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September 28, 1999

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RECORDS AND REPORTING

Re: Collocation--Docket No. 981834-TP and 990321-TP

Dear Ms. Bayó:

Enclosed for filing on behalf of Rhythms Link Inc. are the original and fifteen copies of its Motion To Conform Order To Commission Decision Or, In The Alternative, Petition On Proposed Agency Action.

By copy of this letter, this document is being furnished to the parties on the attached service list.

Very truly yours,

Richard D. Melson

AFA _____
APP _____
CAF _____ RDM/kcg
CMU _____ Enclosures
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FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition of Competitive Carriers for Commission action to support local competition in BellSouth Telecommunications, Inc.'s service territory.

Docket No. 981834-TP

In re: Petition of ACI Corp. d/b/a/ Accelerated Connections, Inc. for generic investigation to ensure that BellSouth Telecommunications, Inc., Sprint-Florida, Incorporated, and GTE Florida Incorporated comply with obligation to provide alternative local exchange carriers with flexible, timely, and cost-efficient physical collocation.

Docket No. 990321-TP

Filed: September 28, 1999

RHYTHMS LINKS' MOTION TO CONFORM ORDER TO COMMISSION DECISION OR, IN THE ALTERNATIVE, PETITION ON PROPOSED AGENCY ACTION

Rhythms Links Inc., f/k/a ACI Corp. (Rhythms) hereby moves the Commission to issue an amendatory order conforming the language of Order PSC-99-1744-PAA-TP (PAA Order) to accurately reflect the Commission's decision at the August 17, 1999 agenda conference. In the alternative, Rhythms' files a limited petition on proposed agency action protesting two specific portions of the PAA Order. As grounds therefor, Rhythms states:

- 1. The detailed language of the PAA Order does not accurately reflect two minor yet consequential points in the

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Commission's decision at the August 17, 1999 agenda conference (Agenda).

2. The staff's original recommendation on Guideline A (Initial Response Time) would have required an ILEC to respond to a complete and correct application for collocation within 15 days. At Agenda, the Commission made two clarifications or modifications of this requirement. First, the Commission stated that all time periods in the guidelines were intended to be calendar days rather than business days. Second, the Commission agreed that the initial 15-day response to a collocation application should include all the information necessary for the applicant carrier to file a firm order for collocation. Only the first of these two modifications was included in Guideline A as set forth at page 8 of the PAA Order.

(a) Rhythms therefore requests that the Commission issue an amendatory order to conform the PAA Order to the Commission's decision by substituting the following language for the first paragraph of Guideline A (addition in italics):

The ILEC shall respond to a complete and correct application for collocation with 15 calendar days. *The ILEC's response shall include sufficient information to allow the applicant carrier to place a firm order for collocation space.* If the ILEC determines that the application is incomplete or defective, then the ILEC shall inform the applicant carrier as soon as possible, and shall identify with specificity the problem with the application.

(b) Alternatively, in the event the Commission determines that it did not intend for the ILEC's initial 15-day response to include sufficient information to allow the applicant carrier to file a firm order for collocation, Rhythms protests this specific aspect of Guideline A and requests a hearing to determine precisely what information must be included in that initial response. Rhythms' position is that an initial response without all the information necessary for the applicant to submit a firm order introduces additional unwarranted delay into the collocation provisioning process to the detriment of Rhythms and other competitive service providers.

3. The staff's original recommendation on the guidelines proposed a number of time frames applicable to various actions by the ILECs. At Agenda, the Commission stated that all time frames in the guidelines were intended to be calendar days rather than business days. The PAA Order generally reflected this Commission decision, except in Guideline H (Provisioning of Collocation) at page 15 of the PAA Order, in which the 90-day provisioning interval for physical collocation and the 60-day provisioning interval for virtual collocation do not specify whether they represent calendar days or business days.

(a) Rhythms therefore requests that the Commission issue an amendatory order to conform the PAA Order to the Commission's decision by substituting the following language for the first sentence of Guideline H (addition in italics):

Upon firm order by an applicant carrier, the ILEC shall provision physical collocation within 90 calendar days or virtual collocation within 60 calendar days.

(b) Alternatively, in the event the Commission determines that it did not intend for the provisioning intervals to be stated in terms of calendar days, Rhythms protests this specific aspect of Guideline H and requests a hearing to determine whether the intervals applying to the provisioning of physical and virtual collocation are calendar or business days. Rhythms' position is that provisioning intervals should be as short as possible, and in no event exceed 90 calendar days for physical collocation or 60 calendar days for virtual collocation, otherwise additional unwarranted delay will be introduced into the collocation provisioning process to the detriment of Rhythms and other competitive service providers.

4. In the event that a hearing is required on a protest of the PAA by Rhythms or any other party, Rhythms respectfully suggests that (i) the issues raised by the protest(s) promptly be added to the issues previously identified for hearing in these consolidated dockets, (ii) the due dates for direct and rebuttal testimony each be extended for a brief period of time, perhaps one week, and (iii) no change be made in the reserved hearing dates.

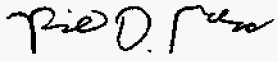
WHEREFORE, Rhythms respectfully requests:

(a) that the Commission enter an amendatory order which conforms the PAA Order to the Commission's decision with respect to the information to be provided by an ILEC in its initial 15-day response to a collocation application and with respect to the statement of provisioning intervals in calendar days; or

(b) in the alternative, in the event the Commission determines that the PAA Order accurately reflects its decision on either or both of these items, that the Commission grant a hearing on Rhythms' protest as set forth in the body of this motion.

RESPECTFULLY SUBMITTED this 28th day of September, 1999.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing was furnished to the following parties by U.S. Mail or Hand Delivery (*) this 28th day of September, 1999.

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