

ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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In re: Undocketed Special Project)
by Telecommunications Companies)
to Customers in Multi-Tenant)
Environments.)

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INTERMEDIA COMMUNICATIONS INC.'S
ADDITIONAL COMMENTS ON MULTITENANT ISSUES

Intermedia Communications Inc. (Intermedia) hereby submits in the above-referenced matter its additional comments to the issues identified by the staff.

INTRODUCTION

As might have been predicted, the first round of comments produced positions that aligned along "party" lines. For example, competitive telecommunication providers (ALECS, STS providers, and IXCs) typically emphasized the need for a quality of access that promotes the competitive provision of telecommunications services. Competitive providers worry that some property owners will abuse their control over access to end-users and that ILECs will attempt to abuse their status as carrier of last resort. Thus, they uniformly endorse the federal MPOE approach for assuring

appropriate access to end-users in a multitenant environment.

Those participants aligned with property owners predictably rejected "direct access" as a guarantee that would inevitably compromise the property owner's rights and its ability to satisfy its own commercial imperatives. These comments do not appear to oppose direct access, so long as the terms and conditions of that

access is consensually determined between the property owner and

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the carrier or carriers.

CONSENSUS ON NEED FOR APPROPRIATE ACCESS

Despite these disparate views, one senses from the comments that there is beneath the surface a consensus as to the nature of access that should be afforded. Moreover, it appears that this consensus is similar to the view that Intermedia expressed in its original comments. More specifically, most commenting parties appear to agree that telecommunication carriers should have access to customers/tenants in multi-tenant environments on a competitively neutral basis that preserves tenant choice of carriers and that does not violate the owner's property rights.

APPARENT NECESSITY OF NEGOTIATION ON TERMS OF ACCESS

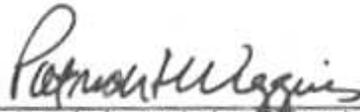
Because of the variety of situations to be faced in attempting to assure appropriate access and because of the constitutional parameters that must be honored, Intermedia concluded in its initial comments that where access requires permanent changes to property, creates safety problems, interferes with management functions, or otherwise compromises the owner's property interests, the terms and conditions of that access should be negotiated among the interested persons. Nothing in the comments of other participants in this proceeding have suggested a more fruitful approach to this key competitive issue.

CONCLUSION

Beneath the more superficial differences among the commentators in this proceeding, there is a deeper consensus. Indeed, Intermedia believes that because of this consensus

currently the majority of access problems are being resolved on a commercially reasonable basis through negotiation. Thus Intermedia suggests that the focus of this proceeding should move toward providing support for this negotiation process. For example, the Commission could identify situations where negotiated resolutions may be more difficult and suggest commercially reasonable parameters for their resolution. In any event, nothing in the first round of comments or in the two workshops suggest that the problem of appropriate access is susceptible to broad legislative or regulatory cures.

Respectfully submitted, this 26th day of August 1998.



Patrick Knight Wiggins
Wiggins & Villacorta, P.A.
2145 Delta Boulevard (32303)
Suite 200
Post Office Drawer 1657
Tallahassee, Florida 32302
(850) 385-6007 Telephone
(850) 385-6008 Facsimile

Counsel for Intermedia
Communications Inc.