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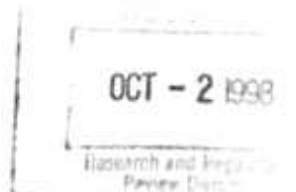
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October 1, 1998

VIA FEDERAL EXPRESS

Mr. John C. Cutting
Division of Research and Regulatory Review
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0872



Re: Special Project No. 980000B-SP

Dear Mr. Cutting:

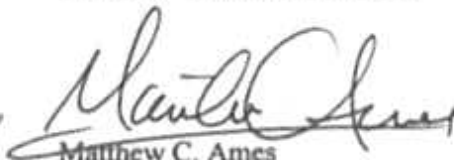
Enclosed for filing are an original and fifteen (15) copies and a diskette of proposed definitions regarding the above-captioned matter submitted by the National Apartment Association, the National Multi Housing Council, and the American Seniors Housing Association. I have also enclosed one extra copy of the comments to be date-stamped and returned to me in the enclosed Federal Express envelope.

- ACK
- AFA 1
- APP
- CAF
- CMU
- CTR
- EAG
- LEG 1
- LIN 5
- OPC
- RCH 1
- SEC 1
- WAS
- OTH

If you have any questions or comments, please feel free to call.

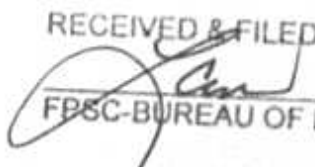
Very truly yours,

Miller & Van Eaton, P.L.L.C.

By 
Matthew C. Ames

Enclosures

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RECEIVED & FILED

FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE
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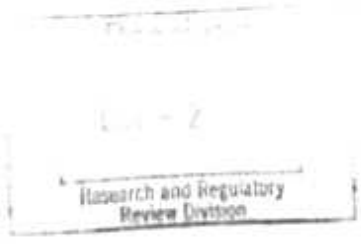
ORIGINAL

BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION
Tallahassee, Florida

In Re Issue Identification Workshop)
For Undocketed Special Project:)
Access by Telecommunications)
Companies to Customers in Multi-Tenant)
Environments)

Special Project No. 980000B-SP

COMMENTS OF
NATIONAL APARTMENT ASSOCIATION
NATIONAL MULTI HOUSING COUNCIL
AND
AMERICAN SENIORS HOUSING ASSOCIATION



The National Apartment Association, the National Multi Housing Council, and the American Seniors Housing Association (the "Apartment Associations") respectfully submit these Comments in connection with the Commission's consideration of issues related to access by telecommunications companies to private property. The Comments consist of proposed definitions of key terms.

The Apartment Associations strongly oppose all proposals for forced access. The following proposed definitions are intended to protect and preserve all the rights of property owners:

"Multi-tenant environment" means (a) a building that is occupied by more than one person other than the owner, pursuant to a lease; or (b) property described in Florida Statutes Chapters 718 (condominiums) or 723 (mobile home parks).

"Access in multi-tenant environments" means those rights granted to a particular telecommunications provider by the terms of a freely-negotiated agreement between the provider and the owner of a particular multi-tenant environment, or the owner's agent, to the extent that such rights include the authority to enter the multi-tenant environment for the purpose of installing, maintaining or removing telecommunications facilities.

"Non-discriminatory accommodations" means that the owner of a multi-tenant environment shall allow a telecommunications provider access to the multi-tenant environment after the provider has entered into an agreement consistent with the following principles:

- (i) a multi-tenant environment owner may impose conditions intended to protect the health, safety or welfare of the tenants of the multi-tenant environment, and of other persons who may enter the premises;
- (ii) a multi-tenant environment owner may impose conditions intended to protect the safety, security, appearance or condition of the property;
- (iii) a multi-tenant environment owner may impose conditions intended to protect the privacy of tenants;
- (iv) a multi-tenant environment owner may require a telecommunications provider to bear the cost of installation, maintenance, operation and removal of all facilities, and to indemnify the owner against all damage or injury to persons or property that is or might be caused by the presence or activities of the provider, its employees or agents, or its facilities in the multi-tenant environment;
- (v) a multi-tenant environment owner may require a telecommunications provider to pay rent as consideration for the right to occupy any portion of the multi-tenant environment owner's property with the provider's facilities;
- (vi) a multi-tenant environment owner may enforce any other terms to which the parties may agree; and
- (vii) a party's execution of an agreement for access to a multi-tenant environment shall be conclusive proof of the reasonableness of the terms of access and shall preclude any claim of discrimination.

"Discrimination" means (i) the unreasonable refusal by a telecommunications provider to consider terms for access proposed by the owner of a multi-tenant environment; (ii) the unreasonable refusal by a telecommunications provider to provide service to or in a multi-tenant environment when the owner has consented to or requested the provider's presence in the multi-tenant environment; and (iii) the unreasonable refusal by the owner of a multi-tenant environment to consider terms for access proposed by a provider.

Conclusion

The Commission should ensure that any regulations dealing with access by telecommunications providers to private property preserve all the rights of property owners.

Respectfully submitted,



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Attorneys for:
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Multi Housing Council; American Seniors
Housing Association

October 1, 1998

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