an exterior point. Customer access to wiring is a major concern again due to liability for damage, destruction, interruption of other occupants service, etc.

An example was given at the meeting of just one problem, which made it very evident of future situations if the regulation were passed without proper safeguards. An occupant of a multi occupant office building contracted for a new phone system. It was later determined that the installer was untrained for this type of installation. The installer connected into another occupant's wiring instead of properly tracing the old line or running new wiring. This caused damage to the new equipment as well as to the other occupant's equipment. The damage interrupted communication to both business. This interruption created business loss to not only the procurer of the service, but also to an unsuspecting and innocent party. It could have also created a security and emergency hazard if emergency or security communication were interrupted. This is only one example of the type of liability which will become extremely evident and widespread when and if control of access is not limited to negotiated contract.

Thank you for your time and consideration.

Sincerely,

A handwritten signature in cursive script, reading "Scott Brenneke". The signature is written in black ink and is positioned above a horizontal line.

Scott Brenneke, CPM®
Legislative Chairman
Northern Nevada/Tahoe Chapter 89
Institute of Real Estate Management®

SB/nld



Mr. William F. Caton

March 15, 1996

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Regulation of Wiring/Access to Wiring

The FCC has requested comments on whether the convergence 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.

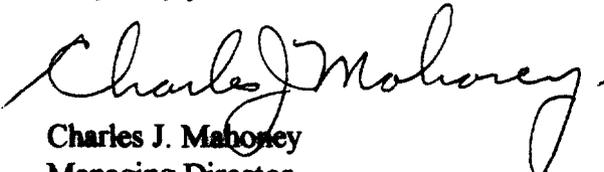
We have no obligation to permitting customer to install or maintain its own wiring or buy the wiring from a service provider, provided that the rights of the owner of the premises are taken into account. A tenant's rights to wiring should not extend beyond the limits of the demised premises, and the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

Very truly yours,



Charles J. Mahoney
Managing Director