

Greater Orlando Association of REALTORS®, Inc. ORIGINAL



P.O. BOX 587, Orlando FL 32802-0587 | (407) 422-5143 | FAX: (407) 422-6879
 Longwood Office: 1425 W. S.R. 434, #121, Longwood, FL 32750
 (407) 332-6688 | FAX: (407) 332-6958

July 28, 1998

Ms. Cathy Bedell
 Florida Public Service Commission
 2540 Shumard Oak Boulevard
 Tallahassee, Florida 32399-0850

Dear Ms. Bedell:

Please find enclosed a memorandum in response to your request for comments. The Central Florida Commercial Society and the Greater Orlando Association of REALTORS appreciates the opportunity to respond to these issues.

It is our intent to respond to those items that have a direct impact on the rights of private property owners. However, since many of the terms and their impact have yet to be determined, it is difficult to give an in-depth response at this time. Members of our Association, as well as the Florida Association of REALTORS, will be present at the August 12th meeting and will be prepared to present our response.

If you have any questions or need additional information, please do not hesitate to contact Frankie Callen at 407.422.5143 x319.

Thank you again for this opportunity.

Sincerely,

Matt Sullivan

Matt Sullivan
 President, Central Florida Commercial Real Estate Society

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*An Association which is the catalyst for the success of its members
 in the real estate profession into the 21st century.*

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**Greater Orlando
Association of
REALTORS®**

Memo

To: The Florida Public Service Commission
From: The Central Florida Commercial Real Estate Society and the Greater Orlando Association of REALTORS®
CC: Gene Adams, Vice President of Governmental Affairs, Florida Association of REALTORS
Date: July 28, 1998
Re: REPLY TO REQUEST FOR COMMENTS BY THE FLORIDA PUBLIC SERVICE COMMISSION

ACCESS BY TELECOMMUNICATIONS COMPANIES TO MULTI-TENANT ENVIRONMENTS

- 1. In general, should telecommunications companies have direct access to customers in multi-tenant environments? Please explain. (Please address what need there may be for access and include discussion of broad policy considerations.)*

To answer this question, we need to define "access".

- a. If "access" means telecommunications companies should have the right to solicit customers in a multi-tenant building then the response would be yes.
- b. If "access" means physical entry into the building, it should only be as a result of a contractual relationship between the property owner and the telecommunications provider. This is especially important if the property owner is required to provide space and/or unlimited entry.

- c. It is also important for the Commission to determine what they mean by “non-discriminatory” access to the property.

II. *What must be considered in determining whether telecommunications companies should have direct access to customers in multi-tenant environments?*

- A. *How should “multi-tenant environment” be defined? That is, should it include residential, commercial, transient, call aggregators, condominiums, office buildings, new facilities, existing facilities, shared tenant services, other?*

Any facility contained in a single building or internal complex of buildings under a single ownership. Residential facilities should be classified separately. There are special considerations that are unique to apartments, condo’s and coop’s.

- B. *What telecommunications services should be included in “director access”, i.e., basic local service (Section 364.02(2), F.S.), Internet access, video, data, satellite, other?*

All forms of telecommunications services should be considered. Since telecommunications technology is ever-changing, the public would be better served if all possible services are considered in this process.

- C. In promoting a competitive market, what, if any, restrictions to direct access to customers in multi-tenant environments should be considered? In what instances, if any, would exclusionary contracts be appropriate and why?

- 1. Physical entry and space use should be controlled by landlord/owner through contract negotiations. Again, the type of access necessary and the definition of “non-discriminatory” access needs to be clearly defined.

- 2. Exclusionary contracts may be appropriate in existing facilities due to space limitations, cost of retrofit, efficiency, and for facilities where security/national defense, medical, law enforcement, and property data would be compromised.

- D. *How should “demarcation point” be defined, i.e., current PSC definition (Rule 25-4.0345, F.A.C) or federal Minimum Point of Entry (MPOE)?*

N/A

E. *With respect to actual, physical access to property, what are the rights, privileges, responsibilities or obligations of:*

1. *Landlords, owners, building manager, condominium associations.*

These individuals should have unabridged rights to control use of their property.

2. *Tenants, customers, end users.*

They have rights subject to their contracts with the property owner/landlord. (the tenant can make the telecommunications provider a subject of their contract with the owner if necessary)

3. *Telecommunications companies*

Their rights should not override property rights of landlord/property owner and should be subjected to contract negotiations.

F. *Based on your answer to Issue II.E. above, are there instances in which compensation should be required? If yes, by whom, to whom, for what and how is cost to be determined?*

Compensations should be required for:

- a. Space occupied
- b. Renovations and repairs
- c. After-hour entry
- d. After-hour costs for building security, maintenance, etc.

Actual compensation should be determined by contract. However, *conditions should not be discriminatory.*

G. *What is necessary to preserve the integrity of E911?*

This should be the primary concern of the Commission. Emergency 911 should identify its needs, based on industry technology, before the Commission moves forward.