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Before the
FEDERAL COMMUNICATIONS COMMISSION FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554 OFFICE OF SECRETARY

In the Matter of)
)
Telecommunications Services)
Inside Wiring)
)
Customer Premises Equipment)

CS Docket No. 95-184

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CONSOLIDATED REPLY COMMENTS OF WIRELESS HOLDINGS, INC.

Wireless Holdings, Inc. ("WHI"), submits this reply to the comments filed in response to the notice of proposed rulemaking ("NPRM") in the above-referenced proceeding. WHI and its affiliates operate MMDS wireless cable systems providing multichannel video programming services to subscribers in several major U.S. cities.

In the NPRM, the Commission requests comment on a wide variety of issues related to the convergence of video programming and telecommunications distribution networks. WHI competes primarily with franchised cable operators in the multichannel video programming distribution ("MVPD") market. It thus shares the views of the many parties who have advocated the opening of the MVPD market to competition. WHI and other new entrants are poised and ready to provide this competition to franchised cable using a multitude of technologies (e.g., MMDS, SMATV, DBS). It is important, therefore, that the Commission consider the impact of the rules it establishes in this proceeding on new entrants into the MVPD market that neither are franchised cable operators or incumbent LECs.

For these reasons, WHI supports the comments filed in this proceeding by the Wireless Cable Association International, Inc., OpTel, Inc., and the Independent Cable & Telecommunications Association. In particular:

- The cable demarcation point in MDUs should be the point at which the individual subscriber's wires can be detached from the cable operator's common wires without damaging the MDU or the subscriber's premises.
- MDU owners should be considered the relevant subscribers in MDUs comprised of rental units and allowed to purchase cable inside wiring.
- To the extent that the cable signal leakage rules are made applicable to non-franchised systems, the Commission should tailor the signal leakage rules

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to the facilities of alternative MVPD providers and not simply apply inappropriate standards developed for traditional franchised cable systems.

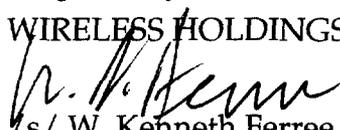
Most importantly, WHI opposes federal MVPD mandatory access. As virtually every alternative service provider noted, current MDU access laws at the state level overwhelmingly favor franchised cable operators and slow the growth of competition in the MVPD market.

First, these laws typically guarantee access only to franchised cable operators and, therefore, unfairly advantage the dominant participants in the MVPD market. More insidiously, mandatory access laws limit the ability of property owners to enter into exclusive service arrangements and thus diminish the bargaining power of the consumers *vis-a-vis* service providers. When tenants are allowed to organize and have their group interests represented in negotiations with a service provider, they are able to bargain for higher quality multichannel video programming services at lower rates.

Mandatory access laws also reduce MVPD competition. Without exclusivity, it simply is cost-prohibitive for new entrants to install in each MDU the facilities needed to provide service. It is counter-intuitive, but limiting the ability of property owners to exclude service providers will reduce the number of competitors in the market. A restriction on exclusive service agreements would mean that franchised cable will be the one and only MVPD service available to consumers in many MDUs.

For the above reasons, WHI urges the Commission to reject suggestions that it impose a federal MVPD mandatory access requirement on MDU owners and managers.

Respectfully submitted,
WIRELESS HOLDINGS, INC.


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