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October 1, 1998

Ms. Blanco Bayo, Director
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Tallahassee, Florida 32399-0850

via Hand Delivery

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 93 OCT - 1 PM 4:00
 RECORDS AND REPORTING

In Re: Docket 980000B - Undocketed Special Project
Access by Telecommunications Companies to Customers
in Multi-Tenant Environments.

Dear Ms. Bayo:

The following are the responses to staff's data requests for Time Warner AxS of Florida, L.P.

1. Are you aware of any specific instances during 1997 in which a landlord or building owner denied or limited access to an alternative telecommunications provider for the installation of telecommunications equipment? If so, please describe these instances.

Answer: Time Warner AxS of Florida, L.P. ("Time Warner") currently provides local service in the Orlando area and Tampa areas. We have experienced many instances in both locations in which the landlord denied access or required compensation in excess of the cost justification to support the opportunity. Attached as Exhibit A is a list of the commercial buildings in Tampa that either denied access or limited access by requiring the ALEC to pay compensation to gain access.

2. Are you aware of any tenants in multi-tenant environments, where local telecommunications service was provided through the landlord, who were unable to obtain local service from an alternative provider during 1997? If so, please describe these instances.

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Ms. Bayo
October 1, 1998
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Answer: Time Warner does not have any specific knowledge of these instances but suggests that the tenants or landlords would be in a better position to respond to this data request.

3. Please provide a copy of any agreements designed to provide telecommunications service in multi-tenant environments, including marketing agreements, exclusive contracts, and leases.

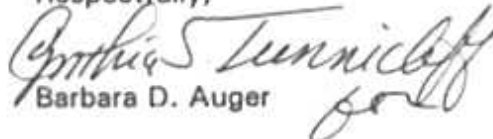
Answer: Please find attached as Exhibit "B", Time Warner's proposed Telecommunications License Agreement.

4. Please provide any other information or material that you believe would be useful to staff in its analysis of access by telecommunications companies to customers in multi-tenant environments.

Answer: Time Warner has been sent letters from the landlords in buildings where we are the tenant in which the landlords are offering to negotiate telecommunications services with the carriers on behalf of the tenants. A copy of these letters are attached as Exhibit "C". The letter states that the tenants will get better terms and conditions if they allow the landlord to negotiate the contracts with the carriers and also warns the tenants not to enter into any binding agreements with the carriers until the landlords allow access to the MTEs. This is a blatant attempt to exclude competitors from the buildings until the landlords have gained all the leverage to "negotiate" with the carriers. Behaviors such as this on the part of the landlords further demonstrates the need for a statute allowing telecommunications companies direct access to MTEs. Without statutes governing direct access to MTEs, third parties (i.e. landlords/building owners) will be in a position to stifle effective competition. Such ability on the part of those third parties is inconsistent with and defeats the pro-competition policy in the State of Florida.

If you have any questions regarding this matter, please feel free to contact me.

Respectfully,


Barbara D. Auger

BDA/kab