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Legal Department

NANCY B. WHITE
Assistant General Counsel-Florida

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BellSouth Telecommunications, Inc.
150 South Monroe Street
Room 400
Tallahassee, Florida 32301
(305) 347-5558

RECORDS AND
REPORTING

October 1, 1998

Mrs. Blanca S. Bayó
Director, Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Re: Special Project No. 980000B-SP

Dear Ms. Bayó:

Enclosed is an original and fifteen copies of BellSouth Telecommunication's Inc.'s Summary Comments, which we ask that you file in the captioned matter.

A copy of this letter is enclosed. Please mark it to indicate that the original was filed and return the copy to me.

Sincerely,

Nancy B. White
(PW)

Nancy B. White

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FPSC-BUREAU OF RECORDS

Enclosures

cc: A. M. Lombardo
R. G. Beatty
William J. Ellenberg II

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FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Access by Telecommunications) Special Project No.: 980000B-SP
 Companies to Customers in)
 Multi-Tenant Environments)
 _____) File Date: October 1, 1998

**BELLSOUTH TELECOMMUNICATIONS, INC.'s
SUMMARY COMMENTS**

COMES NOW, BellSouth Telecommunications, Inc. ("BellSouth"), through counsel, in response to the Florida Public Service Commission's (the "Commission") request for summary comments re: Special Project No.: 980000B-SP.

BellSouth's Summary Comments and Positions

1. **Demarcation Point:** In its Initial and Reply Comments, BellSouth provided detailed explanations regarding the technical, administrative and operational issues associated with MPOE demarcation. BellSouth does not reiterate those points herein; but does wish to highlight that nothing presented at the third workshop (9/15/98) allays BellSouth's concerns that end users will ultimately suffer from MPOE demarcation. To the contrary, no party at the workshop seemed willing or able to provide a valid explanation as to who exactly would assume responsibility for installation, maintenance, administration, rehabilitation and repair of service between the MPOE and end users. Property owners clearly stated that they did not want to assume this burden, and

acknowledged that the service responsibility of a regulated ILEC ends at the demarcation point.

As telecommunications carriers' networks continue to become more complex and proprietary in nature, it is increasingly important that responsibility for service delivery remain with the serving carrier. For these reasons, BellSouth is opposed to MPOE, and will remain opposed until such time as property owners demonstrate the willingness, ability and commitment to extend BellSouth's services at the level of quality which end users and regulatory agencies demand.

In previously filed comments, BellSouth proposed definitions for Demarcation Point and Location of the Demarcation Point. Although satisfied that the existing FPSC demarcation point rule adequately protects end users, to the extent that the Commission desires its rule to include input by the end user, BellSouth believes that its proposed definitions would meet such a need.

In its response to Staff's 9/4/98 Data Request, filed on October 2, 1998, BellSouth provides a summary of its negative experiences with MPOE demarcation in other states. That information provides substantive rationale for BellSouth's positions as described above.

2. **Direct Access:** In previously filed comments, BellSouth proposed a definition for direct access which presumes full responsibility for service delivery to the end user's premises by the serving carrier. Such access could be via the carrier's own facilities or, at the carrier's discretion (not regulatory dictate), via

another party's facilities in a manner which is transparent to the end user.

BellSouth continues to believe these concepts are correct since they reflect end users' desire for carrier end-to-end responsibility.

3. Terms And Conditions Of Direct Access: Statements by ALECs at the third workshop highlighted the fact that non-COLR carriers have no obligation to serve properties which they judge to be unprofitable or otherwise unserviceable. This is precisely the reason why BellSouth has espoused a position that COLRs must be granted the right to install their physical plant facilities at MTE properties. Such installation ensures that end users will have access to COLR services at terms and conditions which are judged to be fair and reasonable by regulators. In addition, such installation provides a "path of last resort" for ALECs should they wish to resell COLR services, or provide their own services via the COLR's unbundled network elements. Notwithstanding this point, BellSouth fully supports multi-carrier installation of physical plant at MTEs and urges property owners to plan for such installations. BellSouth reiterates its willingness to share owner-provided support structures with other carriers.

The terms and conditions for access by COLRs should be in accordance with tariffs on file with the FPSC. Any changes to these terms and conditions are appropriately addressed through separate Commission hearings in accordance with established procedures.

Terms and conditions for ALEC access at MTEs should be a matter of free market negotiation, including ILECs when operating out-of-territory as

ALECs. Forced/mandatory access seems asymmetrical to the extent that requirements are imposed on owners while ALECs are free to refuse to serve, even assuming owners would be willing to meet predetermined terms and conditions. Put quite simply, mandatory access without mandatory provisioning does not appear equitable. This, perhaps, is rationale that the Commission should consider in its final recommendation to the Legislature relative to access. As stated previously, BellSouth's ALEC operation is fully willing to operate on the basis of free market negotiation, while conceding that the incumbent COLR be afforded direct access in accordance with its tariffs on file with the FPSC.

4. Owner Provision of Support Structures: BellSouth agrees with comments made by some ALECs at the third workshop that owners are probably inordinately fearful that a plethora of carriers will demand access to building support structures. BellSouth made the point in its initial comments that there is some finite level of demand for telecommunications at any given MTE property, and that this demand level is relatively constant regardless of whether one or more than one carrier is providing service. In addition, it is expected that the physical space requirements of telecommunications media and equipment will reduce rather than increase due to the continued evolution of microelectronics. Thus, BellSouth believes that exhaustion of space or other support structures will not be a problem in most cases.

The Telecommunications Act of 1996 quickly brought about a proliferation of telecommunications providers which, to some extent, came as a surprise to

owners of residential MTE properties. In commercial markets, owners have been successfully accommodating multiple providers for some time. BellSouth believes that, to the extent problems exist in accommodating multiple providers today, these problems will be resolved by better support structure sizing and planning by owners and more efficient use of the owner's pathways and spaces by carriers. BellSouth believes that no further rules or legislation is required if owners follow industry standards and recommendations of industry experts relative to support structure provisioning.

This concludes BellSouth's Summary Comments re: Special Project No: 980000B-SP.

Respectfully submitted this 1st day of October, 1998.

BELLSOUTH TELECOMMUNICATIONS, INC.

Robert G. Beatty (AW)

ROBERT G. BEATTY
NANCY B. WHITE
c/o Nancy H. Sims
150 South Monroe Street, Suite 400
Tallahassee, FL 32301
(305) 347-5555

William J. Ellenberg II (AW)

WILLIAM J. ELLENBERG II
SIDNEY J. WHITE, JR.
Suite 4300
675 W. Peachtree St., NE
Atlanta, GA 30375
(404) 335-0711