

ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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RECORDS AND
REPORTING

In re: Petition for waiver of)
physical collocation requirements set)
forth in the Telecommunications Act)
of 1996 and the FCC's First Report and)
Order, for the Boca Raton Boca Teeca)
Central Office, by BellSouth)
Telecommunications, Inc.)
_____)

Docket No. 980947-TL

In re: Petition for waiver of)
physical collocation requirements set)
forth in the Telecommunications Act)
of 1996 and the FCC's First Report and)
Order, for the Miami Palmetto)
Central Office, by BellSouth)
Telecommunications, Inc.)
_____)

Docket No. 980948-TL

In re: Petition for waiver of)
physical collocation requirements set)
forth in the Telecommunications Act)
of 1996 and the FCC's First Report and)
Order, for West Palm Beach Gardens)
Central Office, by BellSouth)
Telecommunications, Inc.)
_____)

Docket No. 981011-TL

In re: Petition for waiver of)
physical collocation requirements set)
forth in the Telecommunications Act)
of 1996 and the FCC's First Report and)
Order, for the North Dade Golden Glades)
Central Office, by BellSouth)
Telecommunications, Inc.)
_____)

Docket No. 981012-TL

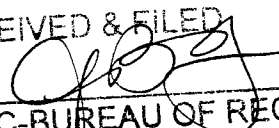
Filed May 10, 1999

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INTERMEDIA COMMUNICATIONS INC.'S
PREHEARING STATEMENT

INTERMEDIA COMMUNICATIONS INC. ("Intermedia") hereby files this

prehearing statement pursuant to Order Nos. PSC-99-0476-PCO-TL, PSC-99-0538 -PCO-TL,

RECEIVED & FILED

FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

05899 MAY 10 99

FPSC-RECORDS/REPORTING

and PSC-99-0719-PCO-TL.

A.	<u>WITNESSES</u>	<u>ISSUES</u>
	Julia O. Strow	1, 2 , 5, 6
	Ronald W. Beasley	3, 4
B.	<u>EXHIBITS</u>	
	Julia O. Strow	JOS-1 through JOS-3
	Ronald W. Beasley	RB-1, RB-2.1, RB-2.2, RB-3.1, RB-3.2, RB-4
C.	<u>BASIC POSITION</u>	

BellSouth is obligated under the Telecommunications Act of 1996 (“Act”) to provide Intermedia upon request with a physical collocation opportunity, unless it can demonstrate to the Commission that physical collocation is impractical for technical reasons or because of space limitations. Under the FCC’s recent national collocation rules, BellSouth must permit Intermedia to collocate any equipment used or useful for interconnection or access to unbundled network elements. It must permit collocation by means of arrangements other than traditional physical collocation, including common cageless, shared cage and adjacent collocation and enhanced extended link. In addition, Intermedia is entitled to a presumption of technical feasibility to collocate its equipment in BellSouth’s premises by any means deployed by any incumbent local exchange carrier. Furthermore, BellSouth must make available for collocation purposes any unused space in its premises, including single bays that may be intermingled with and need not be separated from space BellSouth uses. It may not impose security measures on Intermedia that are more stringent than those it imposes on itself or that are otherwise discriminatory. Finally, BellSouth is obligated to remove obsolete unused

equipment and to make other modifications to its facilities and equipment to accommodate Intermedia's collocation requests and may refuse to do so only upon a demonstration of an adverse affect on network reliability.

With these principles applied, Intermedia has identified sufficient available space for its immediate collocation requirements in BellSouth's North Dade Golden Glades, Miami Palmetto, Boca Raton Boca Teeca, and West Palm Beach Gardens central offices, even recognizing BellSouth's entitlement to reserve, on terms not discriminatory to Intermedia, a limited amount of presently unused space for its own legitimate growth projections.

D. ISSUES

ISSUE 1: What obligation does BellSouth have to make space available at these central offices to permit physical collocation pursuant to the Act and applicable state and federal requirements?

INTERMEDIA'S POSITION: The Act, at 47 U.S.C. §251(c)(6), requires BellSouth to provide for physical collocation of equipment necessary for interconnection or access to unbundled network elements at its premises. BellSouth may avoid this obligation only upon a demonstration that physical collocation is not practical because of technical unfeasibility or space limitations. BellSouth must make any unused space in or adjacent to its premises, defined as any structures housing its network facilities, available for collocation in increments as small as single bays without imposing a requirement that collocation space be separated in any way from space BellSouth uses. In order to satisfy this obligation, BellSouth may be required to make modifications to its facilities and equipment, pursuant to 47 C.F.R §51.5, Technical Feasibility.

ISSUE 2: What factors 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
- c) West Palm Beach Gardens
- d) North Dade Golden Glades
- e) Lake Mary

INTERMEDIA'S POSITION: The factors that the Commission should take into account to determine the availability of space are the same for BellSouth's North Dade Golden Glades, Miami Palmetto, Boca Raton Boca Teeca, and West Palm Beach Gardens central offices. Intermedia has no present interest in the Daytona Beach Port Orange and Lake Mary central offices. First, these factors include those the FCC initially set forth in 47 C.F.R. §51.323(f). They require BellSouth to allocate available space on a first come, first served basis. They require BellSouth to reserve space for future use only on a basis that is non-discriminatory to competing carriers and to yield such space before denying virtual collocation. From this, it follows that BellSouth's distant requirements should not be assigned a priority superior to the immediate collocation needs of requesting carriers. Finally, they require BellSouth to take into account

projected physical collocation demands when renovating its facilities and to make contiguous space available to collocated carriers seeking to expand.

Second, the factors the Commission should take into account include those that the FCC recently promulgated as “national” collocation rules in CC Docket 98-147, In the Matter of Deployment of Wireline Services Offering Advanced Telecommunications Capability. Amongst other things, these require that BellSouth permit shared cage collocation, cageless collocation and adjacent space collocation. They require BellSouth to permit the collocation of any equipment used or useful for interconnection or access to unbundled network elements. They require BellSouth to remove, upon request, obsolete and unused equipment from its premises to provide physical collocation space. They require BellSouth to make available for collocation any unused space in its premises without requiring that such space, which may be as small as a single bay, be isolated from space BellSouth or other collocated carriers use. Finally, they entitle requesting telecommunications carriers to a presumption of technical feasibility with respect to collocation arrangements successfully deployed by any incumbent local exchange carrier, *e.g.*, SCOPE, CLOSE, and ISC.

Third, the factors the Commission should take into account includes a recognition that at least where there is no possibility of expanding the space available, BellSouth is required to make modifications to its facilities and equipment when that is feasible and necessary to accommodate collocation requests.

ISSUE 3: Based on the factors identified in Issue 2, how much space should be considered available in the following central offices:

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

INTERMEDIA'S POSITION: In the Boca Raton Boca Teeca central office, there are at least five significant areas totaling approximately 18,179 square feet within which substantial in-premises collocation can be accommodated. Of this, 12,946 square feet on the second floor are being used for administrative functions not directly related to the operation of the central office. In addition, there is space for both on-site and off-site adjacent collocation in two areas being partially used for parking.

In the Miami Palmetto central office, there are also at least five significant areas totaling approximately 2,839 square feet within which substantial in-premises collocation can be accommodated. In addition, there is space for both on-site and off-site adjacent collocation in an area behind the office and in a building and parking lot just to the right of the office

In the West Palm Beach Gardens central office, there are also at least five significant areas totaling approximately 4,539 square feet within which substantial in-

premises collocation can be accommodated. In addition, there is space for off-site adjacent collocation in unimproved land all around the office.

In the North Dade Golden Glades central office, there are seven significant areas totaling 3,161 square feet within which substantial in-premises collocation can be accommodated. In addition, there is space for on-site adjacent collocation in a parking lot just to the left of the office.

Intermedia has no present interest in the Daytona Beach Port Orange and Lake Mary central offices.

ISSUE 4: If space is considered available in any of these central offices, is the space sufficient for physical collocation?

INTERMEDIA'S POSITION: The amount of space available for collocation in BellSouth's North Dade Golden Glades, Miami Palmetto, Boca Raton Boca Teeca, and West Palm Beach Gardens central offices, whether presently or potentially accessible, is certainly sufficient to accommodate Intermedia's collocation requirements.

Intermedia has no present interest in the Daytona Beach Port Orange and Lake Mary central offices.

ISSUE 5: Should BellSouth's Petitions for Waiver and Temporary Waiver of the requirement to provide physical collocation in the following central offices be granted:

- a) Daytona Beach Port Orange
- b) Boca Raton Boca Teeca

- c) Miami Palmetto
- c) West Palm Beach Gardens
- d) North Dade Golden Glades
- e) Lake Mary

INTERMEDIA'S POSITION: No. BellSouth's petitions for permanent waiver of the requirement to provide physical collocation in its North Dade Golden Glades, Miami Palmetto, Boca Raton Boca Teeca, and West Palm Beach Gardens central offices should be denied. BellSouth has not demonstrated technical unfeasibility or preclusive space limitations. On the contrary, Intermedia has demonstrated that ample space for collocation exists in each of these central offices when the appropriate factors are correctly applied. The Commission should require BellSouth to expeditiously accommodate Intermedia's collocation requests in these offices.

Intermedia has no present interest in the Daytona Beach Port Orange and Lake Mary central offices.

ISSUE 6: If the Commission determines that a waiver request should be denied, how should BellSouth effectuate FCC Rule 47 C.F.R. § 51.323(f)(1) in processing requests for physical collocation in those central offices?

INTERMEDIA'S POSITION: 47 C.F.R. §51.323(f)(1) , requires BellSouth to make space available within or on its premises to requesting telecommunications carriers on a first-come, first-served basis. Space should be allocated to requesting carriers on that basis until it becomes exhausted. Moreover, requesting carriers should not be permitted to

warehouse collocation space to an extent that would prejudice the present opportunities of others. To determine future priorities when space has become truly exhausted, the Commission should, in addition, develop procedures in order to assign new space that becomes available through creation, conversion or reclamation of space by BellSouth. The Commission should require BellSouth to maintain on file, for five years, all unsatisfied applications for physical collocation. When space becomes available or is about to become available, BellSouth should immediately provide written notification to the requesting carriers whose requests are then open in the order that BellSouth received those requests. Requesting carriers that receive notification should be required to respond in writing to BellSouth within three business days, or be deemed to forfeit the space. If more requesting carriers respond than there are those for which there is space available, then the available space should be allocated on a first-come, first-served basis until exhausted. If the amount of space offered to a requesting carrier is less than the amount requested, the carrier should be permitted to decline the offer without losing its place in line for a subsequent offer.

E. QUESTIONS OF LAW

None.

F. POLICY QUESTIONS

None.

G. STIPULATED ISSUES

None.

H. PENDING MOTIONS OR OTHER MATTERS

- 1) Motion of Intermedia Communications Inc. to Compel Discovery.

Intermedia hereby withdraws its Motion.

- 2) Staff Request for Leave to File Supplemental Direct Testimony

Intermedia has no objection.

- 3) BellSouth Request for Confidential Classification of Document No. 05523-99

Intermedia has no objection.

- 4) BellSouth Request for Confidential Classification of Document No. 04632-99

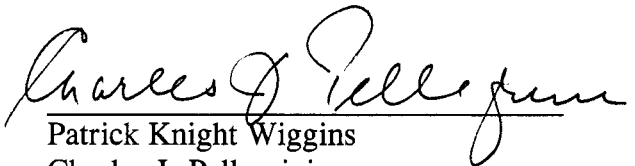
Intermedia has no objection

I. REQUIREMENTS THAT CANNOT BE COMPLIED WITH

None.

Respectfully submitted this 10th day of May, 1999.

INTERMEDIA COMMUNICATIONS INC.

By: 

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