

Walter Iwachiw
World Network International Services Inc.
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iwachiw@wnis.org

EX-100
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2007 SEP 27 PM 2:13

Sept 24, 2007

NYS DEPARTMENT OF PUBLIC SERVICE
Jaclyn Brilling, Secretary
3 EMPIRE STATE PLAZA
ALBANY, NY 12223-1350
email and mail

WNIS Comment reply on Case 07-M-0741:

WNIS requests the PSC discuss the fairness and the degree of impediment to competition, posed by the pole attachment language and fees associated with new attachments, that require the replacement of existing poles with longer poles. In particular, the fairness of the incumbent pole owner, gaining the rental income from the entire new pole length and the ownership of the new added pole height.

This discussion is necessary since it is the major reason competition, at least on the part of World Network International Services Inc. , was limited for the past ten years, fundamentally, an access to right of way.

This proceeding should also address the attachment of providers to public facilities as in the Nassau Suffolk WIFI RFP , MTA NYC Transit and NYC Franchise procedures as they relate to limiting access to right of ways which are a prerequisite to providing competitive services.

In particular the pole owner has refused to amend the pole attachment agreement, for some ten years to reflect the ownership of the new segment of the pole to the company paying for the pole replacement. The WNIS company on fiduciary responsibility grounds required a return on the investment, which would be in the way of rental income from the new pole height and the rental of the new connection points or for antennae connection space for wifi, solar power, dish network dishes and other uses.

The Nassau Suffolk WIFI RFP seeks to award access to a single provider to the exclusion of others.

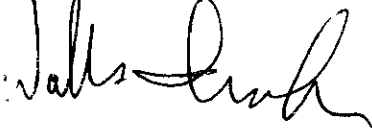
The NYC Franchise process seeks to exclude new franchise opportunities limiting access to provider and ultimately services.

The early indicators are that the MTA NYC Transit cellular bid seeks to limit access to the subways in similar ways.

The recurring issue is access to right of way and WNIS believes the NYS PSC should take this opportunity to address broader access to right of way issues to promote deployment of services.

Thank you

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From: Mr. W. Iwachiw <iwachiw2001@yahoo.com>

To: Maureen_farley@dps.state.ny.us, iwachiw@wnis.org

Cc:

Date: Monday, September 24, 2007 04:56 pm

Subject: reply comment and active party list for Case 07-M-0741

Case 07-M-0741

Please Add WNIS to the active part list as follows:

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Attachments: