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BEFORE THE  
FLORIDA PUBLIC SERVICE COMMISSION

PROJECT NO. 980000B-SP

In the Matter of: :  
Issue Identification Workshop for :  
Undocketed special Project: Access :  
by Telecommunications Companies to :  
Customers in Multi-tenant Environments: :  
:

PROCEEDINGS: SPECIAL PROJECTS WORKSHOP

CONDUCTED BY: CATHERINE BEDELL  
Staff Attorney

DATE: Tuesday, July 7, 1998

TIME: COMMENCED AT 9:30 A.M.  
CONCLUDED AT 1:00 P.M.

PLACE: BETTY EASLEY CONFERENCE CENTER  
ROOM 182  
4075 ESPLANADE WAY  
TALLAHASSEE, FLORIDA

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7 RICK MOSES, FPSC Staff.  
8 DAN HOPPE, FPSC Staff.  
9 PATTI DANIEL, FPSC Staff.

## 10 OTHER PARTICIPATING:

11 JIM MARTIN, Statewide 911 Coordinator.  
12 CAROLYN MASON, DMS.  
13 JODI CHASE, Florida Apartment Association.  
14 FRITZ HOEHNE, Optel.  
15 HARRY PETERSEN, Optel.  
16 BEN MILLER, Optel.  
17 FLOYD SELF, Optel.  
18 BOOTER IMHOF, Florida House of Representatives.  
19 ROBERT MOORE, TelCom Group.  
20 BOB MERRICK, Vista-United Telecommunications.  
21 JEFF WAHLEN, Sprint-Florida.  
22 SANDY KHAZRAEE, Sprint.  
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24 STUART KUPINSKY, Teligent.  
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CONTINUED:

ED BROWARD, BellSouth.  
SID WHITE, BellSouth.  
KEITH MILNER, BellSouth.  
KEN HOFFMAN, Teleport.  
DAVID STEINBERG, Teleport.  
JOHN ELLIS, TCG.  
LISA STANLEY, Florida Association of Realtors.  
GENE ADAMS, Florida Association of Realtors.  
SHERRY PARKER, Teligent.

\* \* \* \*

P R O C E E D I N G S

(Workshop convened at 9:30 a.m.)

MR. HOPPE: Okay. Could I have your attention, please? We would like to go ahead and get started. I'd like to wish everyone a good morning. If anyone hasn't signed in yet, sometime during the day, during a break or whatever, or when you leave, please sign in. There is a sign-in sheet over there. We would appreciate you signing in so we know who is here today.

My name is Dan Hoppe. I'm with the Division of Research and Regulatory Review. We are here today -- I want to welcome you all to the first of three staff workshops on Project Number 980000B-SP, Access by Telecommunications Companies to Customers in Multi-tenant Environments.

As you are all aware, this study was authorized by the past legislation -- legislative session. Just to refresh your memories, I'd like to just read that statute that required this study, and that statute states: "The Florida Public Service Commission shall study issues associated with telecommunications companies serving customers in multi-tenant environments and shall report its conclusions, including policy recommendations."

The statute goes on further to say: "As part of

1 this study, the Commission shall hold publicly noticed  
2 workshops and shall consider the promotion of a competitive  
3 telecommunications market to end users, consistency with  
4 any applicable federal requirements, landlord property  
5 rights, rights of tenants, and other considerations  
6 developed through the workshop process and Commission  
7 research."

8           So this is the first workshop which will be an  
9 issue ID workshop. You all should have some handouts.  
10 We've run out. We are having more made. We will be  
11 working from these handouts today. There are four of  
12 them. You should have an agenda, a staff draft of issues,  
13 the issues filed by the interested persons, and a list, a  
14 schedule of critical dates. We are having more of those  
15 copies made. They will be available on the table where the  
16 sign-in sheet is.

17           Some administrative things we need to take care  
18 of, we have a court reporter here today. This will be  
19 transcribed, so if anybody wishes a copy of the transcript  
20 they need to get with the court reporter. In addition, I  
21 would like you all, when you initially speak, to identify  
22 yourselves for the record; and we will be going around the  
23 room to get identification of people; but when you  
24 initially speak, I would like you all to identify  
25 yourselves too.

1           Also, the file, in case you all aren't aware of  
2 this, we have a file in Records and Reporting under this  
3 project number, and that's the official file where  
4 everything should be -- where you can get any information  
5 you need and also where you should file information. If  
6 anybody needs the address of the Commission, I can give it  
7 to you later on as far as -- for any filing purposes.  
8 Also, I wanted to tell you all that we have a Web site, and  
9 our Web site will allow you to access information in  
10 Records and Reporting. If you go to the docket section of  
11 that Web site, you'll be able to see what information has  
12 been filed under this project number, so you can keep track  
13 of it from our Web site if you are from out of town and you  
14 don't have anyone here who can get the information for you.

15           Let's see, also, I'd just like to go ahead and  
16 start with staff identifying themselves, and then we'll go  
17 around the room and have everyone identify who they are.  
18 Is there anything else?

19           MS. DANIEL: Uh-uh, that's it.

20           MR. CUTTING: My name is John Cutting. I'm with  
21 the Research Division.

22           MR. MOSES: Rick Moses, Division of  
23 Communications.

24           MR. HOPPE: And I'm Dan Hoppe with the Division  
25 of Research and Regulatory Review.

1 MS. BEDELL: I'm Cathy Bedell with the legal  
2 services division.

3 MS. DANIEL: I'm Patti Daniel. I'm with  
4 research.

5 MR. MARTIN: I'm Jim Martin, statewide 911  
6 coordinator.

7 MS. MASON: Carolyn Mason, Department of  
8 Management Services, Information Technologies Program.

9 MS. CHASE: Jodi Chase, Florida Apartment  
10 Association.

11 MR. HOEHNE: Fritz Hoehne with Optel.

12 MR. PETERSEN: Harry Petersen with Optel of  
13 Florida.

14 MR. MILLER: Ben Miller with Optel.

15 MR. SELF: Floyd Self, representing Optel.

16 MR. IMHOF: Booter Imhof with the Florida House  
17 of Representatives.

18 MR. MOORE: Robert Moore, TelCom Group.

19 MR. MERRICK: Bob Merrick, Vista-United  
20 Telecommunications.

21 MR. WAHLEN: Jeff Wahlen with the Ausley law firm  
22 representing Sprint-Florida.

23 MS. KHAZRAEE: Sandy Khazraee, Sprint.

24 MS. CARTER-BROWN: Martha Carter-Brown with the  
25 Commission staff, legal services division.

1 MR. TAYLOR: Alan Taylor with the Commission  
2 staff.

3 MS. CANE: Carson Cane (phonetics) with  
4 Associated Industries.

5 MR. KUPINSKY: Stuart Kupinsky, Teligent.

6 MR. HALLEY: Gunnar Halley, Willkie, Farr &  
7 Gallagher on behalf of Teligent.

8 MR. MCKINLEY: Will McKinley of Poole & McKinley  
9 on behalf of Teligent.

10 MR. BREWERTON: John Brewerton on behalf of  
11 BOMA/Florida.

12 MS. CALLEN: Frankie Callen, Greater Orlando  
13 Association of Realtors.

14 MR. SPEARS: Richard Spears, Community  
15 Associations Institute, Florida Legislative Alliance.

16 MR. MURPHY: Charles Murphy, utilities staff of  
17 the Florida House.

18 MS. MINK: D. K. Mink, BOMA of Florida.

19 MR. KEENA: Chris Keena, BOMA of Florida.

20 MS. BLASI: Patricia Blasi, International Council  
21 of Shopping Centers.

22 MS. MEYERS: Julie Meyers, International Council  
23 of Shopping Centers.

24 MR. HORTON: I'm Doc Horton for e.spire  
25 Communications.



1 MR. McNEW: Kirk McNew with GTE.

2 MS. GALLAGHER: Laura Gallagher, Florida Cable  
3 Telecommunications Association.

4 MR. DANIEL: David Daniel, Florida House of  
5 Representatives.

6 MR. ERWIN: David Erwin, ITS Telecommunication  
7 Systems.

8 MR. LOMBARDO: Tony Lombardo with BellSouth.

9 MR. GRAHAM: I'm Rob Vandriver with the PSC.

10 MS. SIMS: Nancy Sims, BellSouth.

11 MS. WHITE: Nancy White representing BellSouth.

12 MR. GREER: Stan Greer with BellSouth.

13 MR. TUBAUGH: Wayne Tubaugh with BellSouth.

14 MR. BROWARD: Ed Broward, BellSouth.

15 MS. BANE: Mary Bane with the Commission.

16 MR. WHITE: Sid White representing BellSouth.

17 MR. LARSEN: Tom Larsen, BellSouth.

18 MR. MILNER: I'm Keith Milner with BellSouth.

19 MR. HOFFMAN: Ken Hoffman on behalf of Teleport  
20 Communications Group.

21 MR. STEINBERG: David Steinberg, Teleport  
22 Communications Group.

23 MR. ELLIS: John Ellis, TCG.

24 MS. STANLEY: Lisa Stanley, Florida Association  
25 of Realtors.

1 MR. ADAMS: Gene Adams, Florida Association of  
2 Realtors.

3 MS. PARKER: Sherry Parker with Poole & McKinley  
4 on behalf of Teligent.

5 MR. HOPPE: Okay. At this time I would like to  
6 turn it over to Cathy Bedell to look at the draft issues.

7 MS. BEDELL: Good morning. If you do not have a  
8 copy of the issues -- I don't think we have any more. At  
9 the present time if you all could share or find somebody  
10 that will let you look over their shoulder or something, I  
11 would appreciate it.

12 Staff has taken the issues that those of you who  
13 were able to file them last week sent us, and we have tried  
14 to take a look at the legislative directives that were  
15 given to us and to put together a neutral framework to work  
16 from. This is a draft. We are open and quite flexible to  
17 try to get a framework where everyone can address their  
18 concerns in this matter. And Dan already read to you our  
19 legislative directive, and I'm not going to go back over  
20 that.

21 The first issue that staff has listed is more of  
22 a policy kind of issue, a general issue to try to identify  
23 what folks feel are the very broad policy considerations  
24 that should go into this process. The first issue is: "In  
25 general, should telecommunications companies have direct

1 access --" and this should be to customers, I believe is  
2 what the statute says -- "to customers in multi-tenant  
3 environments," and to please explain that.

4           Okay. We do now have more handouts in case you  
5 did not get a copy of the issues.

6           I'm going to move on to our Issue II. Issue II  
7 is a much more technical issue that seems to be -- the  
8 technical issues seem to be more of a concern in the  
9 materials that were filed last week, and so we have the  
10 issue of what must be considered in determining whether  
11 telecommunications companies should have direct access to  
12 customers in multi-tenant environments. I believe your  
13 copy says "tenants," and I think it should be "customers."  
14 And then we have tried to do this in a succession such that  
15 the -- so that you can address -- so we know what the terms  
16 are that we are using as you go through because it seems to  
17 me that there are many permutations of direct access and  
18 what kind of services we are talking about, what kind of  
19 facilities we are talking about, what kind of customers we  
20 are talking about; and so the first one we have is how  
21 should "direct access" be defined? And in that issue, we  
22 initially were thinking of direct access as being the kind  
23 of access that you have between perhaps the local exchange  
24 company and a tenant in a building, just with the two-way  
25 service that is generally the telecommunications service;

1 but if there is something else, you know, that you all  
2 would like to talk about or to have covered in that, it is  
3 not -- I do not believe that "direct access" is defined in  
4 the statute.

5           The second part of that is what  
6 telecommunications services should be included in  
7 direct access. It became clear from the issues that  
8 were filed that this is much more than just providing  
9 basic local service to people, and it would be helpful to  
10 know what kinds of communication services we are talking  
11 about.

12           The third part is what facilities and tenancies  
13 should be included. We are thinking in terms of tenancies,  
14 you know, we are thinking that perhaps we're not talking  
15 about the transient trade which is generally excluded from  
16 these kinds of concerns. And in terms of facilities, you  
17 know, if we are examining all of the aspects of this, do we  
18 want to be talking about, you know, business -- separating  
19 business customers from residential customers? Do we want  
20 to -- you know, do we want to separate out hotels,  
21 apartment buildings, that kind of thing? We would be  
22 interested in knowing everybody's position on that.

23           The fourth issue under Issue II is how should  
24 "demarcation point" be defined in the issues that we  
25 received. Some people were referring to using the federal

1 minimum point of entry. The Commission currently uses a  
2 different definition. There are some significant  
3 differences between that, and we would like to know how  
4 that would affect the positions that you are taking or your  
5 client is taking in regard to examining these issues.

6           The fifth issue is how should access to property,  
7 wiring and equipment be accomplished, and in that we are  
8 talking about if access is granted, you know, we are  
9 talking about physical access, you know, do we need --  
10 should the legislature consider takings, or should there be  
11 some limitation to the time of access? Currently for local  
12 basic service, anybody that -- any exchange company that is  
13 providing the service is supposed to have 24-hour access.  
14 If you are talking about something other than basic local  
15 service, then it would be important to hear everybody's  
16 opinion on how much space should be provided in a building  
17 for providing service and what kind of access would be  
18 allowed in terms of time.

19           The sixth part of this is, you know, are there --  
20 should we be considering provisions for compensation. If  
21 the recommendation -- if your position is that there should  
22 be access to the building and that you should be able to  
23 have as much space in the building for as much equipment as  
24 you want, you know, the issue would then be, are the  
25 landlords to be compensated for this or the building owners

1 or whoever?

2           And then the seventh sub issue of Issue II is  
3 should exclusionary contracts be permitted? And that is in  
4 consideration of that there may be some different  
5 categories of access, and in some of those, you know,  
6 whether it would be appropriate for the landowners or  
7 building managers to be able to enter into a contract, you  
8 know, what circumstances would that be.

9           "Other considerations" is, you know, our  
10 catchall, if we find that we have completely missed the  
11 mark on some issues. And yesterday we received a fax from  
12 the Department of Management Services concerning 911  
13 access, and it had been raised by other participants as  
14 well; and we will probably add an issue to other  
15 considerations that would be, what is necessary to preserve  
16 the integrity of 911 access. We have no intention of  
17 making any changes to 911 access, but if any proposals are  
18 made to the legislature, we will take into consideration  
19 that that access will remain.

20           And I believe that is -- that is our first  
21 draft. What we will do, we are going to take a break in a  
22 few minutes. We are going to call upon you to give us some  
23 feedback on these issues. I know that you all have just  
24 seen them, but they shouldn't be completely -- I hope they  
25 are not too far off the mark, and we would like to have

1 your feedback on this and particularly any suggestions or  
2 clarifications that need to be made. And unless somebody  
3 has got any immediate questions, I think we are going to  
4 take about a 10- or 15-minute break so you can look over  
5 these and prepare your remarks. We will call first on the  
6 people who have actually filed some issues, and we have one  
7 additional handout that is BellSouth's revised issues that  
8 we received late yesterday after we had put the packet  
9 together, and we will just -- we'll put these in place  
10 while you guys take a break.

11 MR. HOPPE: If anybody needs any of the  
12 particular handouts, please come see me. We will have  
13 copies made during breaks so that everyone has all the  
14 information. (BRIEF RECESS)

15 MS. BEDELL: What we plan to do for this next  
16 portion is I'm going to pass the gavel, as it is, to John  
17 Cutting from the research division, and we are going to  
18 have those of you who filed issues respond to our issues  
19 and to let us know if there are any additional things that  
20 we need to consider.

21 We don't need to have today a presentation on  
22 folks' particular positions because that will be our  
23 program for the next workshop. And with that I will pass  
24 this on to John, and we are going to, I believe, go through  
25 in the order that they are in the handout that has the

1 issues in it. That is not in any particular order, though  
2 BellSouth did file the first one, and they are on the top  
3 of the list; but there is no particular order to them.

4 MR. CUTTING: If there is safety in numbers,  
5 BellSouth is also first, so we figured we'd let them go  
6 first; but to the extent we have not covered within the  
7 generic issues that Cathy went through, we would like to  
8 hear from the parties, as Cathy said, in the order in which  
9 they were received. There is no particular order to  
10 these. As it turns out, BellSouth probably has the largest  
11 delegation, and we'll let whoever would like to speak first  
12 feel free to address their concerns and/or what we have  
13 missed.

14 MR. MILNER: That would be me. Thank you. My  
15 name is Keith Milner, and I am with BellSouth, and we have  
16 reviewed the staff's draft issues. We generally concurred  
17 that these are representative of the issues. We would make  
18 several clarifications, however, that we think would  
19 improve the set of issues even further; and they are the  
20 following points, and I have four altogether. I think the  
21 first three merit some treatment as -- I guess we called  
22 them stand-alone issues. The fourth could likely be  
23 included in "Other." So let me take them in general order  
24 of what we think the priority is.

25 First, we believe that there is a need for very



1 clear definition of what the multi-tenant environment is  
2 such that we are all working from the same starting point.  
3 That phrase can mean different things to different people,  
4 and as we work forward, we just want to make sure that at  
5 least we have the same starting point.

6 If there are any questions about my comments as I  
7 go along, please interrupt me or ask me to clarify.

8 So first we think there needs to be a very clear  
9 definition of what the multi-tenant environment is. It  
10 might mean multi-use properties. It might mean a number of  
11 different things, so we would suggest that we start with  
12 the addition of that definition.

13 Second, and maybe this should have been first, is  
14 that we think that there is a need somewhere in the issues  
15 list for an expression of concern for the rights of the  
16 end-user customers as well. And perhaps we at BellSouth  
17 are remiss in not including that in our own list, but we  
18 don't think that perspective should get lost in the  
19 shuffle.

20 The third issue that we would like to see added  
21 to the list is some clarification on the responsibilities  
22 of carriers of last resort in this new environment,  
23 including things such as service standards that would be  
24 applied to those carriers.

25 And then the fourth item which I said could be

1 treated as part of "Other," if the group so desires, is  
2 that we think that there is a need to address minimum  
3 standards. If direct access is allowed, there should be  
4 some statement of minimum standards, and this was our point  
5 9 of the information we provided last night. I apologize  
6 that that was not made available earlier. But just some of  
7 the points would be the physical space made available to  
8 service providers, floor loadings, lightening protection,  
9 things of that nature. Generally I'm referring to our  
10 point 9 on the information that is dated July 6th. And  
11 that concludes BellSouth's statement.

12 MR. CUTTING: Any questions or concerns from the  
13 audience at this point?

14 (NO RESPONSE)

15 MR. CUTTING: If not, let's turn to the Central  
16 Florida Commercial Real Estate Society. Is there a  
17 representative here this morning? Feel free.

18 MS. CALLEN: Hi.

19 MR. CUTTING: Please identify yourself for the  
20 record.

21 MS. CALLEN: My name is Frankie Callen. I'm with  
22 the Greater Orlando Association of Realtors and the Central  
23 Florida Commercial Real Estate Society. It's a subsidiary  
24 of the Association of Realtors in the Orlando area. Our  
25 association represents realtors who are members of the

1 association in Orange and Seminole Counties.

2           The issues our commercial members are concerned  
3 with are outlined fairly succinctly in the information that  
4 is in the packet. In reading through it, other groups and  
5 organizations -- obviously the concerns are very similar,  
6 so unless you want me to go through each point by point in  
7 terms of what the problem is, I'm happy to do that, but if  
8 people have questions, I can answer that as well.

9           The primary concern, I think, among my membership  
10 is when we start talking about definitions, when we start  
11 talking about what is access, and to what extent do we as  
12 property owners or property managers have to make available  
13 a facility to every single telecommunication company that  
14 wants to come in and provide service.

15           Some of the members have buildings that are very  
16 old and simply they don't, A, either have the space to  
17 accommodate multi-telecommunications equipment; or, b, the  
18 building themselves are somewhat tenuous. And the issue  
19 that the gentleman brought up, which is lightening, and in  
20 our area that is a big concern. Our own association  
21 office, if there is lightening anywhere within about ten  
22 miles, we simply either go down computer wise or go down  
23 electric wise; so that's a big concern to a lot of people  
24 in terms of adding additional equipment in there.

25           And the other question that came in in terms of

1 liability with the equipment and with personnel that are  
2 not employed by the property owner or by the property  
3 management, to what extent do property owners have the  
4 right to have a liability waiver or be indemnified for that  
5 type of liability, particularly when it comes in with  
6 equipment?

7           And in discussing this, the other major question  
8 that they had was in terms of the technology itself. Right  
9 now we are still pretty much dependent on a hard line  
10 system, but in looking in terms of the future, when we  
11 start going more to satellite or microwave equipment, to  
12 what extent does that equipment have to be made available  
13 or space be made available for that type of equipment?

14           So those are their major concerns. I think for  
15 the most part most members understand that providing access  
16 is going to be necessary. They further understand they  
17 don't want to be in a situation where they necessarily have  
18 to make the determination in terms of who is allowed to  
19 come into their building and who is not allowed to come in  
20 their building. On the flip side of that though, how do  
21 they determine which groups come in and which ones don't  
22 come in if the space is not available to them.

23           Their other concern is obviously compensation for  
24 lost space. Are they going to be required to give up  
25 rentable space that they could otherwise lease out to a

1 business or to another tenant? If it is required of them  
2 to provide the space, are they allowed to be compensated at  
3 the same market level that they would be if they rented it  
4 to a normal business or tenant? If there are any  
5 questions, I'll be happy to --

6 MR. HOPPE: Yeah, does staff's draft issues, are  
7 your concerns addressed in our list of issues, basically?  
8 Can you fit your concerns in there?

9 MR. CUTTING: Considering the space facility and  
10 access, I think they're covered in two. Is there anything  
11 specifically you felt we didn't cover within our general  
12 categories? Again, we would like the parties to address to  
13 the extent possible things that we have not addressed or  
14 you feel aren't adequately addressed within our list. It  
15 gives us a narrow framework as to where to head for the  
16 next workshop.

17 MS. CALLEN: I think the one issue that is not  
18 listed here that may be of concern is how do they determine  
19 the space question, how much space. Does everybody have to  
20 be allowed in the building, and to what extent does an  
21 unreasonable burden -- does it become an unreasonable  
22 burden? And if the state does decide that a property can  
23 be max'd out, how do they go about determining which  
24 companies have access and which ones don't? I think that's  
25 the only issue that may not be directly addressed in these.

1 MR. CUTTING: Florida Apartment Association is  
2 next in the pile. Is there a representative here this  
3 morning?

4 MS. CHASE: That would be me. I'm Jodi Chase.  
5 And there are a couple of things that I think are not on  
6 your list and one that I think needs to be clarified that  
7 is on your list. The issue that needs to be clarified, I  
8 think, is the issue that we were just talking about, and  
9 that's the issue of space and access. I don't -- I'm not  
10 clear what you mean by "access." You're saying time of  
11 access. I think there are a lot of other issues under  
12 access, like how many people are going to have access?  
13 What kind of construction are you going to do? Can there  
14 be access on the outside of the building, or does it all  
15 have to be on the inside of the building? Who is  
16 responsible for repair? Access means more than I think it  
17 reflects here.

18 The other issue that I think is not addressed in  
19 here is discrimination or nondiscrimination. You talk  
20 about exclusionary contracts. Well, are we going to have  
21 to have the same contract with every provider, or can our  
22 contracts vary from provider to provider, in addition to  
23 exclusionary contracts?

24 But the third issue that I really think has to be  
25 listed in this list is this is a free market. Right now

1 access is determined by the market. There is a bargain on  
2 both sides, and I don't want to see the legislature  
3 micromanage this market by setting contract terms in  
4 statute. I think we have to have broad guidelines, but  
5 both -- all parties have to be free to contract. And I  
6 think that that should be added to the list, how narrow or  
7 how broad should these regulations be?

8           And I would also ask you, it's not something  
9 really to add into the list, but BellSouth said keep the  
10 rights of the tenant in mind. We would also ask you to  
11 keep the rights of the property owner in mind because this  
12 is a whole different bailiwick now. This is private  
13 property rights that the legislature is talking about  
14 regulating.

15           MR. CUTTING: You mentioned safety and fire codes  
16 within your list that you filed previously.

17           MS. CHASE: Yes.

18           MR. CUTTING: Are you acceptable with our E. in  
19 terms of access to property, wiring and equipment as being  
20 broad enough to encompass the safety concerns of fire and  
21 safety?

22           MS. CHASE: Well, see that may be close to what  
23 BellSouth said, and I see this as an issue of controversy  
24 that we need to work on, and I would agree with them to add  
25 that to the list. I think -- I don't know, I haven't

1 spoken to them, but I think what they are saying is we need  
2 to have some minimum codes. Well, we already have codes.  
3 We already have building codes, and so we -- I think our  
4 concern is addressed in their issue, but we may have an  
5 opposite position.

6 MR. CUTTING: I just wanted to make sure we  
7 were -- that is where I was headed in terms of relationship  
8 between the codes and whether we are talking the same  
9 animal.

10 MS. CHASE: Okay.

11 MR. CUTTING: Any other concerns?

12 (NO RESPONSE)

13 MR. CUTTING: Optel is next in line. They're  
14 represented here this morning.

15 MR. SELF: Yeah, Floyd Self, on behalf of Optel.  
16 Just a couple of points. First with respect to staff's  
17 Issue II A. I don't know if this is clarification that  
18 needs to be added or simply something that should be  
19 understood, but kind of two sub issues that are associated  
20 with the direct access issue. One is whether there is a  
21 distinction between new construction properties versus  
22 existing properties, and a second kind of sub issue  
23 associated with that, which may be some of the others have  
24 also already touched upon, and that is the question of your  
25 own facilities versus use of other facilities. In other



1 words, if you have -- and again, some of these are tied  
2 with other issues -- if you have sort of an exclusive  
3 contract situation, does "direct access" mean that you must  
4 be able to use your own facilities, or is there an  
5 obligation to use the facilities of whatever carrier it is  
6 that has the exclusive contract.

7           With respect to staff's Issue II D., how should  
8 the demarcation point be defined, you may want to expand  
9 that to read how should the demarcation point be defined,  
10 who establishes it, and who maintains it?

11           MR. CUTTING: Are you saying physically maintain  
12 or maintain the actual physical definition of the point?  
13 I'm not trying to pluck hairs here. I'm just trying to --

14           MR. SELF: Yeah, probably both.

15           MR. CUTTING: Both.

16           MR. SELF: With respect to staff's Issue II E.,  
17 one of our concerns is timeliness, which I suspect is  
18 subsumed within your parenthetical about reasonableness  
19 related to use of space or time of access, so that's  
20 probably okay.

21           With respect to staff's Issue II F., one of  
22 the -- I guess subsumed within compensation, but you may  
23 want to make more explicit, especially if you have one of  
24 these situations where you have an exclusive contract  
25 arrangement and other carriers that wish to have direct

1 access are obligated to share or use existing facilities,  
2 is how do you determine the cost of those facilities?

3           With respect to staff Issue II G., you probably  
4 either need to have as a sub issue of that or maybe as a  
5 separate issue something to the effect of what are the  
6 rights -- what are the rights, responsibilities and  
7 compensation arrangements of the respective carriers and  
8 landlord in an exclusive service contract situation? That  
9 may be the same as what you're saying, but I think those  
10 issues need to be fleshed out a little more explicitly in  
11 the way that the issue is framed.

12           We would concur with the addition of an issue, a  
13 specific issue regarding 911 service, and we had one on our  
14 list.

15           And finally, we would also think that our Issue  
16 5, what are the remedies when there is a dispute regarding  
17 competitive access to the MTU, probably also ought to be  
18 included as a separate issue. And I think some of the  
19 issues that BellSouth was talking about adding probably  
20 need to be added one way or another, and I think the issues  
21 that the -- that Jodi Chase was talking about a few moments  
22 ago, I'm not sure how to work those into the sense they  
23 need to be worked in. And I think that's all that we have.

24           MR. CUTTING: Thank you. BellSouth, you want  
25 to --

1 MR. TUBAUGH: Floyd, in talking whether  
2 exclusivity --

3 MS. DANIEL: Could you identify yourself, please?

4 MR. TUBAUGH: Oh, I'm sorry, Wayne Tubaugh with  
5 BellSouth.

6 Floyd, in talking about exclusivity and charges  
7 to the customers, I know that your client is certificated  
8 in the State of Florida, so should certification, once  
9 somebody gets into that, should certification be an issue  
10 on whether or not people are charging for or use of  
11 facilities? Should they be certificated? Should that be  
12 an issue?

13 MR. SELF: Let me just make sure I understand.  
14 Are you asking whether or not this situation only applies  
15 to entities that have some kind of certificate, I guess an  
16 ALEC or STS certificate?

17 MR. TUBAUGH: No, I'm saying your client is  
18 certificated. We've been working with them, okay? And  
19 what my question is if a property owner develops his  
20 property, restricts access or has the ability to restrict  
21 access, provides the facilities for the people to access  
22 the tenants in that property and they are going to earn  
23 money from them, either from the telecommunications  
24 provider or from the tenants themselves, should they be  
25 certificated as a telecommunications provider in the State

1 of Florida?

2 MS. BEDELL: The landlord?

3 MR. TUBAUGH: The landlord or their vendor, if  
4 they are providing facilities, should they be certificated  
5 as a telecommunications provider in the State of Florida?  
6 That's the question for Floyd. It wasn't necessarily a  
7 question for you, although we'll probably raise it.

8 MR. WIGGINS: Patrick Wiggins. This is  
9 consistent with your feeding chain theory of regulating  
10 IXEs, you know, if anywhere in the distribution of dollars  
11 from the provision of telecommunications services you  
12 become certificated. And I think what actually Mr. Tubaugh  
13 was getting to was if, in fact, a landlord has ability to  
14 leverage its location in order to extract rent from its  
15 tenants for the provision of telecommunications service  
16 should they be certificated. Is that fair?

17 MR. TUBAUGH: That's part of the issue; but yes,  
18 that's real close.

19 MS. BEDELL: Floyd, are you going to respond to  
20 that?

21 MR. SELF: How about a lawyerly, it depends. If  
22 you're advocating the inclusion of an issue, go ahead and  
23 advocate.

24 MR. TUBAUGH: I mean I -- we probably will in our  
25 response, but clearly to me, you know, either you all do or

1 you don't regulate it. It's just that simple.

2 MS. CALLEN: Can I ask a question just to  
3 clarify?

4 MS. DANIEL: Could you identify yourself?

5 MS. CALLEN: Frankie Callen within the Central  
6 Florida Commercial Real Estate Society. I want to make  
7 sure I understand. If we are here talking about requiring  
8 that property owners and property managers provide this  
9 service, then what you're saying is requiring them to do  
10 that -- he's saying you are going to force them to become  
11 telecommunications providers; is that correct? Is that --

12 MR. CUTTING: We haven't come to any judgment at  
13 all yet. This is strictly an identification of issues. If  
14 this is a subject that needs to be discussed, then I'm sure  
15 we will be doing that. But to the extent that you are  
16 saying we will require it, no. No, that is not at all  
17 determined. That is not up to us to decide at this point.

18 MS. BEDELL: I think that they have brought up  
19 the point that we probably do need to examine exactly what  
20 services require certification. You know, it's fairly well  
21 defined in the statutes right now. If we need to examine  
22 whether there should be some changes, then we may have to  
23 address that issue in our report to the legislature.

24 MS. CALLEN: But we are talking about levels of  
25 participation that property owners are going to be involved

1 in in the delivering of this service is what we are talking  
2 about. In other words, if I just say, you come in and hang  
3 your equipment on my wall, that's a little bit different  
4 than entering into a contract with Dick saying you are my  
5 exclusive provider for my building; so we are talking about  
6 different levels of participation in the service, correct?

7 MS. BEDELL: Correct. Yeah, and that is -- One  
8 of our problems with addressing this whole issue is that  
9 there are many levels of provision of service and many  
10 levels of ownership and relationships, and how each of  
11 those should be addressed is going to require a look at  
12 many broad issues, including perhaps whether somebody -- at  
13 what point somebody should become certificated.

14 John.

15 MR. CUTTING: On that note, shall we go to  
16 Mr. Spears? I believe he is next in line.

17 MR. SPEARS: I don't want to follow that, but I  
18 want to tell Frankie before I start that I'll take the  
19 deal.

20 MR. CUTTING: Take the deal, okay.

21 MR. SPEARS: Thank you. Richard Spears,  
22 Community Associations Institute. A copy of my remarks HAS  
23 already been duplicated and they're set out over there, so  
24 I won't bore you by repeating them except to allude to Item  
25 Number 10, which has to do with our -- maybe, but we kind

1 of hope not, that we agree with BellSouth, in that we  
2 believe that we need to have an item regarding the  
3 definition of multi-tenant environment, particularly in the  
4 case of homeowners associations, condo associations and  
5 cooperatives where there is no such relationship as tenant  
6 and landlord. The relationship is the association is  
7 managed by the people who own them, and so that doesn't  
8 exist.

9           The argument to use the term "customers" is fine  
10 in one relationship, and "tenant" is fine in another, so I  
11 think that we may need to divide those into two as we go  
12 along. That being the case, my remarks are printed, and  
13 I'll pass.

14           MR. CUTTING: Okay.

15           MS. BEDELL: And do you want to have your remarks  
16 that were passed out transcribed by the court reporter?

17           MR. SPEARS: Oh, yes. Yes, would you please  
18 associate them in the transcript?

19           MS. BEDELL: Yes, we will.

20           MR. SPEARS: Thank you.

21           (WHEREUPON, THE FOLLOWING ARE REMARKS AS FILED BY  
22 MR. SPEARS)

23           Good morning. My name is Richard Spears. I am  
24 Legislative Chairman of the Community Associations  
25 Institute, Florida Legislative Alliance.

1 I have previously filed a memorandum in response  
2 to your request for issues identification, and I would like  
3 to reiterate a few and add a couple of new ones for the  
4 record at this time.

5 The Florida Legislative Alliance, which  
6 represents thousands of homeowners, condo owners and  
7 cooperative owners in addition to homeowners associations  
8 and condominium associations across the State of Florida,  
9 believes that there are several issues pertinent to the  
10 original Section 6 of House Bill 3775 which go to profound  
11 and fundamental property rights issues in addition to  
12 posing very real constitutional questions as articulated by  
13 several Attorneys General in other states which have found  
14 it appropriate not to include takings and forced entry  
15 provisions in their statutes or rules for this very reason.

16 The Florida Legislative Alliance believes that:  
17 (1) Access by telecommunications companies to community  
18 association property should not be regulated by the state  
19 but should remain a function of the marketplace, (2)  
20 Florida should not grant telecommunications companies a  
21 special statutory or regulatory privilege to take the  
22 private property of others for their economic gain, (3)  
23 Telecommunications companies should have to negotiate with  
24 community associations for the installation of wiring and  
25 equipment, (4) Forced entry proposals ignore absolute and



1 finite space limitations inherent in every association's  
2 property, (5) Forced entry proposals dismiss the vital  
3 issues of community security and safety, (6) Forced entry  
4 proposals dismiss the risks and liabilities to associations  
5 incurred by others not in their control, (7) Forced entry  
6 proposals dismiss the importance of the providers'  
7 knowledge, expertise and reputation, (8) Forced entry  
8 proposals fly in the face of the FCC's interpretation of  
9 the provisions of the Telecommunications Act as reflected  
10 by that body's ongoing initiatives, (9) Forced entry  
11 proposals reflect a callous disregard for a community  
12 association's responsibility and commitment to serve  
13 residents while protecting the physical and financial  
14 integrity of the property, (10) and finally, the reason  
15 that the issue of takings and forced entry has arisen (that  
16 is, the relationship between the landlord and his tenants)  
17 does not exist in community associations inasmuch as they  
18 are managed by residents on behalf of residents.

19           It is this final issue that we see as setting  
20 community associations apart from all other business  
21 relationship and, when coupled with all of the foregoing,  
22 present a very great argument for their exclusion from the  
23 law. Thank you.

24           MR. CUTTING: Local Telephone Association. I  
25 don't have a cover letter on that one. Who is the -- I

1 don't know if I brought my original. It's a fax from  
2 Willkie, Farr, Gallagher.

3 MR. HALLEY: ALTS is monitoring the issue, but  
4 they're not present here today.

5 MR. CUTTING: Okay.

6 MR. HALLEY: It's the Association for Local  
7 Telecommunications Services. It's a federal -- or a  
8 national organization of competitive local exchange  
9 carriers.

10 MS. DANIEL: And your name, sir?

11 MR. HALLEY: My name is Gunnar Halley. I'm not  
12 here representing them today.

13 MS. DANIEL: Just getting it on the transcript.

14 MR. CUTTING: Next in line was John Lee Brewerton  
15 who is representing BOMA, I believe.

16 MR. BREWERTON: Right, BOMA/Florida actually. We  
17 would generally concur with the listing of issues. A  
18 couple of clarifications we might request, specifically in  
19 Section II E., How should access to property, wiring and  
20 equipment be accomplished? I.e., easements, takings, I  
21 think we ought to insert there instead of "terms" just the  
22 general concept of contracts, private property contracts or  
23 whatever; and I might suggest that we either put "terms" in  
24 a separate subsection altogether or include "terms" under  
25 "compensation" in II F.

1           Also, the comment was made earlier, I think, by  
2 Ms. Chase with respect to the nondiscriminatory issue and  
3 the reasonableness issue. I think those should be  
4 subsections under either Subsections F. and G. if we add  
5 "terms" as a separate section, or if we include "terms" and  
6 "compensation" together. I think we need to look at those  
7 two together.

8           We think the standards is a great concept that  
9 BellSouth has introduced. One of the things we would like  
10 to suggest is, and we've heard several comments going back  
11 and forth about the certification process and whether or  
12 not if the landlord is in the, quote, unquote, feeding  
13 chain whether or not the landlord simply because it owns a  
14 building and allows carriers to provide service in the  
15 building, whether it's required to be certificated. I  
16 think that is something that we need to look at very  
17 seriously because you are talking about requiring landlords  
18 to get into a different business altogether. So rather  
19 than just owning space and leasing or licensing that space  
20 out, we need to think real seriously about the  
21 ramifications to real estate property owners in the State  
22 of Florida if we are talking about certification.

23           One of the other questions that is of obvious  
24 concern to the real estate industry, and we've talked about  
25 this generally, I think, in the event that we go forward or

1 that a recommendation is made to the legislature to grant  
2 this right of access, if you will, to telecommunications  
3 carriers, what effect is that going to have on not only the  
4 real estate industry but also other industries? And one of  
5 those other industries, obviously, is an industry which is  
6 regulated by the Public Service Commission, utilities  
7 dereg. We need to think about what is going to be the next  
8 step, and assuming that we give this special status to the  
9 telecommunications carriers, are we going to give that same  
10 special status to utilities companies next, and then where  
11 does it stop?

12 I think those are primary concerns we have.  
13 Someone else -- I think the gentleman from Optel addressed  
14 the issues of remedies for disputes. One of the things the  
15 real estate industry obviously wants to see is that -- and  
16 this probably comes under "terms" and "compensation" --  
17 exactly where does the PSC get involved if at all. Someone  
18 else addressed the issue of a free market. This is a very  
19 young industry. It's only three years old now. Where is  
20 it going to be in five years? We are giving away all of  
21 these rights today. What going to happen down the road?  
22 We think that is an issue that really needs to be looked at  
23 in a global context. Other than that, we concur with the  
24 rest of the issues.

25 MR. CUTTING: Thank you. Teleport, TCG.

1           MR. HOFFMAN: Teleport generally concurs with  
2 staff's issues' list, but I do have a few comments,  
3 however. First, we share in the concern that has been  
4 expressed by BellSouth and others for the rights of the  
5 end-user customers or the tenants in these multi-tenant  
6 environments. We believe that it would be appropriate to  
7 have a specific issue which addresses those concerns. We  
8 think that we have attempted to do that through our Issues  
9 1, 2 and 3, so we would suggest that maybe the inclusion of  
10 some combination of TCG's Issues 1, 2 and 3 would lay out  
11 very expressly concerns of the participants in this  
12 workshop; and I don't think anyone does not have concern  
13 for the tenants in the multi-tenant environment.

14           Secondly, I refer you to TCG's Issue 6. There we  
15 raised the issue of whether building owners may deny  
16 building occupants the right to choose a provider of their  
17 choice by demanding excessive discriminatory compensation.  
18 I don't see where that issue is laid out in the staff's  
19 list of issues. And I have been working from the framework  
20 of staff's issues are fine with me so long as we can state  
21 our position under any one of those issues, and I'm not  
22 sure that the position that we are taking through TCG's  
23 Issue 6 is captured in staff's list of issues, so we would  
24 ask you to take a look at that.

25           Finally, on staff's Issue II F., which addresses

1 provisions for compensation, I would suggest that it might  
2 be appropriate to add to that issue a phrase which  
3 essentially asks what applicable criteria there may be for  
4 the payment of any compensation throughout the session, and  
5 of course today TCG took the position -- takes the position  
6 that any mechanism for compensation must be  
7 nondiscriminatory; and there may be other criteria that TCG  
8 and other parties may wish to suggest. And that's all we  
9 have. Thank you.

10 MS. CHASE: Can I make a comment about one of his  
11 issues?

12 MR. CUTTING: Sure.

13 MS. DANIEL: Identify yourself.

14 MS. CHASE: Jodi Chase. The right -- and under  
15 the issue of rights of tenants, my clients own large  
16 apartment complexes. They have thousands of units, and  
17 they've got rolling leases, and the rights of the tenants  
18 are set out in the lease; and if we are going to determine  
19 what provisions have to be in a lease, especially for a  
20 short-term lease such as the ones my clients have, we have  
21 to have some consideration for timing of that because we  
22 can't renegotiate leases in the middle of a term. We've  
23 got leases constantly changing. So that would -- you know,  
24 this whole contracting issue, I think that falls under the  
25 contracting issue. Please keep in mind there are already

1 contracts or leases in place.

2 MS. MINK: D. K. Mink, BOMA/Florida. Taking that  
3 a step further, if we are going to roof tops, I have an  
4 Internet tenant in my building. Do they have a right to  
5 use the entire roof top then and I can't put another tenant  
6 there? And we have different frequencies, someone needs to  
7 monitor that. If every provider goes up there, there is a  
8 problem. Who is going to monitor that? There are a lot of  
9 issues there.

10 MS. BEDELL: Thank you.

11 MR. CUTTING: Anyone else on that point?

12 MR. BREWERTON: Dan, just a quick question. If  
13 we want our issues list to be transcribed into the record,  
14 do we need to specifically request that, or is it  
15 automatically done?

16 MS. DANIEL: It's not automatically done.

17 MS. BEDELL: I'm sorry, would you ask the  
18 question again, Mr. Brewerton?

19 MR. BREWERTON: The question was with respect  
20 to -- sorry, Cathy -- with respect to our issues list that  
21 we submitted, in order to have that transcribed into the  
22 record, do we need to specifically request that, or is it  
23 automatically done?

24 MS. BEDELL: No, what we have done with all of  
25 the issues that I received by fax that were not filed with

1 our Records and Reporting office already, I took them down  
2 yesterday morning and asked to have them each individually  
3 identified in our records system, so those are in.

4 MR. BREWERTON: Okay.

5 MS. BEDELL: And except for -- well, BellSouth  
6 probably filed theirs with records, so the revised one of  
7 those should be in there. And Mr. Wiggins, I don't  
8 remember if you filed yours, the one that we had. Oh, I  
9 guess I did that yesterday, the one that -- yours came in  
10 late, but I think we got that down to records.

11 MR. WIGGINS: You did? Thank you.

12 MS. BEDELL: But it seems -- the DMS's, I'm not  
13 real sure whether we have that down in records or not, but  
14 we will have it down there so that everything that has been  
15 received by us concerning this docket is available at  
16 Records and Reporting today.

17 MR. BREWERTON: I think the question was asked of  
18 Mr. Spears earlier if he wanted his issues to be --

19 MS. BEDELL: I'm sorry, Mr. Spears had asked us  
20 earlier today rather than reciting his whole presentation  
21 just have it into the record as read, and he had not filed  
22 issues.

23 MS. CHASE: And of course I have another  
24 comment. On the issue of "nondiscriminatory," that needs  
25 to be defined because true nondiscrimination is the flip



1 side of competition, and it means there will be no  
2 competition. So "nondiscrimination," if you're going to  
3 have nondiscrimination as one issue, if the answer to that  
4 is yes, then it has to be defined.

5 MS. BEDELL: We work with nondiscriminatory  
6 issues. Yeah, I think we probably can certainly work  
7 something out.

8 MR. CUTTING: The next in line was Teligent in  
9 the list filed by us. Any other comments that they want to  
10 file, additional comment?

11 MR. KUPINSKY: Yeah, Stuart Kupinsky from  
12 Teligent. I'll try and avoid repeating. There have been a  
13 lot of comments already made that are very helpful. I  
14 think in item number I, just to make sure we are very clear  
15 about when access might occur, the use of customers, we  
16 might consider modifying that to be "customers" or  
17 "potential customers" because access might be required  
18 prior to actually consummating an agreement with a  
19 particular tenant. So it's important to recognize that,  
20 you know, costing issues might depend on taking a look at a  
21 building and that kind of thing.

22 The second comment I have would be under II A.,  
23 some concept of technology neutrality might be important.  
24 Teligent, for example, is a fixed wireless carrier. We are  
25 not a mobile carrier, but we use wireless technology to

1 perform the local loop function. And so we want to be  
2 clear that these types of access provisions would be  
3 technology neutral and in particular with regard to  
4 roof-top access versus the rest of the building also.

5 To expand on an earlier comment, I agree that we  
6 should probably have some separate issue maybe under I that  
7 discusses the difficulty in relying on market forces in  
8 guaranteeing building access. The Texas PSC, for example,  
9 found that it was not a competitive market and it couldn't  
10 be relied on to provide for access, so I think that is an  
11 important issue to discuss.

12 And then finally, I believe the gentleman from  
13 BOMA mentioned the PSC's role, and maybe we could expand  
14 that into a separate issue that actually talked about the  
15 jurisdiction of the PSC, you know, alone, in the absence of  
16 legislation; and with legislation, what it is that the PSC  
17 could do, that kind of issue. Thank you.

18 MS. BEDELL: Thank you.

19 MR. CUTTING: Apartment Investment Management  
20 Company represented here today? I don't recall the name  
21 being spoken. Lance Dooley was the -- Okay, Intermedia.

22 MR. WIGGINS: Patrick Wiggins for Intermedia.  
23 For the most part, the issues that you have listed in the  
24 merging of interest here will probably ensure that most  
25 everything gets said more than once, so the issues are

1 relatively complete.

2           Having said that, I have some concerns about the  
3 way the issues are framed and some of the inadequacies of  
4 them. First of all, I'm concerned that there is no attempt  
5 here to define the problem. I'm assuming that the  
6 legislation was proposed, and if a rule or some sort of  
7 report is being contemplated, there is a specific concrete  
8 problem out there, I would like to hear what it is. I'd  
9 like to know in what specific circumstances the respective  
10 interests of tenants, landlords, the COLR, and the  
11 competitive carriers have been sacrificed, you know, for  
12 some purpose. Where is it not working? Where are the  
13 problems? Are the problems occurring in retrofit  
14 situations, or are they in new builds? How is it handled  
15 in other states? I don't understand why we would spend a  
16 lot of time arguing about the merits of this is the south  
17 and we have property rights versus, no, no, we are a  
18 liberal universal service environment, public interest  
19 overrides without trying to figure out what the problem  
20 is. Okay, so that is the first thing.

21           The second thing I'm concerned about is there is  
22 no specific attention to the definition of "interest." We  
23 have already heard today the identification of several  
24 legitimate interests, the interest of time, the interest of  
25 private property owners -- that is guaranteed under at

1 least two provisions of the constitution -- the interest of  
2 competitors, the interest of the COLR, the interest of the  
3 tenant and the overriding general public interest.

4           Now we have an environment where the legislature  
5 both at the congressional and the state level are  
6 emphasizing universal service. They are having us tax  
7 carriers in order to ensure that everyone has  
8 accessibility. In that environment, we normally assume  
9 that access to the tenant, therefore, has a very high  
10 social value, but now it may be running smack into the  
11 social value of the constitutional value of the property  
12 right of the landlord or the owner. We are not talking  
13 about where they clash.

14           My view is in the old days, before we had this  
15 competition, that if it clashed too much, the LEC could  
16 simply say to the landlord, You don't get service. That is  
17 fine. You've got your property rights, but you don't have  
18 a right to connect to the public switch network. It's a  
19 privilege. It's a privilege that will define by contract,  
20 but nonetheless, you don't have a right to get there.

21           We have moved that toward being a right to access  
22 to public switch network which the landlord would assert,  
23 but we are not clear in how asserting that they are going  
24 to honor the right of the tenants to do that. So I'm not  
25 comfortable that we've even begun to define the interests

1 that are in play here and, of course, it could be very  
2 academic as I kind of get sometimes; but I think the way to  
3 get there is to look at actually how the problem has  
4 manifested so far. And in experiences that I've had so far  
5 with it, it has, in fact, been able to be negotiated out on  
6 an adhoc basis as opposed to be done prescriptively.

7           The second thing I really think has to be looked  
8 at with all due respect to those of us reading the contract  
9 is whether or not there is an efficient market there. In  
10 other words, and I think this goes in a sense to  
11 Mr. Tubaugh's concern, that will the market pressures of  
12 tenants demanding better service really discipline the  
13 landlords and shared-tenant service providers who would  
14 enter into sweetheart contracts, okay? But I'm reluctant  
15 to participate in a process that comes out with generic  
16 pronouncements about how things should be without looking  
17 at where the problems are, and my sense is that this is  
18 something that needs to be evolved and not something that  
19 needs to be prescribed. Having said that, I'll try to tie  
20 that back into the issues.

21           I think the issues need to be understood they are  
22 generic. I think we need to start off with some issues  
23 that simply identify the existing problems. And there is  
24 one other issue that I need to add that is very, very,  
25 specific; and, Wayne, this is for you.

1           When cabling was deregulated many years ago, the  
2 risor was deregulated and paid for, I think, through  
3 depreciation -- if I'm correct; I don't know how that works  
4 --and it was turned over in a sense to the landlord or to  
5 the building owner. There was a kind of cable, what I call  
6 horizontal risor -- it's the same stuff -- that are on  
7 campus environments that apparently were not deregulated.  
8 Right now my understanding is that BellSouth, General  
9 Telephone, Sprint own that horizontal cable. That is a  
10 real -- what's the right word? -- monkey wrench in the  
11 whole scheme; and that needs to be addressed -- anybody in  
12 this world can deregulate that -- because a competitive LEC  
13 wants to use that risor to get from complex to complex.  
14 BellSouth or General Telephone has a legitimate right to  
15 say, no, you can't use that because it's theirs, and I  
16 think that needs to be addressed. That's it.

17           MR. TUBAUGH: I kind of disagree with what he  
18 said about that because I believe there are two acts. The  
19 federal and the state says that me, BellSouth, has got to  
20 make my facility available to competitive carriers. So all  
21 this nonsense about, God, we've got to let all five hundred  
22 or 147 approved ALECs to put facilities in this one  
23 apartment complex is absolutely horse manure. They are not  
24 going to do it, number 1; and number 2, they have a right  
25 to use my -- in fact, I have an obligation to provide

1 access to those folks through my facility by the  
2 Communications Act; so, you know, there is a lot of smoke  
3 out here, folks.

4 MS. BEDELL: When we were initially looking at  
5 these issues, we were thinking in terms of just the regular  
6 two-way provision of service. It has become apparent to us  
7 that the people that are participating here have a much  
8 broader outlook on access than what Mr. Wiggins has just  
9 raised, but we intend to address that as well.

10 And I would also like to add to Mr. Wiggins'  
11 comments that I realize that this first issue is really  
12 broad, but I do hope to capture from the participants some  
13 of the information that you were looking for. And anybody  
14 that wants to give us any of the information that  
15 Mr. Wiggins thinks has been missing from discussions, |  
16 we would love to have it.

17 MR. CUTTING: I think that's it. Now there may  
18 be parties here who did not prefile their issues list with  
19 us. Probably the best way to do that is just work from one  
20 side of the room to the other. To the extent people want  
21 to file additional comments, feel free. Just stand up,  
22 identify yourself, and do the same process we've just gone  
23 through. So if there are parties here today that did not  
24 prefile and you would like to speak now, feel free to do  
25 so. We'll just start on this side of the room and work our

1 way across. We can probably eliminate this side; it's all  
2 BellSouth.

3 MR. MILNER: You haven't heard from all of us.

4 MR. CUTTING: Maybe I don't want to. Anyone on  
5 this side of the room?

6 MS. BEDELL: Start with the wall.

7 MR. CUTTING: Start with the wall. Start with  
8 the wall. No?

9 (NO RESPONSE)

10 MR. CUTTING: First third.

11 (NO RESPONSE)

12 MR. CUTTING: Second third, middle third.

13 MR. ERWIN: Yeah, my name is Dave Erwin. I'm  
14 sometimes friendly with BellSouth and sometimes not. I  
15 just wondered if you need an issue in there about Federal  
16 Telecommunications Act and how that impacts all of what we  
17 are doing.

18 MR. KUPINSKY: Can I add to that? Stuart  
19 Kupinsky from Teligent. Maybe specific reference to  
20 defining risor to the extent that demarcation point is up  
21 at the customer prem. as a subloop element. The FCC didn't  
22 require it, but the FCC gave the PSC the ability to define  
23 further elements. And given that interconnections are made  
24 in the basement, you know, the technical feasibility of  
25 that is much more certain than what the FCC considered, so



1 that's an issue from under the '96 Act.

2 MR. CUTTING: That is certainly going to fall  
3 within, in the sense of a service. I mean I think we can  
4 certainly incorporate that into what we have.

5 MS. MEYERS: My name is Julie Myers. The  
6 International Council of Shopping Centers concerns  
7 primarily also related to the breadth of Issue Number I,  
8 and what we were specifically interested in learning was  
9 whether it is anticipated that PSC staff will be providing  
10 an economic analysis and a cost-benefit analysis in terms  
11 of the tenant, the property owner, a specific delineation  
12 of the costs associated of a property owner in making this  
13 access available and whether there is going to be an  
14 analysis of the benefits to the tenant vis-a-vis the  
15 benefits that already can be negotiated by a landlord, so  
16 number 1.

17 And as a subset of that, there was some  
18 information provided during last year's legislative  
19 session, some involving our clients or our property owners  
20 that we subsequently learned, in fact, were not true,  
21 issues concerning charges to tenants or overrides, et  
22 cetera, and they just were factually not true. So a  
23 compilation of that actual market information, whether that  
24 will be included in your discussion or study of Issue  
25 Number I, that's number 1.

1           And to this gentleman's point, a legal survey  
2 also of both the treatment under the Federal Act,  
3 legislative history concerning access to tenants and other  
4 state jurisdictions and what the fallout of that has been,  
5 whether you were planning on compiling that information as  
6 sort of a base.

7           Thirdly, and Jodi has talked about it a little  
8 bit, but an examination and analysis of current commercial  
9 leases, particularly that's our concern, and how changes  
10 statutory or PSC directive or suggested changes impact or  
11 impinge upon current commercial leasehold provisions and  
12 whether there will be an analysis and a delineation of  
13 those issues.

14           MR. CUTTING: Thank you. I'm not sure we can  
15 guarantee the world, but to the -- I mean certainly the  
16 legal analysis, I mean we are -- I mean I have been  
17 accumulating statutes from other states looking at how they  
18 were developed, talking to different commissions, just  
19 trying to get a handle on why states have decided the  
20 wording they have, for example, again, why cable was  
21 included, wasn't included, you know, the whole broad range  
22 of what is in their statute and how it came about we are  
23 certainly looking at. Again, I can't say at this point  
24 whether there will be a specific section of the report  
25 dealing with all of this. I mean it's certainly within the

1 broad issue of, you know, direct access to customers. I  
2 mean I think it's included in our Number I. Whether point  
3 by point will it include that, I can't say. Certainly to  
4 the extent you want to file comments by July 29th to those  
5 points, feel free to do that.

6 Anybody else in the middle section?

7 (NO RESPONSE)

8 MR. CUTTING: The last third, any new parties  
9 that would like to speak or add --

10 MR. MARTIN: Jim Martin, statewide 911  
11 coordinator. We have already talked about the fact that we  
12 were going to bring up something up about the 911 issues in  
13 there, but to give you a little background of where we are  
14 coming from, the 911 statutes now clearly define that it's  
15 the goal of the legislature to have enhanced 911 statewide.  
16 Right now we have 54 of the 67 counties that operate in an  
17 enhanced environment. We have five more that are supposed  
18 to be on line this year, bringing up to 59 the total. This  
19 represents about 95 percent of the population.

20 What I don't want to see happen is to take a step  
21 backwards and not provide automatic number identification  
22 and automatic location identification into the multi-tenant  
23 environment. So my request is going to be that we look at  
24 providing the ANI and the ALI capability so that we have  
25 true enhanced 911 at these locations.

1 MR. CUTTING: Anything else from anyone?  
2 Anything we have totally missed? We'll find out shortly,  
3 I'm sure. You want to get into the next agenda item? You  
4 want to discuss the critical dates of what to file next?

5 MS. BEDELL: I want to make a few announcements,  
6 some of which are for the benefit of those of you who don't  
7 practice here in front of the PSC. The first one is that  
8 the court reporter will have the transcript in about 10  
9 days, and if you give her your name, you will get a  
10 transcript when they are ready, if you give her your name  
11 today in particular.

12 We are not going to require any certificates of  
13 service or any appearance, notices of appearance because  
14 this is an informal workshop which means that when you do  
15 file your positions on the issues you do not have to serve  
16 them on everybody that is on our participant list. The  
17 list is very long. It includes a lot of people that are  
18 not here today and a lot of people who are not going to  
19 actually participate in this process but who will be  
20 monitoring it. When you file anything with our Office of  
21 Records and Reporting and identify it with the project  
22 number, it will get listed on our CMS system, and it is  
23 accessible on the Internet, and you can call up and ask for  
24 copies of anything that is there. The actual document is  
25 not filed in CMS unless it's something that is generated by

1 staff and is available through our system.

2 MR. HOPPE: Our Web site address for people who  
3 might need it, it's [www.scri.net/pac](http://www.scri.net/pac).

4 MS. BEDELL: The phone number for our records  
5 office if you want to call them and inquire about any  
6 filings is Area Code 850-413-6770. And most of you all  
7 have shown a great deal of talent in finding me and others  
8 of us. Please feel free to call any of us if you have any  
9 questions.

10 Yes, Mr. Wiggins.

11 MR. WIGGINS: Do we respond to these issues, or  
12 should we be looking for another --

13 MS. BEDELL: That is part of my grand finale.  
14 Next on my list here is that staff will send you a, what we  
15 are considering a final list of issues, we hope within a  
16 week of this meeting; and we would like for you all to file  
17 written comments, your positions on these issues and if you  
18 would like to address anything that we may have still  
19 missed after having heard all this from you, please do  
20 that. The fact that we have reached a final list of issues  
21 for everyone to comment on does not mean that if we have  
22 failed to identify an issue -- it does not mean that you  
23 cannot comment on that and ask us one more time to include  
24 it.

25 Any of the comments -- well, any additional

1 comments that you want to make on issues, you may also  
2 include in your next filing. The filing of your positions  
3 on the issues need to be filed with our Records And  
4 Reporting Office by the close of business on July 29th in  
5 order to ensure that you have an opportunity to be heard at  
6 the next workshop. The people that file will be able to  
7 make presentations. We can't make any guarantees about  
8 people that file late.

9 Yes, Mr. Murphy.

10 MR. MURPHY: As I understand it, people are not  
11 filing on disk so that the Web site will have access to the  
12 comments? I'm wondering how you monitor if you're not  
13 served, and I would ask that if it's not going to be on the  
14 Web site, the comments, that maybe the parties would copy  
15 the House Committee on Utilities and Telecommunications so  
16 we can see what, where the issues are falling out.

17 MS. BEDELL: Mr. Murphy is with the House  
18 Utilities Committee at the legislature, and he is asking  
19 that you all send him a copy.

20 MR. MURPHY: If it's not going to be posted to  
21 where you can really find it.

22 MS. BEDELL: Well, our -- CMS would show  
23 that BellSouth and Teligent and, you know, the  
24 individual companies have filed their comments and they  
25 are then available to anybody that calls and asked for

1 them.

2 MR. MURPHY: In hard copy?

3 MS. BEDELL: In a hard copy.

4 MR. HOPPE: Yeah.

5 MS. BEDELL: But, yeah, unless somebody files on  
6 a disk, the actual copy -- the actual document itself will  
7 not be on the Internet.

8 MR. WIGGINS: Charlie, what do you want?

9 MS. BEDELL: He wants copies.

10 MR. MURPHY: I want to be able to see what people  
11 are saying. Well, if you gave the Commission a floppy,  
12 they could post it as a document and you could surf and see  
13 what everybody is saying; otherwise, if you don't get it  
14 yourself in hard copy, you just don't have it.

15 MR. WIGGINS: Does anybody have a problem with  
16 serving? Why don't we just make a serving list among  
17 ourselves and serve each other?

18 MS. BEDELL: Well, the serving list is going to,  
19 it has to -- I think if we have a list -- If we do  
20 service, it has to be everybody that is on CMS as a  
21 participant. That's a lot of people.

22 MR. WIGGINS: Wait a minute. Wait a minute. Are  
23 we serving now? We don't serve notice now, right? In  
24 other words, if we file -- right now we file, but we are  
25 not serving anyone else?

1 MS. WHITE: Right.

2 MR. WIGGINS: So you're saying that if we  
3 volitionally choose to serve people we work with, we have  
4 to serve everybody? I'm just suggesting that -- Anybody  
5 who wants service copies from Intermedia, let me know,  
6 we'll be glad to give them to you.

7 MS. BEDELL: Okay. And also anybody who can to  
8 please serve also Charlie because he would like to --

9 Yes, Mr. Self.

10 MR. SELF: Cathy, I'm assuming that at the next  
11 workshop you'll have copies of everything that has been  
12 filed, or will you not?

13 MS. BEDELL: We certainly can do what we have  
14 just done. We were anticipating that people would want to  
15 have them before then and would already have copies.

16 MR. SELF: Well, why don't you simply request  
17 that everyone files on disk and then you can post them on  
18 the Web site?

19 MS. BEDELL: We can certainly do that, and to the  
20 extent that someone is unable to file on a disk, we can --  
21 that will just be noted in the CMS file. It just won't  
22 show up.

23 MS. SIMS: Cathy.

24 MS. BEDELL: Yes, Ms. Sims.

25 MS. SIMS: Is it my understanding that in order



1 to make a presentation at the workshop you have to file  
2 written comments?

3 MS. BEDELL: In order to be ensured that you  
4 will, yes.

5 MS. SIMS: But you can ask questions?

6 MS. BEDELL: Yes. Yes, and the comments are due  
7 two weeks before our next workshop which is the twenty --  
8 the comments are due on July 29th.

9 Yes, Mr. Whalen.

10 MR. WHALEN: Are you going to talk for a minute  
11 about how you think these workshops are going to work and  
12 what you expect from people and what the interaction among  
13 the participants will be?

14 MS. BEDELL: Yes, certainly. At the next  
15 workshop, we expect to have input from anyone who is  
16 interested on the actual positions that people want to  
17 take on the issues that we need to address in order to  
18 give our report to the legislature. We have scheduled the  
19 third workshop for the purpose of being able to have  
20 rebuttal to the extent that that might be necessary, to  
21 respond to things that are presented at the second  
22 workshop, to get any further information that we need to  
23 do any other business that needs to be done in order to  
24 move forward with our writing our report for the  
25 commissioners.

1           The next thing that happens after -- and at the  
2 workshop the next time, we will take comments in a fashion  
3 similar to what we have done today with summaries of  
4 people's positions, comments and, you know, any suggestions  
5 of what else we need to do here in order to get this job  
6 done.

7           When the workshops are concluded, staff will  
8 prepare a draft report. That report will go to the  
9 commissioners at an internal affairs. Everyone can  
10 participate in that also. And that is in December?

11           MR. HOPPE: December 8th is when the draft report  
12 is -- we are trying to do it by December 8th. The internal  
13 affairs will be December 14th.

14           MS. BEDELL: And then the commissioners, of  
15 course, make the final decision on what goes to the  
16 legislature.

17           Does that help you, Jeff?

18           MR. WHALEN: Yeah, are you expecting one person  
19 from each participant to file comments to speak, or are you  
20 going to allow multiple persons, participants to speak?  
21 Will there be opportunities to ask people who speak  
22 questions, those kind of things?

23           MS. BEDELL: This is an informal workshop. We  
24 intend to be as open as we can. We would hope that parties  
25 or participants would limit their presentations to having

1 presentation by just one person, but certainly there would  
2 be perhaps technical questions asked between folks that  
3 maybe need to be addressed by other people that a  
4 participant may have brought; but just as a matter of  
5 courtesy, we would hope that people would not have, you  
6 know, all ten of the BellSouth folks talking. But we  
7 intend for it to be as open as possible, and if it's -- you  
8 know, and to hear from anybody that has something to tell  
9 us.

10 Yes, Floyd.

11 MR. SELF: Cathy, the positions that you are  
12 looking at to be filed, are you looking for something of  
13 the nature of the more traditional like summary of  
14 positions that are -- not that there is a word limit, or  
15 are you looking for more like position discussions,  
16 analyses, white papers, you know, whatever the company has  
17 to bear, or all of the above?

18 MS. BEDELL: What we are looking for in the  
19 written comments is as broad as you all feel that is  
20 necessary to make. If you want to discuss some particular  
21 paper or publication or experience in Texas or Connecticut  
22 or something, please feel free to do that. In the comments  
23 that are given orally, we would hope for a summary.

24 MR. SELF: So these could look almost like  
25 briefs?

1 MS. BEDELL: Briefs, yes. Yes. This is your  
2 first and largest opportunity to get the information you  
3 want to get to the Commission.

4 Yes.

5 MS. CALLEN: Can you take -- If we want to send  
6 this, can you receive it by e-mail? If we send it to you  
7 e-mail, is that -- or would you rather have both, hard copy  
8 and electronic copy?

9 MS. BEDELL: You can, you can -- Let me get  
10 back to you on that.

11 MS. CALLEN: Okay, that's fine.

12 MS. BEDELL: Yes.

13 MR. HALLEY: From what I understand, there have  
14 been dial-up proceedings at the Florida PSC before.

15 MS. BEDELL: Calling in?

16 MR. HALLEY: Calling in. And I spoke with some  
17 people who are interested in calling in today. Is there  
18 going to be a way to do that in the future for some of the  
19 other --

20 MS. BEDELL: We had several calls -- actually I  
21 had most of them yesterday -- about whether we were going  
22 to have a dial-in number. I certainly think that we could  
23 probably do that, but this room does not make it very  
24 conducive for people to actually participate using the  
25 phone, you know, in the informal workshop, but we could do

1 it. If there is some interest or consensus in having the  
2 phone available for people just to listen in, I think we  
3 could probably consider having a conference call set up,  
4 dial in and have folks listen. But we're concerned since  
5 this is supposed to be more informal and we have a court  
6 reporter that to have the phone on top of that would be --  
7 might detract from our being able to have a really  
8 meaningful workshop. So if you all would like, we will  
9 certainly make the phone available, but we would appreciate  
10 it if we could have it just for people to listen. Is  
11 that -- would that suit folks?

12 MR. WHALEN: Workshops are going to be in this  
13 room?

14 MS. BEDELL: I'm sorry?

15 MR. WHALEN: The workshops will be in this room?

16 MS. BEDELL: Yes. We hope that this room can  
17 continue to accommodate folks. Do you think it's too  
18 small?

19 (MR. WHALEN NODDED HEAD AFFIRMATIVELY)

20 MS. BEDELL: Okay. We will -- Yes, Mr. Self.

21 MR. SELF: I was going to agree with Jeff. This  
22 room is probably definitely too small for the next round.

23 MS. BEDELL: Okay.

24 MR. WHALEN: When we let people know that you all  
25 brought food, I mean --

1 MS. BEDELL: That will be it, right? We'll  
2 be run --

3 MS. CHASE: Overrun.

4 MS. BEDELL: Overrun, okay.

5 MR. SELF: Cathy, excuse me, especially too with  
6 the presentations. You may well find that people may want  
7 to have overheads or slides or whatever, and I suspect  
8 you'll probably draw twice as many people next time at  
9 least.

10 MS. BEDELL: Okay. We certainly have other rooms  
11 available. We had gone ahead and reserved all of these  
12 because we really just didn't know the size and amount of  
13 interest. We are required to send out, you know, notices  
14 for these, so please examine the room. It will still be  
15 out here someplace, so if you get near and just smell out  
16 the doughnuts, you might be able to find us. No, we will  
17 also be sending out a notice. I think the notice has to go  
18 out next Tuesday or something, so we should -- We will  
19 find a room. There are larger rooms we can get. If  
20 nothing else, we can go directly across to a room that is  
21 about half again as big as this one.

22 Are there any other questions?

23 (NO RESPONSE)

24 MS. BEDELL: So we will send you all both a  
25 notice of the next workshop and the place and a list of

1 issues, and we will expect to hear back from you all by the  
2 29th, preferably filing by disk. Okay. Thank you.

3 (WHEREUPON, THE WORKSHOP WAS CONCLUDED)

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## CERTIFICATE

1  
2 STATE OF FLORIDA )  
3 COUNTY OF LEON )  
4

5 I, NANCY S. METZKE, Certified Shorthand Reporter  
6 and Registered Professional Reporter, certify that I was  
7 authorized to and did stenographically report the foregoing  
8 proceedings and that the transcript is a true and complete  
9 record of my stenographic notes.

DATED this 22nd day of July, 1998.

10   
NANCY S. METZKE, CCR, RPR