

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

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

DOCKET NO. 981834-TP  
ORDER NO. PSC-03-0702-FOF-TP  
ISSUED: June 11, 2003

The following Commissioners participated in the disposition of  
this matter:

LILA A. JABER, Chairman  
J. TERRY DEASON  
BRAULIO L. BAEZ  
RUDOLPH "RUDY" BRADLEY  
CHARLES M. DAVIDSON

ORDER APPROVING AGREEMENT

BY THE COMMISSION:

By Proposed Agency Action Order No. PSC-99-1744-PAA-TP, issued  
September 7, 1999, we adopted a set of procedures and guidelines  
for collocation, focused largely on those situations in which an  
incumbent local exchange company (ILEC) believes there is no space  
for physical collocation. The guidelines addressed: A. initial  
response times to requests for collocation space; B. application  
fees; C. central office tours; D. petitions for waiver from the

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collocation requirements; E. post-tour reports; F. disposition of the petitions for waiver; G. extensions of time; and H. collocation provisioning time frames.

On September 28, 1999, BellSouth filed Protest/Request for Clarification of Proposed Agency Action. That same day, Rhythms filed a Motion to Conform Order to Commission Decision or, in the Alternative, Petition on Proposed Agency Action. Commission staff conducted a conference call on October 6, 1999, with all of the parties to discuss the motions filed by BellSouth and Rhythms, and to formulate additional issues for the generic proceeding to address the protested portions of Order No. PSC-99-1744-PAA-TP. By Order No. PSC-99-2393-FOF-TP, issued December 7, 1999, we approved proposed stipulations resulting from that call and identified the portions of the protested Order that could go into effect by operation of law.

Thereafter, we conducted an administrative hearing to address collocation issues beyond the issues addressed in the approved collocation guidelines. By Order No. PSC-00-0941-FOF-TP, issued May 11, 2000, we rendered our post-hearing decision on these additional issues. Therein, we addressed the following: 1) ILEC responses to an application for collocation; 2) the applicability of the term "premises"; 3) ILEC obligations regarding "off-premises" collocation; 4) the conversion of virtual to physical collocation; 5) response and implementation intervals for changes to existing space; 6) the division of responsibilities between ILECs and collocators for sharing and subleasing space between collocators and for cross-connects between collocators; 7) the provisioning interval for cageless collocation; 8) the demarcation point between ILEC and ALEC facilities; 9) the parameters for reserving space for future use; 10) whether generic parameters may be established for the use of administrative space; 11) equipment obligations; 12) the timing and detail of price quotes; 13) ALEC participation in price quote development; 14) the use of ILEC-certified contractors by ALECs; 15) the automatic extension of provisioning intervals; 16) allocation of costs between multiple carriers; 17) the provision of information regarding limited space availability; 18) the provision of information regarding post-waiver space availability; 19) forecasting requirements for CO expansions and additions; and 20) the application of the FCC's

"first-come, first-served" Rule upon denial of waiver or modifications.

On May 26, 2000, Verizon filed a Petition for Reconsideration. BellSouth and Sprint also filed separate Motions for Reconsideration and Clarification of the Commission's Order. On June 7, 2000, Sprint filed its Response to Verizon and BellSouth's Motions for Reconsideration. BellSouth also filed its Response to Sprint's Motion for Reconsideration and/or Clarification. MCI/WorldCom and Rhythms Links also filed timely Responses to all three Motions for Reconsideration. In addition, that same day FCCA and AT&T filed a Joint Response to the Motions for Reconsideration and a Cross-Motion for Reconsideration. On June 14, 2000, BellSouth filed its Response to FCCA and AT&T's Cross-Motion for Reconsideration. By Order No. PSC-00-2190-PCO-TP, issued November 17, 2000, the various motions for reconsideration and/or clarification were addressed by the Commission. By that Order, this Docket was left open to address pricing issues for collocation, which is one of the purposes of this proceeding upon which we now commence.

By Order No. PSC-02-1513-PCO-TP, issued November 4, 2002, the procedural schedule and hearing dates were established for this phase of this proceeding in which we will address the remaining technical and pricing issues regarding collocation. On February 7, 2003, the Commission Staff filed a Motion to Revise Order Establishing Procedure. By Order No. PSC-03-288-PCO-TP, issued March, 4 2003, Staff's Motion to Revise Order Establishing Procedure was granted.

On May 15, 2003, pursuant to Rules 1.160 and 1.280 of the Florida Rules of Civil Procedure and Rule 28-106.204, Florida Administrative Code, Verizon and Sprint (Joint Movants) filed an Emergency Joint Motion to Strike, or in the Alternative for an Extension of Time (Joint Motion). Verizon and Sprint request that the Commission strike the prefiled rebuttal testimony of AT&T witness Steven E. Turner, with respect to the portions of Mr. Turner's testimony recommending the imposition of the BellSouth cost model on all ILECs operating in the state of Florida. On May 19, 2003, BellSouth filed its response to the Joint Motion, stating it supported the Joint Motion to Strike and did not take a position on the Request for an Extension of Time to file surrebuttal

testimony. On May 22, 2003, AT&T filed its Response to the Joint Motion, by which it stated its opposition to both the Joint Motion to Strike and the Extension of Time.

At the June 3, 2003 Agenda Conference, we granted each party the opportunity to argue the merits of their respective positions and respond to our questions. After allowing each party the opportunity to argue the merits of the Joint Movants' request and fully respond to our questions, we directed the parties and our staff to discuss if an agreement could be reached that would resolve the Joint Motion.

After the parties met briefly with our staff to discuss the matter, Joint Movants agreed to withdraw their Joint Motion, upon the following conditions, if approved by this Commission:

1. Issues 1-8 will be addressed at the previously scheduled hearing August 12 -15, 2003;
2. Issues 9-10 will be addressed at a hearing to be scheduled in late October or early November in coordination with the Chairman's Office;
3. The due date for the filing of surrebuttal testimony will be revised, in coordination with the Prehearing Officer, six to eight weeks prior to the hearing addressing issues 9-10.

Upon consideration, we find the agreement reached between the parties and our staff to resolve the Joint Motion reasonable and appropriate. Accordingly, we approve the agreement as set forth above.

Based on the foregoing, it is,

ORDERED by the Florida Public Service Commission, the agreement reached between the parties and our staff to resolve the Joint Motion to Strike, or in the Alternative Grant an Extension of Time is approved as set forth in the body of this Order.

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By ORDER of the Florida Public Service Commission this 11th  
Day of June, 2003.

BLANCA S. BAYÓ, Director  
Division of the Commission Clerk  
and Administrative Services

By: Kay Flynn  
Kay Flynn, Chief  
Bureau of Records and Hearing  
Services

( S E A L )

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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.

Any party adversely affected by the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak

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Boulevard, Tallahassee, Florida 32399-0850, within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) 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 and/or wastewater utility by filing a notice of appeal with the Director, Division of the Commission Clerk and Administrative Services and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.