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RECEIVED
AUG 30 1999
August 26, 1999

MS. MAGALIE ROMAN SALAS, SECRETARY
FEDERAL COMMUNICATIONS COMMISSION
445 12TH ST. 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:

I am writing in response to the FCC's Notice of proposed Rulemaking released on
July 7, 1999, regarding forced access to buildings.

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

My company, Hampton Gardens is in the business of managing multifamily
apartment homes in Massachusetts.

I am concerned by the proposed rule. It seeks to give a permanent easement to any
telecommunications provider that has an interest in selling services to my tenants
without my consent. It purports to do this in the name of consumer protection,
hoping to provide less expensive services to tenants through a system you have called
"non-discriminatory access". I believe this practice is misguided, is unnecessary, and
will harm the residents in my property.

First, let me assure you that my company is doing everything it can to meet our
tenants' needs and demands for access to a wide range of telecommunications
services. Ours is an extremely competitive industry. We compete with other
multifamily properties in every community in which our properties are located. In
addition to competing on unit size, location and lay-out, one of the primary areas of
competition is the set of amenities we can provide to our tenants. One of the most
important of these is telecommunication services.

2000 Hampton Gardens Drive
Northampton, MA 01060
413 • 586 • 1405
VOICE/TDD 413 • 585 • 5926
FAX 413 • 586 • 8038

File of 3 plus notes 0
151A1005



My company studies the market, analyzes the best package of telecommunications services available, determines what our tenants want and negotiates vigorously with providers of these services. If tenants with month-to-month or one year tenancies are forced to negotiate directly with national or international telecommunications firms, they will be at a decided disadvantage. My company has the negotiating strength afforded one who represents hundreds 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 costs 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?

I must note that the proposed rule raises the following additional concerns: it would expand the scope of existing easements; in some instances it will interfere with existing exclusive contracts; and it may expand the satellite dish rules to include non-video services.

I further offer these comments:

1. FCC Action is Not Necessary

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 a particular building. Nondiscriminatory access discriminates in favor of the first few entrants.
- + Building owners must have control over space occupied by telecommunications providers, especially when there are multiple providers involved. This is to protect the tenants and to protect the integrity of the building itself as well as its appearance.
- + Building owners must have control over who enters their buildings: 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 new 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 depends on many factors.
- + 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 cannot be forced to apply old contracts as lowest common denominator when owner had no real choice.

3. Scope of Easements

- + The FCC cannot and should not expand the scope of easements already provided, to existing telecommunications providers 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 of private property.

4. Exclusive Contracts

Benefits of exclusive contracts to our tenants, such as the ability to aggregate demand and negotiate better deals than they could get on their own must not be overlooked.

5. Expansion of Satellite Dish Rule

- + I oppose the existing rule because do not believe that Congress meant to interfere with my ability to manage multifamily 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.
- + Tenants installing antennas in an unsafe manner, or in areas outside their leased premises illustrate the problem further.

In summary, I am very much opposed to the proposed rule and urge the FCC to refrain from issuing it in final form. Thank you for your consideration of my views.

Cordially,
HAMPTON GARDENS



Gerard Hughes
Senior Property Manager

The Meadows Office Center
161 Worcester Road
Framingham, Massachusetts
01701-5300

TELEPHONE 508 • 875 • 9670
TELEFAX 508 • 875 • 9839

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Spear Management Group, Inc.

August 23, 1999

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AUG 30 1999

FCC MAIL ROOM

Ms. Magalie Roman Salas, Secretary
Federal Communications Commission
445 12th St. 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:

I am writing in response to the FCC's Notice of proposed Rulemaking released on July 7, 1999, regarding forced access to buildings. I have enclosed six (6) copies of this letter, in addition to the original.

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

My company, Spear Management Group, Inc. is in the business of providing rental multifamily apartment homes in Massachusetts and Maine.

I am concerned by the proposed rule. It seeks to give a permanent easement to any telecommunications provider that has an interest in selling services to my tenants without my consent. It purports to do this in the name of consumer protection, hoping to provide less expensive services to tenants through a system you have called "non-discriminatory access". I believe this practice is misguided, is unnecessary, and will harm the residents in my properties.

First, let me assure you that my company is doing everything it can to meet our tenants' needs and demands for access to a wide range of telecommunications services. Ours is an extremely competitive industry. We compete with other multifamily properties in every community in which our properties are located. In addition to competing on unit size, location and lay-out, one of the primary areas of competition is the set of amenities we can provide to our tenants. One of the most important of these is telecommunication services.



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In each of my properties, in each market in which we are located, my company studies the market, analyzes the best package of telecommunications services available, determines what our tenants want and negotiates vigorously with providers of these services. If tenants with month-to-month or one year tenancies are forced to negotiate directly with national or international telecommunications firms, they will be at a decided disadvantage. My company has the negotiating strength afforded one who represents hundreds 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 costs 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?

I must note that the proposed rule raises the following additional concerns: it would expand the scope of existing easements; in some instances it will interfere with existing exclusive contracts; and it may expand the satellite dish rules to include non-video services.

I further offer these comments:

1. FCC Action is Not Necessary

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 a particular building. Nondiscriminatory access discriminates in favor of the first few entrants.
- Building owners must have control over space occupied by telecommunications providers, especially when there are multiple providers involved. This is to protect the tenants and to protect the integrity of the building itself as well as its appearance.
- Building owners must have control over who enters their buildings: 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 new 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 depends on many factors.
- 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 cannot be forced to apply old contracts as lowest common denominator when owner had no real choice.

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Telecommunication Letter

Page 3

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3. Scope of Easements

FCC RULE DRAFT

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- 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.

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Benefits of exclusive contracts to our tenants, such as the ability to aggregate demand and negotiate better deals than they could get on their own must not be overlooked.

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- I oppose the existing rule because do not believe that Congress meant to interfere with my ability to manage multifamily 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.
- Tenants installing antennas in an unsafe manner, or in areas outside their leased premises illustrate the problem further.

In summary, I am very much opposed to the proposed rule and urge the FCC to refrain from issuing it in final form. Thank you for your consideration of my views.

Cordially,
SPEAR MANAGEMENT GROUP, INC.

?

Diane M. Andes, CPM
Vice President



RENT STABILIZATION ASSOCIATION • 123 William Street • New York, NY 10038

Joseph Strasburg
President

Tel: (212) 214-9222
Fax: (212) 732-0617

AUG 30 1999

August 25, 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) copies 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.

Background

The Rent Stabilization Association represents over 25,000 owners and managers of residential property in New York City that collectively contain over one million units of housing.

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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 tenant's 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; and expansion of the existing satellite dish or "OTARD" rules to include nonvideo services.

1. **FCC Action Is Not Necessary.**

In New York City owners are accommodating tenants needs as they become apparent and are practical.

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.
- Building owners 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. 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. New companies without a track record pose greater risks than established ones for example, 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.
- Buildings 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 unregulated competitive market decide and allow owners to re-negotiate terms of all contracts. Owners should not be forced to apply old contracts as the lowest common denominator when traditionally the 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 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 government would allow other companies to piggy-back, they would have negotiated different terms. Expanding rights now would be a taking.

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. Expansion of Satellite Dish Rules

- We are opposed 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 our concerns.

Sincerely,

Joseph Strasburg

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FCC MAIL ROOM
**Hartford Community
Development Authority**

EQUAL HOUSING OPPORTUNITY
IGUALDAD DE OPORTUNIDAD EN LA VIVIENDA

August 26, 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. 99-127, 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) copies 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.

The Hartford Community Development Authority is in the real estate business. We own and/or manage almost 200 units of residential rental housing.

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 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.

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



109 North Main Street • Hartford WI 53027
PH 414-673-8217 • FX 414-673-8234 • Weatherization 414-673-8215
Harthaven 414-673-4018 • TDD 414-673-8224

Handwritten notes: "List ABCDE" and "List ABCDE" with a circled "10" above it.



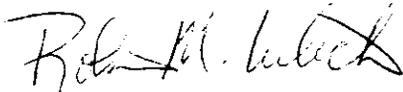
Exclusive Contracts: They generally work to the benefit of our residents and they give competitors a chance to establish a foothold in our area.

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,

A handwritten signature in black ink, appearing to read "Robin M. Lulich". The signature is written in a cursive style with a large, sweeping initial "R".

Robin Lulich
Director

Cc: HCDA Board

RECEIVED

AUG 30 1999

FCC MAIL ROOM



Meadow View East

2323 EASTMAN AVENUE

MEADOW VIEW EAST
2323 EASTMAN AVE.
GREEN BAY, WI 54302
PHONE: (920) 465-6772
FAX: (920) 465-8250

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 Provisions in the Telecommunications
Act of 1996, CC Docket No. 98-98

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. The Commission's public notice also raises a number of other issues that concern us.

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 nonvideo services.

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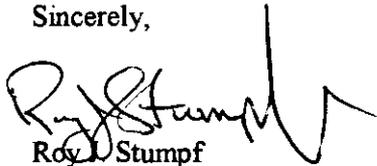
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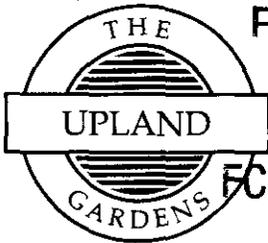
We believe no further action is necessary on these key issues is needed.

Thank you for your attention to our concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Roy D. Stumpf". The signature is written in a cursive style with a large initial "R" and a long, sweeping underline.

Roy D Stumpf
Meadow View East Apartments
2323 Eastman Ave.
Green Bay, WI 54302



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FCC MAIL ROOM

MS. MAGALIE ROMAN SALAS, SECRETARY
FEDERAL COMMUNICATIONS COMMISSION
445 12TH ST. SW - TW- A325
WASHINGTON, D.C. 20554

Re: Promotion of Competitive Networks in Local Telecommunications Markets,
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My company, Upland Gardens is in the business of managing multifamily apartment homes in Massachusetts.

I am concerned by the proposed rule. It seeks to give a permanent easement to any telecommunications provider that has an interest in selling services to my tenants without my consent. It purports to do this in the name of consumer protection, hoping to provide less expensive services to tenants through a system you have called "non-discriminatory access". I believe this practice is misguided, is unnecessary, and will harm the residents in my property.

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7-2 Upland Gardens Drive
Worcester, MA 01607
508 • 798 • 8688

VOICE/TDD 508 • 754 • 5253
FAX 508 • 798 • 8598

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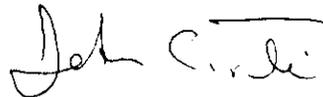
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- ★ Tenants installing antennas in an unsafe manner, or in areas outside their leased premises illustrate the problem further.

In summary, I am very much opposed to the proposed rule and urge the FCC to refrain from issuing it in final form. Thank you for your consideration of my views.

Cordially,
UPLAND GARDENS



John Cinti
Property Manager



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My company, Westbrook Gardens is in the business of managing multifamily apartment homes in Maine.

I am concerned by the proposed rule. It seeks to give a permanent easement to any telecommunications provider that has an interest in selling services to my tenants without my consent. It purports to do this in the name of consumer protection, hoping to provide less expensive services to tenants through a system you have called "non-discriminatory access". I believe this practice is misguided, is unnecessary, and will harm the residents in my property.

First, let me assure you that my company is doing everything it can to meet our tenants' needs and demands for access to a wide range of telecommunications services. Ours is an extremely competitive industry. We compete with other multifamily properties in every community in which our properties are located. In addition to competing on unit size, location and lay-out, one of the primary areas of competition is the set of amenities we can provide to our tenants. One of the most important of these is telecommunication services.

41 Westbrook Gardens
Westbrook, ME 04092
207 • 856 • 6338

VOICE/TDD 207 • 854 • 2544
FAX 207 • 856 • 6339

FILED IN THE
List ABCDE



My company studies the market, analyzes the best package of telecommunications services available, determines what our tenants want and negotiates vigorously with providers of these services. If tenants with month-to-month or one year tenancies are forced to negotiate directly with national or international telecommunications firms, they will be at a decided disadvantage. My company has the negotiating strength afforded one who represents hundreds 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 costs 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?

I must note that the proposed rule raises the following additional concerns: it would expand the scope of existing easements; in some instances it will interfere with existing exclusive contracts; and it may expand the satellite dish rules to include non-video services.

I further offer these comments:

1. FCC Action is Not Necessary

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 a particular building. Nondiscriminatory access discriminates in favor of the first few entrants.
- + Building owners must have control over space occupied by telecommunications providers, especially when there are multiple providers involved. This is to protect the tenants and to protect the integrity of the building itself as well as its appearance.
- + Building owners must have control over who enters their buildings: 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 new 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 depends on many factors.
- + 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 cannot be forced to apply old contracts as lowest common denominator when owner had no real choice.

3. Scope of Easements

- + The FCC cannot and should not expand the scope of easements already provided, to existing telecommunications providers 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 of private property.

4. Exclusive Contracts

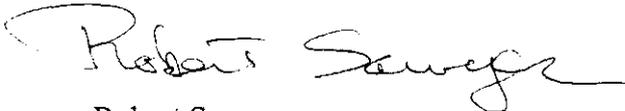
Benefits of exclusive contracts to our tenants, such as the ability to aggregate demand and negotiate better deals than they could get on their own must not be overlooked.

5. Expansion of Satellite Dish Rule

- + I oppose the existing rule because do not believe that Congress meant to interfere with my ability to manage multifamily 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.
- + Tenants installing antennas in an unsafe manner, or in areas outside their leased premises illustrate the problem further.

In summary, I am very much opposed to the proposed rule and urge the FCC to refrain from issuing it in final form. Thank you for your consideration of my views.

Cordially,
WESTBROOK GARDENS



Robert Sawyer
Senior Property Manager

TRUST
PROPERTY MANAGEMENT

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AUG 30 1999

FCC MAIL ROOM

Secretary
Federal Communications Commission
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) copies 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.

Trust Property Management is in the real estate business. We manage almost 30,000 units nationwide and deal with a diversity o physical and socioeconomic markets. We offer choices of phone services on numerous properties, one outside vendor and the local franchise phone company. However, after seeing the disruptions to service this can cause, we are extremely concerned about the ability to properly manage a property that has numerous phone companies coming in and out. The end result will be disrupted service for many.

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 telecommunication. 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 nonvideo services.

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FCC Action is Not Necessary: We are aware of the importance of telecommunication 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. **FCC MAIL ROOM**

"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.

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

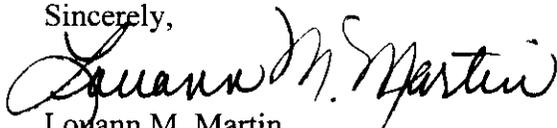
Exclusive Contracts: They generally work to the benefit of our residents and they give competitors a chance to establish a foothold in our area.

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,



Louann M. Martin

Asset Manager

Trust Property Management

12000 Ford Road, Suite 245 Dallas, TX 75234
Phone 972/ 620-5686 - Fax 972/ 620-5688



STATE WIDE INVESTORS INC.

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AUG 30 1999

August 23, 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
Market, 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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I am a Board Member of the Apartment Association, California Cities which is a non-profit trade Association that represents owners and operators, like my self, of rental housing in Southern Los Angeles County. They provide services and education for 3,000 members and we are currently celebrating our 75th Anniversary in Long Beach, California. We represent more than 200,000 units in California.

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

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SWI GROUP OF COMPANIES

Ms. Magalie Roman Salas, Secretary

Re: WT Docket No. 99-217

CC Docket No. 96-98

August 19, 1999

Page Two

demarcation point; exclusive contracts; and expansion of the existing satellite dish or "OTARD" rules to include nonvideo services.

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Ms. Magalie Roman Salas, Secretary

Re: WT Docket No. 99-217

CC Docket No. 96-98

August 19, 1999

Page Three

property. The FCC should not expand the rules to include data and other services.

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

Thank you for your attention to our concerns.

Sincerely

A handwritten signature in cursive script that reads "Roy E. Hearrean". The signature is written in black ink and is positioned above the printed name and title.

Roy E. Hearrean
President



APARTMENT ASSOCIATION

CALIFORNIA SOUTHERN CITIES, INC.

4120 Atlantic Avenue
Long Beach, CA 90807-2910



AUG 30 1999

TW-2049

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



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AUG 30 1999

FCC MAIL ROOM

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

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Thank you for your attention to our concerns.

Sincerely,



JTS DEVELOPMENT LLC

JTS DEVELOPMENT LLC
P.O. BOX 369
DEPERE WI 54115

TWB 204

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MS MAGALIE ROMAN SALAS
SECRETARY
FEDERAL COMMUNICATIONS COMMISSION
445 12TH ST SW, TW-A325
WASHINGTON DC 20554

