GTE FLORIDA INCORPORATED

REBUTTAL TESTIMONY OF CHARLES F. BAILEY

DOCKET NO. 961173-TP

Q. PLEASE STATE YOUR NAME AND BUSINESS ADDRESS.

A. My name is Charles F. Bailey. My business address is 600 Hidden Ridge, Irving, TX 75038.

Q. DID YOU FILE DIRECT TESTIMONY IN THIS PROCEEDING?

A. Yes, I did.

Q. WHAT IS THE PURPOSE OF YOUR REBUTTAL TESTIMONY?

A. I will respond to Sprint's requests concerning access to GTE's poles, ducts, conduits, and rights-of-way.

Q. DOES SECTION 224 OF THE ACT CONFER UPON SPRINT A RIGHT OF ACCESS TO ALL POSSIBLE "PATHWAYS" TO ITS END USER CUSTOMERS?

A. No. The term "pathway" does not appear anywhere in the Act, and there is no indication that Congress intended to expand the meaning of "right-of-way," as used in Section 224, to include all possible pathways to the end-user. The traditional right-of-way concept does not encompass such things as cable vaults, equipment rooms or telephone closets, as Sprint's pathway theory would.

GTE and the FCC agree on this point. The FCC rejected the pathway argument, concluding that such an "overly broad" interpretation could harm owners and managers of small buildings, as well as ILECs, "by requiring additional resources to effectively control and monitor such rights-of-way located on their properties." (Order, ¶ 1185.)

Q. DOES THAT CONCLUDE YOUR REBUTTAL TESTIMONY?

A. Yes, it does.