

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

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In the Matter of )	
Telecommunications Services )	CS Docket No. 95-184
Inside Wiring )	
Customer Premises Equipment )	
In the Matter of )	
Implementation of the Cable )	
Television Consumer Protection )	MM Docket No. 92-260
and Competition Act of 1992: )	
Cable Home Wiring )	
_____ )	

**REPLY COMMENTS OF THE REAL ACCESS ALLIANCE  
AND THE COMMUNITY ASSOCIATIONS INSTITUTE**

**Introduction**

The Real Access Alliance and the Community Associations Institute (the “Associations”) respectfully submit these Reply Comments, in response to two arguments made by the National Cable and Telecommunications Association (“NCTA”).

**Discussion**

**1. Accessing wiring behind sheetrock causes significant damage and imposes significant costs.** NCTA asserts that accessing wiring behind sheetrock does not impose significant difficulty, cost, or damage. In particular, NCTA claims that obtaining access to wiring under such circumstances “does not affect the aesthetics of the building,” is not difficult to perform, and costs only \$25 per unit to perform. NCTA Comments at 3, 6. The comments submitted by other parties in response to the Further Notice of Proposed Rulemaking shows that

none of these claims is true. NCTA postulates a best-case scenario that actually never arises in the real world.

RCN and IMCC submitted evidence that the actual cost of obtaining access to wiring behind sheetrock is actually far greater than \$25, with the minimum estimate being \$127 per unit, or over five times NCTA's claimed cost. RCN Comments, Holbert Aff., at ¶ 11; *see also* IMCC Comments at 7. The actual total cost for a typical apartment building would be in the tens of thousands of dollars. Furthermore, NCTA clearly assumes a best-case scenario, in which cuts are the smallest possible size and each cut is in exactly the right place, the first time. This is unrealistic on its face.

In addition, NCTA's figure is so low that it cannot possibly account for an adequate restoration of the appearance of the premises. As demonstrated in our opening comments, aesthetic considerations are very important to property owners because they are very important to residents. Homeowners' associations and property managers will receive complaints from residents if construction work is done in hallways, or if access to their units is required for construction (especially if it does not directly benefit the resident). But residents will also complain if cuts are not repaired properly or if paint or wallpaper does not match after the work is done. This is simply not the trivial matter NCTA pretends it to be.

NCTA also understates the difficulty of the work required. It is true that it is not hard to make a hole in sheetrock – but fixing the hole is another thing entirely. Restoring walls and ceilings to their original condition and appearance is much more difficult and time-consuming than punching the hole. Not only does the appearance of the surface have to be properly matched, but the quality of the work beneath the surface is critical. This includes ensuring that holes under the surface are properly firestopped, that insulation is replaced, and so on. It is hard

to believe that all of this restoration work can be done as cheaply as NCTA claims, and the estimates submitted by RCN and IMCC indicate that it cannot.

It is important to remember that cable operators and building owners have different priorities: the cable operator, or its wiring contractor, is only concerned with getting the wiring put in as quickly and cheaply as possible. The building owner or homeowners' association, however, is responsible for the long-term satisfaction of residents and for preserving the condition of the building. As discussed in our opening comments, building owners and homeowners' associations are also responsible for ensuring compliance with fire codes and other safety requirements. Fire code violations, moisture leaks, and other internal problems may be hidden by surface restoration work, and not be discovered until long after the work was ostensibly completed. Thus, statements from cable operators and their contractors are not a good guide to what constitutes significant damage to a building.

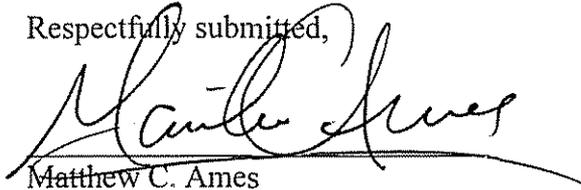
We must acknowledge that NCTA's comments suggest that some property owners allow the cutting of sheetrock. There may be property owners who are less concerned with disruption to their tenants, code compliance, or the final appearance of their buildings, who allow such work to be done. If so, however, the practice remains uncommon and is not considered a good business practice by most property owners. *See, e.g.*, Ex. F to Associations' Comments, Declaration of Michael Tremmel at ¶ 5 ("In general (with some exceptions, depending on the overall construction of the building), installing new cabling inside existing sheetrock walls throughout a building is effectively impossible. I have been involved in the installation of communications systems for the past 17 years, in almost every type of construction. I know first hand that drywall access in the residential arena is, in most cases, not even an option.")

**2. The likelihood that building owners will not allow access to wiring behind sheetrock is relevant to the Commission's inquiry.** NCTA argues that whether building owners choose to allow cable operators to access wiring behind sheetrock should not be relevant to the Commission's analysis. NCTA is again incorrect. The fact that building owners are unwilling to allow sheetrock to be cut – as clearly demonstrated by the declarations attached to our opening comments – is highly relevant. Property owners do not ban the cutting of sheetrock arbitrarily: they ban it because it causes significant damage. As each of the property owner declarants stated, they do not allow installations that require cutting sheetrock to obtain access to wiring because there are too many problems associated with it. Indeed, the fact that building owners do not allow it is *prima facie* evidence that obtaining access to wiring behind sheetrock is comparable to obtaining access to wiring behind brick or block, because building owners treat both types of installation in the same way. Furthermore, property owners favor the development of competition for the delivery of services, either head-to-head or as an alternative to an incumbent, as evidenced by the support of the Associations for both the original sheetrock rule and the cable home run wiring rules. They are prepared to allow the installation of wiring that uses other methods. *See, e.g.*, Ex. C to Associations' Comments, Declaration of Greg McDonald at ¶ 5 (“We use open attic space where possible, and in some cases have installed external molding to cover the wire”). They reject this particular method because of its adverse effects on the property and on tenants' quality of life. Thus, the fact that they reject the method is strong evidence of its impracticality.

## CONCLUSION

For all the foregoing reasons, wiring behind sheetrock should be treated in the same fashion as wiring behind brick, block, and metal conduit.

Respectfully submitted,



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