



GTE SERVICE CORPORATION

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October 5, 1998

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

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.

ACK _____ Very truly yours,

AFA 1 *Kimberly Caswell*

APP _____
CAF _____ Kimberly Caswell

CMU _____
CTR _____ KC:tas
EAG _____ Enclosures

LEG 1 _____ e Staff Counsel, Florida Public Service Commission (w/e)
LIN 5 _____ Charles Murphy, House Committee on Utilities & Communications (w/e)

OPC _____
RCH 1 _____
SEC 1 _____ A part of GTE Corporation

WAS _____
OTH _____

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FPSO-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

Access by Telecommunications Companies) Special Project No. 980000B-SP
To Customers in Multi-Tenant Environments) Filed: October 5, 1998

COMMENTS OF GTE FLORIDA INCORPORATED

SCENARIOS

The following are entities which could control telecommunications facilities in multi-tenant environments: ILEC, ALEC, landlord/property owner, new construction. Please respond to the various situations outlined in A through D below using each of the possible entities.

A. Leave the demarcation point as defined by Rule 24-4.0345, F A C .

OR

Move demarcation point to FCC MPOE.

RESPONSE:

GTE Florida Incorporated ("GTE" or "Company") proposes that the Florida Public Service Commission ("FPSC" or "Commission") adopt the minimum point of entry ("MPOE") demarcation point policy established by the Federal Communications Commission ("FCC") in CC Docket No. 88-57. It also proposes that, for the purpose of equity among all carriers, property owners and customers, the demarcation point policy adopted by the Commission should apply to all carriers operating in Florida.

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Consistent with the FCC's rules, the Company (or other carrier if the intrabuilding cables in a building are owned by that carrier) will convert an existing multi-tenant building to MPOE if either the property owner or a carrier requests it or if a major addition, modification or rearrangement of the network facilities serving the building is required. Otherwise, the demarcation point(s) in existing multi-tenant buildings will remain where they are today.

For new multi-tenant locations, GTE proposes that the demarcation point be established at the MPOE consistent with the FCC's rules. For continuous property such as campus arrangements, malls and large resort developments, the Company proposes that the demarcation point for new installations generally be located at an appropriate main distribution terminal in a single building, as determined by the Company. Where feasible, the Company will work with the property owner to select the location of the demarcation point. If a continuous property owner desires additional demarcation points, the owner would generally be required to pay for the additional network facilities required to install the additional demarcation points.

- B. All telecommunications companies shall have access to all customers in a multi-tenant environments for resale, i.e., where no additional telecommunications facilities must be installed, all tenants have access to COLR.

OR

Landlord controls access to telecommunications service; customer can ask to be served by the COLR, if other than provided by the landlord.

RESPONSE:

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.

Tenants should also have access to the COLR, even if the COLR is a different telecommunications carrier than the carrier(s) selected by the landlord. If a tenant is precluded from selecting the COLR in either existing structures or new construction, or if the COLR is required to provide compensation to a landlord/property owner for providing COLR service to customers as mandated by the Commission, then the universal service "compact" would be essentially abrogated for multi-tenant facilities. This would be an issue for consideration in any future universal service docket considered by the FPSC.

- C. All telecommunications companies requiring facilities installation in order to provide service to customers in multi-tenant environments shall be given access under the following conditions:

Customer in multi-tenant environment shall be responsible for obtaining authorization from and providing reasonable, non-discriminatory compensation to landlord for all telecommunications facilities installation requirements of a telecommunications company; and landlord shall provide reasonable, non-discriminatory accommodations.

OR

Customers shall be entitled to access to telecommunications service from any certified telecommunications company; and landlord and telecommunications companies must reach reasonable accommodation for access.

OR

Landlord shall fully control access to any facilities based carriers other than COLR.

RESPONSE:

Under an MPOE regime, the second condition should generally apply, but the first condition could be applicable in certain circumstances. The reason for this is that customers have widely divergent telecommunications service requirements, and no individual customer locations are exactly alike. Also, carriers should be allowed some flexibility and discretion in applying the approved demarcation point policy. While carriers should strive for equivalent treatment of their customers to the extent possible, strict adherence to a demarcation point policy without allowing flexibility for special circumstances could unnecessarily inconvenience customers and increase their costs. GTE, as well as other carriers, should be allowed to use its discretion as long as unreasonable expense is not involved in order to meet the needs of its customers. This is consistent with Section 68.3 of the FCC's rules which allow demarcation points to be located "as close as practicable" to the minimum point. If material or unreasonable expense is required to meet the customer's special requirements, the customer should pay for such costs.

- D. Disputes arising out of determination of reasonable accommodations or compensation shall be within the jurisdiction of the PSC.

OR

Circuit Courts.

RESPONSE:

GTE is confident that the FPSC retains the necessary technical and legal expertise that is likely to be required in the resolution of disputes regarding the complex issues associated with reasonable accommodations for tenant access under an MPOE regime. Circuit courts should be considered as a secondary arena for dispute resolution, but not one of first resort in terms of defining MPOE terms and conditions.

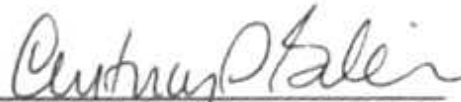
While the Company does not advocate specific regulations regarding property accommodations and compensation, GTE does believe that there is fundamental value in the establishment of a rational set of metrics designed for dispute resolution among affected parties. For example, fees based on "a percentage of TSPs (telecommunications service providers') gross revenues"¹ has been advocated as one potentially appropriate formula for the determination of compensation for space required to provide telecommunications service in a multi-tenant facility. GTE contends that the potential capability of landlords and/or

¹ Wired for Profit, the Property Management Professional's Guide to Capturing Opportunities in the Telecommunications Market, published by Building Owners and Manager Association (BOMA) International, 1998, p. 36

property owners to levy fees based on such an arbitrary measure could seriously impede the evolution of telecommunications competition in Florida, and erect roadblocks to the fundamental right of customer choice in the marketplace.

GTE maintains that if building access fees are permitted, there should be guidelines based upon specifically defined economic cost criteria of the space required to provide telecommunications service. Accommodation costs should be evaluated on the basis of criteria that are factually grounded on the actual economic cost of the equipment space or closet versus a completely irrelevant measure such as gross revenues.

Respectfully submitted on October 5, 1998

By: 
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