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July 29, 1998

Ms. Blanca S. Bayo, Director
Division of Records & Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

98 JUL 29 AM 9 51
MAIL ROOM

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

Dear Ms. Bayo:

Please find enclosed an original and fifteen copies of the Comments of GTE Florida Incorporated for filing in the above matter. Also enclosed is a diskette with a copy of the Comments in WordPerfect 6.0 format.

If there are any questions regarding this filing, please contact me at (813) 483-2617.

Very truly yours,

Kimberly Caswell

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cc: Staff Counsel, Florida Public Service Commission (w/e)
Charles Murphy, House Committee on Utilities & Communications (w/e)

A part of GTE Corporation

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

Access by Telecommunications Companies) Special Project No. 980000B-SP
To Customers in Multi-Tenant Environments) Filed: July 29, 1998
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COMMENTS OF GTE FLORIDA INCORPORATED

These are GTE Florida Incorporated's comments on the issues identified in this proceeding.

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

GTE'S RESPONSE: Yes. Certified telecommunications companies should have direct access to tenants in a multi-tenant environment. The multi-tenant location owner manages access to an essential element in the delivery of telecommunications to the tenants, and telecommunications is essential to the public welfare. The owner should therefore be required to permit certified telecommunications companies access to space sufficient to provide telecommunications services to tenants.

Issue II: What must be considered in determining whether telecommunications companies should have direct access to tenants in multi-tenant environments?

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

GTE'S RESPONSE: A multi-tenant location should be defined as a building or continuous property (which may be transversed by public thoroughfares) that is under the control of a single owner or management unit with more than one tenant that is not affiliated with the owner or management unit. Multi-tenant environments include both new and existing

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facilities such as multi-family residential apartment buildings, multi-tenant commercial office buildings, existing shared tenant service locations, condominiums, town houses or duplexes, campus situations or business parks, shopping centers, and any other facility arrangement not classified as a single unit. GTE believes, however, that call aggregators should not be considered to present a multi-tenant situation for purposes of this inquiry. Call aggregators are different from the other situations listed above in that they serve transient populations and there is no end user tenant to which the telecommunications company may connect.

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

GTE'S RESPONSE: Telecommunications services that comprise "direct access" should include the network access functions that are enjoyed by and currently available to the vast majority of Floridians (and Americans) today--i.e., basic local service. While technology and regulatory changes are rapidly creating new opportunities for all customers to benefit from a vast array of services over existing and new telecommunications infrastructure(s), there is considerable uncertainty about the precise form the emerging telecommunications infrastructure(s) may take.

With regard to the issue at hand, it is not certain whether multi-tenant telecommunications markets will be served by copper wire, coaxial cable, high-capacity optics, wireless, satellite, or hybrid combinations of these and other technologies. Similarly, it is unknown what mix of services customers in various multi-tenant facilities

want or would be willing to pay for. Tenants' rights of direct access should therefore be defined in accord with the existing, statutory basic service definition, rather than including items like Internet access, video, and data. The Commission (or the Legislature) always has the option of expanding the scope of direct access as technologies and demand become better defined.

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?

GTE'S RESPONSE: Any restrictions on direct access should be strictly constrained to reasonable security, safety, appearance, and physical space limitations. If space constraints do exist, an owner should be permitted to limit the number of telecommunications companies that have direct access. In cases where space is limited and several telecommunications companies seek access, each company that requests direct access should be required to prove that a bona fide customer service request exists to justify requested space. This requirement is necessary to prevent firms from obtaining space in order to erect artificial barriers to entry.

For a number of reasons, GTE does not believe that exclusionary contracts are ever appropriate. First, each tenant should have the right to choose a telecommunications company (or companies). Second, if the Commission adopts the FCC's minimum point of entry (MPOE) regime, the location's demarcation point will be readily accessible to new entrants, which will effectively facilitate intra-location competition. Third, the FCC has ruled under the MPOE policy that the incumbent local

exchange carrier owns existing inside wiring, but does not control the use of the wire. Therefore, a new entrant has the option of using existing intra-location cabling, if suitable, or installing new cabling. This option facilitates the new entrant's ability to enter the market and argues against employment of exclusionary contracts.

If the Commission or Legislature, however, permits exclusive contracts, it must recognize the effect of this policy on existing carrier of last resort obligations. If multi-tenant location owners are permitted to negotiate exclusive agreements, then for all practical purposes, the Commission (or Legislature) will have concluded that the carrier of last resort concept does not apply for multi-tenant locations.

D. How should "demarcation point" be defined, i.e., current PSC definition (Rule 25-4.0345, F.A.C.) or federal MPOE?

GTE'S RESPONSE: The Commission should adopt the FCC's MPOE demarcation point definition as clarified and amended in CC Docket No. 88-57, *Review of Sections 68.104 and 68.213 of the Commission's Rules Concerning Connection of Simple Inside Wiring to the Telephone Network*.

In this docket's *Order on Reconsideration, Second Report and Order and Second Further Notice of Proposed Rulemaking*,¹ the FCC found that " the demarcation point for multiunit installations must not be further inside the customer's premises than [twelve

¹ Review of Section 68.104 and 68.213 of the Commission's Rules Concerning Connection of Simple Inside Wiring to the Telephone Network and Petition for Modification of Section 68.213 of the Commission's Rules filed by the Electronic Industries Association, Order on Reconsideration, Second Report and Order and Second Further Notice of Proposed Rulemaking (FCC 97-209), 12 FCC Rcd 11897 (released June 17, 1997)(1997).

inches] from where wiring enters the customer's premises"², "or as close thereto as practicable."³ This MPOE policy arose from the FCC's concern that carriers could establish a practice of locating the demarcation point well inside the customer's premises. This would result in leaving a potentially substantial run of cabling inside the premises on the carrier's side of the demarcation point. The FCC found that this practice would prevent customer access to wiring within their premises, and would interfere with customers' ability to connect simple inside wiring to the network because customers are not permitted to access wiring on the carrier's side of the demarcation point. The practice would also grant a single telephone company an exclusive franchise for a portion of intra-location cabling, thereby leading to contention among competing telecommunications companies over terms, conditions, and prices.

Finally, if the Commission moves from its maximum point of entry policy to an MPOE regime, the ILEC must be ensured full recovery of its investment in the affected facilities.

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

(1) landlords, owners, building managers, condominium associations

GTE'S RESPONSE: Assuming the Commission adopts the FCC's MPOE policy, in new multi-tenant locations, the location owner (or possibly the tenant) is responsible for the placement of inside wire cabling from the demarcation point to the tenants' locations. Construction,

² Id. at 11909.

³ Id. at 11909-11910.

operation, maintenance of wiring and equipment, and service quality on the owner's side of the demarcation point are the responsibility of the building owner or customer.

In existing multi-tenant locations, the point of demarcation would be relocated to the minimum point of entry (if adopted by the FPSC) when one of the following conditions is fulfilled:

The building owner or customer asks GTE to move or change the physical location of the network termination.

The building owner or customer requires new and/or additional network outside plant facilities. The point of demarcation for the new and/or additional facilities will be established at the minimum point of entry upon completion of the outside plant work order.

A new entrant telecommunications company requests use of the incumbent telecommunications company's intra-location cabling.

(2) tenants, customers, end-users

GTE'S RESPONSE: The rights, privileges, responsibilities and obligations of tenants, customers, and end-users are based upon the contractual agreements between these parties and their respective landlords, owners, building managers, and condominium associations.

(3) telecommunications companies

GTE'S RESPONSE: In the MPOE regime for multi-tenant locations, the telecommunications company places the minimum amount of network facilities into the location, possibly through an easement, and usually to an equipment space or closet in the basement or first floor of a building or another defined property point that is generally close

to the public right of way. The telecommunications company is responsible for the maintenance, repair, and service quality of facilities up to the defined point of demarcation. The multi-tenant location owner (or possibly tenant) is responsible for the installation, maintenance, repair, and service quality of the inside wiring from that demarcation point to the tenants' locations.

Building accommodations and other facilities that are required by telecommunications companies in a multi-tenant location may include conduit from the public right of way to a point of demarcation between network facilities and inside wire within the building or property, wall space, floor space, equipment closets, commercial power outlets (if required), access to ground electrode, and specialized environmental conditioning, (e.g., extra air conditioning capacity, fire suppression equipment, lightning protection, secure and lockable space). Telecommunications company personnel should, through prior agreement or contractual arrangement, have 24-hour access to the space for repair and maintenance purposes. The quantity of space needed will vary widely based upon the type of facility placed (e.g., copper or derived channels), the number of customers or tenants served, and the types of services that are to be provided.

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 the cost to be determined?

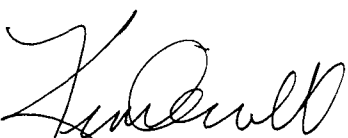
GTE'S RESPONSE: No. A multi-tenant location owner should not be allowed to charge for access to an essential element in the delivery of telecommunications to the tenants.

Telecommunications firms should not be required to pay multi-tenant location owners for the ability to terminate network facilities that are needed to provide services to tenants of that multi-tenant location and that are essential to the public welfare and a necessary part of the building or property infrastructure. Multi-tenant location owners do not charge other firms providing essential services (e.g., electric, gas, water, and sewage) for the right to provide such services. The space used by telecommunications, electric, water and other essential services firms is common area that benefit all tenants. This type of common area is analogous to the space required to provide elevator service, stairways and shared rest rooms in multi-story buildings. Costs for all types of these and other common areas should be recovered from tenants through normal rental payments.

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

GTE'S RESPONSE: GTE offers the optional PBX product PS 911 which provides individual station location and automatic number identification (ANI) within multi-tenant locations. Other telecommunications service companies in Florida offer this E911 PBX product with similar features. The ubiquitous deployment of products with these features would preserve the integrity of E911 in multi-tenant locations.

Respectfully submitted on July 29, 1998.

By: 

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