BRANDON GLEN

August 10, 1999

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Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
455 12th Street, SW, TW-A325
Washington, D.C. 20554

RE: Promotion of Competitive Networks in Local Telecommunications Markets, WT Docket no. 99-217; Implementation of the Local Competition Provisions in the Telecommunications Act of 1996, CC Docket No. 96-98

Dear Ms. Salas:

In response to the FCC's Notice of Proposed Rulemaking released on July 7, 1999, regarding forced access to buildings we are enclosing six (6) copies of this letter, in addition to this original. Please use this letter as written notice that we are concerned that an action by the FCC regarding access to private property by large numbers of communications companies may inadvertently and adversely affect the conduct of our business and needlessly raise additional legal issues. The Commission's public notice raises a number of other issues that concern us.

Brandon Glen Apartments is a property that was developed as affordable housing, and is managed by Signature Management Corporation. Signature is a property management company that specializes in managing apartment complexes developed as affordable housing under programs such as HOME, Low Income Housing Tax Credit (LIHTC), and HUD 221d4. We currently own and manage 8 properties with a total of 1210 units.

First, we do not believe the FCC needs to act in this field because we are doing everything we can to satisfy our residents' demands for access to telecommunications. In addition, the FCC's request for comments raises the following issues of particular concern to us: "nondiscriminatory" access to private property; expansion of the scope of existing easements; location of the demarcation point; exclusive contracts; and expansion of the existing satellite dish or "ONTARD" rules to include non-video services.

FCC Action is Not Necessary: We are aware of the importance of telecommunications services to residents, and would not jeopardize our rental revenue stream by actions that would displease our residents. Our communities are small, and because they are rent and income restricted, the services provided by our management company is what sets us apart from the competition in our market. We compete against many other properties in our market, and we have a strong incentive to keep our properties up-to-date, by utilizing the latest technologies that are available, assuming they are cost effective.

1500 East View Road
Conyers, Georgia 30012
Tel (770) 922-1834 • Fax (770) 922-2513

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Signature
MANAGEMENT CORPORATION

Our biggest concerns are as follows:

1. **"Nondiscriminatory" Access**: We must have control over space occupied by providers, especially when there are multiple providers involved. We must have control over who enters a building because we face liability for damage to the building, leased premises, and facilities of other providers, and for personal injury to residents and visitors. We are also liable for safety code violations. Qualifications and reliability of providers are a real issue. What does "nondiscriminatory" mean? Contract terms vary because each contract is different. A new company without a track record poses greater risks than an established one.

2. **Scope of Easements**: If we had known governments would allow companies to piggy-back, we would have negotiated different terms on the front end of our contracts. Expanding rights now would be a taking.

3. **Demarcation Point**: Current demarcation point rules work fine because they offer flexibility – there is no need to change them.

4. **Exclusive Contracts**: Generally, exclusive contracts work well since they allow us to negotiate the best deal and pass along any savings or benefits to our residents. They benefit our management operations by allowing our staff to work with a single contact, so if a problem were to arise, a solution can be easily reached. Exclusive contracts also allow competitors a chance to establish a foothold in our area.

5. **Expansion of Satellite Dish Rules**: We are opposed to the existing rules because we do not believe Congress meant to interfere with our ability to manage our property. The current rules have had a negative effect at several of our communities. The placement of satellite dishes on balconies and patios has changed the aesthetics of our properties, and the placement of these dishes on upper level units creates new liability issues in each individual case. The FCC should not expand the rules to include data and other services.

We believe no further action on these key issues is needed. Thank you for your help in this matter, and for your attention to our concerns.

Sincerely,

Brenda Melton

Brenda Melton
Property Manager

DOCKET FILE COPY ORIGINAL

NORTH AMERICAN REALTY
345 EAST 81ST STREET
NEW YORK, NY 10028

August 10, 1999

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
445 12th Street. S. W.
TW-A325
Washington, D.C. 20554

Re: Promotion of Competitive Networks in Local Telecommunications Markets, WT Docket No. 99-217; Implementation of the Local competition Provisions in the Telecommunications Act of 1996, CC Docket No. 96-98

Dear Ms. Salas:

We write in response to the FCC's Notice of Proposed Rulemaking released on July 7, 1999, regarding forced access to buildings.

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. There are several other issues in the FFC notice that also raise concerns.

North American Realty is in the residential real estate business. We own and manage a significant number of units in luxury cooperative apartment houses.

Issues Raised by FCC Notice

We do not believe that the FCC needs to take action in this area because we are acting reasonably to meet our tenants' demands for access to telecommunications. In addition, the FCC's request for comments raises the following issues of concern to us: nondiscriminatory access to private property; expansion of the scope of existing easements; location of the demarcation point; exclusive contracts; and expansion of the satellite dish rules to include nonvideo services.

1. **FCC Action is Not Necessary**

- In rental buildings we are aware of the importance of all services including telecommunication services to tenants, and that we would not jeopardize rent revenue stream by actions that would displease tenants. In cooperatives and condominiums these matters are considered by the elected members of the apartment owners themselves.

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- There are significantly more complaints about how the cables look in the public areas than about lack of services. Access by numerous companies would grossly exaggerate this problem.

2. Nondiscriminatory Access

- There is no such thing as "nondiscriminatory access." There are dozens of providers out there, but limited space in buildings means that only a handful of providers can install facilities in buildings. Nondiscriminatory access discriminates in favor of the first few entrants.

- Building owners must have control over space occupied by providers, especially when there are multiple providers involved. This is especially true for cooperative corporations and condominiums where the residents are the building owners.

- Building owners must have control over who enters the building: owners face liability for damage to building, leased premises, and facilities of other providers, and for personal injury to tenants and visitors. Owners are also liable for safety code violations. Qualifications and reliability of providers are a real issue.

- What does "nondiscriminatory" mean? Deal terms vary because each deal is different. A company without a track record poses greater risks than an established one, for example, so indemnity, insurance, security deposit, remedies and other terms may differ. Value of space and other terms also depend on many factors.

- A single set or rules won't work because there are different concerns depending on whether the building is commercial, residential or shopping center.

- Building owners often have no control over terms of access for Bell companies and other incumbents: they were established in monopoly environment. The only fair solution is to let the new competitive market decide and allow owners to renegotiate terms of all contracts. An owner can't be forced to apply old contracts as lowest common denominator when owner had no real choice initially.

- If carriers can discriminate by choosing which building and tenants to serve, building owners should be allowed to do the same.

3. Scope of Easements

- FCC cannot expand the scope of the access right held by every incumbent to allow every competitor to use the same easement of right-of way. Grants in some buildings may be broad enough to allow other providers in, but others are narrow and limited to facilities owned by the grantee.

- If owners had known governments would allow other companies to piggy-back, they would have negotiated different terms. Expanding rights now would be a taking of private property.

4. **Demarcation Point**

- Current demarcation point rules work fine because they offer flexibility - there is no need to change them.

- Each building is a different case, depending on the owner's business plan, nature of property and nature of tenants in the building. Some building owners are responsible for managing wiring and some are not.

5. **Exclusive Contracts**

- Our local cable companies are offering steep discounts where buildings sign up a certain percent of tenants for a certain number of years. In some buildings these programs have been popular and act as quasi-exclusive agreements.

6. **Expansion of Satellite Dish Rule**

- We oppose the existing rule because we do not believe that Congress meant to interfere with our ability to manage our property.

- The FCC should not expand the satellite rule to include data and other services, because the law only applies to antennas used to receive video programming.

In summary, we urge the FCC to carefully consider any action it may take. Thank you for your consideration of our views.

Sincerely yours,

NORTH AMERICAN REALTY

By: _____

Enc: 6 copies

WINGATE FALLS

August 10, 1999 DOCKET FILE COPY ORIGINAL

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
455 12th Street, SW, TW-A325
Washington, D.C. 20554

RE: Promotion of Competitive Networks in Local Telecommunications Markets, WT Docket no. 99-217; Implementation of the Local Competition Provisions in the Telecommunications Act of 1996, CC Docket No. 96-98

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In response to the FCC's Notice of Proposed Rulemaking released on July 7, 1999, regarding forced access to buildings we are enclosing six (6) copies of this letter, in addition to this original. Please use this letter as written notice that we are concerned that an action by the FCC regarding access to private property by large numbers of communications companies may inadvertently and adversely affect the conduct of our business and needlessly raise additional legal issues. The Commission's public notice raises a number of other issues that concern us.

Wingate Falls Apartments is a property that was developed as affordable housing, and is managed by Signature Management Corporation. Signature is a property management company that specializes in managing apartment complexes developed as affordable housing under programs such as HOME, Low Income Housing Tax Credit (LIHTC), and HUD 221d4. We currently own and manage 8 properties with a total of 1210 units.

First, we do not believe the FCC needs to act in this field because we are doing everything we can to satisfy our residents' demands for access to telecommunications. In addition, the FCC's request for comments raises the following issues of particular concern to us: "nondiscriminatory" access to private property; expansion of the scope of existing easements; location of the demarcation point; exclusive contracts; and expansion of the existing satellite dish or "ONTARD" rules to include non-video services.

FCC Action is Not Necessary: We are aware of the importance of telecommunications services to residents, and would not jeopardize our rental revenue stream by actions that would displease our residents. Our communities are small, and because they are rent and income restricted, the services provided by our management company is what sets us apart from the competition in our market. We compete against many other properties in our market, and we have a strong incentive to keep our properties up-to-date, by utilizing the latest technologies that are available, assuming they are cost effective.

4801 Baker Grove Road
Acworth, Georgia 30101
Tel (770) 592-1212 • Fax (770) 592-1211

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Signature
MANAGEMENT CORPORATION

Our biggest concerns are as follows:

1. **"Nondiscriminatory" Access**: We must have control over space occupied by providers, especially when there are multiple providers involved. We must have control over who enters a building because we face liability for damage to the building, leased premises, and facilities of other providers, and for personal injury to residents and visitors. We are also liable for safety code violations. Qualifications and reliability of providers are a real issue. What does "nondiscriminatory" mean? Contract terms vary because each contract is different. A new company without a track record poses greater risks than an established one.

2. **Scope of Easements**: If we had known governments would allow companies to piggy-back, we would have negotiated different terms on the front end of our contracts. Expanding rights now would be a taking.

3. **Demarcation Point**: Current demarcation point rules work fine because they offer flexibility – there is no need to change them.

4. **Exclusive Contracts**: Generally, exclusive contracts work well since they allow us to negotiate the best deal and pass along any savings or benefits to our residents. They benefit our management operations by allowing our staff to work with a single contact, so if a problem were to arise, a solution can be easily reached. Exclusive contracts also allow competitors a chance to establish a foothold in our area.

5. **Expansion of Satellite Dish Rules**: We are opposed to the existing rules because we do not believe Congress meant to interfere with our ability to manage our property. The current rules have had a negative effect at several of our communities. The placement of satellite dishes on balconies and patios has changed the aesthetics of our properties, and the placement of these dishes on upper level units creates new liability issues in each individual case. The FCC should not expand the rules to include data and other services.

We believe no further action on these key issues is needed. Thank you for your help in this matter, and for your attention to our concerns.

Sincerely,

Sherry Duncan

Sherry Duncan
Property Manager

PLANTATION RIDGE

August 10, 1999

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Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
455 12th Street, SW, TW-A325
Washington, D.C. 20554

RE: Promotion of Competitive Networks in Local Telecommunications Markets, WT Docket no. 99-217/Implementation of the Local Competition Provisions in the Telecommunications Act of 1996, CC Docket No. 96-98

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Plantation Ridge Apartments is a property that was developed as affordable housing, and is managed by Signature Management Corporation. Signature is a property management company that specializes in managing apartment complexes developed as affordable housing under programs such as HOME, Low Income Housing Tax Credit (LIHTC), and HUD 221d4. We currently own and manage 8 properties with a total of 1210 units.

First, we do not believe the FCC needs to act in this field because we are doing everything we can to satisfy our residents' demands for access to telecommunications. In addition, the FCC's request for comments raises the following issues of particular concern to us: "nondiscriminatory" access to private property; expansion of the scope of existing easements; location of the demarcation point; exclusive contracts; and expansion of the existing satellite dish or "ONTARD" rules to include non-video services.

FCC Action is Not Necessary: We are aware of the importance of telecommunications services to residents, and would not jeopardize our rental revenue stream by actions that would displease our residents. Our communities are small, and because they are rent and income restricted, the services provided by our management company is what sets us apart from the competition in our market. We compete against many other properties in our market, and we have a strong incentive to keep our properties up-to-date, by utilizing the latest technologies that are available, assuming they are cost effective.

1022 Level Creek Road
Sugar Hill, Georgia 30518
Tel (678) 482-9800 • Fax (678) 482-9333

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Signature
MANAGEMENT CORPORATION

Our biggest concerns are as follows:

1. **"Nondiscriminatory" Access**: We must have control over space occupied by providers, especially when there are multiple providers involved. We must have control over who enters a building because we face liability for damage to the building, leased premises, and facilities of other providers, and for personal injury to residents and visitors. We are also liable for safety code violations. Qualifications and reliability of providers are a real issue. What does "nondiscriminatory" mean? Contract terms vary because each contract is different. A new company without a track record poses greater risks than an established one.

2. **Scope of Easements**: If we had known governments would allow companies to piggy-back, we would have negotiated different terms on the front end of our contracts. Expanding rights now would be a taking.

3. **Demarcation Point**: Current demarcation point rules work fine because they offer flexibility – there is no need to change them.

4. **Exclusive Contracts**: Generally, exclusive contracts work well since they allow us to negotiate the best deal and pass along any savings or benefits to our residents. They benefit our management operations by allowing our staff to work with a single contact, so if a problem were to arise, a solution can be easily reached. Exclusive contracts also allow competitors a chance to establish a foothold in our area.

5. **Expansion of Satellite Dish Rules**: We are opposed to the existing rules because we do not believe Congress meant to interfere with our ability to manage our property. The current rules have had a negative effect at several of our communities. The placement of satellite dishes on balconies and patios has changed the aesthetics of our properties, and the placement of these dishes on upper level units creates new liability issues in each individual case. The FCC should not expand the rules to include data and other services.

We believe no further action on these key issues is needed. Thank you for your help in this matter, and for your attention to our concerns.

Sincerely,

Kerrie Falco

Kerrie Falco
Property Manager

August 9, 1999

CRESCENT®
Real Estate Equities Limited Partnership

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Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
445 12th Street S.W.
TW-A325
Washington, D.C. 20554

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Re: Promotion of Competitive Networks in Local Telecommunications Markets. WT Docket No. 99-217; Implementation of the Local Competition Provisions in the Telecommunications Act of 1996; CC Docket No. 96-98

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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.

Background

Crescent Real Estate is in the commercial real estate business. We own over 2,951,000 square feet in Houston Center, located in Houston, Texas, and our current occupancy levels are above 95 percent. Crescent also owns another 29,000,000 square feet of office space across seven southwestern states, and has established access agreements with Competitive Local Exchange Carriers (CLEC's) at this time. We also have agreements with various wireless communications companies and continue to expand our tenants' access to new technologies.

Issues Raised by the FCC's Notice

First and foremost, we do not believe the FCC needs to act in this market because we are currently doing everything we can to satisfy our tenants' demands for access to telecommunications. In addition, the FCC's request for comments raises the following issues of particular concern to us: expansion of the scope of existing easements; "nondiscriminatory" access to private property; expansion of the existing OTARD rules to include non-video services; and location of the demarcation point.

1. **FCC Action Is Not Necessary.**
   - Commercial real estate is an extremely competitive arena. Property owners must constantly review and augment the levels and kinds of services available to accommodate an ever-widening array of needs expressed by our tenants. Failure to do so jeopardizes our ability to offer superior services to prospective and existing tenants. And, lest we forget, tenants occupy buildings under a lease agreement that does not operate solely in favor of the landlord. If a tenant's specific issues cannot be resolved within their existing agreement with a landlord, the tenant can relocate to another building whose bundle of services more readily address the tenant's specific needs.
   - We presently have access agreements with MCIMetro, Metropolitan Fiber Services, RAM Mobile Data Services, Houston Cellular, Teligent, Winstar, TCG, and Intermedia. Negotiations for agreements are underway with Level 3 Communications and Hyperion Communications—both CLEC's.
   - The access for these groups has not always been easy for the landlord; equipment and space requirements have necessitated unique solutions that specifically accommodated telecommunications provider's needs. Areas normally reserved for building functions have been adapted to permit co-location of both building equipment and telecommunications equipment when possible.

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4 HOUSTON CENTER
1200 McKinney, Suite 545 • Houston, TX 77010 • Phone: 713/759-1442 Fax: 713/759-1335

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2. **"Nondiscriminatory" Access.**
   - Given the continuum over which various telecommunications technologies have developed, there can be no such thing as nondiscriminatory access. Each day new providers appear, but limited spaces within a building means that only a portion of those providers can install their facilities within buildings.
   - The nature of your proposed rule is to sidestep the incumbent LEC and, instead, place the burden for market access on the building owner. You suggest that there are barriers to competition created by third parties. Building owners are not barriers to competition; the very nature of our -- business requires that we eliminate barriers that prevent our customers—tenants—from achieving their potential within our buildings.
   - To require "nondiscrimination" requires that, resulting from limited space availability, we would have to "rotate" providers so that all providers could have a turn at serving the needs of the tenants. Of course, this will completely disrupt the tenants' access to then-acceptable telecommunications services just so the latest entries into this marketplace have unfettered access to tenant populations. You will have successfully discriminated against the user—the very person for whom your ill-informed standards proclaim to protect.
   - Building owners must have control over who enters a building. The owner faces liability for damages to the building, the leased premises, to facilities of other providers; for violations of safety codes; for personal injury to tenants or visitors; and, most importantly, for the security of tenant communications lines. Because of these very real issues, building owners must necessarily examine and review the qualifications and reliability of all providers. As a side note, Teligent and Winstar (two of your notice's more vocal complainers against building owners) both have successfully negotiated access agreements to our buildings.
   - As a part of their negotiating tactics, competitive local exchange carriers (CLEC's) have demanded "the same deal that Southwestern Bell gets," but they can't define what Southwestern Bell gets—or gives. CLEC's would have building owners believe that we are in violation of the law if they are charged a fee for building riser access.
   - Terms of various agreements vary because each vendor differs from others in a number of respects. New companies with no track record, no indication of financial responsibility, or having inadequate insurance coverage pose greater risks to building owners. That additional risk must be considered when establishing requirements for security deposits, indemnity clauses, or other means by which the owner can protect both his—and a tenant's—ability to conduct business successfully.
   - Different classes of commercial activity require different solutions. One cannot reasonably expect that the needs of retail, residential, commercial office, or industrial tenants to be satisfied by one set of rules.
   - Building owners had no control over the incumbent LEC's access to the building. In our case, Southwestern Bell was the carrier of last resort—the provider of all telecommunications services when the buildings were built. Southwestern Bell operated as a monopoly under the governance of the Public Utility Commission of the State of Texas. There was no choice available to either the building owner or the tenant. The only equitable solution to this conversion of business practice is to let the competitive market determine who has access to a particular building.
   - The term "nondiscriminatory," as used in the FCC notice, clearly discriminates against both building owners and tenants. If these new carriers can discriminate by choosing which buildings or tenants they serve, then building owners should be able to do the same. The single issue that clearly stands out with respect to the new providers is their desire to "cherry pick" the market to secure larger users at the expense of offering service to all users. These providers do not have to meet the standards required of carriers of last resort. Instead, these carriers expect that they are entitled to force their way into a building without even establishing their ability to deliver the services promised.

3. **Scope of Easements.**
   - The FCC cannot expand the scope of access rights held by every incumbent LEC to allow every competitor to use the same easement or right-of-way. In some buildings, existing grants may be

broad enough to allow other providers access, but other grants are narrow and limited to facilities owned by the grantee.

- The FCC is proposing expansion of easement rights with no compensation to the owner. Such actions are unilateral in scope and injurious to the owner; expanding the bundle of rights without renegotiating the easement amounts to an illegal taking.
- Under no circumstances can the riser space within a building be construed as an extension of an easement. First of all, riser space is not a "conduit" as defined by the FCC. Second, space limitations within existing structures preclude expansion to accommodate untold numbers of potential providers. Lastly, I don't see where the government builds each of us our own individual freeway to our workplace. We share with other workers. If the FCC wants to mandate access, they should consider how these new providers could share their access with each other or with the incumbent LEC.

4. **Demarcation Point.**
   - Each building is unique with respect to how demarcation is addressed within the property, depending on the nature of the property and tenants within the building, the owner's business plan for the property, and skill levels within the owner's organization. Some building owners will want to assume responsibility for managing all wiring within a property; others will not.
   - The current demarcation rules work just fine; they offer flexibility that permits the owner to tailor his business plan to a particular property or class of tenant.

5. **Exclusive Contracts.**
   - It is not our policy to accept exclusive contracts with any telecommunications provider.
   - In an office setting, exclusive contracts would be a limiting factor with respect to the range of services that a tenant could enjoy as well as the ability to change providers when tenant needs change, even though such contracts could potentially resolve space and access needs.

6. **Expansion of Satellite Dish Rules.**
   - We are in opposition to expansion of the existing rules; we don't believe that Congress' intent was to interfere with our ability to manage our property. OTARD specifically dealt with the delivery of over-the-air video services, and limited the ability of the receiver to placing the antenna in space controlled directly by the tenant.
   - Expansion would also imply a provider's right to have unfettered access to building roofs and roof mechanical areas. The potential for liability exposure or damage far outweighs any such access rights. Any signal that can be provided "over the air" can also be piped into a building through either fiber or a twisted copper pair of wires. Rather than negotiate access with incumbent LEC's or other telecommunications providers, these "over the air" providers prefer that you force the building owner to give them unlimited roof access—an area of a building never intended for common use as another easement.

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

Sincerely,

Ted Freyer
Senior Property Manager

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Glenwood Management Corp.

1200 Union Turnpike
New Hyde Park, N.Y. 11040
(718) 343-6400
Fax (516) 775-8648

August 11, 1999

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AUG 12 1999
FCC MAIL ROOM

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
445 12th Street S.W.
TW-A325
Washington, DC 20554

Re: Promotion of Competitive Networks in Local Telecommunications Markets, WT Docket No. 99-217; Implementation of the Local Competition Provisions in the Telecommunications Act of 1996, CC Docket No. 96-98

Dear Ms. Salas:

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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. There are several other issues in the FCC notice that also raise concerns.

Glenwood Management Corp. is in the residential real estate business owning numerous properties in Manhattan. Our buildings also frequently contain additional space for professional or retail users.

Issues Raised by FCC Notice

We do not believe that the FCC needs to take action in this area because we are doing everything we can to meet our tenants' demands for access to telecommunications. In addition, the FCC's request for comments raises the following issues of concern to us: nondiscriminatory access to private property and expansion of the satellite dish rules to include non-video services.

1. FCC Action Results in Taking of Private Property

We believe that, if enacted, the actions proposed by the FCC will effect a taking of our property without just compensation. Such actions will not only interfere with our business operations and give our property to large and wealthy telecommunications firms. Such actions will unnecessarily and unfairly hurt our business and place the residents at a competitive disadvantage for the purchase of telecommunications services as a result of this unprecedented government action.

"Free" access to our buildings for any cable service provider is a taking of our private property. Likewise, a regulatory agency determined "fee for access" destroys our

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ability to arrange for cable service in a free market environment. Our existing system of negotiating contracts with individual cable service providers has effectively met the needs of our tenants, our company, and our cable service providers. If tenants with one or two year tenancies are forced to negotiate directly with national or international telecommunications firms, they will be at a decided disadvantage. Our company has the negotiating strength afforded one who represents thousands of tenants. No individual can strike as good a deal as we can in this collective manner.

Furthermore, once a telecommunications firm has entered and wired one of our buildings, other providers may be less interested in incurring the cost to compete. Thus, it is likely that one or more of the large firms will obtain an effective monopoly on providing services to our tenants at what will be far from an arms-length, negotiated rate. We have all seen what has happened to cable TV rates where cable TV companies have acquired monopolies in communities across the country. Is it necessary to create such a system when we already have the incentive to negotiate for, and provide the most effective, extensive and competitive set of services in our competitive business?

2. FCC Action is Not Necessary

As a residential landlord competing in Manhattan, one of the most competitive market places in the United States, we and our competitors are very attuned to providing the services required by our clients to meet their needs. All of us are constantly monitoring the market place to determine what additional services are necessary to maintain our competitive edge. Telecommunications is one of the most important elements of the amenity package. While some of our buildings are more than 30 years old, we have, wherever technologically possible, retro-fitted buildings to provide the option to our tenants of multiple cable television providers while maintaining the aesthetic appearance of a luxury, first-class residential apartment building which is of even greater concern to our clients. Thus, approximately one third of our properties have had a second cable television provider added to the building to provide our tenants with greater choice while maintaining the architectural and aesthetic integrity of the property.

Our most recent building was built with two cable television providers installed prior to occupancy. In addition, our construction division retained the option of additional telecommunication carriers in the design of this newest building. All of this anticipates the needs of our tenants now and in the future. The design work for this newest building which resulted in multiple cable television providers and future expandability was done in response to market conditions and <u>not</u> as the result of legislative or regulatory action.

3. Nondiscriminatory Access

There is no such thing as "nondiscriminatory access." While there are many providers of cable services in the market place, there is limited space within any individual building which results in only a handful being able to install facilities in the building without destroying the architectural and aesthetic beauty which first attracted the tenant. No building could accommodate dozens of providers in the market place without destroying the appearance of the property.

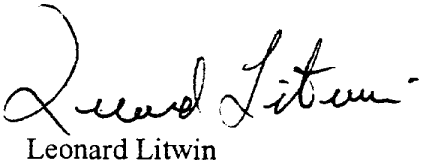
Building owners must also control both the space to be occupied by cable television providers, as well as the personnel who enter the building and install and service the equipment. The number of questions facing the owner that must be addressed contractually and effectively by each service provider includes questions of liability and personal injury insurance and safety codes. In addition, owners must be satisfied as to the quality, reliability and integrity of the service providers before permitting access to their buildings. While the contractual relationship is directly between the service provider and the tenant, invariably tenants hold building owners responsible for failures to their cable reception even though building owners are not parties to the tenants' contracts. Building owners must be careful to minimize the damage to landlord tenant relations through the irresponsible actions of the service providers.

4. Expansion of Satellite Dish Rule

We oppose the existing FCC regulations because we do not believe that Congressional legislation was meant to interfere with our ability to manage our private property. The FCC should not expand these satellite rules to include data transmission and other services as the current law only applies to antennas used to receive video programming. It should be noted that despite the creation of the satellite dish rules, Glenwood has experienced minimal demand from individual tenants for the external installation of satellite dishes as existing cable providers have met the needs of almost 100% of our tenants.

In summary, we urge the FCC to carefully consider any action that results in the taking of private property to the detriment of the individual consumer. Thank you for your consideration of our views.

Sincerely,



Leonard Litwin
President

Hampton
Management

August 10, 1999

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
445 12th Street. S. W.
TW-A325
Washington, D.C. 20554

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Re: Promotion of Competitive Networks in Local Telecommunications Markets, WT Docket No. 99-217; Implementation of the Local competition Provisions in the Telecommunications Act of 1996, CC Docket No. 96-98

Dear Ms. Salas:

We write in response to the FCC's Notice of Proposed Rulemaking released on July 7, 1999, regarding forced access to buildings.

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. There are several other issues in the FFC notice that also raise concerns.

Hampton Management Co. LLC
110 E 59TH Street 20TH fl
New York, New York 10022

Hampton Management Co. is in the residential real estate business. We manage a significant number of units in luxury rental, cooperative and condominium apartment houses.

Issues Raised by FCC Notice

We do not believe that the FCC needs to take action in this area because we are acting reasonably to meet our tenants' demands for access to telecommunications. In addition, the FCC's request for comments raises the following issues of concern to us: nondiscriminatory access to private property; expansion of the scope of existing easements; location of the demarcation point; exclusive contracts; and expansion of the satellite dish rules to include nonvideo services.

1. FCC Action is Not Necessary

- In rental buildings we are aware of the importance of all services including telecommunication services to tenants, and that we would not jeopardize rent revenue stream by actions that would displease tenants. In cooperatives and condominiums these matters are considered by the elected members of the apartment owners themselves.

T 212 835-2100
F 212 835-2458

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Hampton Management

- There are significantly more complaints about how the cables look in the public areas than about lack of services. Access by numerous companies would grossly exaggerate this problem.

2. **Nondiscriminatory Access**

- There is no such thing as "nondiscriminatory access." There are dozens of providers out there, but limited space in buildings means that only a handful of providers can install facilities in buildings. Nondiscriminatory access discriminates in favor of the first few entrants.

- Building owners must have control over space occupied by providers, especially when there are multiple providers involved. This is especially true for cooperative corporations and condominiums where the residents are the building owners.

- Building owners must have control over who enters the building: owners face liability for damage to building, leased premises, and facilities of other providers, and for personal injury to tenants and visitors. Owners are also liable for safety code violations. Qualifications and reliability of providers are a real issue.

- What does "nondiscriminatory" mean? Deal terms vary because each deal is different. A company without a track record poses greater risks than an established one, for example, so indemnity, insurance, security deposit, remedies and other terms may differ. Value of space and other terms also depend on many factors.

- A single set or rules won't work because there are different concerns depending on whether the building is commercial, residential or shopping center.

- Building owners often have no control over terms of access for Bell companies and other incumbents: they were established in monopoly environment. The only fair solution is to let the new competitive market decide and allow owners to renegotiate terms of all contracts. An owner can't be forced to apply old contracts as lowest common denominator when owner had no real choice initially.

- If carriers can discriminate by choosing which building and tenants to serve, building owners should be allowed to do the same.

3. **Scope of Easements**

- FCC cannot expand the scope of the access right held by every incumbent to

Hampton Management

allow every competitor to use the same easement of right-of way. Grants in some buildings may be broad enough to allow other providers in, but others are narrow and limited to facilities owned by the grantee.

- If owners had known governments would allow other companies to piggy-back, they would have negotiated different terms. Expanding rights now would be a taking of private property.

4. **Demarcation Point**

- Current demarcation point rules work fine because they offer flexibility - there is no need to change them.

- Each building is a different case, depending on the owner's business plan, nature of property and nature of tenants in the building. Some building owners are responsible for managing wiring and some are not.

5. **Exclusive Contracts**

- Our local cable companies are offering steep discounts where buildings sign up a certain percent of tenants for a certain number of years. In some buildings these programs have been popular and act as quasi-exclusive agreements.

6. **Expansion of Satellite Dish Rule**

- We oppose the existing rule because we do not believe that Congress meant to interfere with our ability to manage our property.

- The FCC should not expand the satellite rule to include data and other services, because the law only applies to antennas used to receive video programming.

In summary, we urge the FCC to carefully consider any action it may take. Thank you for your consideration of our views.

Sincerely yours,

HAMPTON MANAGEMENT CO.

By: _____

Enc: 6 copies

ROC-CENTURY ASSOCIATES
110 EAST 59TH STREET
20TH FLOOR
NEW YORK, NEW YORK 10022

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August 10, 1999

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
445 12th Street. S. W.
TW-A325
Washington, D.C. 20554

Re: Promotion of Competitive Networks in Local Telecommunications Markets, WT Docket No. 99-217; Implementation of the Local competition Provisions in the Telecommunications Act of 1996, CC Docket No. 96-98

Dear Ms. Salas:

We write in response to the FCC's Notice of Proposed Rulemaking released on July 7, 1999, regarding forced access to buildings.

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. There are several other issues in the FFC notice that also raise concerns.

ROC-Century Associates is in the residential real estate business. We own and manage a significant number of units in luxury cooperative and condominium apartment houses.

Issues Raised by FCC Notice

We do not believe that the FCC needs to take action in this area because we are acting reasonably to meet our tenants' demands for access to telecommunications. In addition, the FCC's request for comments raises the following issues of concern to us: nondiscriminatory access to private property; expansion of the scope of existing easements; location of the demarcation point; exclusive contracts; and expansion of the satellite dish rules to include nonvideo services.

1. FCC Action is Not Necessary

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stream by actions that would displease tenants. In cooperatives and condominiums these matters are considered by the elected members of the apartment owners themselves.

- There are significantly more complaints about how the cables look in the public areas than about lack of services. Access by numerous companies would grossly exaggerate this problem.

2. **Nondiscriminatory Access**

- There is no such thing as "nondiscriminatory access." There are dozens of providers out there, but limited space in buildings means that only a handful of providers can install facilities in buildings. Nondiscriminatory access discriminates in favor of the first few entrants.

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- If carriers can discriminate by choosing which building and tenants to serve, building owners should be allowed to do the same.

3. **Scope of Easements**

- FCC cannot expand the scope of the access right held by every incumbent to allow every competitor to use the same easement of right-of way. Grants in some buildings may be broad enough to allow other providers in, but others are narrow and limited to facilities owned by the grantee.

- If owners had known governments would allow other companies to piggy-back, they would have negotiated different terms. Expanding rights now would be a taking of private property.

4. Demarcation Point

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6. Expansion of Satellite Dish Rule

- We oppose the existing rule because we do not believe that Congress meant to interfere with our ability to manage our property.

- The FCC should not expand the satellite rule to include data and other services, because the law only applies to antennas used to receive video programming.

In summary, we urge the FCC to carefully consider any action it may take. Thank you for your consideration of our views.

Sincerely yours,

ROC-CENTURY ASSOCIATES

By: _____

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Mid-Atlantic Realty Company Inc.

248-C Presidential Drive • Greenville • Delaware • 19807
T: (302) 658-7642 • F: (302) 658-5978

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August 9, 1999

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
445 12th Street, S.W. TW-A325
Washington, D.C. 20554

RE: Promotion of Competitive Networks in Local Telecommunications Markets, WT Docket No. 99-217; Implementation of the Local Competition Provisions in the Telecommunications Act of 1996. CC Docket No. 96-98

Dear Ms. Salas:

We write in response to the FCC's Notice of Proposed Rulemaking released on July 7, 1999, regarding forced access to buildings. We enclose six (6) copiers 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.

Mid-Atlantic Realty Co., Inc is in the real estate business. We manage over 2500 apartment homes mainly in New Castle County and surrounding areas.

First and foremost, we do not believer the FCC needs to act in this field because we are doing everything we can to satisfy our residents' demands for access to telecommunications. In addition, the FCC's request for comments raises the following issues of particular concerns to us: "nondiscriminatory" access to private property; expansion of the scope of existing easements; location of the demarcation point; exclusive contracts; and expansion of the existing satellite dish or "OTARD" rules to include nonvideo services.

FCC Action is not necessary: We are aware of the importance of telecommunications services to residents, and would not jeopardize our rent revenue stream by actions that would displease our residents. We compete against many other properties in our market, and we have a strong incentive to keep our properties up-to-date.

"Nondiscriminatory" Access: We must have control over space occupied by providers, especially when there are multiple providers involved. We must have control over who enters a building because we face liability for damage to the building, leased premises, and facilities of other providers, and for personal injury to residents and visitors. We are also liable for safety code violations. Qualifications and reliability of providers are a real issue. What does "nondiscriminatory" mean? Contract terms vary because each contract is different. A new company without a track record poses greater risks than an established one.

Scope of Easements: If we had known governments would allow other companies to piggy back, we would have negotiated different terms. Expanding rights now would be a taking.

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Demarcation Point: Current demarcation point rules work fine because they offer flexibility- there is no need to change them.

Exclusive Contracts: They generally work to the benefit of our residents and they give competitors a chance to establish a foothold in our area.

Expansion of Satellite Dish Rules: We are opposed to the existing rules because we do not believe Congress meant to interfere with our ability to manage our property. The FCC should not expand the rules to include data and other services.

We believe no further action on these key issues is needed.

Thank you for your attention to our concerns.

Sincerely,

Edward L. Davidson, Jr.
President
Mid-Atlantic Realty Co., Inc.

Douglas J. Groppenbacher, CCIM, CIPS

RE/MAX Commerical Investment
7110 E. McDonald Dr., Suite A-1
Scottsdale, AZ 85258-5426
Dir: 480-905-2986
Fax: 480-922-0064
E-Mail: dougg@sarweb.com

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August 9, 1999

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
445 12th Street, S.W.
TW-A325
Washington, D.C. 20554

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I am 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.

Background

I, Doug Groppenbacher, am in the commercial real estate business. I am involved with several clients who own or manage office and multi-tenant industrial buildings in Arizona.

Issues Raised by the FCC's Notice

First and foremost, I do not believe the FCC needs to act in this field because we are doing everything we can to satisfy our tenants' demands for access to telecommunications. In addition, the FCC's request for comments raises the following issues of particular concern to us: "nondiscriminatory" access to private property; expansion of the scope of existing easements; location of the demarcation point; exclusive contracts; and expansion of the existing satellite dish or "OTARD" rules to include non-video services. In short, my clients own their buildings and want to control the buildings to protect their tenants and investment.

1. FCC Action Is Not Necessary.

- My clients and I are aware of importance of telecommunications services to tenants, and would not jeopardize rent revenue stream by actions that would displease tenants.
- We compete against many other buildings in our market, and have incentive to keep roperties up-to-date.
- We give competitive providers access to buildings when it is feasible to do so.

2. "Nondiscriminatory" Access.

CCIM CIPS REALTOR®

• There is no such thing as nondiscriminatory access: There are dozens of providers out there, but limited space in buildings means that only a handful of providers can install facilities in buildings. "Nondiscriminatory" access discriminates in favor of the first few entrants.

- Building owners must have control over space occupied by providers, especially when there are multiple providers involved.

• Building owner must have control over who enters building: owner faces liability for damage to building, leased premises, and facilities of other providers, and for personal injury to tenants and visitors. Owner also liable for safety code violations. Qualifications and reliability of providers are a real issue.

• What does "nondiscriminatory" mean? Deal terms vary because each deal is different. New company without a track record poses greater risks than established one, for example, so indemnity, insurance, security deposit, remedies and other terms may differ. Value of space and other terms also depend on many factors.

• Concerns of owners of office, residential, and shopping center properties all differ: It is not realistic to have a single set of rules.

• Building owners often have no control over terms of access for Bell companies and other incumbents: they were established in a monopoly environment. The only fair solution is to let the new competitive market decide and allow owners to renegotiate terms of all contracts. Owner can't be forced to apply old contracts as lowest common denominator when owner had no real choice.

• If carriers can discriminate by choosing which buildings and tenants to serve, building owners should be allowed to do the same.

3. **Scope of Easements.**

• FCC cannot expand scope of the access rights held by every incumbent to allow every competitor to use the same easement or right-of-way. Grants in some buildings may be broad enough to allow other providers in, but others are narrow and limited to facilities owned by the grantee.

• If owners had known governments would allow other companies to piggy-back, they would have negotiated different terms. Expanding rights now would be a taking.

4. Demarcation Point.

(The "demarcation point" is that point as which the cable subscriber may control the internal home wiring if he/she owns it, currently set at 12" outside where the wire enters a subscriber's dwelling.)

• Current demarcation point rules work fine because they offer flexibility -- there is no need to change them.

• Each building is a different case, depending on owner's business plan, nature of property and nature of tenants in the building. Some building owners are prepared to be responsible for managing wiring and others are not.

6. Expansion of Satellite Dish Rules.

- We are opposed to the existing rules because we do not believe Congress meant to interfere with our ability to manage our property.

- The FCC should not expand the rules to include data and other services, because the law only applies to antennas used to receive video programming.

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

Sincerely,

Douglas J. Groppenbacher, CCIM, CIPS

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T. J. ADAM & COMPANY
480 Eagle Drive • Elk Grove Village, Illinois 60007
(847) 228-RENT • Fax (847) 364-4822

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August 10, 1999

Ms. Maggie Roman Salas
Secretary
Federal Communications Commission
445 12th Street, S.W. TW-A325
Washington, D.C. 20554

Re: Promotion of Competitive Networks in Local Telecommunications Markets, WT Docket No. 99-217; Implementation of the Local Competition Provisions in the Telecommunications Act of 1996, CC Docket No. 96-98.

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T.J. Adam & Co. is in the real estate business. We manage 10 properties in the Northwest and Western suburbs of Chicago. These being Westbrook in Hillside (313 units), The Eagles in Elk Grove Vlg (192 units), Yorkville in Yorkville (72 units), Butterfield Towers in Elmhurst (55 units), Glenwest in Glenview (44 units), Townsquare in Wheeling (72 units), Glen Ellyn in Glen Ellyn (156 Units), Greenbrier in Alrington Hts (156 units), Lake Louise in Palatine (120 units), and Elmdale in Des Plaines (189 units).

First and foremost, we do not believe the FCC needs to act in this field because we are doing everything we can to satisfy our residents demands for access to telecommunications. In addition, the FCC's request for comments raises the following issues of particular concern to us: "nondiscriminatory" access to private property; expansion of the scope of existing easements; location of the demarcation point; exclusive contracts; and expansion of the existing satellite dish or "OTARD" rules to include non video services.

FCC Action is Not Necessary: We are aware of the importance of telecommunications services to our residents, and would not jeopardize our rent revenue stream by actions that would displease our residents. We compete against many other properties in our market and we have a strong incentive to keep our properties up to date.

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T. J. ADAM & COMPANY
480 Eagle Drive • Elk Grove Village, Illinois 60007
(847) 228-RENT • Fax (847) 364-4822

"Nondiscriminatory" Access: We must have control over space occupied by providers, especially when there are multiple providers involved. We must have control over who enters a building because we face liability for damage to the building, leased premises, and facilities of other providers, and for personal injury to residents and visitors. We are also liable for safety code violations. Qualifications and reliability of providers are a real issue. What does "nondiscriminatory" mean? Contract terms vary because each contract is different. A new company without a proven track record poses greater risks than an established one.

Scope of Easements: If we had known governments would allow other companies to piggy-back, we would have negotiated different terms. Expanding rights now would be a taking.

Demarcation Point: Current demarcation point rules work fine because they offer flexibility-there is no need to change them.

Exclusive Contracts: They generally work to the benefit of our residents and they give competitors a chance to establish a foothold in our area.

Expansion of Satellite Dish Rules: We are opposed to the existing rules because we do not believe Congress meant to interfere with our ability to manage our property. The FCC should not expand the rules to include data and other services.

We believe no further action on these key issues is needed.

Thank you for your attention to our concerns.

Sincerely,

Thomas Ragauskis
President

CERTIFIED PROPERTY MANAGER®

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August 9, 1999

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
445 12th Street, S.W.
TW-A325
Washington, D.C. 20554

Re: Promotion of Competitive Networks in Local Telecommunications Markets, WT Docket No. 99-217; Implementation of the Local Competition Provisions in the Telecommunications Act of 1996, CC Docket No. 96-98

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Background

The Gipson Company is in the commercial/retail development real estate business. We currently own or manage over one-million square feet of retail space in several States.

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THE GIPSON CO.

7 Piedmont Ctr., Suite 150 Atlanta, Georgia 30305 404-231-1621 Fax: 404-231-0424

Issues Raised by the FCC's Notice

First and foremost, we do not believe the FCC needs to act in this field because we are doing everything we can to satisfy our tenants' demands for access to telecommunications. In addition, the FCC's request for comments raises the following issues of particular concern to us: "nondiscriminatory" access to private property; expansion of the scope of existing easements; location of the demarcation point; exclusive contracts; and expansion of the existing satellite dish or "OTARD" rules to include non-video services. In response to these issues, I submit the following:

1. FCC Action Is Not Necessary.

- We are aware of the importance of telecommunications services to our tenants, and would not jeopardize the rent revenue stream by actions that would displease tenants.
- We compete against many other shopping centers in our market, and have an incentive to keep the properties up-to-date.
- We respond to any tenant's specific request for service.

2. "Nondiscriminatory" Access.

- There is no such thing as nondiscriminatory access: There are dozens of providers out there, but limited space in buildings means that only a handful of providers can install facilities in buildings. "Nondiscriminatory" access discriminates in favor of the first few entrants.
- Building owner must have control over space occupied by providers, especially when there are multiple providers involved.

- Building owner must have control over who enters building: owner faces liability for damage to building, leased premises, and facilities of other providers, and for personal injury to tenants and visitors. Owner also liable for safety code violations. Qualifications and reliability of providers are a real issue.
- What does "nondiscriminatory" mean? Deal terms vary because each deal is different. New company without a track record poses greater risks than established one, for example, so indemnity, insurance, security deposit, remedies and other terms may differ. Value of space and other terms also depend on many factors.
- Concerns of owners of office, residential, and shopping center properties all differ: can't set single set of rules.
- Building owners often have no control over terms of access for Bell companies and other incumbents: they were established in monopoly environment. Only fair solution is to let the new competitive market decide and allow owners to renegotiate terms of all contracts. Owner can't be forced to apply old contracts as lowest common denominator when owner had no real choice.
- If carriers can discriminate by choosing which buildings and tenants to serve, building owners should be allowed to do the same.

3. **Scope of Easements.**

- FCC cannot expand scope of the access rights held by every incumbent to allow every competitor to use the same easement or right-of-way. Grants in some buildings may be broad enough to allow other providers in, but others are narrow and limited to facilities owned by the grantee.

- If owners had known governments would allow other companies to piggy-back, they would have negotiated different terms. Expanding rights now would be a taking.
- Give examples of terms of current easements, rights-of-way or leases granting access to providers: point would be to show that they are limited to that provider.

4. Demarcation Point.

- Current demarcation point rules work fine because they offer flexibility -- there is no need to change them.
- Each building is a different case, depending on owner's business plan, nature of property and nature of tenants in the building. Some building owners are prepared to be responsible for managing wiring and others are not.

5. Exclusive Contracts.

- At this time we no not have any exclusive contracts in-place.

6. Expansion of Satellite Dish Rules.

- We are opposed to the existing rules because we do not believe Congress meant to interfere with our ability to manage our property.
- The FCC should not expand the rules to include data and other services, because the law only applies to antennas used to receive video programming.
- Antennas improperly installed on rooftops have voided roof warranties and created maintenance problems.

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

Sincerely,

Colin E. Barker,

Vice President