

NANCY B. WHITE
General Counsel-Florida

BellSouth Telecommunications, Inc.
150 South Monroe Street
Room 400
Tallahassee, Florida 32301
(305) 347-5558

February 26, 1999

Mrs. Blanca S. Bayó
Director, Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

**Re: Docket Nos. 980946-TP, 980947-TP, 980948-TP,
981011-TP, 981012-TP and 981250-TP**

Dear Mrs. Bayó:

Between July 27, 1998 and October 1, 1998, BellSouth filed Petitions for Waiver from the physical collocation requirements set forth in the Telecommunications Act of 1996 (the "Act") and the Federal Communications Commission's ("FCC") First Report and Order for the central offices that are the subject of the above captioned dockets. On February 19, 1999, an issue identification workshop was held on these dockets. Both Staff and BellSouth proposed several issues, which were accepted by all the parties. Staff also proposed the following issue:

What factors and/or alternative physical collocation arrangements should be considered by the Commission in making its determination on BellSouth's Petitions for Waiver and Temporary Waiver of the requirement to provide physical collocation for the following central offices:

- a. Daytona Beach Port Orange
- b. Boca Raton Boca Teeca
- c. Miami Palmetto
- d. West Palm Beach Gardens
- e. North Dade Golden Glades
- f. Lake Mary

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

BellSouth objects to the phrase "and/or alternative physical collocation arrangements" and hereby requests that the phrase be deleted from the wording of the issue. In support thereof, BellSouth states the following:

Section 251(c)(6) of the Act requires BellSouth to provide physical collocation at its premises unless BellSouth demonstrates that physical collocation is not practical for technical reasons or because of space limitations. Upon such a demonstration, BellSouth must provide for virtual collocation.

In a physical collocation arrangement, an ALEC leases space at a LEC premises for its equipment and has physical access to this space to install, maintain, and repair its equipment. Paragraph 559. The physical collocation space is, by law, to be utilized for interconnection or for access to unbundled network elements. 47 U.S.C. § 251(c)(6).

In the FCC's First Report and Order, CC Docket No. 96-98, released on August 8, 1996, the FCC stated that the term "premises" included LEC central offices, serving wire centers and tandem offices, as well as all buildings or similar structures owned or leased by the incumbent LEC that house LEC network facilities." Paragraph 573. The FCC further held that LECs could impose reasonable security arrangements to separate an entrant's collocation space from the incumbent LEC's facilities. Paragraph 598.

The FCC adopted rules that implemented the Act and the First Report and Order. Section 51.323 (a) of Chapter 47 of the Code of Federal Regulations states that an incumbent LEC shall provide physical collocation to requesting carriers. Section 51.323(i) allows incumbent LECs to require reasonable security arrangements to separate a collocating carrier's space from the incumbent LEC's facilities.

As noted earlier, there are two forms of collocation: physical and virtual. BellSouth has filed waivers for physical collocation on the grounds of space limitations in the central offices involved. In order to determine whether space limitations are present in the central offices at issue, the Commission must determine the appropriate factors to be considered.

The appropriate factors to be considered, as noted in Order No. PSC-99-0060-FOF-TP issued January 6, 1999, include the existing building configuration of space for future use by BellSouth; the usage of

existing space; and building code and local regulations. All of these factors are connected to the issue of whether space is or is not available for physical collocation and, if so, how much space is available.

The portion of the issue to which BellSouth objects is whether the Commission must consider the appropriateness of "alternative physical collocation arrangements" in order to decide whether space is available.

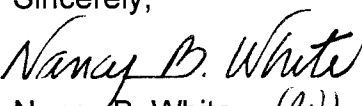
It is not necessary for the Commission to reach this issue. It is well settled by law that the space may be utilized for two purposes: (1) interconnection; and (2) access to unbundled network elements. If the Commission agrees with BellSouth that no space is available for collocation, it is irrelevant what collocation arrangements are desired by an ALEC. If the Commission should conclude that space is available and should be offered for collocation, BellSouth will, of course, offer it on a first come, first served basis. The issue of what type of collocation arrangement is desirable or appropriate can then be decided, in the first instance, by the parties. The Commission need not become involved unless the parties disagree over whether a proposed management is, for example, technically feasible or consistent with reasonable security measures.

Moreover, it is inappropriate for the Commission to take up the question of what sorts of collocation arrangements may be appropriate in the context of waivers sought solely due to lack of space. Not only would the consideration of this issue needlessly delay the resolution of these waivers, it may lead to rulings regarding the feasibility of certain types of arrangements that should more appropriately be decided between carriers or in the context of a generic collocation docket upon a more complete record.

It is BellSouth's contention that space is not available and that is the motivation behind these waivers. BellSouth assumes that the parties to these dockets will dispute that the offices involved have space limitations. It will be the Commission who determines the end result.

In the Commission's determination, the specifics of how a potential collocator might use the space are not relevant to the issue of whether there is space. These specifics may appropriately be an issue in a generic collocation docket or in a negotiation between BellSouth and a potential collocator, but it is not an appropriate issue for these dockets.

For the reasons set forth herein, BellSouth respectfully requests that the Prehearing Officer reject the language to which BellSouth has objected.

Sincerely,

Nancy B. White (BN)

NBW:jn

cc: Beth Keating
All Parties of Record

CERTIFICATE OF SERVICE

**Docket Nos. 980946-TL, 980947-TL, 980948-TL, 981011-TL, 981012-TL
and 981250-TL**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via

U.S. Mail this 26th day of February, 1999 to the following:

**Beth Keating, Esq.
Staff Counsel
Florida Public Service
Commission
Division of Legal Services
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850**

**Donna L. Canzano
Patrick Knight Wiggins
Wiggins & Villacorta, P.A.
2145 Delta Boulevard
Suite 200
P.O. Drawer 1657
Tallahassee, FL 32302
Tel. No. (850) 385-6007
Fax. No. (850) 385-6008**

**Steve Brown
Intermedia Communications, Inc.
3625 Queen Palm Drive
Tampa, FL 33619-1309
Tel. No. (813) 829-0011
Fax. No. (813) 829-4923**

**Floyd R. Self, Esq.
Messer, Caparello & Self, P.A.
215 South Monroe Street
Suite 701
Tallahassee, FL 32301-1876
Tel. No. (850) 222-0720
Fax. No. (850) 224-4359**

**Mr. Brian Sulmonetti
WorldCom Technologies, Inc.
1515 South Federal Highway
Suite 400
Boca Raton, FL 33432
Tel. No. (561) 750-2940
Fax. No. (561) 750-2629**

**David V. Dimlich, Esq.
Legal Counsel
Supra Telecommunications &
Information Systems, Inc.
2620 S.W. 27th Avenue
Miami, FL 33133
Tel. No. (305) 476-4235
Fax. No. (305) 443-1078**

**Amanda Grant
BellSouth Telecommunications, Inc.
Regulatory & External Affairs
675 West Peachtree Street, N.E.
Room 38L64
Atlanta, Georgia 30375**

**Norman H. Horton, Jr.
Messer, Caparello & Self, P.A.
215 S. Monroe Street
Suite 701
Tallahassee, Florida 32301-1876
Tel. No. (850) 222-0720
Fax. No. (850) 224-4359
Represents e.spire»**

James C. Falvey, Esq.
e.spire» Communications, Inc.
133 National Business Parkway
Suite 200
Annapolis Junction, Maryland 20701
Tel. No. (301) 361-4298
Fax. No. (301) 361-4277

Kenneth A. Hoffman, Esq.
John R. Ellis, Esq.
Rutledge, Ecenia, Underwood,
Purnell & Hoffman, P.A.
P.O. Box 551
Tallahassee, FL 32301
Tel. No. (850) 681-6788
Fax. No. (850) 681-6515

Steven Gorosh
Vice President and General Counsel
NorthPoint Communications, Inc.
222 Sutter Street, 7th Floor
San Francisco, CA 94108
Tel. No. (415) 659-6518
Fax. No. (415) 658-4190

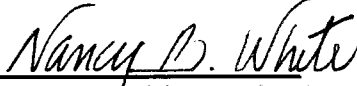
Charles A. Hudak, Esq.
Jeremy D. Marcus, Esq.
Gerry, Friend & Saprnov, LLP
Three Ravinia Drive, Suite 1450
Atlanta, GA 30346-2131
Tel. No. (770) 399-9500
Fax. No. (770) 395-0000
Attys. for ACI Corp.

Jeffrey Blumenfeld, Esq.
Elise P.W. Kiely, Esq.
Blumenfeld & Cohen
1615 M Street, NW
Suite 700
Washington, DC 20036
Tel. No. (202) 955-6300
Fax. No. (202) 955-6460
Attys. for ACI Corp.

Peter M. Dunbar, Esq.
Barbara D. Auger, Esq.
Pennington, Moore, Wilkinson
& Dunbar, P.A.
Post Office Box 10095
Tallahassee, FL 32302-2095
Tel. (850) 222-3533
FAx (850) 222-2126
Attys for Tim Warner Telecom

Carolyn Marek
VP of Reg. Affairs
Time Warner Communications
233 Bramerton Court
Franklin, TN 37069
Tel. (615) 376-6404
Fax (615) 376-6405

Monica M. Barone
Sprint Communications Company
Limited Partnership
3100 Cumberland Circle
Mailstop GAATLN0802
Atlanta, GA 30339



Nancy B. White (BN)