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UNITED DOMINION

Residential Communities

August 18, 1999

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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 are writing on behalf of United Dominion Realty Trust, Inc. (UDR) in response to the FCC's Notice of Proposed Rulemaking released on July 7, 1999 regarding forced access to buildings. We've enclosed six copies of this letter, in addition to this original.

UDR owns and manages over 300 apartment communities (85,000 units) nationwide. Our company has contracts with both regional Bell operating companies (RBOCs) and independent phone companies that serve over 80,000 residents.

We are concerned that action by the FCC increasing access by phone companies to our communities will aggravate the challenges and problems we already face in the following areas:

1. ***Security*** - Concern for resident security is a huge issue in the apartment industry. UDR has gated many of our communities to protect our residents. Allowing representatives from multiple telephone providers in our communities jeopardizes the security measures UDR already takes to protect our employees, residents and their visitors.

2. ***Aesthetics*** - UDR invests heavily in the maintenance of our buildings and grounds including landscaping to have attractive communities. Any ruling that allows multiple telephone providers will likely result in a proliferation of antennas, dishes and other hardware and underground trenching to the

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detriment of the appearance of our communities. Frankly, we want our communities to be more attractive than single family homes. Mandatory access will adversely affect the appearance of our communities. Additionally, the additional traffic from representatives from multiple telephone providers will increase normal wear and tear at our apartment communities.

3. ***Liability*** - UDR, in our current contracts with RBOCs and independent telephone providers, obtains insurance protection from an increased risk to residents from improperly installed and maintained equipment or from the inappropriate behavior of the carrier's employees. UDR's exposure to liability will increase when representatives from multiple providers regularly, if not daily, visit our apartment communities.

4. ***Contamination and Loss of Signal*** - Multiple telephone providers at a apartment community will inevitably cause disruption of signal to our residents. The presence of multiple dishes, antennas, wireless hardware equipment, punchdown blocks and the laying of distribution wire to support multiple providers will certainly cause contamination and some loss of signal from time to time to our residents. This will lead to the inevitable "finger pointing" between telephone providers blaming other telephone providers for causing these problems.

5. ***Administrative Overhead*** - The FCC is imposing a financial and administrative burden on UDR's on-site leasing office and a corporate office to manage multiple telephone providers at our communities. Our on site leasing and maintenance associates must monitor the activity of representatives from multiple telephone providers, when on site. The corporate office must develop and monitor, and administer contracts granting access to these providers.

Additionally, the Commission's public notice raises several other issues of concern to us.

1. ***Resident Satisfaction*** – The apartment business is very competitive. The FCC must realize that to satisfy and retain residents, we must provide them with access to the best telephone providers ***we*** can find or they will be dissatisfied.

However, our residents do not need access to each and every telephone provider. Many telephone providers lack the products and/or the customer service infrastructure necessary to support their products and satisfy residents.

2. ***Technical Issues*** - How will multiple telephone providers connect with our residents? Our 300+ communities were built over the last 20 years and have a variety of demarcation points and easements. Most have exclusive agreements with RBOCs. Many have agreements with a CLEC. Most also have exclusive agreements with cable providers. How will UDR deal with a phone carrier who wishes to offer products that compete with the exclusive arrangements UDR has granted to cable television providers?

3. ***Easements*** - If UDR had known governments would allow other telephone providers to piggy-back on existing easements, UDR would have negotiated different terms and easement locations. Expanding the rights of other companies at the expense of UDR's existing easements would be a taking of our property for which UDR will be due just compensation.

We believe that the FCC could best serve the apartment industry and its residents by allowing property owners to retain property rights and not mandate access by multiple telephone providers at our communities.

Thank you for your consideration.

Sincerely,

United Dominion Realty Trust, Inc.

John P. McCann
Chairman

John S. Schneider
President