

Multiple wireless providers on rooftops can also raise RF emission safety concerns. *See* OET Bulletin 65.

Finally, while the Commission requires telephone companies to comply with local building and electrical codes, *see* Section 68.215(d)(4) of the rules, 47 C.F.R. § 68.215(d)(4), it could not practically enforce the codes, particularly where competing providers would have unrestricted access to common space.³⁸ There is no substitute for allowing building owners to negotiate individually with service providers and tailoring the rights and remedies of the parties to the specific situation.

2. Occupant security.

Building operators are also concerned about the security of their buildings and their tenants and residents, and in certain circumstances may be found legally liable for failing to protect people in their buildings. Telecommunications service providers, however, have no such obligations. Service technicians may violate security policies by leaving doors open or admitting unauthorized visitors; they may even commit illegal or dangerous acts themselves. Of course, these possibilities exist today, but at least building operators have the right to take whatever steps they consider warranted to minimize the exposure of tenants and the building owners' exposure to legal liability. The commenting associations' concern is that in requiring building operators to allow any service provider physical access to a building, the Commission may specifically grant -- or be interpreted as granting -- an uncontrolled right of access by service personnel. Indemnification and insurance requirements are only part of a solution -- the most effective

³⁸ Insofar as building codes are an exercise of the police powers of the states, interference with their implementation could constitute an unwarranted and dangerous pre-emption, and one not within the power or intent of Congress.

guarantee against harmful behavior by service providers is exclusion from the premises of the bad actors -- but that is exactly the sanction that forced access regulation would preclude.

It is simply impracticable for the Commission to develop any set of rules that will adequately address all the different situations that arise every day in hundreds of thousands of buildings across the country. Consequently, any maintenance and installation activities must be conducted within the rules established by a building's manager, and the manager must have the ability to supervise those activities. Given the public's justifiable concerns about personal safety, building operators simply cannot allow service personnel to go anywhere they please without the operator's knowledge, and the Commission should respect that authority. The Commission should not impose security breaches on building owners generally any more than GSA would allow security breaches at the Portals in Washington, D.C.

3. Effective coordination of occupants' needs.

A building owner must have control over the space occupied by telephone lines and facilities, especially in a multi-occupant building, because only the owner or manager can coordinate the conflicting needs of multiple tenants or residents and multiple service providers. Although this has traditionally been more of an issue for commercial properties, such coordination has become increasingly important in the residential area as well as apartment owners try to provide high-speed Internet access and other new services to their residents. With such changes, the role of the owner or manager and the importance of preserving control over riser and conduit space is likely to grow.

Therefore, the Alliance submits that the best approach to the issues raised in the NPRM is to allow building owners to retain maximum flexibility over the control of inside wiring of all kinds. If a building operator chooses to retain complete ownership and control over its property

-- including inside wiring -- it should have that right. Presumably, if this proves to be a good business practice, the market will reward building owners who decide to retain control over coordinating such issues.

On the other hand, other building owners may find that their tenants' needs require less hands-on management and control by the owner. As discussed earlier, there is also a market for buildings in which tenants and service providers work these issues out themselves. If there is, property owners will respond by letting the market grow on its own, simply because it is in their interests to serve their tenants as efficiently and flexibly as possible.

Indeed, it is likely that there is demand for both approaches to managing a building. If so, any Commission action is likely to distort the market and interfere with the efficient operation of the real estate industry. Thus, to serve tenants' needs most effectively, building owners should be allowed to make their own decisions regarding the most efficient way to coordinate the activities of multiple service providers and tenants.

4. Effective management of property.

A building has a finite amount of physical space in which telecommunications facilities can be installed. Even if that space can be expanded, it cannot be expanded beyond certain limits, and it can certainly not be expanded without significant expense. Installation and maintenance of such facilities involves disruptions in the activities of tenants and residents and damage to the physical fabric of a building.³⁹ Telecommunications service providers have little incentive to consider such factors because they will not be responsible for any ill effects.

³⁹ Forced access would entail retrofitting thousands of existing buildings, and would be disruptive, resource-intensive and time consuming for building owners. *See* Camden Property Trust Comments attached as Exhibit P.

As with the discussion of fire and building codes above, telecommunications service technicians are also unlikely to take adequate steps to correct all the damage they may cause in the course of their work. They are paid to provide telecommunications service, and as long as the tenant has that service they are likely to see their job as done. Since they do not work for the building operator, he has little control over their activities. If building management cannot take reasonable steps in that regard, building operators and tenants will suffer financial losses and increased disruption of their activities.

Rooftop telecommunications facilities pose special problems for building owners and managers. Good management of a rooftop facility requires that the owner maintain a high degree of control over activities at the site, because each additional installation affects the building in more ways than by simply adding another antenna to the rooftop. Many wireless systems require that multiple coaxial cables pass through the building's inside pathways, and connect into the main distribution frame for further distribution to tenants. Many systems require multiple cabinets to contain transceivers, battery back-up power, and other network interface devices. All of these things intrude upon a building's limited spaces not only on the rooftop, but inside the building as well. Each line breaches the moisture barrier that protects the structural integrity of the building. Therefore, building owners seeking to provide telecommunications choices to their tenants, maintain a healthy RF environment, and plan for future system integration, must carefully consider the cumulative effect of each wireless installation. *See Sylvester Decl.* at ¶5.

Typically, a wireless CLEC installation for the purpose of serving tenants in a building (not a hub or nodal site) will require approximately 40-50 square feet of floor space inside the building for use as an equipment space and an additional 25 square feet of space on the rooftop

for the installation of its antennas and associated equipment. In many cities there are zoning and building code set-backs and also guying requirements for safety purposes. At most, about 68% of the rooftop space could be available for antenna placement, but in cities, only about half of the available space on a given rooftop would be suitable, due to nearby obstructions. If two wireless CLECs have installations at a building, 80-100 square feet of floor space for equipment and 50 square feet of rooftop space will be required. These installations normally have equipment components that are placed in the basement areas and in upper floor mechanical rooms. These rooms have limited space because they are usually already full of equipment necessary to the operation of the building. Most buildings do not have large amounts of space set aside for telecommunications installations, because the buildings were built before there was any realistic alternative to the ILEC. Consequently, even permitting use of 50 square feet on a rooftop or inside a storage room is very significant. *Id.* at ¶6. As the number of providers grows, space quickly disappears and the potential for competing interests sharply increases. For the Commission to introduce inflexibilities into the space allocation process risks foreclosing the tenants' getting the provider most likely to be able to meet their telecommunications needs. In mixed business-residential use buildings the Commission is just setting up a potential conflict between its OTARD and telecommunications access rules. Forced access thus poses substantial practical problems for building owners and imposes significant costs.

5. Physical and electrical interference between competing providers.

Allowing a large number of competing providers access to a building raises the concern that service providers may damage the facilities of tenants and of other providers in the course of installation and maintenance. It also poses a significant threat to the quality of signals carried by wiring within the building. Multiple wireless providers raise RF interference issues.

Competitive pressures may induce service providers to ignore shielding and signal leakage requirements, to the detriment of other service providers and tenants in the building, or they may accidentally cut or abrade wiring installed by other service providers or occupants.

The building operator is the only person with the incentive to protect the interests of all occupants in a building. Individual occupants are only concerned with the quality of their own service, and service providers are only concerned with the quality of service delivered to their own customers. The Commission cannot possibly police all of these issues effectively. Consequently, building operators must retain a free hand to deal with service providers as they see fit. If one company consistently performs sloppy work that adversely affects others in the building, the building owner should have the right to prohibit that company from serving the building. Otherwise, the building owner will be unable to respond to occupant complaints and will face the threat of lost revenue because of matters over which it has little control. In mixed use buildings, the uncontrolled placement of transmitting antennas in close proximity to video receiving devices is likely to produce wavy bands of interference in the television pictures the Commission sought to protect by its OTARD rules.

Our members are fully capable of meeting their obligations to their tenants and residents. As keen competitors in the marketplace, they will continue to make sure they have the services they need. It is unnecessary for the government to interject itself in this field, and any action by the government is likely to prove counterproductive.

VII. EXCLUSIVE CONTRACTS ARE A VALUABLE MARKET APPROACH TO ALLOCATING RESOURCES AND AN INCENTIVE TO GETTING PROVIDERS TO PAY UP-FRONT FOR WIRING BUILDINGS.

In Telecommunications Services, Inside Wiring -- Customer Premises Equipment,
Report and Order and Second Further Notice of Proposed Rulemaking, CS Docket No. 95-184,

13 FCC Rcd. 3659 (1997), ¶ 258, the Commission recognized that exclusive contracts to provide video programming services in a building can, depending on the circumstances, either enhance or inhibit competition. This applies to telephone service as well. Exclusive contracts are often the only economically viable means of delivering new services to consumers.

It may not be possible to achieve widespread facilities-based competition, especially for residential services, without exclusive contracts. Video programming providers typically require a minimum return on the capital investment required to bring programming into a building and distribute it to potential subscribers. The same is true for telecommunications providers, which is why the CLEC industry is concentrating on the high revenue business market. If a particular project cannot produce an adequate return, a service provider will not make the investment because it will not be profitable, and could even result in a loss. For example, it makes little sense for a CLEC to invest in plant in an apartment building to serve only one customer, especially when the CLEC has to wean subscribers away from long-standing relationships with the incumbent if it is to increase penetration. The threshold will vary from company to company, city to city and building to building, but there will always be a threshold.

Generally speaking, the larger a building is, the more potential subscribers it has, and the lower the facilities installation cost is per subscriber. Therefore, the larger the building (and the more affluent the residents), the larger the service provider's profit potential. Conversely, while smaller buildings may be cheaper to wire in absolute terms, the service provider typically must earn a larger share of revenue from each subscriber to recoup its investment in the building, or be assured that a relatively large proportion of building residents will subscribe to the provider's service. It is in these cases that exclusive contracts become particularly important. If a building owner were to allow more than one provider to serve such a building, the number of subscribers

available to each provider would be reduced, since presumably not all would buy service from the same provider. Thus, the presence of multiple providers immediately reduces each provider's potential revenue; if revenues are reduced enough, one or more providers could find serving the building unprofitable. Thus, exclusive contracts often not only promote competition, but more importantly promote delivery of service. This may not be readily apparent in the current telecommunications market, with its continuing monopoly characteristics and the ubiquitous presence of the ILECs, but in the future many smaller, less attractive buildings may find that without the opportunity to enter into an exclusive contract with a new provider, they will be forced to deal only with the ILEC.

It is not difficult to imagine a scenario in which certain CLECs dominate the market for high-quality, high-priced services, leaving the market for lower quality services to the ILEC. In such a scenario, a tenant in a small building or in a lower density area may not be able to induce the high-quality provider to deliver service in the building, unless the provider has a guarantee of a minimum amount of revenue. One way to do that might be for the building owner to give the service provider an exclusive contract.

We wish to emphasize that it is the economics of the service providers' business that ultimately dictates the need for exclusive contracts. In fact, many building owners do not enter into exclusive contracts because they see no benefits to their tenants. The principal force behind exclusive contracts in the video programming market has always been and continues to be the service providers, not the building owners. We suspect the same will prove true in the telecommunications market, if the CLECs ever attempt to fulfill their claimed desire to serve the residential market.

VIII. EXTENDING THE CABLE HOME RUN WIRING RULES TO INCLUDE TELECOMMUNICATIONS CARRIERS WILL NOT ADVANCE THE COMMISSION'S GOALS, UNLESS THE COMMISSION ALSO ALTERS EXISTING ARRANGEMENTS BETWEEN BUILDING OWNERS AND ILECs.

The Commission's home run wiring rules appear to be advancing competition in the video programming market by reducing the monopoly power of incumbent video programming providers. It is now more difficult for cable operators to strong-arm building owners into renewing agreements or agreeing to one-sided contracts. Similar procedures might help property owners in their dealings with incumbent telecommunications carriers, but they are likely to be of limited utility. The principal weakness of the home run wiring rules, however, is that they do not apply if the incumbent has the right to remain on the premises, whether because of a state mandatory access statute or a valid agreement. Because property owners may have limited power to remove ILECs from a building, extending the rules to ILECs may not prove very useful. The Commission, however, cannot proceed solely on the basis of analogy, because the cable home wiring rules are derived from a separate statutory provision, *viz.*, Section 624(i), 47 U.S.C. § 544(i), which applies only to cable.

We do not support the abrogation of contract rights or interference with the property rights of others. Nevertheless, the Commission should consider the possibility that to reach its intended goals, it may be necessary to induce or require the ILECs to relinquish all the existing rights of ILECs to enter buildings and place their facilities inside buildings. As we have stated elsewhere, the fundamental issue, which the NPRM and the CLECs do not address, is not the control that property owners have over their buildings, but the ubiquity of the ILECs and their existing access rights. If the Commission is not willing to address that issue, it should not act at all, because that is the core of the problem.

In any case, extending the cable home run wiring rules to telecommunications providers will not create access rights without the consent of the building owner.

IX. THE COMMISSION HAS NO AUTHORITY TO ADOPT THE CURRENT OTARD RULES, MUCH LESS EXPAND THEIR SCOPE.

The NPRM requests comment on whether the Commission's OTARD rules should be extended to include antennas used to provide telecommunications and Internet services. This proposal is entirely unlawful. Members of the Real Access Alliance are already challenging the existing rules in court because we believe the Commission exceeded its powers in that proceeding.⁴⁰ To extend the rules to new services and new types of providers clearly outside the scope of what Congress intended would merely compound the error.

The OTARD rules were based in part on the Commission's conclusion that the reference to "viewers" in Section 207 showed that Congress intended to include leases as well as zoning laws and homeowners association rules in the list of "restrictions" to be prohibited. The Commission cannot now bootstrap itself using whatever limited authority over building owners may have been conferred by Section 207 (not that we concede that any was conferred).⁴¹ If the reference to viewers was so important, then Congress must not have intended to include other types of services. Furthermore, the statutory language refers explicitly to video programming, and to three types of antennas used primarily (and at the time of the enactment of the law, solely) to deliver video services. The statutory language is very clear and cannot possibly be construed to permit the Commission to go any further than it already has, under any

⁴⁰ *BOMA et al. v. FCC*, Case No. 99-1009 (D.C. Cir. 1999).

⁴¹ In point of fact, Section 207 of the 1996 Act was not codified in Title 47 of the U.S. Code for the very reason that it was not a grant of new jurisdiction or authority to the Commission but only a direction to act limited by prior existing jurisdiction.

circumstances. The language is so clear that neither Section 4(i), nor Section 303(r), nor any of the other sections referred to in the NPRM can be used to justify expanding the scope of the OTARD rules. The Commission would not be filling in regulatory gaps in this case, but reading authority it does not have into the law. Furthermore, since the Commission has no jurisdiction over building owners in the first place, the Commission's ancillary jurisdiction was stretched to the limit by the OTARD ruling, even assuming for the sake of argument that that decision was valid. At some point, the Commission must recognize that its jurisdiction and authority do have limits.

In any event, the Commission has already conceded that it has no authority to expand the current rules. In its strategic plan, the Commission states that it plans to seek Congressional approval for precisely this proposal. *A New FCC for the 21st Century, Draft Strategic Plan, Appendix D. No. 10 (August 1999).*

Finally, as we discussed at Point III.C, the current OTARD rules violate the Fifth Amendment, as would any attempted expansion of the rules. The legal underpinnings of the *OTARD Second Order* are flawed because the Commission effectively defines every tenant's property rights as including the right to put up an antenna, when in fact, property rights are defined by state law. Cooper, Carvin Analysis at pp. 13-16. Consequently, unless a property owner has in fact given a tenant the right to install an antenna under the law of the state in which the property is located, expansion of the OTARD rules would effect a taking of the owner's property. The Commission should not expand the rules and in fact should repeal them.

CONCLUSION

We respect the Commission's commitment to solving the complex problems of how best to promote local competition in every sector of the market. We hope that the Commission will

recognize that the real estate industry is more than doing its part: every member of our industry is working hard to outdo his or her competitors by giving tenants what they want. If the Commission rejects the outmoded, anticompetitive, and over-regulatory approach of the NPRM, the real estate industry can help achieve the Commission's goals. Commission intervention, on the other hand, will merely promote one industry over another and will, in the long run, prejudice the tenants, who ought to be the focus of the Commission's concern. We urge the Commission to respect the limits of its jurisdiction and the Constitution.

Respectfully submitted,



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National Multi-Housing Council

The National Multi-Housing Council (NMHC) represents the interests of the larger and most prominent firms in the multi-family rental housing industry. NMHC's member are engaged in all aspects of the development and operation of rental housing, including the ownership, construction, finance, and management of such properties.

National Realty Committee

For 30 years the National Realty Committee (NRC) has served as *Real Estate's Roundtable* in Washington for national policy issue vital to commercial and income-producing real estate. A leading public policy advocate, NRC addresses capital and credit, tax, environmental, technology and other investment-related issues. NRC members are senior executives from more than 200 U.S. public and privately owned companies across all segments of the commercial real estate industry.

EXHIBIT A

Members of the Real Alliance

Building Owners and Managers Association International

Founded in 1907, the Building Owners and Managers Association (BOMA) International is a dynamic international federation of 101 local associations. The 17,000 members of BOMA International own or manage more than 8.5 billion square feet of downtown and suburban commercial properties and facilities in North America and abroad. The mission of BOMA International is to advance the performance of commercial real estate through advocacy, professional competency, standards and research.

Institute of Real Estate Management

The Institute of Real Estate Management (IREM) educates real estate managers, certifies the competence and professionalism of individuals and organizations engaged in real estate management, serves as an advocate on issues affecting the industry, and enhances and supports its members' professional competence so they can better identify and meet the needs of those who use their services. IREM was established in 1933 and has 10,000 members across the country.

International Council of Shopping Centers

Founded in 1957, the International Council of Shopping Centers (ICSC) is the trade association of the shopping center industry. Its 38,000 members in the United States, Canada, and more than 70 other countries represent owners, developers, retailers, lenders, and all others having a professional interest in the shopping center industry. Its 34,000 United States members represent almost all of the 43,661 shopping centers in the United States. In 1998, these centers accounted for \$1,082.5 billion in retail sales, which is 53 percent of total retail sales, excluding sales by automotive dealers, and generated more than \$44 billion in state sales tax revenue. In addition, shopping centers employ over 10 million people, about one in every 10 non-agricultural jobs in the United States. In a typical month, 188 million adults shop at shopping centers - 94 % of the population over 18 years of age.

Manufactured Housing Institute

The Manufactured Housing Institute (MHI) is the leading national trade association for manufactured housing across the nation. It represents all segments of the industry, including manufacturers, component suppliers, retailers, community owners and operators, state associations, and those financial institutions involved in the lending and insuring of manufactured homes.

National Apartment Association

The National Apartment Association (NAA) has been serving the apartment industry for 60 years. It is the largest industry-wide, nonprofit trade association devoted solely to the needs of the apartment industry. NAA represents approximately 26,000 rental housing professionals holding responsibility for more than 3.6 million apartment households nationwide.

National Association of Home Builders

The National Association of Home Builders is a trade association representing the nation's housing industry. NAHB is a federation of more than 800 state and local home builder associations nationwide working to enhance the political climate for housing and for the building industry, and promoting policies that keep housing a national priority. NAHB's members are engaged in all aspects of real estate development, ownership, and management, and include owners and managers of apartment buildings, condominiums, cooperatives, and community associations. NAHB is comprised of over 197,000 members, who collectively employ over eight million Americans.

National Association of Industrial and Office Properties

The National Association of Industrial and Office Properties (NAIOP) is the trade association for developers, owners, and investors in industrial, office, and related commercial real estate. NAIOP is comprised of over 7,000 members in 47 North American chapters and offers its members business and networking opportunities, education programs, research on trends and innovations, and strong legislative representation.

National Association of Real Estate Investment Trusts

The National Association of Real Estate Investment Trusts (NAREIT) is the national trade association for real estate investment trusts (REITs) and publicly traded real estate companies. Members are REITs and other businesses that own, operate, and finance income-producing real estate, as well as those firms and individuals who advise, study and service those businesses.

National Association of Realtors

The National Association of Realtors (NAR) is the nation's largest professional association, representing more than 720,000 members. Founded in 1908, the NAR is composed of residential and commercial REALTORS® who are brokers, salespeople, property managers, appraisers, counselors and others engaged in all aspects of the real estate industry. The association works to preserve the free enterprise system and the right to own, buy, and sell real property.

National Multi-Housing Council

The National Multi-Housing Council (NMHC) represents the interests of the larger and most prominent firms in the multi-family rental housing industry. NMHC's member are engaged in all aspects of the development and operation of rental housing, including the ownership, construction, finance, and management of such properties.

National Realty Committee

For 30 years the National Realty Committee (NRC) has served as *Real Estate's Roundtable* in Washington for national policy issue vital to commercial and income-producing real estate. A leading public policy advocate, NRC addresses capital and credit, tax, environmental, technology and other investment-related issues. NRC members are senior executives from more than 200 U.S. public and privately owned companies across all segments of the commercial real estate industry.

EXHIBIT B
Comments Filed By
Members of the Real Access Alliance
in Related Dockets:

CS 95-184: Inside Wiring
MM 92-260: Cable Home Wiring
CC 96-98: Local Competition
IB 95-59: Preemption of Local Zoning Regulation of Satellite Earth Stations
CS 96-83: Restrictions on Over-the-Air Reception Devices

Date	Docket	Name of Filing
1. 3/18/96	CS 95-184	Joint Comments of Building Owners and Managers Association International, National Realty Committee, National Multi-Housing Council, National Apartment Association, Institute of Real Estate Management, and the National Association of Home Builders
2. 3/18/96	MM 92-260	Joint Comments of Building Owners and Managers Association International, National Realty Committee, National Multi-Housing Council, National Apartment Association, Institute of Real Estate Management, and the National Association of Home Builders
3. 3/18/96	CS 95-184	Comments of the National Association of Real Estate Investment Trusts
4. 3/18/96	CS 95-184	Comments of the International Council of Shopping Centers
5. 3/18/96	CS 95-184	Comments of the National Association of Industrial and Office Properties
6. 4/15/96	IB 95-59 DA 91-577	Joint Comments of the National Apartment Association, Building Owners and Managers Association International, National Realty Council, Institute of Real Estate Management, International Council of Shopping Centers, National Multi-Housing Council, American Seniors Housing Association, and the National Association of Real Estate Investment Trusts

Date	Docket	Name of Filing
7. 4/17/96	MM 92-260	Joint Reply Comments of Building Owners and Managers Association International, National Realty Committee, National Multi-Housing Council, National Apartment Association, National Association of Real Estate Investment Trusts, and the Institute of Real Estate Management
8. 4/17/96	CS 95-184	Joint Reply Comments of Building Owners and Managers Association International, National Realty Committee, National Multi-Housing Council, National Apartment Association, Institute of Real Estate Management, and the National Association of Real Estate Investment Trusts
9. 5/6/96	IB 95-59 DA 91-577	Joint Reply Comments of the National Apartment Association, Building Owners and Managers Association International, National Realty Committee, Institute of Real Estate Management, International Council of Shopping Centers, National Multi-Housing Council, American Seniors Housing Association, and the National Association of Real Estate Investment Trusts
10. 5/6/96	CS 96-83	Joint Comments of the National Apartment Association, Building Owners and Managers Association International, National Realty Committee, Institute of Real Estate Management, International Council of Shopping Centers, National Multi-Housing Council, American Seniors Housing Association, and the National Association of Real Estate Investment Trusts
11. 5/6/96	CS 96-83	Joint Response to Initial Regulatory Flexibility Analysis of the National Apartment Association, Building Owners and Managers Association, National Realty Committee, Institute of Real Estate Management, International Council of Shopping Centers, National Multi-Housing Council, American Seniors Housing Association, and the National Association of Real Estate Investment Trusts
12. 5/21/96	CS 96-83	Joint Reply Comments of the National Apartment Association, Building Owners and Managers Association International, National Realty Committee, Institute of Real Estate Management, International Council of Shopping Centers, National Multi-Housing Council, American Seniors Housing Association, and the National Association of Real Estate Investment Trusts

	Date	Docket	Name of Filing
13.	6/3/96	MM 96-98	Joint Reply Comments of the Building Owners and Managers Association International, National Realty Committee, National Multi-Housing Council, National Apartment Association, International Council of Shopping Centers, and the Institute of Real Estate Management
14.	9/27/96	IB 95-59 CS 96-83	Joint Comments of the National Apartment Association, Building Owners and Managers Association, National Realty Committee, Institute of Real Estate Management, International Council of Shopping Centers, National Multi-Housing Council, American Seniors Housing Association, and the National Association of Real Estate Investment Trusts
15.	9/27/96	IB 95-59 CS 96-83	Joint Response to Initial Regulatory Flexibility Analysis of the National Apartment Association, Building Owners and Managers Association, National Realty Committee, Institute of Real Estate Management, International Council of Shopping Centers, National Multi-Housing Council, American Seniors Housing Association, and the National Association of Real Estate Investment Trusts
16.	9/27/96	CS 96-83	Comments of the National Association of Home Builders
17.	9/27/96	CS 96-83	Comments of the National Association of Realtors
18.	10/28/96	IB 95-59 CS 96-83	Joint Reply Comments of the National Apartment Association, Building Owners and Managers Association, National Realty Committee, Institute of Real Estate Management, International Council of Shopping Centers, National Multi-Housing Council, American Seniors Housing Association, and the National Association of Real Estate Investment Trusts
19.	12/27/96	CS 95-184	Joint Request for Official Notice of Building Owners and Managers Association International, National Realty Committee, National Multi-Housing Council, National Apartment Association, Institute of Real Estate Management, National Association of Real Estate Investment Trusts, and the International Council of Shopping Centers

	Date	Docket	Name of Filing
20.	9/25/97	CS 95-184 MM 92-260	Further Joint Comments of Building Owners and Managers Association International, Institute of Real Estate Management, International Council of Shopping Centers, National Apartment Association, National Housing Council, and the National Realty Committee
21.	10/6/97	CS 95-184 MM 92-260	Further Joint Reply Comments of Building Owners and Managers Association International, Institute of Real Estate Management, International Council of Shopping Centers, National Apartment Association, National Multi-Housing Council, and the National Realty Committee
22.	1/15/98	CS 95-184 MM 92-260	Opposition to Petitions for Reconsideration
23.	3/15/98	CS 95-184 MM 92-260	Joint Surreply Comments of Building Owners and Managers Association International, Institute of Real Estate Management, International Council of Shopping Centers, National Apartment Association, National Multi-Housing Council, and the National Realty Committee

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REAL ACCESS ALLIANCE EXECUTIVE SUMMARY

EXECUTIVE SUMMARY

AUGUST 1999

Charlton Research Company is pleased to present this Executive Summary of a survey conducted on behalf of the Real Access Alliance. This study, which was conducted from July 26 to August 4, 1999, consisted of 316 interviews. Questionnaires were mostly distributed and returned via facsimile, although a select few were distributed via email or conducted by telephone. The margin of error for a sample this size is $\pm 5.5\%$. Please refer to Appendix A for a detailed methodology.

OBJECTIVES

The overall objective of this study was to gather information from real estate owners, managers, and decision makers on the issue of telecommunications leases. Specific key objectives of this study included:

- **Assessing the level of access granted to competitive telecommunications services by real estate owners and managers.**
- **Effectively gauging the length of time it takes to negotiate telecommunications leases.**
- **Determining the primary motivation for real estate owners and managers offering telecommunications services to tenants.**

KEY FINDINGS

A number of different key findings were uncovered during the course of this study. Real estate owners and managers are being inundated with solicitations from competitive telecommunications providers. However, the results of this study prove that owners and managers are responding positively to these solicitations. In fact, most of the solicitations within the past year have either resulted in a signed contract or are currently in negotiation. Additionally, while these new telecommunications leases take somewhat longer to negotiate than traditional tenant leases, they generally take less than six months to fully negotiate. Finally, the data show that above all else, tenant satisfaction is the primary driver for providing service in the emerging telecommunications marketplace.