

January 29, 2003

Separate Statement of Commissioner Michael J. Copps

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

This proceeding involves thorny issues, and it may be that we've taken so long to resolve it because there are compelling arguments on both sides and no easy answers. Despite threats of litigation by cable operators when the rules were adopted, the industry has refrained from actively pursuing legal challenge, which has given us time to see how the rules work in practice.

Some argue that the "home run" wiring disposition procedures affirmed in this *Order* will deprive renters of the benefits of the competitive video programming marketplace, simply because they do not own their homes. I, for one, would welcome the ability to treat renters and homeowners more alike than we presently do. Cable provision is not generally a competitive environment, and it would benefit both cable and consumers if it were more competitive. Nevertheless, the Commission is, at present, constrained in what it can do by significant legal considerations, including landowners' property rights.

Under the circumstances, I believe the order strikes a rational balance. I therefore support the decision.