

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for temporary waiver of physical collocation requirements set forth in the 1996 Telecommunications Act and the FCC's First Report and Order, for the Daytona Beach Port Orange Central Office, by BellSouth Telecommunications, Inc.

DOCKET NO. 980946-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 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 1996 Telecommunications Act 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 the West Palm Beach Gardens Central Office, by BellSouth Telecommunications, Inc.

DOCKET NO. 981011-TL

DOCUMENT NUMBER-DATE

06852 JUN-38

FPSD-REGIONS (SEP2010)

ORDER NO. PSC-99-1123-PCO-TL
DOCKETS NOS. 980946-TL, 980947-TL, 980948-TL, 981011-TL,
981012-TL, 981250-TL
PAGE 2

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

In re: Petition for temporary waiver of physical collocation requirements set forth in the 1996 Telecommunications Act and the FCC's First Report and Order, for the Lake Mary Main Central Office, by BellSouth Telecommunications, Inc.

DOCKET NO. 981250-TL
ORDER NO. PSC-99-1123-PCO-TL
ISSUED: June 3, 1999

ORDER GRANTING CONTINUANCE

On July 27, 1998, BellSouth Telecommunications, Inc. (BellSouth) filed a Petition for Temporary Waiver and two Petitions for Waiver from provisions set forth in the Telecommunications Act of 1996 (Act) and the Federal Communication Commission's (FCC) First Report and Order, FCC Order 96-325, which require the company to allow ALECs to physically collocate in its central offices unless it

. . . demonstrates to the State commission that physical collocation is not practical for technical reasons or because of space limitations.

47 U.S.C. § 251 (c)(6). On August 7, 1998, BellSouth filed two more Petitions for Waiver from the physical collocation requirements, Docket Nos. 981011-TL and 981012-TL, and on October 1, 1998, BellSouth filed a sixth Petition for Temporary Waiver from the physical collocation requirements, Docket No. 981250-TL. The central offices at issue in these Dockets are the Daytona Beach

ORDER NO. PSC-99-1123-PCO-TL
DOCKETS NOS. 980946-TL, 980947-TL, 980948-TL, 981011-TL,
981012-TL, 981250-TL
PAGE 3

Port Orange office, the Boca Raton Boca Teeca office, the Miami Palmetto office, the West Palm Beach Gardens office, the North Dade Golden Glades office, and the Lake Mary office, respectively.

These Dockets have been set for an administrative hearing on June 9-11, 1999. Because they address the same subject matter, these Dockets have been consolidated for hearing purposes by Order No. PSC-99-0476-PCO-TL, issued March 8, 1999.

At the May 17, 1999, prehearing conference BellSouth indicated that it planned to seek a continuance of these proceedings in view of the FCC's Order No. 99-48, issued March 31, 1999. On May 21, 1999, BellSouth filed its Motion for Continuance.

In its Motion, BellSouth asks for a continuance of these proceedings for six weeks. BellSouth states that it needs this additional time because it plans to implement the majority of the FCC's physical collocation requirements set forth in Order No. 99-48. Upon reassessment of the space in these offices, BellSouth states that it will offer any available space to requesting carriers in the order of the original requests.

BellSouth asks that a second formal prehearing conference be scheduled approximately six weeks from approval of its Motion. BellSouth also indicates that the parties and staff will meet on June 11, 1999, to discuss the status of BellSouth's reassessment of these central offices.

BellSouth states that the parties to these proceedings agree that the continuance is appropriate on the condition that the June 11 status conference and the second prehearing conference are, in fact, conducted. BellSouth also states that none of the parties waive any positions or rights on any issues in these or other proceedings.

Upon consideration, BellSouth's request appears reasonable. Therefore, BellSouth's Motion for Continuance is granted.

Based on the foregoing, it is therefore

ORDERED by Commissioner Susan F. Clark, as Prehearing Officer, that BellSouth Telecommunications, Inc.'s Motion for Continuance is granted.

ORDER NO. PSC-99-1123-PCO-TL
DOCKETS NOS. 980946-TL, 980947-TL, 980948-TL, 981011-TL,
981012-TL, 981250-TL
PAGE 4

By ORDER of Commissioner Susan F. Clark, as Prehearing Officer, this 3rd day of June, 1999.



SUSAN F. CLARK
Commissioner and Prehearing Officer

(S E A L)

BK

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, Florida Administrative Code, if issued by a Prehearing Officer; (2) reconsideration within 15 days pursuant to Rule 25-22.060, Florida Administrative Code, if issued by the Commission; or (3) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for

ORDER NO. PSC-99-1123-PCO-TL
DOCKETS NOS. 980946-TL, 980947-TL, 980948-TL, 981011-TL,
981012-TL, 981250-TL
PAGE 5

reconsideration shall be filed with the Director, Division of Records and Reporting, in the form prescribed by Rule 25-22.060, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.

FLORIDA PUBLIC SERVICE COMMISSION - RECORDS AND REPORTING

Requisition for Photocopying and Mailing

Date 6, 4, 99
 Number of Originals 5 Copies Per Original 19
 Requested By Rick

Item Presented _____
 Agenda For (Date) _____ Order No. 99-1123 In Docket No. 980746
 Notice of _____ For (Date) _____ In Docket No. _____
 Other _____

Special Handling Instructions _____

Distribution/Mailing			
Number	Distributed/Mailed To	Number	Distribution/Mailed To
<u>19</u>	<u>Commission Offices</u>	<u>---</u>	<u>_____</u>
<u>(10)</u>	<u>Docket Mailing List - Mailed</u>	<u>_____</u>	<u>_____</u>
	<u>Docket Mailing List - Faxed</u>	<u>_____</u>	<u>_____</u>

Note: Items must be mailed and/or returned within one working day after issue unless specified here:

Print Shop Verification
 Job Number 59 Verified By Michael
 Date and Time Completed 6/8 Job Checked For Correctness and Quality (Initial) U

Mail Room Verification
 Date Mailed / Verified By /

M E M O R A N D U M

June 2, 1999

RECEIVED-FPSC

99 JUN -3 PM 1:45

RECORDS AND
REPORTING

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (B.KEATING) *BK*

RE: DOCKET NO. 980946-TL - PETITION FOR TEMPORARY WAIVER OF PHYSICAL COLLOCATION REQUIREMENTS SET FORTH IN THE 1996 TELECOMMUNICATIONS ACT AND THE FCC'S FIRST REPORT AND ORDER, FOR THE DAYTONA BEACH PORT ORANGE CENTRAL OFFICE, BY BELLSOUTH TELECOMMUNICATIONS, INC.

DOCKET NO. 980947-TL - 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. 980948-TL - PETITION FOR WAIVER OF PHYSICAL COLLOCATION REQUIREMENTS SET FORTH IN THE 1996 TELECOMMUNICATIONS ACT AND THE FCC'S FIRST REPORT AND ORDER, FOR THE MIAMI PALMETTO CENTRAL OFFICE, BY BELLSOUTH TELECOMMUNICATIONS, INC.

DOCKET NO. 981011-TL - 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 WEST PALM BEACH GARDENS CENTRAL OFFICE, BY BELLSOUTH TELECOMMUNICATIONS, INC.

17/1

DOCKET NO. 981012-TL - 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. 981250-TL - PETITION FOR TEMPORARY WAIVER OF PHYSICAL COLLOCATION REQUIREMENTS SET FORTH IN THE 1996 TELECOMMUNICATIONS ACT AND THE FCC'S FIRST REPORT AND ORDER, FOR THE LAKE MARY MAIN CENTRAL OFFICE, BY BELLSOUTH TELECOMMUNICATIONS, INC.

99-1123-PCU

MUST GO TODAY

Attached is an ORDER GRANTING CONTINUANCE, to be issued in the above-referenced docket. (Number of pages in order - 5)

BK/anr

Attachment

cc: Division of Communications

I: 980946co.bk