

State of Florida



Public Service Commission

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COMMUNICATIONS AND RECORDS

**DATE:** MARCH 22, 2001

**TO:** DIRECTOR, DIVISION OF RECORDS AND REPORTING (BAYÓ)

**FROM:** DIVISION OF COMPETITIVE SERVICES (T. WATTS) *JLW.*  
DIVISION OF LEGAL SERVICES (BANKS) *FRB SK* *JW*

**RE:** DOCKET NO. 010083-TL - REQUEST FOR TEMPORARY WAIVER OF PHYSICAL COLLOCATION IN THE ATLANTIC RSM CENTRAL OFFICE BY BELLSOUTH TELECOMMUNICATIONS, INC.

**AGENDA:** 04/03/01 - REGULAR AGENDA - PROPOSED AGENCY ACTION - INTERESTED PERSONS MAY PARTICIPATE

**CRITICAL DATES:** NONE

**SPECIAL INSTRUCTIONS:** NONE

**FILE NAME AND LOCATION:** S:\PSC\CMP\WP\010083.RCM

CASE BACKGROUND

On September 7, 1999, the Commission issued Proposed Agency Action (PAA) Order No. PSC-99-1744-PAA-TP, which established procedures by which incumbent local exchange companies (LECs) would process alternative local exchange companies' (ALECs) requests for collocation and also established procedures for demonstrating space depletion for physical collocation in LEC central offices. On September 28, 1999, BellSouth Telecommunications, Inc. (BellSouth) filed a Protest/Request for Clarification of Proposed Agency Action. That same day, Rhythms Links, Inc. (Rhythms) filed a Motion to Conform Order to Commission Decision or, in the Alternative, Petition on Proposed Agency Action. Because motions for clarification/conformity are not contemplated by the PAA process, the motions were treated as protests to the PAA Order. On December 7, 1999, the Commission issued Order No. PSC-99-2393-FOF-TP, the Final Order Approving Stipulated Modifications to Collocation Guidelines, Amendatory Order, and Consummating Order. These Orders established the procedures by which a LEC could

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request a waiver from this Commission of the physical collocation requirements. In establishing these procedures, the Commission set forth its belief that the handling of collocation waiver requests would be expedited, and that the number and scope of collocation disputes might be limited because the Commission's expectations would be defined.

Pursuant to Orders Nos. PSC-99-1744-PAA-TP and PSC-99-2393-FOF-TP, on January 22, 2001, BellSouth Telecommunications, Inc. (BellSouth) filed a Notice of Intent to Request Temporary Waiver of Physical Collocation Requirements in the Atlantic RSM central office. On January 26, 2001, BellSouth, Sprint Communications Limited Partnership (Sprint) and Commission staff conducted a tour of this central office. Subsequently, on February 2, 2001, BellSouth filed a Motion to Amend BellSouth's Notice of Intent to Request Temporary Waiver of Physical Collocation Requirements in the Atlantic RSM central office. No response from Sprint or action from the Commission was necessary as the amendment was a correction to paragraph 1 of the original Notice.

February 12, 2001, BellSouth filed its Petition for Waiver of Physical Collocation Requirements in the Atlantic RSM central office. In accord with the above-mentioned orders, BellSouth filed its Post-Tour Report for this central office on February 13, 2001. Sprint did not file a Post-Tour Report.

**DISCUSSION OF ISSUES**

**ISSUE 1:** Should BellSouth's Request for Temporary Waiver of Physical Collocation Requirements in the Atlantic RSM central office be granted?

**RECOMMENDATION:** Yes, BellSouth's Request for Temporary Waiver of Physical Collocation Requirements in the Atlantic RSM central office should be granted until June 30, 2001. **(T. WATTS)**

**STAFF ANALYSIS:** The issue before the Commission is to determine whether BellSouth should be granted a Temporary Waiver of the Physical Collocation Requirements for the Atlantic RSM central office. Section 251(c)(6) of the Telecommunications Act of 1996 (Act) places upon incumbent LECs:

COLLOCATION.-The duty to provide, on rates, terms, and conditions that are just, reasonable, and nondiscriminatory, for physical collocation of equipment necessary for interconnection or access to unbundled network elements at the premises of the local exchange carrier, except that the carrier may provide for virtual collocation if the local exchange carrier demonstrates to the State commission that physical collocation is not practical for technical reasons or because of space limitations.

Thus, the Act clearly acknowledges that state commissions will make the determination of whether there is sufficient space in a LEC's central office for physical collocation. Accordingly, the Commission established procedures for handling physical collocation waiver requests in Orders Nos. PSC-99-1744-PAA-TP and PSC-99-2393-FOF-TP.

These procedures clearly outline the LEC, ALEC, and Commission responsibilities in processing waiver requests. In brief, these Orders require that once an ALEC files a completed application for physical collocation with a LEC, and the LEC does not believe that space is available for physical collocation in that particular central office, the LEC must file, within fifteen days of the application, a Notice of Intent to Request a Waiver of the Physical Collocation Requirements with this Commission. The LEC is to file its actual Petition for Waiver of the Physical Collocation Requirements for this central office within twenty days of filing its Notice of Intent. Further, the LEC, ALEC(s) denied space, and

the Commission staff will conduct a tour of the central office within ten days of the filing of the Notice of Intent. While the LEC must allow both the ALEC(s) denied space and the Commission staff to tour the premises, the ALEC(s) do so at their option. Twenty days after the central office tour the LEC must file a post-tour report containing certain specific information and other information that it believes to be relevant. The ALEC(s) may also file a post-tour report outlining their findings within twenty days of the tour. Commission staff will then use this information to evaluate whether the LEC's Petition for Waiver should be granted.

BellSouth states in its Notice of Intent that it is currently unable to provide physical collocation in the Atlantic RSM central office due to lack of space. (Notice, p.1) BellSouth explains that the space limitations it faces are a result of the space being used for existing BellSouth equipment and the planned installation of additional equipment essential to the effective service provided to BellSouth customers. (Petition, p.3) BellSouth further states that it has plans to complete a building addition to this central office by the end of the second quarter of 2001. (Notice, p.1)

BellSouth states that the Atlantic RSM central office building houses switches providing local dial tone, circuit equipment that consists of fiber optic terminals, digital cross-connect systems, multiplexers, digital channel banks, subscriber carrier terminals and digital cross-connect panels. BellSouth also states that this central office provides connectivity to other central offices and local customers. (Petition, pp.1-2)

In its Petition for Temporary Waiver, BellSouth states that the area served by the Atlantic RSM central office is growing rapidly and thus the facility is under enormous space constraints. Accordingly, to meet the demands of the expanding customer base, BellSouth states that it is constructing a building addition that is scheduled to be completed by June 30, 2001. (Petition, p.2)

BellSouth states that it used the following procedure to identify space currently available for physical collocation in the Atlantic RSM central office:

1. BellSouth determined the total square footage within the facility;
2. BellSouth determined the unavailable space (i.e., restrooms, hallways, stairs, etc.);

3. BellSouth determined assigned space currently occupied by the BellSouth switch, transmission, power and other equipment, as well as necessary administrative space;
4. BellSouth determined the space reserved for future defined uses necessary to adequately serve BellSouth customers, including consideration given to BellSouth's future switch growth plans;
5. BellSouth identified any unusable space (such as basements subject to flooding); and
6. BellSouth determined available collocation space by subtracting Items 2-5 from item 1. (Petition, p. 3)

BellSouth alleges in its Petition that it lacks sufficient room in the Atlantic RSM central office to provide physical collocation. (Petition, p.2) BellSouth states that there is space reserved for defined future use for BellSouth to meet the growing needs of its customers through the year 2001. The future projects include incremental additions to the existing switching system, frame and transmission equipment which will use the remaining space in the facility. (Petition, p.3) BellSouth reiterates that while the current space is insufficient to fill the physical collocation request of the affected ALEC, BellSouth will offer virtual collocation in the Atlantic RSM central office until the building addition is complete. (Petition, p.4)

#### POST-TOUR REPORT

Staff will summarize the relevant information contained in BellSouth's post-tour report of the Atlantic RSM central office. Sprint did not file a post-tour report.

BellSouth states that the Atlantic RSM central office contains 2,613 gross square feet. There are 2,085.25 square feet occupied by BellSouth's equipment. (Post-Tour Report, p.9) There are 149 square feet of administrative space. (Post-Tour Report, p.10) BellSouth considers as administrative space any space not directly supporting the installation or repair of both telephone equipment and customer service. Examples include storerooms, lounges, shipping-receiving rooms and training areas. (Post-Tour Report, p.2) BellSouth also reports that there are 69 square feet of unavailable space in this central office. (Post-Tour Report, p.9) Unavailable space consists of building support components required to support the building and its occupancies such as air handling

rooms, pump rooms, transformer and cable vaults, restrooms, stair towers, janitor closets, main corridors, vestibules, and light shafts. (Post-Tour Report, p.1) BellSouth did not report any unusable space which would result from configuration problems, lack of exits, the fact that the building will be demolished, etc. (Post-Tour Report, p.2) BellSouth further reports that there are 14 square feet of assigned unenclosed physical collocation space in this office. (Post-Tour Report, p.10)

BellSouth further states that it has 295.75 square feet reserved for its own future use. There are 14 square feet reserved for the growth of its switching equipment, 38.5 square feet reserved for the growth of its circuit equipment, 216 square feet reserved for the growth of its frame equipment, and 27.25 square feet reserved for the growth of its power equipment. (Post-Tour Report, Attachment 2) Staff notes that the FCC allows a LEC to reserve space for its own future use:

Incumbent LECs are allowed to retain a limited amount of floor space for its own future uses. Allowing competitive entrants to claim space that incumbent LECs had specifically planned to use could prevent incumbent LECs from serving their customers effectively. Incumbent LECs may not, however, reserve space for future use on terms more favorable than those that apply to other telecommunications carriers seeking to hold collocation space for their own future use. (FCC 96-325, ¶604)

In regard to its policy of reserving space, BellSouth states:

Generally, reserved space is held for the various space usages described in step C with forecasted needs for the next 2-year shipping interval. There is one exception. There are several types and families of equipment requiring fixed layouts. That is, this equipment cannot be split up into several different locations in the central office without degrading service or capping the size or customer service levels for that type of equipment. (Post-Tour Report, pp.1-2)

Concerning BellSouth's policy for reserving space, staff notes that the Commission ruled at the April 18, 2000 Agenda Conference and in Order No. PSC-00-0941-FOF-TP, that eighteen (18) months is a

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reasonable period for both ALECs and incumbent LECs to reserve space. BellSouth states in its petition that "[T]here is space reserved for defined future use for BellSouth to meet the growing needs of its customers through the year 2001." (Petition, p.3) The end of year 2001 is roughly 9 months from this recommendation. It appears, therefore, that BellSouth is in compliance with the Commission's space reservation policy.

BellSouth states that a building addition is planned for the Atlantic RSM central office. BellSouth's estimated completion date for this addition is the second quarter of 2001. (Notice, p.1) This addition will add 2,100 square feet to the central office and will serve all current known ALECs and BellSouth for at least the next 18 months. (Post-Tour Report, p.11, Attachment 2) BellSouth states that once this addition is complete, there will be sufficient space to provide requesting ALECs collocation in this office. (Notice, p.1) Staff notes that although a LEC is not required to lease or construct additional space to provide for physical collocation when existing space has been exhausted, when planning additions or renovations to central offices, LECs are obligated by the FCC to consider the projected demand for collocation. See 47 C.F.R. §51.323 (f)(1) and (3). It appears to staff that BellSouth is complying with this FCC rule.

Based on the information provided, staff believes that BellSouth's Petition for Temporary Waiver of Physical Collocation Requirements in the Atlantic RSM central office is reasonable, and the Commission should grant BellSouth a temporary waiver of the physical collocation requirements for this central office until June 30, 2001. Pursuant to Section 251(c)(6) of the Act, however, BellSouth must continue to provide virtual collocation.

BellSouth is reserving 295.75 square feet for its own future use. Staff acknowledges that according to the FCC rules, a LEC may reserve space for its own future use. Staff believes that this is important as a LEC such as BellSouth does have carrier of last resort responsibilities. Further, staff believes that the 295.75 square feet that BellSouth is reserving for its switch, circuit, power and frame equipment growth is reasonable.

Staff also notes that during the tour of the Atlantic RSM central office, staff did not observe any space that appeared to be wasted or inefficiently used.

Further, BellSouth is planning an addition to the Atlantic RSM central office that is scheduled for completion in the second half

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of 2001. Upon completion of this building addition, there will be additional space available for physical collocation by ALECs.

The Commission is vested with jurisdiction in this matter pursuant to Section 251 of the Telecommunications Act of 1996.

Conclusion

Staff recommends that the Commission grant BellSouth a Temporary Waiver of Physical Collocation Requirements in the Atlantic RSM central office until June 30, 2001. Based on the foregoing, staff believes that BellSouth's request is reasonable.



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**ISSUE 2:** Should this docket be closed?

**RECOMMENDATION:** Yes. If the Commission approves staff's recommendation in Issue 1, this docket should be closed. **(BANKS)**

**STAFF ANALYSIS:** Yes. If the Commission approves staff's recommendation in Issue 1, this docket should be closed.