

MEMORANDUM

July 6, 1998

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (BEDELL) *CB*
 DIVISION OF RESEARCH & REGULATORY REVIEW (HOPPE) *and*

RE: IN RE: PROJECT NO. 980000B-SP - ISSUE IDENTIFICATION
 WORKSHOP FOR UNDOCKETED SPECIAL PROJECT: ACCESS TO
 CUSTOMERS IN MULTI-TENANT ENVIRONMENTS

Attached are filings made by fax in the above-referenced special project. If at all possible, we would like for each of these documents to be listed separately in CMS so that the participants can identify which documents they may wish to copy. All of these documents represent issues which the participants have identified for this special project.

Dated	From	Subject
6/29/98 (Letter)	Central Florida Commercial Real Estate Society	List of concerns
6/29/98 (Fax)	Community Associations Institute - Florida Legislative Alliance - Richard L. Spears	List of issues
6/29/98 (Fax)	Association for Local Telecommunications Services (ALTS) - Willkie Farr & Gallagher Law Firm	Proposed List of Issues
7/2/98 (Fax & Mail Letter)	BOMA/Florida - John Lee Brewerton, III, P.A.	List of issues
6/29/98 (Fax)	Teligent, Inc. - Willkie Farr & Gallagher Law Firm	Concurs with ALTS' proposed list of issues

NCK _____
 AFA _____
 APP _____
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 CMU _____
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REC-RECORDS/REPORTING

TRANSMITTAL MEMO

July 6, 1998

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Dated	From	Subject
6/29/98 (Fax & Mail Letter)	Apartment Investment and Management Co. (AIMCO)	Opposition to Section 6, HB 3785
7/2/98 (Fax)	Intermedia Communications, Inc. - Wiggins & Villacorta, P.A.	Memo - list of issues

CB/slh

Attachment

cc: Division of Communications (Moses)

I: 9800bm3.cb



Central Florida Commercial Real Estate Society

621 E. Central Boulevard

P.O. Box 587

Orlando, FL 32802-0587

Tel: (407) 422-5143 • Fax: (407) 422-6879

June 29, 1998

Mr. Dan Hoppe
Director of Research and Regulatory Review
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

Received

JUL - 1 1998

Dear Mr. Hoppe:

Thank you for your memorandum of June 15, 1998 regarding Special Project No. 980000B-SP- Access by Telecommunications Companies to Customers in Multi-Tenant Environments. The Central Florida Commercial Real Estate Society had been following this issue closely during the 1998 Legislative Session and we appreciate the opportunity to share our concerns with the Commission regarding this issue. We look forward to attending the public hearings and working with the Commission to find a reasonable and applicable solution.

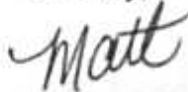
Property managers and owners understand the need for nondiscriminatory access for telecommunications companies; however, the actual implementation of such a policy does raise several questions and concerns that I have outlined below. Please consider these concerns in your framework for discussion on July 7th.

1. What is the state's definition of access? Must a property owner provide 24-hour entry into the property?
2. Space is limited in most existing buildings. How does a property owner determine which company gets the existing space and which one does not if there is not enough room for all of them?
3. At what point does providing space become an unreasonable burden?
4. Will property owners be able to charge fees for space used and access rights as long as the fees are not discriminatory?
5. Will a monthly fee be allowed to compensate for loss space?
6. Will property owners be able to limit their liability for telecommunications equipment and personnel?
7. Can property owners limit the scope of access?
8. Can property owners charge for after hours or emergency access?
9. Has any thought been given to future technology needs such as satellite and transmission dishes? What will the property owners be required to provide in these situations?

I hope this outline has been helpful. Members of the Central Florida Commercial Real Estate Society will attend the meeting on July 7th and be able to elaborate their concerns regarding these issues. If you have any questions or need any additional information, please do not hesitate to contact Frankie Callen, Vice President of Governmental Affairs, at 407.422.5143 x319.

We look forward to working with the Commission on this worthwhile project.

Sincerely,

A handwritten signature in cursive script that reads "Matt".

Matthew Sullivan
President

CC: Gene Adams, Vice President of Governmental Affairs, Florida
Association of REALTORS®

A FAX FROM RICHARD L. SPEARS**FAX & Phone: (407) 876-2958**

To: Catherine Bedell, Senior Attorney, Florida PSC
FAX Number: 850-413-6250
Subject: Special Project No. 980000B-SP - Access by
Telecommunications Companies to Customers in Multi-Tenant
Environments.
Pages: -4-
Date: June 29, 1998
Copies to: Dan Hoppe, Director of Research and Regulatory Review, PSC


Per Dan Hoppe's memorandum of June 15, 1998, the attached memorandum is submitted to present issues associated with telecommunications companies serving customers in multi-tenant environments as described in this project.



COMMUNITY ASSOCIATIONS INSTITUTE

FLORIDA LEGISLATIVE ALLIANCE

TO: Dan Hoppe, Director of Research & Regulatory Review Florida Public Service Commission
Catherine Bedell, Senior Attorney Florida Public Service Commission

FROM: Richard L. Spears, Legislative Chairman
Community Associations Institute, Florida Legislative Alliance 

DATE: June 29, 1998

RE: Issues For July 7, 1998 Workshop Discussion

Thank you for the opportunity to submit issues for consideration at the upcoming July 7, 1998 Public Service Commission (PSC) workshop pertaining to Special Project No. 980000B-SP: Access by Telecommunications Companies to Customers in Multi-Tenant Environments.

The Community Associations Institute's (CAI) Florida Legislative Alliance represents Florida's condominium associations, cooperatives and homeowners associations. Approximately 11,000,000 individuals reside in more than 55,000 associations throughout the state. Many of these citizens participate actively in CAI's nine Florida Chapters. Nationally, CAI provides a voice for the 42 million people who live in over 200,000 community associations of all sizes and architectural types throughout the United States. In Florida, and nationally, CAI represents this extensive constituency on a range of issues including taxation, bankruptcy, insurance, private property rights, telecommunications, fair housing, electric utility deregulation, and community association manager credentialing. CAI also has extensive community association homeowner and manager education programs. In addition to individual homeowners, CAI's multidisciplinary membership encompasses community association managers and management firms, attorneys, accountants, engineers, builders/developers, and other providers of professional products and services for community homeowners and their associations.

CAI is aware that the PSC is conducting this workshop as a result of proposed "forced entry" language considered, but not adopted, during the recent session of the Florida Legislature. Such a forced entry policy would allow telecommunications service providers to enter and install equipment, wiring and facilities at will within any community association regardless of space limitations, the association's safety and security concerns, provider negligence, or the desire of the

residents within the community. CAI is keenly interested in this PSC proceeding to address these issues and is pleased to provide the following initial points for consideration:

- Access by telecommunications companies to community association or other property should not be regulated by the state but should remain a function of the marketplace. A telecommunications provider's access to community associations is based on the quality of services it provides and the demand for those services. A reputable provider with a quality service will be competitive in this environment and the state should encourage such competition rather than create artificial markets for providers seeking to avoid it.
- Florida should not grant telecommunications companies a special statutory or regulatory privilege to take private property for their economic gain. It is unnecessary and inappropriate to limit the rights of community associations and their residents simply to advance the business plans of various telecommunications providers.
- Telecommunications companies should have to properly negotiate with community associations or professionally address their concerns when seeking space and services for the installation of wiring and equipment.
- Forced entry proposals ignore the absolute space limitations inherent in every building or property. Real estate is a finite resource and common area space is always limited. It is simply not possible for community associations to accommodate an unlimited number of providers.
- Forced entry proposals dismiss the vital issues of community security and safety. Removing an association's prerogative to regulate the access of providers to building or community systems limits the association's ability to protect residents and their telecommunications service, the equipment of all providers, and the property itself.
- Forced entry proposals dismiss the risks and liabilities that associations will be forced to incur if unlimited providers are encouraged to add and remove services and equipment at will to their properties. The association is ultimately responsible for what occurs within the common areas and the community and its residents should not be placed at undue risk by providers' unregulated activities.
- Forced entry proposals dismiss the importance of a telecommunications provider's knowledge, expertise and reputation. The telecommunications industry is growing rapidly and provider quality varies tremendously. To ensure that community association residents receive dependable services, association boards of directors must be able to weigh factors such as a provider's reputation when allocating limited space to telecommunications companies. This is imperative if residents are to have a variety of dependable telecommunications options and confidence that the providers are committed to the community's long-term interests.
- Forced entry proposals contradict ongoing Federal Communications Commission (FCC) initiatives. Rather than have one or two providers occupy limited space to the exclusion of others, the FCC has begun to require that all providers (including local phone companies) stop at the property line of multi-unit buildings so there will be choice for consumers and equal opportunity for all telecommunications providers. The FCC and the U.S. Congress, as well as several other states, have

already rejected forced entry proposals.

- Forced entry proposals reflect little to no regard for a community association's responsibility and commitment to serve residents while protecting the physical and financial integrity of the property. They undermine every responsibility associations have to properly serve their owners and the properties.

In short, forced entry proposals are inappropriate for a free market grounded on competition and the respect for private property. A forced entry policy would not advance a competitive telecommunications environment, but instead would expose the Florida's community association residents to undue risks, costs and chaos.

Rather than entertain the concept for forced entry, this workshop should examine why various telecommunications companies do not wish to address the legitimate matters community associations and other multi-unit properties must address to effectively and professionally manage their telecommunications environment.

CAI appreciates the opportunity to submit these initial thoughts in preparation for the upcoming workshop and looks forward to participating in thorough discussions on these and other topics. Should you have any questions prior to the July 7, 1998 workshop, please do not hesitate to contact me by phone/FAX (407-876-2958) or e-mail (Spears2132@aol.com)

cc Carole Sappington, PCAM, Chairman, CAI/Florida Legislative Alliance
Rodney D. Clark, Vice President of Government & Public Affairs, CAI

WILLKIE FARR & GALLAGHER**FAX TRANSMISSION**

Three Lafayette Centre 1155 21st St., N.W. Suite 600 Washington, D.C. 20036-3384 (202) 328-8000

Date: June 29, 1998

Time: 4:14 PM

Total number of pages (including this page): 5

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State: Florida

Country:

Please include Client/Matter No. below

FROM: Gunnar Halley

Room No.:

Phone No.: (202) 429-4716

TO: CATHERINE BEDELL, ESQ.

ATTN: CATHERINE BEDELL

RE: Special Project No. 980000B-SP - Access by Telecommunications Companies to Customers in Multi-Tenant Environments

PROPOSED LIST OF ISSUES SUBMITTED BY THE ASSOCIATION FOR LOCAL TELECOMMUNICATIONS SERVICES.

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Matter No.: 00801

Attorney No.: 09563

BEFORE THE
Florida Public Service Commission
Tallahassee, Florida

In the Matter of)
)
Access by Telecommunications) Special Project
Companies to Customers in) No. 980000B-SP
Multi-Tenant Environments)

THE ASSOCIATION FOR LOCAL TELECOMMUNICATIONS
SERVICES' PROPOSED LIST OF ISSUES TO BE ADDRESSED

Richard J. Metzger
Emily M. Williams
The Association for Local
Telecommunications Services
Suite 900
888 17th Street, N.W.
Washington, D.C. 20006

June 29, 1998

BEFORE THE
Florida Public Service Commission
Tallahassee, Florida

In the Matter of)	
)	
Access by Telecommunications)	Special Project
Companies to Customers in)	No. 9800008-SP
Multi-Tenant Environments)	

THE ASSOCIATION FOR LOCAL TELECOMMUNICATIONS SERVICES' PROPOSED LIST OF ISSUES TO BE ADDRESSED

The Association for Local Telecommunications Services ("ALTS") is a national trade association of facilities-based telecommunications carriers. Many of our members are active in Florida constructing telecommunications networks and offering competitive telecommunications services. ALTS is an interested participant in the Florida Public Service Commission's ("Commission") workshop on access by telecommunications companies to customers in multi-tenant environments.

Participants should discuss and develop means to ensure that tenants in multi-unit environments can enjoy maximum benefits from the choice in service providers, innovative telecommunications service offerings, and lower rates that accompany telecommunications competition. This should be the overriding goal in the resolution of any of the issues for discussion. The following is a list of discussion topics that have arisen in other states and at the Federal Communications Commission that would promote constructive debate and resolution

of issues relating to telecommunications carrier access to tenants in multi-unit environments in Florida:

- Participants should discuss the importance of and means of assuring nondiscriminatory and equal access for all telecommunications carriers (regardless of technology used) to tenants within multi-unit environments. To this end, a consideration of the laws in Connecticut, Ohio, and Texas -- which have already addressed and resolved the issue of building access -- would greatly enhance the effectiveness and efficiency of the discussion. In addition, this discussion should address the relative treatment of incumbents and ALECs.
- Participants should develop principles governing the reasonable bases to assess fees and impose conditions on access to multi-tenant buildings.
- 2
0 • Participants should discuss the extent to which the market for access to buildings differs from a competitive market.
- Within the context of nondiscriminatory access, participants should discuss location(s) of access to internal wiring and similar conduits within the building. Particular attention should be paid to the issue of providing interfaces for carriers that enter the building at the ground floor as well as for carriers that enter the building from the rooftop.
- ① • Participants should discuss the modification of existing building access contracts which provide for exclusivity within a building or favorable terms not offered to all carriers so that such contracts can reflect any building access legal obligations resulting from legislation or Commission order.

ALTS looks forward to working with the Commission on these issues.

Respectfully submitted,

THE ASSOCIATION FOR LOCAL
TELECOMMUNICATIONS SERVICES

By

Richard J. Metzger (rjh)

Richard J. Metzger
Emily M. Williams

THE ASSOCIATION FOR LOCAL
TELECOMMUNICATIONS SERVICES
Suite 900
888 17th Street, N.W.
Washington, D.C. 20006
(202) 969-2587

Its Attorneys

June 29, 1998

JOHN LEE BREWERTON, III, P.A.**COUNSELOR AT LAW****250 NORTH ORANGE AVENUE, SUITE 1700
ORLANDO, FLORIDA 32801
TELEPHONE: (407) 849-8800 FACSIMILE: (407) 849-4948
E-MAIL: JBWLAW@AOL.COM*****FACSIMILE COVER SHEET***

To: Dan Hopps
Company: Florida Public Service Commission
Date: July 2, 1998
Fax Number: 850-413-6803
Phone Number: 850-413-6802
No. of Pages (including Cover Sheet): 4
From: **John L. Brewerton, III**

Original Sent:

Via U. S. Mail Via Express Delivery This will be the only form of transmission



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July 2, 1998

**VIA TELECOPY (850 / 413-6903)
AND ORIGINAL VIA U.S. MAIL**

Mr. Dan Hoops, Director
Florida Public Service Commission
Division of Research and Regulatory Review
2540 Shattuck Oak Boulevard
Tallahassee, Florida 32399-0850

Re: PSC Special Project No. 9800008-SP-Mandatory Access by Telecommunications
Companies to Multi-Tenant Commercial Office Buildings

Dear Dan:

As requested, the following will provide you with a summary list of a number of the issues which are of concern to BOMMA/Florida and its constituent members regarding any legislation proposing mandatory access for telecommunications carriers:

1. Do the private property rights of commercial office building owners outweigh the pecuniary interests of private telecommunications companies desiring to serve, for profit, the needs of tenants in property owners' office buildings?
2. Should the telecommunications needs of tenants of commercial office buildings be governed by the contracts between them and their landlords, i.e. lease or other agreements, or should they be legislated by the Florida Legislature (or the Florida Public Service Commission)?
3. Does the proposed legislation regarding leased building or mandatory access benefiting telecommunications carriers constitute a governmental "taking" of private property rights under Florida law?
4. Assuming that legislated mandatory access does constitute a governmental taking of private property rights, does such taking meet the "public purpose" test required for governmental takings under the eminent domain power?
5. If mandatory access does constitute a governmental taking, and assuming that the public purpose requirement is satisfied, what compensation must the government pay to private property owners for the rights so taken pursuant to the mandatory access legislation? Is it "full compensation" as required by Article X, Section 6 of the Florida Constitution? What is "full compensation"? Fair market value?
6. In determining the value of the rights so taken, can the legislature arbitrarily set an artificial value or should existing contractual agreements between telecommunications carriers and private property owners be considered? Should the value of the profits which will be realized by the carriers as a result of any legislated mandatory access be considered in the determination of "full compensation"?

CORPORATE TAX REAL ESTATE CONDEMNATIONS & FINANCIAL LAW



Mr. Dan Hoppe, Director
State of Florida
Public Service Commission
July 2, 1998
Page 2

7. If mandatory access legislation is enacted, will there be some provision for compensation in the statute? The telecommunications carriers have advocated a "reasonable" standard for determining such compensation. Who determines what is reasonable? The party with the deepest pockets to fund litigation? Wouldn't a "reasonable" compensation standard violate the "full" compensation standard mandated by Florida Constitution Article X, Section 6?
8. If it is determined that the public purpose purportedly satisfied by legislating mandatory access is the promotion of competition among Alternative Local Exchange Carriers ("ALECs") vis-a-vis incumbent, monopolistic or Local Exchange Carriers ("LECs"), would it not be more harmful to arbitrarily elevate the status of all ALECs to that of the government-subsidized LECs, or in the alternative, should the existing monopoly status of LECs not be lowered to that of the ALECs? In other words, in order to foster competition, should all carriers not be placed on the same level without ignoring the rights of property owners?
9. Incumbent, monopolistic LECs were granted government-subsidized monopolies in order to serve a public purpose; *i.e.* to bring initial dial tone service to buildings for emergency and communications purposes. If there are 168 other telephone companies in the same market, are they each entitled to the assumption that they are bringing the same initial dial tone service and related benefit to a building?
10. If mandatory access legislation is passed, to how many carriers must a building owner grant "free" access?
11. Under the proposed Section 6 of the original House Bill 3775, there was no provision granting building owners the right to legislate or regulate access to their buildings by telecommunications carriers and their multiple contractors, as well as their respective employees. Is the legislature willing to take the legal responsibility resulting from the legislated access of all those parties (*i.e.* phone companies, vendors, contractors, employees, subcontractors, etc.) to a private property owner's building?
12. There are 169 or so carriers in the state of Florida today. Is there a limit on the number of carriers which will be certificated by the PSC and the state of Florida?
13. If mandatory access is advocated by the PSC to the state legislature as a matter of public policy, will a "non-discriminatory" treatment concept be incorporated into the proposed mandatory access statute? If so, given that the monopolistic LECs signed no license agreements and paid no compensation to private property owners in the past (and continue to refuse to do so), does the term "non-discriminatory" mean that all ALECs seeking access to a property owner's building would be allowed free access on the same terms, *i.e.*, can they refuse to sign license or access agreements and refuse to compensate building owners?
14. In the past, there was only one telephone or telecommunications company providing telephone service to a building. When a tenant had a problem with its telephone service, it was easy for the tenant and the landlord to identify the source of the problem. In today's market, with multiple carriers providing service in the same building and with each carrier having multiple contractors provide services on its behalf, who will identify the source of the problem if a tenant's telephone line goes down? The legislature? The respective carriers? The landlord? If it is the landlord, how will the landlord be compensated and reimbursed for its expenses in administering disputes among multiple carriers and tenants?

Mr. Dan Hoppe, Director
State of Florida
Public Service Commission
July 2, 1998
Page 3

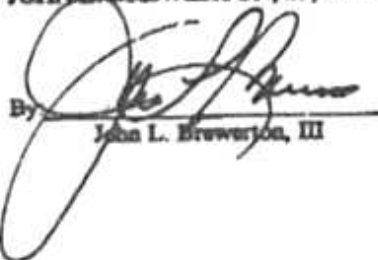
15. If a mandatory access provision is enacted, how will the landlord resolve disputes with the telecommunications carriers on its property? By litigation? By PSC resolution? If by PSC dispute resolution, it is requested that consideration be given to the additional expense and inconvenience which will definitely result to the landlords.
16. If mandatory access is enacted pursuant to legislation, will it apply to all tenant properties, non-residential and residential alike? Will there be any exceptions, for example, for smaller or older properties?
17. If mandatory access is legislated, will it apply to space occupied in, under, within and on top of landlord's properties?

Obviously, there are a significant number of issues which are of great concern to landlords in the context of discussions regarding mandatory access for telecommunications carriers.

If you have any questions, please do not hesitate to contact me. We look forward to working with you during this process.

Very truly yours,

JOHN L. BREWERTON, III, P.A.

By 
John L. Brewerton, III

JLB/tjc

cc: Mr. Arturo Fernandez
Ms. D. K. Mink

WILLKIE FARR & GALLAGHER

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Date: June 29, 1998 Time: 4:15 PM Total number of pages (including this page): 2

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FROM: Gunnar Halley

Room No.:

Phone No.: (202) 429-4716

TO: CATHERINE BEDELL, ESQ.

ATTN: CATHERINE BEDELL

RE: Special Project No. 980000B-SP - Access by Telecommunications Companies to Customers in Multi-Tenant Environments

SUBMISSION OF TELIGENT, INC.

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Attorney No.: 09563

WILLKIE FARR & GALLAGHER

Washington, DC
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June 29, 1998

VIA FACSIMILE

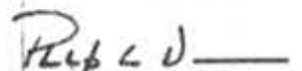
Catherine Bedell, Esq.
Senior Attorney
Florida Public Service Commission
Capital Circle Office Center
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

Re: Special Project No. 980000B-SP - Access by
Telecommunications Companies to Customers
in Multi-Tenant Environments

Dear Ms. Bedell:

Teligent, Inc. ("Teligent") has participated in proceedings in California and Texas, as well as at the Federal Communications Commission, to address the issue of telecommunications carrier access to tenants in multi-unit buildings. Teligent intends to participate in the above-referenced proceeding and believes its experience with the relevant issues in other fora will inform and assist the workshop's consideration of this important topic. Teligent believes that the list of proposed issues submitted to the Florida Public Service Commission by the Association for Local Telecommunications Services ("ALTS"), if discussed and resolved, will achieve the goals of this workshop. For this reason, Teligent concurs in ALTS' proposed list of issues.

Very truly yours,


Philip L. Verveer

Attorney for TELIGENT, INC.

Three Lafayette Centre
1155 21st Street, NW
Washington, DC 20036-3384
202 328 6000
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AIMCO

Apartment Investment and Management Company

June 29, 1998

VIA US MAIL AND FACSIMILIE (850) 413-6250

The Honorable Chairman Julia L. Johnson
Public Service Commission
Attn: Catherine Bedell
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850

Re: Special Project No. 980000B-SP

Dear Chairman Johnson:

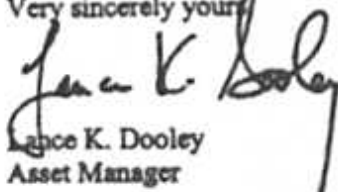
We are writing to express our strong opposition to Section 6 of the House Utilities and Communications Committee Bill HB-3775 that will result in forced building entry by an array of telecommunications providers resulting in chaos and destruction of property. Such legislation violates the basic private property rights of property owners and, furthermore, is not necessary in today's fast-changing telecommunications market place. We believe that viewers and receivers of telecommunications service should be able to selectively choose the type of service they wish. In the case of apartments, where residents do not have an ownership interest, this competitive environment is better achieved without the provisions contained in Section 6 of the proposed legislation. Telecommunications access is best managed by the property owner for the best interest of all of the residents of that property. In this manner, competitive service will be provided to residents.

The distinct disadvantages of this proposed legislation are as follows: (1) residents will be at the mercy of changes in ownership of an array of cable providers, many of whom won't be in business a few years from now; (2) the apartment property manager will no longer be able to secure a very favorable arrangement to residents by negotiating with providers of telecommunications service on a property-wide basis; (3) contrary to the supposed protection clause in the legislation, property owners would in practice have little or no recourse against installers of service where the installation resulted in damage to the property; and (4) protracted litigation between property owners and telecommunications providers will occur.

In addition to the above concerns, we must also point out an obvious fact: even though the telecommunications service would be separately contracted for because of Section 6 of HB-3775, apartment residents will turn to the property manager if their telecommunications service is not working properly. Trying to fix problems will be an overly burdensome nightmare for property managers. Innovation and overzealous claims by providers are one thing, but ultimate customer satisfaction is dependent on day in and day out superior service. Many start-up telecommunications companies are looking for a "free ride" into buildings at the expense of an otherwise very competitive marketplace.

Nationwide, the annual turnover rate of residents in apartments is 33 percent. In many cases, the turnover rate exceeds 50 percent. This level of turnover is difficult enough to deal with; adding to the chaos by letting any number of telecommunications providers onto the property and stringing wires and cables all over the place presents both a safety and aesthetics problem. Please don't let an army of telecommunications providers trample all over the legitimate and constitutional rights of private property owners.

Very sincerely yours,



Lance K. Dooley
Asset Manager

Cc: Terry Considine, Co-Chairman of the Board
Peter Kompaniez, Co-Chairman of the Board
Steve Ira, Executive Vice President and Co-founder

POST OFFICE DRAWER 1657
TALLAHASSEE, FLORIDA 32302

WIGGINS & VILLACORTA, P.A.
ATTORNEYS AT LAW
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TALLAHASSEE, FLORIDA 32303

TELEPHONE (850) 385 6007
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INTERNET: wiggins@netnet.com

TELECOPY

DATE : 7-2-98
TO : *Corn. Bechtel*
FROM : PATRICK K. WIGGINS

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MEMORANDUM

To: Cathy Bodell
From: Patrick K. Wiggins
Date: July 2, 1998
Re: Potential Issues for Multi-Tenant Access Workshop

On behalf of Intermedia Communications, Inc., here is a list of issues that could be addressed in the Commission's study on access to customers in multi-tenant environments. In generating these issues, we have attempted to be over-inclusive to facilitate staff's crafting a productive approach to this undertaking.

ISSUES DEFINING THE PROBLEM

1. How does access work under current law in Florida?
2. Under Florida law what are the respective rights of access of the COLR versus ALEC? Of landlords and tenants? What is the source of these rights, i.e., constitution, statute, rule or order?
3. Section 364.03, Florida Statutes, places on the STS provider (but not the price regulated LEC, the ALEC or the IXC) the obligation to,

furnish to all persons who may apply therefor and be reasonably entitled thereto suitable and proper telecommunications facilities and connections for telecommunications services and furnish telecommunications service as demanded upon terms to be approved by the commission.

How does this provision affect the determination of rights and obligation among landlords, tenants and carriers?

4. Commission Rule 25-24.575(11) states as follows:

If the LEC uses the STS provider's or the STS building owner's cable to gain access to the tenant, the LEC shall be required to provide reasonable compensation. Such compensation shall not exceed the amount it would have cost the LEC to serve the tenant through the installation

of its own cable. This cost must be calculated on a pro rata basis.

How does this rule affect the determination of rights and obligation among landlords, tenants and carriers?

5. How does FCC's MPOE approach work in other RBOC territories?

6. Under Federal law what are the respective rights of access of the COLR versus ALEC? Of landlords and tenants? What is the source of these rights, i.e., constitution, statute, rule or order?

7. Do COLRs pay for access to end-user behind MPOE?

8. Assuming that a carrier should pay a landlord or STS provider for access to a tenant, what are the different methods for determining the appropriate amount (o.g., carrier avoided cost, landlord reimbursement, value of access)? Which methods are used in other jurisdictions and what problems are associated with each approach?

9. What kinds of telecommunications facilities may be used in providing telecommunication services to customers in multi-tenant environments?

10. What are the different kinds of multi-tenant environments in which access to customers is an issue?

11. Is the incomplete deregulation of "riser" cable a problem?

Defining the Interests

12. What are the interests of landlords and build owners in this dispute?

13. What are the interests of the COLR in this dispute?

14. What are the interests of the ALEC in this dispute?

15. What are the interests of the STS provider in this dispute?

16. What are the interests of the tenants in this dispute?

17. What are the interests of the public generally in this dispute?

Defining Possible Solutions

18. What was the approach of HD 3775, Section 6 to assuring access to customers in multi-tenant environments?