

1                   **BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

2                   **SPRINT-FLORIDA, INCORPORATED**

3                   **DIRECT TESTIMONY OF**

4                   **EDWARD FOX**

5  
6           **Q. Please state your name and business address**

7           A. My name is Edward Fox and my business address is 6450 Sprint Parkway,  
8           Overland Park, KS 66251

9  
10          **Q. By whom are you employed and in what position?**

11         A. I am employed by Sprint/United Management Company as a Senior Manager-  
12         Regulatory Policy. I am testifying on behalf of Sprint-Florida, Incorporated  
13         (hereafter referred to as "Sprint" or the "Company").

14  
15          **Q. Please briefly outline your education, training and experience in the**  
16          **telephone industry.**

17         A. I received a Masters of Business Administration from Ashland University in 1989  
18         and a Bachelor of Science degree in History from Taylor University. In my  
19         current position, I am responsible for developing state and federal regulatory  
20         policy and legislative policy for Sprint Corporation for collocation, and I am  
21         responsible for coordinating this policy across the multiple business units of  
22         Sprint Corporation, i.e. its Incumbent Local Exchange Company (ILEC),  
23         Wireless, and Long Distance Divisions which includes Sprint's Competitive  
24         Local Exchange Carrier (CLEC) operations. I have been in this position since

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1 January 2001. For the four years prior, I served as the Network Policy Manger  
2 for Sprint Corporation's ILEC operations. Between 1977 and 1996 I held  
3 positions in sales, marketing, competitive analysis, and product management  
4 within Sprint's local telecommunications division.

5

6 **Q. Have you testified previously before a state regulatory commission?**

7 A. Yes. I have testified before the state regulatory commissions in Maryland,  
8 Pennsylvania, Massachusetts, and in Florida. I have provided written testimony  
9 in Texas, and the District of Columbia.

10

11 **Q. What is the purpose of your testimony?**

12 A. The purpose of my testimony is to present Sprint's positions for issues 18, 21(b),  
13 22 and 23. My testimony will show that the language that Sprint has proposed in  
14 negotiations with KMC is consistent with Sprint's obligations for collocation as  
15 defined by the FCC's *Advanced Services First Report and Order*<sup>1</sup> and the  
16 Collocation Remand Order,<sup>2</sup> and related collocation rules (47CFR 51.323 (k).,  
17 and that Sprint's language is not anti-competitive. The language proposed by  
18 KMC goes beyond these obligations, asking for rights to which they are not  
19 entitled, and should be rejected.

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<sup>1</sup> *Deployment of Wireline Services Offering Advanced Telecommunications Capability*, CC Docket No. 98-147, First Report and Order and Further Notice of Proposed Rulemaking, 14 FCC Rcd 4761, (1999) (*Advanced Services First Report and Order*).

<sup>2</sup> *Deployment of Wireline Services Offering Advanced Telecommunications Capability* Fourth Report and Order, CC Docket No. 98-147, Released August 8, 2001, ¶¶ 55-84 (2001)

1 **Issue 18: Under what conditions, if any, should Sprint be required to provide**  
2 **shared cageless collocation space?**

3

4 **Q. What is Sprint's position on this issue?**

5 A. The FCC's Rules do not obligate ILECs to provide shared cageless collocation  
6 space, and this Commission should not require provision of shared cageless  
7 collocation space either.

8

9 **Q. Please describe the Issue.**

10 A. KMC has proposed language that requires Sprint to exceed the requirements for  
11 collocation as defined by the FCC. The FCC requires shared caged collocation  
12 but not shared cageless collocation arrangements (47CFR 51.323 (k)). The  
13 purpose for the shared caged collocation requirement is "to optimize the space  
14 available at incumbent LEC premises, thereby allowing more competitive LECs  
15 to collocate equipment and provide service."( *Advanced Services First Report and*  
16 *Order*; ¶39) In the *Advanced Services First Report and Order*, the FCC ordered  
17 ILECs to provide both shared caged collocations and cageless collocation as new  
18 types of collocation arrangements. It did not order the ILECs to provision shared  
19 cageless collocation.

20

21 **Q. Is caged collocation less efficient in its use of space than cageless collocation?**

22 A. Yes. It is a commonly held understanding within the industry that this is true and  
23 is articulated by the FCC in the *Advanced Services First Report & Order*. "In

1 general, we agree with commenters that the use of a caged collocation space  
2 results in the inefficient use of the limited space in a LEC premises, and we  
3 consider efficient use of collocation space to be crucial to the continued  
4 development of the competitive telecommunications market.” (Advanced Services  
5 First Report and Order , ¶42) Prior to the *Advanced Services First Report and*  
6 *Order*, it was common practice for an ILEC to require a minimum of a 100 square  
7 foot caged space for physical collocation. In many cases, this space was larger  
8 than some carriers needed for their foreseeable future. Accordingly, the FCC  
9 sought to optimize the space utilization by allowing shared space within the cage.  
10 This was an important step in addressing the CLECs’ concerns about the  
11 inefficient use of space and the delay of their entry into the market. In requiring  
12 shared caged collocations, the FCC also restricted the ILECs’ alleged foisting of  
13 unnecessary costs onto the CLECs by explicitly stating cost allocation guidelines  
14 in the rules. Those rules are found at 47CFR 51.323 (k)(1) and state, “An  
15 incumbent LEC's physical collocation offering must include the following: (1)  
16 Shared collocation cages. A shared collocation cage is a caged collocation space  
17 shared by two or more competitive LECs pursuant to terms and conditions agreed  
18 to by the competitive LECs. In making shared cage arrangements available, an  
19 incumbent LEC may not increase the cost of site preparation or nonrecurring  
20 charges above the cost for provisioning such a cage of similar dimensions and  
21 material to a single collocating party. In addition, the incumbent must prorate the  
22 charge for site conditioning and preparation undertaken by the incumbent to  
23 construct the shared collocation cage or condition the space for collocation use,

1           regardless of how many carriers actually collocate in that cage, by determining  
2           the total charge for site preparation and allocating that charge to a collocating  
3           carrier based on the percentage of the total space utilized by that carrier. An  
4           incumbent LEC must make shared collocation space available in single-bay  
5           increments or their equivalent, i.e., a competing carrier can purchase space in  
6           increments small enough to collocate a single rack, or bay, of equipment”  
7           Requiring shared caged collocation is a reasonable solution for gaining efficient  
8           use of space in a large, pre-existing cage when a requesting carrier may never  
9           need all that space. Similarly, the one bay minimum size requirement for cageless  
10          arrangements is a reasonable recommendation to keep CLEC costs down and  
11          efficiently use space.

12

13          **Q. What other steps has the FCC taken to optimize space utilization and**  
14          **optimize costs for CLECs?**

15          A. The FCC did not extend the option to CLECs to share cageless space. In the  
16          *Advanced Services First Report and Order*, 47CFR 51.323 (k)(2), the FCC  
17          requires that...”An incumbent LEC must make cageless collocation space  
18          available in single-bay increments, meaning that a competing carrier can purchase  
19          space in increments small enough to collocate a single rack, or bay, of  
20          equipment.” This requirement keeps a CLEC from being forced to purchase  
21          collocation space that is much larger than the carrier requires (*Advanced Services*  
22          *First Report and Order*; ¶43.). The Order also states about the single rack  
23          requirement... “We conclude that this requirement serves the public interest

1 because it would reduce the cost of collocation for competitive LECs and it will  
2 reduce the likelihood of premature space exhaustion.” (*Advanced Services First  
3 Report and Order*; ¶43.).

4  
5 Cageless collocation space is explicitly required by the FCC to reduce the space  
6 that CLECs would have to buy from the ILEC. The benefit to the CLEC is  
7 reduced costs and delays when coming to market. The benefit to the ILEC is  
8 greater efficiency in overall floor space use. This translates to greater benefits  
9 received by the subscribers in Florida. The FCC Order has the consumers’ benefit  
10 in mind as it discusses this topic in the *Advanced Services Order*. “...the record  
11 reflects, that more cost-effective collocation solutions may encourage the  
12 deployment of advanced services to less densely populated areas by reducing the  
13 cost of collocation for competitive LECs.” (*Advanced Services First Report and  
14 Order* ¶39)

15  
16 **Q. Do the FCC and the State Commission anticipate that either the CLECs or  
17 ILECs would hoard space?**

18 A. No. KMC in its testimony anticipates an abundance of extra space in its cageless  
19 arrangements, enough to host another carrier. This use of space is outside the  
20 stated use as described by the FCC and as contemplated by the FPSC in the  
21 Florida collocation rules which expect collocation arrangements to be sized for  
22 immediate needs and for 18 months of growth. Order PSC-00-0941-TP, Issued  
23 May 11, 2000 in Dockets 981834-TP and 990321-TP discusses this issue in

1 Section X Parameters for Reserving Space for Future Use. The FCC reflects its  
2 concern for fairness and efficient use of space, by prohibiting the CLECs or  
3 ILECs from warehousing or hoarding central office space. With regard to the  
4 CLECs, the FCC stated in its First Report and Order, CC Docket No. 96-98,  
5 *Implementation of the Local Competition Provisions in the Telecommunications*  
6 *Act of 1996*, 11 FCC Rcd 15499, ¶ 586 (1996) (*Local Competition Order*). “We  
7 also agree with Pacific Telesis that restrictions on warehousing of space by  
8 interconnectors are appropriate. Because collocation space on incumbent LEC  
9 premises may be limited, inefficient use of space by one competitive entrant could  
10 deprive another entrant of the opportunity to collocate facilities or expand existing  
11 space.” The prohibition on warehousing of space by the ILECs is found in the  
12 47CFR 51.323 (f)(4) which states, “An incumbent LEC may retain a limited  
13 amount of floor space for its own specific future uses, provided, however, that  
14 neither the incumbent LEC nor any of its affiliates may reserve space for future  
15 use on terms more favorable than those that apply to other telecommunications  
16 carriers seeking to reserve collocation space for their own future use.”  
17 Accordingly, if KMC expects to have abundant cageless space, enough to rent to  
18 other carriers, it would seem that neither cost efficiencies or efficient use of space  
19 is their top concern as they claim.

20  
21 **Q. KMC is concerned about connectivity to other collocated carriers. Are**  
22 **carriers able to connect to one another in the office without sharing the same**  
23 **collocation space?**

1 A. Yes. The FCC rules (47CFR 51.323 (h)), are abundantly clear that lawfully  
2 collocated carriers are entitled to co-carrier cross connections. The *Collo Remand*  
3 *Order* discusses in detail how cross connects permit CLECs to take advantage of  
4 other transport options than that of the ILEC's (*Collocation Remand Order* ¶¶  
5 55-84).

6

7 **Q. Does Sprint's process or rates for ordering and provisioning connections to**  
8 **other carriers burden or harm CLECs?**

9 A. No. A carrier-to-carrier connection may be self-provisioned by KMC. These  
10 prices are available in the pending collocation cost proceedings in Florida  
11 Collocation Dockets 981832-TP and 990321-TP. KMC's concern of not gaining  
12 connectivity to other carriers is unfounded. There are no operational or regulatory  
13 hurdles that Sprint is aware of that would deter KMC from gaining readily  
14 available connectivity to other lawfully collocated carriers in the same central  
15 office.

16

17 **Q. Is Sprint's position reasonable?**

18 A. Yes. Sprint is not foisting additional costs and encumbrances onto requesting  
19 carriers by not agreeing to go beyond the law and permitting shared cageless  
20 collocation. KMC has clear access to any other lawfully collocated  
21 Telecommunications carrier in the office via co-carrier cross connects. By not  
22 requiring shared cageless collocation, the carriers are still treated fairly.

23



1       **Q. What does Sprint want the Commission to do?**

2       A. Sprint respectfully requests that the Commission deny KMC's wish to require  
3       Sprint to allow shared cageless collocation. If the CLECs are allowed to share  
4       cageless collocation, then the collocators must be subject to all the rules for  
5       collocators, e.g. their equipment must be necessary for access to UNEs or  
6       interconnection and used for either of these purposes. And, the carriers each must  
7       have an interconnection agreement with Sprint.

8

9       **Issue 21(b) What limitations, if any, apply to KMC's ability to cross-connect with**  
10      **other collocated carriers?**

11

12      **Q. What is Sprint's position on this issue?**

13      A. Sprint addresses this topic in detail in Issues 18 and 23 in this testimony. Sprint  
14      points out the clarity with which the FCC provides the collocated carriers the  
15      ability to cross connect to one another. The FCC believes that "...the refusal to  
16      provision such cross connects would be discriminatory toward competitive  
17      LECs." (*Collocation Remand Order*, ¶82) Sprint also emphasizes that collocated  
18      carriers are able to self provision these connections. Sprint fully complies with  
19      the FCC requirements.

20

21      **Q. Does the FCC give parameters for carriers wishing to take advantage of co-**  
22      **carrier cross connects (CCXCs)?**

1 A. Yes. The most frequently discussed parameters between Sprint and requesting  
2 collocators are listed below, and is not intended to be an exhaustive list. It does,  
3 though, illustrate the ease of KMC's ability to cross connect with other collocated  
4 carriers.

- 5 • The equipment of both carriers must be used for interconnection with Sprint  
6 or for access to Sprint's unbundled network elements.

7 47CFR 51.323(h). "As described in subparagraphs (1) and (2) of this  
8 paragraph, an incumbent LEC shall permit a collocating telecommunications  
9 carrier to interconnect its network with that of another collocating  
10 telecommunications carrier at the incumbent LEC's premises and to connect  
11 its collocated equipment to the collocated equipment of another  
12 telecommunications carrier within the same premises, provided that the  
13 collocated equipment is also used for interconnection with the incumbent  
14 LEC or for access to the incumbent LEC's unbundled network elements."

- 15  
16 • Both parties must be Telecommunications Carriers.  
17 47CFR 51.323(h)(1). "An incumbent LEC shall provide, at the request of a  
18 collocating telecommunications carrier, a connection between the equipment  
19 in the collocated spaces of two or more telecommunications carriers, ..." A  
20 Telecommunications Carrier is defined in 47CFR 51.5.

- 21  
22 • The ILEC must provide the service or permit the CLEC to self provision.

1 47CFR 51.323(h)(1). “An incumbent LEC shall provide, at the request of a  
2 collocating telecommunications carrier, a connection between the equipment  
3 in the collocated spaces of two or more telecommunications carriers, except  
4 to the extent the incumbent LEC permits the collocating parties to provide the  
5 requested connection for themselves ...”

- 6
- 7 • Collocators must be lawfully collocated, i.e. “...to meet the same statutory  
8 requirements to qualify for collocation at an incumbent LEC’s premises.”

9 *Collocation Remand Order*; FN 187 and FN209.

10

11 The carrier has the option to request that Sprint provision a CCXC. Carriers have  
12 the choice of ordering either a direct connection or a tariffed service from Sprint’s  
13 Access Tariff.

14

15 **Q. Should KMC or any other lawfully collocated carrier be concerned whether**  
16 **or not they may cross connect to other collocated carriers?**

17 A. No. As long as KMC and others adhere to the clear guidelines set forth by the  
18 FCC, their concerns over availability of CCXCs would be unfounded.

19

20 **Issue 22 Under what conditions, if any, should KMC be allowed to use its own**  
21 **technicians to deploy:**

22 **(a) direct connects?**

23 **(b) co-carrier cross-connects?**

1 **Q. Has this issue been resolved by the parties?**

2 A. Yes. It is my understanding that the parties have resolved this issue and it is no  
3 longer being disputed. To the extent this understanding is incorrect, Sprint  
4 reserves the right to file testimony addressing this issue.

5

6 **Issue 23 Under what conditions, if any, may KMC utilize spare capacity on an**  
7 **existing interconnector's entrance facility for the purpose of providing an entrance**  
8 **facility to its collocation arrangement?**

9

10 **Q. Please describe the issue.**

11 A. Lawfully collocated Telecommunications Carriers have ample opportunity to  
12 access other carriers' entrance facilities through the use of co-carrier cross  
13 connects. As discussed in Issue 18 and 21b above, Telecom Carriers are entitled  
14 to directly connect to other Telecom Carriers and are certainly not encumbered  
15 from doing so in Florida. KMC has the ability to self provision its own  
16 connections to other carriers who have entrance facilities.

17

18 **Q. Please describe Sprint's position.**

19 A. Sprint believes that CLECs experience no harm or any competitive encumbrances  
20 by using co-carrier cross connects to access transport facilities of other collocated  
21 carriers. The FCC has described its model for allowing collocated carriers to take  
22 advantage of competitive transport options. The FCC's solution is to allow for  
23 co-carrier cross connections. (Collocation Remand Order, ¶¶55-84) The FCC

1 states, "The most direct and efficient way for two carriers collocated within the  
2 same incumbent LEC premises to exchange traffic is to cross-connect within that  
3 premises." (Collocation Remand Order, ¶64.) The Order says nothing about  
4 terminating an entrance facility in multiple collocations or making splices in a  
5 cable vault to achieve the same result that a cross connect can provide.

6  
7 **Q. Does the *Collocation Remand Order* encourage competitive carriers to use  
8 other CLECs' transport facilities?**

9 A. Yes. The FCC's intent is very clear in providing a means, i.e. co-carrier cross-  
10 connects, for carriers like KMC to access other carrier's networks when they are  
11 both collocated in the same ILEC central office. In the order the FCC states:

12 " We find that cross-connects between collocators within an incumbent's premises  
13 are essential to the development of a fully competitive transport market.  
14 Incumbents, of course, provide cross-connects within their premises to collocators  
15 that purchase the incumbents' transport services. However, a collocating  
16 competitive LEC that cannot deliver its traffic to another collocator via a cross-  
17 connect at the incumbent's premises would likely be forced either to use  
18 incumbent LEC transport services or to build its own transport facilities. Surely,  
19 such results would run directly counter to the fundamental purposes of the  
20 Communications Act. First, the Act attempts to lessen, not entrench, incumbent  
21 LEC control over local markets, including the local transport market. Second, the  
22 Act clearly recognizes that competitors are unlikely to find it economic to build  
23 entirely redundant facilities and therefore allows competitors to fill in those gaps

1 in infrastructure through the wholesale market. To this end, cross-connects  
2 between collocated carriers allow competitive LECs to use the facilities of other  
3 competitive LECs rather than relying solely on the incumbent LEC to fill in the  
4 gaps in their network.

5 Without the ability to cross-connect at the incumbent's premises, a collocated  
6 competitive LEC that has its own transport facilities would be severely restricted  
7 in its ability to optimize the utilization of their transport facilities through the  
8 wholesale provision of transport services to other competitive LECs. In addition,  
9 a competitive LEC wishing to purchase transport from another competitive LEC  
10 with transport facilities would be in the untenable position of having to purchase  
11 additional transport from the incumbent out of the incumbent's premises in order  
12 to access and interconnect with the other competitive transport provider's  
13 facilities at some point outside of the incumbent's premises. Once  
14 interconnected, the carrier could utilize the competitive transport service. This  
15 added expense, however, almost assuredly would make the competitive transport  
16 cost-prohibitive and would be economically wasteful. The effect would be to  
17 entrench the incumbent LECs' power in the transport market in direct  
18 contradiction of the Act's fundamental purpose to "open [] all  
19 telecommunications markets to competition."(Collocation Remand Order, ¶¶65-  
20 66)

21  
22 **Q. What is Sprint's standard practice for terminating a carrier's entrance**  
23 **facility?**

1 A. Sprint requires that an entrance facility be terminated at a specified collocation  
2 arrangement. Other carriers have the opportunity to take advantage of this  
3 transport alternative by provisioning co-carrier cross connects.

4 \*

5 **Q. Why does Sprint not allow termination at multiple collocations within the**  
6 **same office?**

7 A. To terminate the capacity of an entrance facility would require splicing in the  
8 common area of the cable vault. This is a practice that Sprint believes is not  
9 necessary to follow since it can result in multiple points of failure, difficulty in  
10 fault isolation, and multiple carriers performing work in very close quarters. All  
11 this may result in damage to other facilities and the possibility of network outages  
12 exists, the consequences of which would be enormous.

13

14 **Q. Does this conclude your testimony?**

15 A. Yes.