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RECORDS AND  
REPORTING

August 26, 1998

ORIGINAL

**BY HAND DELIVERY**

Ms. Blanca Bayo, Director  
Division of Records and Reporting  
Room 110, Easley Building  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, Florida 32399-0850

Re: Docket No. 98000B-SP

Dear Ms. Bayo:

Enclosed for filing in the above captioned docket are an original and fifteen copies of the Comments of WorldCom Technologies, Inc. Due to the attachment, a paper copy of these comments have been provided to each party.

Please acknowledge receipt of these documents by stamping the extra copy of this letter "filed" and returning the same to me.

Thank you for your assistance with this filing.

Sincerely,

  
Norman H. Horton, Jr.

ACK \_\_\_\_\_  
AFA \_\_\_\_\_  
APP \_\_\_\_\_  
CAF \_\_\_\_\_  
CMI \_\_\_\_\_  
CIT \_\_\_\_\_  
EAC \_\_\_\_\_  
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NHH/amb  
Enclosures  
cc: Mr. Brian Sulmonetti  
Parties of Record

DOCUMENT NUMBER-DATE

09301 AUG 26 98

RECORDS AND REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Undocketed Special Project Access )  
by Telecommunications Companies )  
to Customers in Multi-Tenant )  
Environments )

Docket No. 980000B-SP  
Filed: August 26, 1998

ORIGINAL

COMMENTS OF WORLDCOM TECHNOLOGIES, INC.

WorldCom Technologies, Inc. herewith submits the following comments for consideration by Staff in this docket.

1. During the workshop August 12, 1998, the Staff heard presentations from a variety of interested persons, and these presentations together with the written comments should provide Staff with a broad view of this subject. WorldCom does not have any comments to add to the initial remarks but wants to reiterate that if competition is to develop in the multi-tenant environment, carriers must have direct access on a nondiscriminatory basis and without restrictions or limitations such as exclusive contracts and marketing arrangements as referenced at the workshop that would impair the ability of carriers to provide services to consumers.

2. At the workshop several parties made reference to legislation in Texas and Connecticut. Copies of that legislation are attached for reference. WorldCom would urge the Staff to review the language of this legislation and consider the experiences of the parties in these states. When the Commission develops its final report to forward to the Legislature, WorldCom believes that it would be appropriate for that report to include specific language for use by the Legislature.

Dated this 26th day of August, 1998.

Respectfully submitted,



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REPORTING

TEXAS STATUTES  
SECTIONS 54-259 THROUGH 54-261

**Sec. 54.259. Discrimination by Property Owner Prohibited.**

(a) If a telecommunications utility holds a consent, franchise, or permit as determined to be the appropriate grants of authority by the municipality and holds a certificate if required by this title, a public or private property owner may not:

- (1) prevent the utility from installing on the owner's property a telecommunications service facility a tenant requests;
- (2) interfere with the utility's installation on the owner's property of a telecommunications service facility a tenant requests;
- (3) discriminate against such a utility regarding installation, terms, or compensation of a telecommunications service facility to a tenant on the owner's property;
- (4) demand or accept an unreasonable payment of any kind from a tenant or the utility for allowing the utility on or in the owner's property; or
- (5) discriminate in favor of or against a tenant in any manner, including rental charge discrimination, because of the utility from which the tenant receives a telecommunications service.

(b) Subsection (a) does not apply to an institution of higher education. In this subsection, "institution of higher education" means:

- (1) an institution of higher education as defined by Section 61.003, Education Code; or
- (2) a private or independent institution of higher education as defined by Section 61.003, Education Code.

(c) Notwithstanding any other law, the commission has the jurisdiction to enforce this section.

Acts 1997, 75th Leg., ch. 166, Sec. 1, eff. Sept. 1, 1997.

**Sec. 54.260. Property Owner's Conditions.**

(a) Notwithstanding Section 54.259, if a telecommunications utility holds a municipal consent, franchise, or permit as determined to be the appropriate grant of authority by the municipality and holds a certificate if required by this title, a public or private property owner may:

- (1) impose a condition on the utility that is reasonably necessary to protect:
  - (A) the safety, security, appearance, and condition of the property; and
  - (B) the safety and convenience of other persons;
- (2) impose a reasonable limitation on the time at which the utility may have access to the property to install a telecommunications service facility;
- (3) impose a reasonable limitation on the number of such utilities that have access to the owner's property, if the owner can demonstrate a space constraint that requires the limitation;
- (4) require the utility to agree to indemnify the owner for damage caused installing, operating, or removing a facility;
- (5) require the tenant or the utility to bear the entire cost of installing, operating, or removing a facility; and
- (6) require the utility to pay compensation that is reasonable and nondiscriminatory among such telecommunications utilities.

(b) Notwithstanding any other law, the commission has the jurisdiction to enforce this section.

Acts 1997, 75th Leg., ch. 166, Sec. 1, eff. Sept. 1, 1997.

**Sec. 54.261. Shared Tenant Services Contract.**

Sections 54.259 and 54.260 do not require a public or private property owner to enter into a contract with a telecommunications utility to provide shared tenant services on a property.

Acts 1997, 75th Leg., ch. 166, Sec. 1, eff. Sept. 1, 1997

GENERAL STATUTES OF CONNECTICUT

SECTION 16-247I

(a) As used in this section: (1) "Occupied building" means a building or a part of a building which is rented, leased, hired out, arranged or designed to be occupied, or is occupied (A) as the home or residence of three or more families living independently of each other, (B) as the place of business of three or more persons, firms or corporations conducting business independently of each other, or (C) by any combination of such families and such persons, firms or corporations totaling three or more, and includes trailer parks, mobile manufactured home parks, nursing homes, hospitals and condominium associations. (2) "Telecommunications provider" means a person, firm or corporation certified to provide intrastate telecommunications services pursuant to sections 16-247f to 16-247h, inclusive. (b) No owner of an occupied building shall demand or accept payment, in any form, except as provided in subsection (f) of this section, in exchange for permitting a telecommunications provider on or within his property or premises, or discriminate in rental charges or the provision of service between tenants who receive such service and those who do not, or those who receive such service from different providers, provided such owner shall not be required to bear any cost for the installation or provision of such service. (c) An owner of an occupied building shall permit wiring to provide telecommunications service by a telecommunications provider in such building provided: (1) A tenant of such building requests services from that telecommunications provider; (2) the entire cost of such wiring is assumed by that telecommunications provider; (3) the telecommunications provider indemnifies and holds harmless the owner for any damages caused by such wiring; and (4) the telecommunications provider complies with all rules and regulations of the Department of Public Utility Control pertaining to such wiring. The department shall adopt regulations, in accordance with the provisions of chapter 54, which shall set forth terms which may be included, and terms which shall not be included, in any contract to be entered into by an owner of an occupied building and a telecommunications provider concerning such wiring. No telecommunications provider shall present to an owner of an occupied building for review or for signature such a contract which contains a term prohibited from inclusion in such a contract by regulations adopted hereunder. The owner of an occupied building may require such wiring to be installed when the owner is present and may approve or deny the location at which such wiring enters such building. (d) Prior to completion of construction of an occupied building, an owner of such a building in the process of construction shall permit prewiring to provide telecommunications services in such building provided that: (1) The telecommunications provider complies with all the provisions of subdivisions (2), (3) and (4) of subsection (c) of this section and subsection (f) of this section; and (2) all wiring other than that to be directly connected to the equipment of a telecommunications service customer shall be concealed within the walls of such building. (e) No telecommunications provider may enter into any agreement with the owner or lessee of, or person controlling or managing, an occupied building serviced by such provider, or commit or permit any act, that would have the effect, directly or indirectly, of diminishing or interfering with existing rights of any tenant or other occupant of such building to use or avail himself of the services of other telecommunications providers. (f) The department shall adopt regulations in accordance with the provisions of chapter 54 authorizing telecommunications providers, upon application by the owner of an occupied building and approval by the department, to reasonably compensate the owner for any taking of property associated with the

installation of wiring and ancillary facilities for the provision of telecommunications service. The regulations may include, without limitation: (1) Establishment of a procedure under which owners may petition the department for additional compensation; (2) Authorization for owners and telecommunications providers to negotiate settlement agreements regarding the amount of such compensation, which agreements shall be subject to the department's approval; (3) Establishment of criteria for determining any additional compensation that may be due; (4) Establishment of a schedule or schedules of such compensation under specified circumstances; and (5) Establishment of application fees, or a schedule of fees, for applications under this subsection. (g) Nothing in subsection (f) of this section shall preclude a telecommunications provider from installing telecommunications equipment or facilities in an occupied building prior to the department's determination of reasonable compensation. (h) Any determination by the department under subsection (f) regarding the amount of compensation to which an owner is entitled or approval of a settlement agreement may be appealed by an aggrieved party in accordance with the provisions of section 4-183. (i) Any person, firm or corporation which the Department of Public Utility Control determines, after notice and opportunity for a hearing as provided in section 16-41, has failed to comply with any provision of subsections (b) to (e), inclusive, of this section shall pay to the state a civil penalty of not more than one thousand dollars for each day following the issuance of a final order by the department pursuant to section 16-41 that the person, firm or corporation fails to comply with said subsections.

(P.A. 94-106, S. 1.)

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## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of foregoing has been furnished by U.S. Mail to the following parties of record this 26th day of August, 1998:

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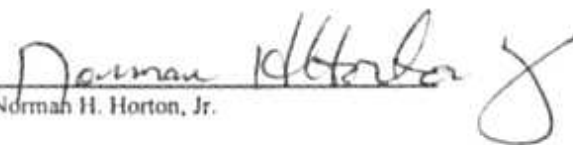
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