

07-10 **Holt, Lynne, and Mark A. Jamison.** 2008. "Federal Regulation and Competitive Access to Multiple-Unit Premises: More Choice in Communications Services?" *Journal on Telecommunications and High Technology Law*, 6(2): 425-454.

<http://www.colorado.edu/law/jthtl/>

Abstract/Introduction

During the past ten years, the nature of competition in the United States communications sector has changed significantly. Before the 1990s, "competition" referred to the fight among AT&T, MCI, and Sprint for a larger piece of the long-distance pie. However, that term now is much more likely to describe the entire pie: the "triple play" business model capable of providing high-speed Internet service, video, and telephony over a single broadband connection. Recently, the pie has expanded to include the wireless platform, or "quadruple play." Cable operators, traditional wireline telephone companies, and, increasingly, wireless providers are positioning themselves to define the entire pie and offer sizeable bites to U.S. consumers in the form of bundled services. However, not all consumers benefit from this competition in like manner.¹

Public policy deliberations have tended to focus more on differences in access to communications services between consumers in rural and urban areas and between low-income and more affluent consumers. Considerably less attention has been focused on consumers living or working in multiunit premises, including planned-unit developments, compared to their counterparts in detached single-unit dwellings. For example, in single-family homes, consumers may choose among technology platforms for desired services, assuming availability. In multiunit premises, by contrast, building owners or developers often decide the installation of technology platforms for their communications services and the platform providers. They even might decide the mix of, and the terms governing delivery of, communications services for the entire building or planned development. So the person who controls the access to the service or services and the person who consumes the service or services often are likely to be different, and their interests may not always be aligned. We might expect more competition in the technology platforms underlying these services to result in greater consumer choice in multiunit premises.

In this article, we address three overarching questions: (1) How has providers' access to multiunit premises been affected by federal communications regulatory regimes in the past? (2) How might current regulatory regimes affect this access and, by extension, consumer choice in the future? (3) Is there a better way to promote competitive access going forward?

¹ For example, the staff of the New York Public Service Commission found differences between geographic areas in terms of the competitive alternatives that customers enjoyed. Customers in Verizon's territories tended to have more competitive service alternatives than customers in areas served by smaller telephone companies. Even within Verizon's traditional service areas there were differences in the availability of wireless and cable alternatives. New York Department of Public Service Staff, Proceeding on Motion of the Commission to Examine Issues Related to the Transition of Intermodal Competition in the Provision of Telecommunications Services, *Telecommunications in New York: Competition and Consumer Protection*, White Paper, Case 05-C-0616 (Sept. 21, 2005), available at [http://www3.dps.state.ny.us/pscweb/WebFileRoom.nsf/Web/C76443168615205885257083006ADF64/\\$File/05c0616.coverltr.09.21.05.pdf?OpenElement](http://www3.dps.state.ny.us/pscweb/WebFileRoom.nsf/Web/C76443168615205885257083006ADF64/$File/05c0616.coverltr.09.21.05.pdf?OpenElement).

Author Information

[Dr. Lynne W. Holt](#)

Policy Analyst, Public Utility Research Center, University of Florida