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Instructions for Filing Individual Forced Entry Comments with the FCC

In this proceeding, the Federal Communications Commission (FCC) will be accepting written Comments and Reply Comments from any person or organization that may have an interest in the forced entry issue. Comments are filed to express opinions about the proposals contained in the Notice of Proposed Rulemaking. Reply Comments are filed to address issues raised by other people or organizations that have filed Comments in the proceeding.

The FCC has established specific instructions for filing Comments and Reply Comments in this proceeding and CAI members must follow these instructions. Please provide CAI's Government & Public Affairs Department with a copy of any Comments filed with the FCC.

Filings Options

The FCC permits filing in two forms: traditional paper or electronic.

Paper Filings

1. An original and six copies must be filed with the FCC at: Magalie Roman Salas, Secretary, Office of the Secretary, Federal Communications Commission, 445 Twelfth Street, SW, TW-A325, Washington, DC 20554.
2. One copy must be filed with the FCC's copy contractor at: International Transcription Services, Inc., 445 Twelfth Street, SW, CY-B402, Washington, DC 20554.
3. All copies must reference WT Docket No. 99-217 and CC Docket No. 96-98

Electronic Filings

1. A copy of the filing can be transmitted via the Internet by sending the electronic file to <http://www.fcc.gov/e-file/ecfs.html>. When sending the file, both docket numbers (WT Docket No. 99-217 and CC Docket No. 96-98) must be referenced. The filer's full name and mailing address must also be included.
2. Comments may also be filed by e-mail. To obtain the filing instructions, send an e-mail to ecfs@fcc.gov. The text of the message should read "get form <your e-mail address>". Instructions will be sent to you.
3. One copy must be filed with the FCC's copy contractor at: International Transcription Services, Inc., 445 Twelfth Street, SW, CY-B402, Washington, DC 20554.

Filing Format

All Comments or Reply Comments must be:

1. submitted on letter size paper, with margins not exceeding 6 ½ x 9 ½ inches;
2. typewritten or computer generated;
3. double-spaced. Footnotes and long quotations can be single spaced, however.
4. in 12 point type;

No. of Copies rec'd
List ABCDE

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Community Association Telecommunications Questionnaire

1. How many telecommunications providers currently serve the association or use association property as a platform to serve others?
2. Circle all of the telecommunications services that are available to residents: traditional local telephone, alternative (new) wired telephone, alternative (new) wireless telephone, traditional television, cable television, wireless cable television including multipoint distribution service (MDS), satellite television including direct broadcast satellite (DBS), other satellite services, wired internet service, wireless internet service, other (please list).
3. Circle all of the telecommunications services that are available to residents from more than one provider: wired telephone, wireless telephone, cable television, wireless cable television including multipoint distribution service (MDS), satellite television including direct broadcast satellite (DBS), other satellite services, wired internet service, wireless internet service, other (please list).
4. How many and what type of telecommunications providers have requested access to association property to offer services to residents in the past two years? Please list the names of these companies. *None*
5. Has a provider ever entered association property in order to install equipment without the association's permission? If so, did the provider damage association property?
yes - north DeKalb Cable - 1994
6. Has a provider ever refused to deliver service to the association? If so, why? *No*
7. Has the association ever refused to permit a provider access to association property to install wiring or equipment? If so, why? *NO*
8. Does the association have a contract with every provider serving the property? How long does it generally take the association to negotiate a contract with a provider? What issues are the most difficult to address during this process? *NO*
9. Does the association currently have an exclusive contract for services from one provider? If so, when did the contract begin and what is its duration? Why is the contract exclusive? When the contract began, did the provider have a monopoly in the area? *NO*
10. Does the association receive any compensation from providers using association property to provide services to residents? If so, how much compensation is received and what are the general circumstances of the agreement? *NO*
11. How much association space is available for the installation of wiring and equipment? *None*
12. What wiring and equipment has been installed in the association? Where has it been placed? How much space does it occupy? *None*

(continued on next page)

- 13. Which utilities or telecommunications providers have rights-of-way, easements, or other rights to enter association property? How were these rights obtained (e.g., contract, eminent domain, informal agreement, etc.)? Do these providers have a right to use a limited or unlimited amount of association space? Do they have a right to expand the amount of space that they use? *yes* NO *Ma Pome Bell South*
- 14. Does the association own or control the riser space and conduit? If not, who does? *NO*
- 15. Which utilities or telecommunications providers own or control any space on association property? What space is owned or controlled? *where Born* *Ma Pome Bell South*
- 16. Which utilities or telecommunications providers own or control any riser space and conduit? *NO*
- 17. Has the association experienced any interruptions in electrical or other utility services due to the installation of telecommunications wiring or equipment? *NO*
- 18. Have telecommunications providers damaged any association property during wiring or equipment installation, maintenance, or use? If so, how extensive was the damage? *yes Question 5*
- 19. Have providers failed to meet contractual obligations, such as delays in initiating service, frequent disruptions, etc? *NO*
- 20. Have there been conflicts among providers serving the association concerning the use of association space, property damage, incompatibility of technology or other matters? *NO*
- 21. Connecticut, Texas and Ohio have some forced entry requirements. If the association is in one of these states, does it have any experience with the application or enforcement of these laws? *—*
- 22. What size is the association (e.g., units, buildings, acres, etc.)? What is the association's annual budget? *120 units - 10 Bldg Trac 160,000*
- 23. Is the association located in a downtown/urban or suburban area?

The following information is optional but will ensure that you are kept up-to-date on this important issue.

Your Name:
Your Address:
Your Phone/Fax/Email:

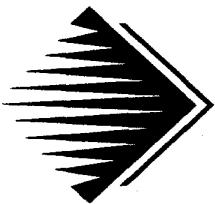
Association Name: *Dunwoody Court Condo Assoc.*
Association Address: *POB 450607 ATLANTA GA 31145*
Association Phone/Fax/Email: *770-908-2013*

To join the Community Associations Advocacy Network (CAAN) grassroots program to help CAI address this issue and others of importance to community associations, visit CAI's website at www.caionline.org or call 703-548-8600. CAI members may also arrange to receive Capitol Connection, CAI's free electronic government and public affairs newsletter, by visiting the website's Members Only section. Monthly issues of Capitol Connection may also be accessed through CAI's Faxback Service by calling 703-836-6904 & requesting document #503.

Suggested Topics to Address in Individual Forced Entry Comments

- **Description of your association or the association(s) you represent.** Identify your association(s) or those you represent. State your position (i.e., homeowner, board member, manager, attorney, accountant, etc.), association type (i.e. high-rise condominium or cooperative, townhouse style condominium, cooperative, or homeowners association, single family home), number of units, annual budget, and association location.
- **The state of competition in the association's market.** The level of competition in the association's local marketplace will affect the impact of forced entry. The association(s) should answer the following questions: How many telecommunications providers are in the local market? Are there any competitors to the traditional incumbent telephone company and the cable franchise? Will any new providers be entering the market soon? Have new providers asked to provide service to the association(s)? If so, how many?
- **Telecommunications providers' practices.** It is important to inform the FCC of providers' current practices on association property, particularly if providers have entered without permission or have damaged property during equipment installation or repair. How have providers treated the association(s) and association property? Have providers attempted to negotiate agreements with the association(s), or have they tried to install equipment without negotiating contracts or asking permission? What types of space do providers occupy (i.e. conduit, riser, equipment room, rooftop)? Have providers tried to occupy space needed by the association(s) for other purposes? If damage has occurred, describe it and the cost of restoration.
- **The effect of competition within community associations.** If multiple providers offer service in the association(s), explain why the new provider(s) sought to serve residents. Were there any problems between existing providers and new providers (i.e. space, compatibility of telecommunications equipment, maintenance problems)? Has/have the association(s) refused to permit providers on association property? If so, why?
- **The impact of exclusive contracts.** The FCC is looking to limit exclusive contracts between providers and associations. Does/do the association(s) have exclusive contracts with providers? If so, why? What advantages or disadvantages do exclusive contracts provide the association(s)? Would a limit or ban on exclusive contracts be beneficial or harmful to the association(s)?
- **The potential impact of forced entry regulations on community associations.** What practical problems would forced entry pose for the association(s)? Consider maintenance and security responsibilities, safety concerns, space constraints, etc. How would the association(s) be affected if providers were allowed to use utility or local telephone provider equipment and rights of way in the association(s) to install equipment? Would there be the same or additional concerns?
- **The impact of the Over-the-Air Reception Devices (OTARD) Rule.** The FCC is considering whether to extend the OTARD Rule invalidating certain association antenna restrictions so that residents could install other types of antennas (including transmission antennas). How has implementation of the OTARD Rule worked? Has/have the association(s) had many antenna installations? Have there been problems with residents' antenna installations? What problems, if any, would be caused by the installation of additional types of antennas?

Contact CAI's Government & Public Affairs by email (g&pa@caionline.org), fax (703-684-1581) or phone (703-548-8600) with questions or to obtain additional guidance and information. Please send CAI a copy of your filed Comments.



COMMUNITY
ASSOCIATIONS
INSTITUTE

The nation's voice for condominium, cooperative and homeowner associations

REGULATORY ALERT!

COMMUNITY ASSOCIATIONS' RIGHTS AT RISK – YOUR RESPONSE NEEDED TO COMBAT FCC PROPOSAL

Input Requested By August 6, 1999

In response to claims by wireless and other telecommunications providers that community associations and building owners inhibit the providers' ability to serve residents, tenants and businesses and are thus barriers to competition, the Federal Communications Commission (FCC) recently initiated a proceeding to consider whether to mandate forced entry privileges for telecommunications providers.

A forced entry policy would allow all providers to use association property at will to install wiring and equipment regardless of an association's interests or concerns. The FCC proceeding is also examining other mechanisms to increase providers' rights to enter and use association property.

CAI has successfully opposed similar proposals in various states and prior efforts to elicit FCC action by stressing the legal and constitutional ramifications of forced entry, the practical problems such a policy would create, forced entry's anti-competitive nature, the role community association residents play in selecting providers, and the robust growth of the competitive marketplace. **However, CAI needs additional data and information from as many associations as possible by August 6, 1999 to effectively counter the claims that associations are preventing residents from receiving advanced telecommunications services!**

Please circulate this alert and questionnaire. It is vital that as many associations as possible provide data and information for this proceeding. (The August 6 deadline allows CAI to incorporate the valuable data into its FCC filing on August 13. Any associations that are absolutely unable to respond by August 6 should still submit their completed questionnaires as soon as possible since a summary of their data can be incorporated into Reply Comments and meetings with FCC officials.) No information will be attributed to any individual association without the association's explicit permission.

Responses should be submitted to CAI's Government & Public Affairs Department by email (g&pa@caionline.org), fax (703-684-1581) or mail (1630 Duke Street, Alexandria, VA 22314).

CAI also encourages associations, board members, residents, attorneys and other association professionals to file individual Comments with the FCC to explain how forced entry rules would impact association operations. Suggested topics to address and guidance on how to file individual Comments are attached.

Additional information on the FCC's forced entry proceeding is available in the Government & Public Affairs section of CAI's website at www.caionline.org or by calling CAI's Government & Public Affairs Department at 703-548-8600. Updates will also be posted on the website as developments occur or new information becomes available.

Thank you in advance for your assistance with this effort!

1630 Duke Street
Alexandria, VA 22314
(703) 548-8600
Fax (703) 684-1581
www.caionline.org

5. filed with a short and concise summary of the major issues presented in the comments;
6. filed with name of the person or organization filing and the date of the filing appearing on every page;
7. filed including a table of contents, regardless of length of the filing.

Comments and Reply Comments may be filed either one-sided or two-sided. If the filing is one-sided, then it must be stapled once in the upper left-hand corner. If the filing is two-sided, then it must be stapled twice along the left margin. The first page of the Comments or Reply Comments should have the following heading:

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of)	
)	
Promotion of Competitive Networks)	WT Docket No. 99-217
in Local Telecommunications Markets)	
)	
Wireless Communications Association)	
International, Inc. Petition for Rulemaking to)	
Amend Section 1.4000 of the Commission's Rules)	
to Preempt Restrictions on Subscriber Premises)	
Reception or Transmission Antennas Designed)	
to Provide Fixed Wireless Services)	
)	
)	
Cellular Telecommunications Industry)	
Association Petition for Rule Making and)	
Amendment of the Commission's Rules)	
to Preempt State and Local Imposition of)	
Discriminatory And/Or Excessive Taxes)	
and Assessments)	
)	
Implementation of the Local Competition)	CC Docket No. 96-98
Provisions in the Telecommunications Act)	
of 1996)	

COMMENTS/REPLY COMMENTS