

CS 95-174

95-174
Tony Veal
USA

TRUMP MANAGEMENT, INC.

March 15, 1996

Mr. Reed Hundt
Chairman
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

RECEIVED

APR - 2 1996

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

2611 WEST 2ND STREET
BROOKLYN, N.Y. 11223

(718) 743-8030

DOCKET FILE COPY ORIGINAL

Re: Mandatory Access Rules For Telecommunications Providers

Dear Mr. Hundt:

We are the owners and operators of approximately 80 multi-family housing buildings totalling approximately 10,000 apartment units in the New York City metropolitan area. I wish to express our great concern about any action the Commission would consider taking which would mandate access, without compensation to the owner, to privately owned multi-family dwelling units by telecommunications and/or cable communications suppliers wherein such access requires internal wiring into the building which detracts from or affects the aesthetic value of the building

Access into multi-family buildings for public utility services (gas, water, electric and telephone) and cable are typically made available to service providers by internal conduit systems and riser systems at the time the building is built which allows them to provide services directly to prospective tenants on an individual sign up basis. Such facilities and services are done without compensation to the owner and do not detract from the aesthetic value of the building.

However, when such services as cable tv and additional telecommunications providers (other than the monopoly servicing telephone company having a franchise at the time the building is built) are not available (because no franchise has been awarded and/or the technology for same has not been provided at the time the building was built) any service provider wishing to gain access to a privately owned building must be required to do so in a clean, orderly and efficient manner so as not to detract from the aesthetics and/or reasonable operation of the owner's building.

Typically, for buildings built prior to 1968, when CATV was in its infancy, no provision for internal riser systems was built into any buildings. The building was serviced by master antenna TV systems provided by the owner and/or individual antennae installed by the individual tenants.

No. of Copies rec'd. 0
Lit: ACCDE

All of the buildings which our organization built were constructed between 1949 and 1966. At that time none of those buildings had any provisions for a separate CATV access and there were no franchises awarded for such systems by the City of New York in the areas in which the buildings were built and none were even contemplated by the City. In all the buildings, except those built in 1949, master antenna systems were not provided. Reception in the City of New York for off-air programs produced very satisfactory signals at all our building locations using "rabbit ear" antennae and all transmissions were from the Empire State Building. In the late 50's through the 70's, as taller reflecting structures were built in the transmission area of the Empire State Building (notably the World Trade Center), signal quality diminished and ghosting and reflections increased substantially. MATV Systems which we installed (at no charge to the tenants) solved those problems and provided reasonable quality signals for all off-air channels available to our market area. In 1970, NYC granted its first franchise to TelePrompTer Corp. for the top half of the borough of Manhattan only and awarded no franchises in any of the areas in which our buildings were located. In an effort to bring HBO to our tenants, we contracted with several different Microband suppliers who agreed to offer HBO to our tenants for a monthly charge (which incidentally, was less than TelePrompTer was offering their subscribers in their newly installed cable system in Manhattan). The supplier provided the HBO signal onto the existing MATV system for each building and provided converters for those tenants who subscribed for the additional service. The Microband provider received a signal generated by the Microband Corp. on a direct line of sight from the Empire State Building in the extremely high UHF range. Using this method, tenants living in our buildings received quality tv programming at either no cost or moderate cost (for HBO subscribers) for approximately a 25 year period between the time New York City offered its first franchise and the time that New York City offered franchises for those areas in which our buildings were located.

In New York City it is now possible to have natural gas supplied to an owner by either the serving utility company or any of several natural gas pipeline suppliers. The same will soon be possible with electricity; it is also possible now to have your telephone service supplied by the serving telephone utility (NYNEX) or any one of a number of other competing companies as well as any one of a number of competing long distance service suppliers. Finally, it is possible to have cable tv signalling supplied by the local franchised supplier, any one of the many SMATV non-franchised suppliers, several "CellularVision" wireless suppliers and/or direct broadcast satellite (and soon to come, compressed video technology through the telephone system).

Consider if you will, the "trauma" to a building that could occur should free and equal access for all utility suppliers be mandated against a building owner of a multiple dwelling should the FCC change the telecommunications bill to provide such mandated requirement. Without exaggeration, the public halls of an apartment house could look like the old telephone poles along a city street which had 20 or 30 separate wires strung across

Mr. Reed Hundt
Page Three - 3/15/96

the wire support arms. Presently, New York State law mandates that each supplier must use a separate conduit and that no franchise supplier may use an existing MATV system.

This could be taken to its extreme by mandating the same for natural gas suppliers and electrical suppliers with separate gas lines to each apartment, etc.

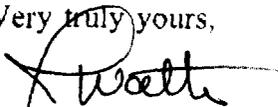
Granted that competition will most definitely bring down the price of the service to the individual subscriber, but no subscriber would consider having two gas lines in his house or three CATV lines tacked across his living room ceiling. He would pick the supplier with the best value/service and contract for one only to enter his premises and would retain ownership of all wiring, conduit, etc. placed within his premises so that if another service provider had a better value product, the subscriber could switch to the other provider without any "damage" to his premises by using the existing wiring.

All our buildings are presently serviced by CATV or SMATV systems. The buildings serviced by SMATV suppliers were contracted for prior to the time that New York City granted franchises for such services in the geographical area covering our buildings; the buildings that are serviced by CATV local franchise supplier were done in such a manner that the aesthetics of the building were unalterably diminished by using exposed conduit in the residential carpeted halls and stairwells of the buildings. To suggest now that additional suppliers may do the same, ad nauseam, without regard to the aesthetics of a privately owned building is ludicrous. The Government should have no right to intrude upon the private property of an owner under the guise of equal access or interstate commerce without the requirement that such equal access be done in a manner which does not detract from the aesthetics of the building.

Further, no such mandatory equal access should be required where service is already reasonably available to the residents of the building through another supplier at reasonably comparable rates. As a case in point, I am enclosing photographs taken of multi-family housing units in Brooklyn, New York of the local franchised CATV supplier, Cablevision, Inc., which demonstrates what happens to a building where mandatory access is utilized with complete disregard for the aesthetics and operation of a privately owned residential structure.

I would appreciate this letter being filed as an exhibit, on the record, at the hearings to be held with regard to the proposed rule.

Very truly yours,


John W. Walter
Vice President

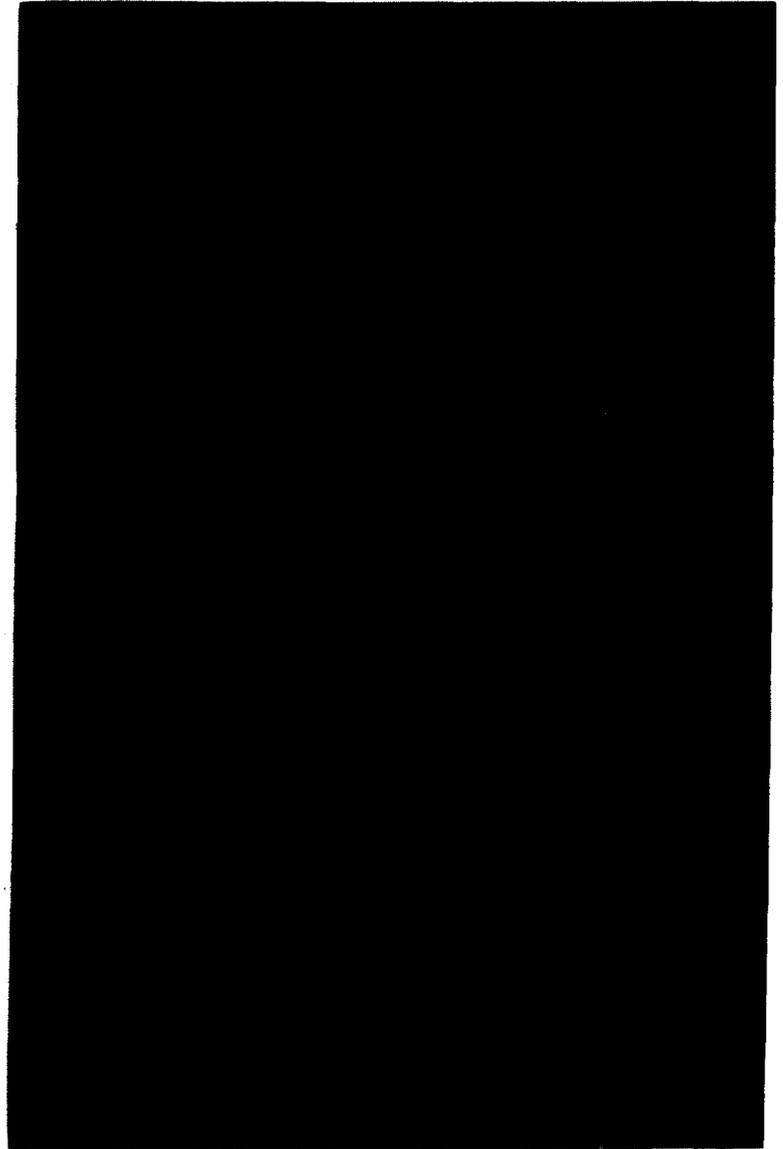
Mandatory Access Rules Hearings

ATTACHMENT 1 of 2 TO LETTER MARCH 15, 1996

TYPICAL WIRING OF NEW YORK CITY FRANCHISEE, CABLEVISION SYSTEMS, INC.
various apartment buildings, Brooklyn, NY



TYPICAL OUTSIDE WIRING METHOD
NOTE: EASY VANDALISM TO CONTROL BOXES
IN ATTEMPT TO STEAL SERVICE

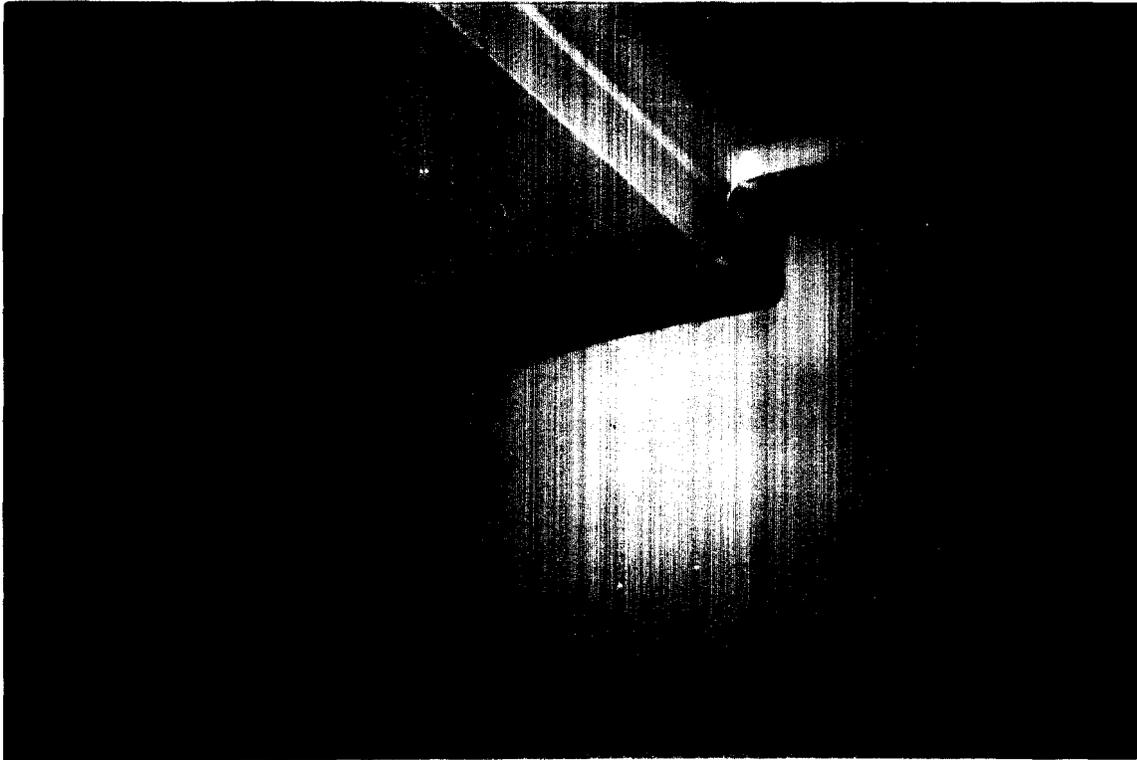


ANOTHER BUILDING - TWO BLOCKS AWAY
NOTE: EASY THEFT OF SERVICE (SMALL
BLACK COAX WIRES FROM CONTROL BOX

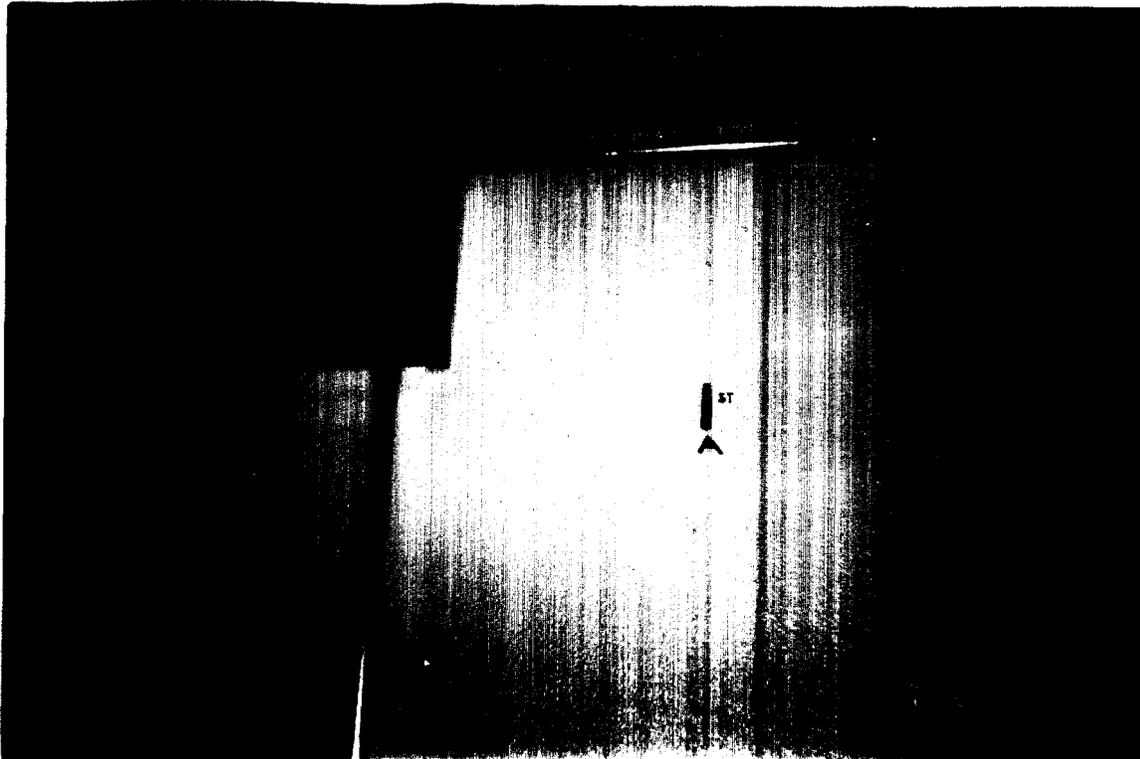
Mandatory Access Rules Hearing

ATTACHMENT 2 of 2 TO LETTER MARCH 15, 1996

TYPICAL WIRING OF NEW YORK CITY FRANCHISEE, CABLEVISION SYSTEMS, INC.
various apartment buildings, Brooklyn, NY



TYPICAL INSIDE HALL WIRING SYSTEM - NOTE: MISMATCHED COLOR OF PLASTIC EXPOSED
WIREMOLD TWO INCHES BELOW CEILING LINE FORMING HABITAT FOR DUST AND ROACHES



TYPICAL STAIRWAY EXPOSED CONDUIT SYSTEM - NOTE: UNPAINTED METAL CONDUIT AND
UGLY CONTROL BOX WITH CABLEVISION SERVICE LETTERING STENCILED ON BOTTOM OF BOX