

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

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FPSC-RECORDS/REPORTING

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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-99-1094-PHO-TL
ISSUED: June 1, 1999

Pursuant to Notice and in accordance with Rule 28-106.209, Florida Administrative Code, a Prehearing Conference was held on Monday, May 17, in Tallahassee, Florida, before Commissioner Susan F. Clark, as Prehearing Officer.

APPEARANCES:

Nancy B. White, Esquire, and Michael P. Goggin, Esquire, 150 West Flagler Street, Suite 1910, Miami, Florida 33130; and J. Phillip Carver, Suite 4300, 675 West Peachtree Street, NE, Atlanta, GA 30357.
On behalf of BellSouth Telecommunications, Inc.

Richard D. Melson, Esquire, and Gabriel E. Nieto, Esquire, 123 South Calhoun Street, Tallahassee, Florida 32301; and Gary Cohen, Blumenfeld & Cohen, 1615 M St. NW, Suite 700, Washington, DC 20036.
On behalf of ACI Corp.

Floyd R. Self, Esquire, 215 South Monroe Street, Suite 701, Tallahassee, Florida, 32301-1876; and Donna McNulty,

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Esquire, 325 John Knox Road, Suite 105, Tallahassee, FL
32303.

On behalf of WorldCom Technologies, Inc. (MCI WorldCom,
Inc.)

Kenneth A. Hoffman, Esquire and John R. Ellis, Esquire,
Rutledge, Ecenia, Purnell & Hoffman, P.A., P.O. Box 551,
Tallahassee, Florida 32301.

On behalf of Teleport Communications Group Inc. and TCG
South Florida.

Christopher V. Goodpastor, Esquire, 2330 Central
Expressway, Santa Clara, CA 95050.

On behalf of Covad Communications, Inc. d/b/a DIECA
Communications.

David V. Dimlich, Esquire, 2620 S.W. 27th Avenue, Miami,
Florida 33133.

On behalf of Supra Telecommunications and Information
Systems, Inc.

Monica M. Barone, Esquire, 3100 Cumberland Circle,
Mailstop GAATLN0802.

On behalf of Sprint Communications Company Limited
Partnership.

Norman H. Horton, Jr., Esquire, Messer, Caparello & Self,
P.A., 215 South Monroe Street, Suite 701, Tallahassee,
Florida 32301-0720.

On behalf of e.spire Communications, Inc.

Norman H. Horton, Jr., Esquire, Messer, Caparello & Self,
P.A., 215 South Monroe Street, Suite 701, Tallahassee,
Florida 32301-0720.

On behalf of NorthPoint Communications, Inc.

Charles J. Pellegrini, Esquire, and Patrick K. Wiggins,
Esquire, Wiggins & Villacorta, P.A., 2145 Delta
Boulevard, Suite 200, P.O. Drawer 1657, Tallahassee,
Florida 32302.

On behalf of Intermedia Communications, Inc.

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Marc W. Dunbar, Esquire, Pennington, Moore, Wilkinson,
Bell & Dunbar, P.A., Post Office Box 10095, 215 South
Monroe Street, 2nd Floor Tallahassee, Florida 32302.
On behalf of Time Warner AxS of Florida, L.P.

Beth Keating, Esquire, and William Cox, Esquire, Florida
Public Service Commission, 2540 Shumard Oak Boulevard,
Tallahassee, Florida 32399-0850
On behalf of the Commission Staff.

PREHEARING ORDER

I. CONDUCT OF PROCEEDINGS

Pursuant to Rule 28-106.211, Florida Administrative Code, this Order is issued to prevent delay and to promote the just, speedy, and inexpensive determination of all aspects of this case.

II. CASE BACKGROUND

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, Dockets No. 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 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

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9-11, 1999. Because these Dockets address the same subject matter, the Dockets have been consolidated for hearing purposes.

III. PROCEDURE FOR HANDLING CONFIDENTIAL INFORMATION

A. Any information provided pursuant to a discovery request for which proprietary confidential business information status is requested shall be treated by the Commission and the parties as confidential. The information shall be exempt from Section 119.07(1), Florida Statutes, pending a formal ruling on such request by the Commission, or upon the return of the information to the person providing the information. If no determination of confidentiality has been made and the information has not been used in the proceeding, it shall be returned expeditiously to the person providing the information. If a determination of confidentiality has been made and the information was not entered into the record of the proceeding, it shall be returned to the person providing the information within the time periods set forth in Section 364.183, Florida Statutes.

B. It is the policy of the Florida Public Service Commission that all Commission hearings be open to the public at all times. The Commission also recognizes its obligation pursuant to Section 364.183, Florida Statutes, to protect proprietary confidential business information from disclosure outside the proceeding.

In the event it becomes necessary to use confidential information during the hearing, the following procedures will be observed:

- 1) Any party wishing to use any proprietary confidential business information, as that term is defined in Section 364.183, Florida Statutes, shall notify the Prehearing Officer and all parties of record by the time of the Prehearing Conference, or if not known at that time, no later than seven (7) days prior to the beginning of the hearing. The notice shall include a procedure to assure that the confidential nature of the information is preserved as required by statute.

- 2) Failure of any party to comply with 1) above shall be grounds to deny the party the opportunity to present evidence which is proprietary confidential business information.
- 3) When confidential information is used in the hearing, parties must have copies for the Commissioners, necessary staff, and the Court Reporter, in envelopes clearly marked with the nature of the contents. Any party wishing to examine the confidential material that is not subject to an order granting confidentiality shall be provided a copy in the same fashion as provided to the Commissioners, subject to execution of any appropriate protective agreement with the owner of the material.
- 4) Counsel and witnesses are cautioned to avoid verbalizing confidential information in such a way that would compromise the confidential information. Therefore, confidential information should be presented by written exhibit when reasonably possible to do so.
- 5) At the conclusion of that portion of the hearing that involves confidential information, all copies of confidential exhibits shall be returned to the proffering party. If a confidential exhibit has been admitted into evidence, the copy provided to the Court Reporter shall be retained in the Division of Records and Reporting's confidential files.

IV. POST-HEARING PROCEDURES

Each party shall file a post-hearing statement of issues and positions. A summary of each position of no more than 50 words, set off with asterisks, shall be included in that statement. If a party's position has not changed since the issuance of the prehearing order, the post-hearing statement may simply restate the prehearing position; however, if the prehearing position is longer than 50 words, it must be reduced to no more than 50 words. If a party fails to file a post-hearing statement, that party shall have waived all issues and may be dismissed from the proceeding.

A party's proposed findings of fact and conclusions of law, if any, statement of issues and positions, and brief, shall together total no more than 40 pages, and shall be filed at the same time.

V. PREFILED TESTIMONY AND EXHIBITS; WITNESSES

Testimony of all witnesses to be sponsored by the parties and Staff has been prefiled. All testimony which has been prefiled in this case will be inserted into the record as though read after the witness has taken the stand and affirmed the correctness of the testimony and associated exhibits. All testimony remains subject to appropriate objections. Each witness will have the opportunity to orally summarize his or her testimony at the time he or she takes the stand. Upon insertion of a witness' testimony, exhibits appended thereto may be marked for identification. After all parties and Staff have had the opportunity to object and cross-examine, the exhibit may be moved into the record. All other exhibits may be similarly identified and entered into the record at the appropriate time during the hearing.

Witnesses are reminded that, on cross-examination, responses to questions calling for a simple yes or no answer shall be so answered first, after which the witness may explain his or her answer.

The Commission frequently administers the testimonial oath to more than one witness at a time. Therefore, when a witness takes the stand to testify, the attorney calling the witness is directed to ask the witness to affirm whether he or she has been sworn.

VI. ORDER OF WITNESSES

<u>Witness</u>	<u>Proffered By</u>	<u>Issues #</u>
<u>Direct and Rebuttal</u>		
W. Keith Milner	BellSouth	1,2,5,6
Thomas E. Fortenberry (direct testimony only)	BellSouth	2

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<u>Witness</u>	<u>Proffered By</u>	<u>Issues #</u>
SCM Panel - Shakur Bolden, William Perez, and Thomas Forness (<i>direct testimony only</i>)	BellSouth	2
CCM Panel - Susan E. Smith, Alan S. Levak, and Kenneth Krick (<i>direct testimony only</i>)	BellSouth	2
PCM Panel - John N. MacDonald and Robert Neil Fisher (<i>direct testimony only</i>)	BellSouth	2
Barbara Cruit	BellSouth	2
CSCM Panel - Miguel F. Rodriguez, Louis A. Caban, Robert Cook, and Guy Ream	BellSouth	2
George Mainer	BellSouth	2
James D. Bloomer	BellSouth	2,3,4
Kathy L. Welch (<i>direct testimony and supplemental direct only</i>)	Staff	2,3,4
Ruth K. Young (<i>direct testimony and supplemental direct only</i>)	Staff	2,3,4
Joseph Gillan (<i>rebuttal testimony only</i>)	ACI, AT&T, e.spire, MCI, Supra, & Time Warner	1,2,5, 6
Melissa L. Closz	Sprint	1,2,6
Michael D. West	Sprint	3,4,5

<u>Witness</u>	<u>Proffered By</u>	<u>Issues #</u>
Scott Stinson	TCG	1,2,3,4,5,6
Tom Regan (<i>direct testimony only</i>)	Covad	1,2,3,4
James D. Cuckler	ACI	1,2,3c,4,5,6
Ron Martinez	MCI	1,2,3,4,5,6
Julia O. Strow	Intermedia	1,2,5,6
Ronald W. Beasley	Intermedia	3,4
David Nilson	Supra	1,2,3,4,5,6
James C. Falvey (<i>direct testimony only</i>)	e.spire	1,2,3,4,5,6

VII. BASIC POSITIONS

BELLSOUTH:

Because the overall purpose of the 1996 Act is to open telecommunications markets to competition, facilities (such as collocation) are available as a result of the obligations imposed upon BellSouth under Sections 251 and 252 and as a result of this Commission's orders in the arbitration proceedings between BellSouth and certain Alternative Local Exchange Carriers (ALECs). BellSouth has worked in good faith to fulfill its obligations. BellSouth has provided 51 physical collocation arrangements and 85 virtual collocation arrangements to ALECs in Florida, all of them in a non-discriminatory fashion, by following consistent and well-established policies. Contrary to any assertion by ALECs, BellSouth's treatment of ALECs' collocation requests has been nondiscriminatory and consistent with all state and federal rules and regulations. BellSouth stands ready to provide all of the items in both its interconnection agreements and collocation agreements with ALECs.

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ACI:

The petitions for waiver of physical collocation requirements should be denied. There is adequate space in each of the six BellSouth central offices at issue to accommodate collocation once inefficient and unnecessary uses of central office space are eliminated. Moreover, wasteful restrictions on collocation imposed by BellSouth, such as segregated collocation rooms, SPOT bays for interconnection, and minimum-sized caged collocation spaces, artificially limit collocation space. The Commission should eliminate these restrictions and require the use of alternative physical collocation arrangements, such as common, parking-lot, and adjacent collocation, when necessary to accommodate physical collocation. These measures will allow every available increment of space to be used. With the above measures in place, space at each of the central offices will be more than sufficient to accommodate physical collocation.

MCI:

The waivers requested by BellSouth should be denied because there is sufficient space for physical collocation at each office utilizing one or more of the forms of collocation authorized by the March 31, 1999 Advanced Services Order and the FCC's new collocation rules.

COVAD:

BellSouth's petitions for waiver of the collocation requirements for the Daytona Beach Port Orange, Boca Raton Boca Teeca, Miami Palmetto, West Palm Beach Gardens, North Dade Golden Glades, and Lake Mary Main Central Offices ("BellSouth COs") should be denied. First, the waiver of BellSouth's collocation obligations are moot under the requirements of the Federal Communications Commission's First Report and Order, FCC 99-48, in CC Docket No. 98-147, In the Matter of Deployment of Wireline Services Offering Advanced Telecommunications Capability (the "FCC Order 99-48"). Second, BellSouth's requested waiver would conflict with FCC Order 99-48 and previous FCC orders and federal regulations.

The FCC issued Order 99-48 on March 31, 1999, requiring the implementation of, inter alia, new collocation practices that significantly affect the obligations of BellSouth. First, the FCC Order 99-48 requires BellSouth to provide cageless

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physical collocation "as soon as possible." FCC Order 99-48 ¶ 40; see also *id.* ¶¶ 38-43. To date, BellSouth has refused to provide cageless physical collocation. Moreover, none of the allegations in BellSouth's Petitions for Waiver appear to address the availability of collocation space in a cageless arrangement. Because cageless physical collocation requires significantly less space than traditional, caged, physical collocation, BellSouth cannot demonstrate "that physical collocation is not practical . . . because of space limitations," as required by the Telecommunications Act of 1996. 47 U.S.C. § 251(c)(6) ("1996 Act"). Indeed, cageless collocation generally requires the same amount of space required for virtual collocation, which BellSouth offers to provide in the disputed central offices. *E.g.*, Pet. Waiver, No. 981011 (West Palm Beach Gardens) ¶ 8; Pet. Waiver, No. 980948 (Miami Palmetto) ¶ 8. Accordingly, BellSouth's petitions are moot and may be denied on this ground alone.

Additionally, BellSouth has not satisfied the space exhaustion verification requirements specified in the Order, FCC Order 99-48 ¶¶ 57-60, and has not shown that it has removed all obsolete and retired equipment from the BellSouth COs. *Id.* ¶ 60.

Further, BellSouth can not show that space for "adjacent" physical collocation is unavailable. FCC Order 99-48 requires incumbent local exchange carriers ("ILECs") to permit adjacent physical collocation in controlled environmental vaults or other spaces if space in the central office is exhausted. FCC Order 99-48 ¶ 44. If no existing adjacent structure is available, ILECs must allow competitive local exchange carriers ("CLECs") to construct or otherwise procure an adjacent physical collocation space. *Id.* Because BellSouth has not permitted adjacent physical collocation in the disputed COs, it can not demonstrate that physical collocation is not practical because of space limitations.

Finally, BellSouth has not shown that space for "shared" physical collocation is unavailable. FCC Order 99-48 requires ILECs to allow CLECs to share collocation space under any leasing arrangement they wish. FCC Order 99-48 ¶ 41. BellSouth's Petitions do not address the availability of "shared" collocation. Thus, BellSouth has not demonstrated that physical collocation is not practical.

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Federal law, administrative orders, and regulations promulgated before FCC Order 99-48 also prohibit BellSouth's requested waivers. First, BellSouth cannot demonstrate that all available physical collocation space in the disputed COs is exhausted as required by the 1996 Act. Second, as stated in BellSouth's petitions, a primary cause of the alleged exhaustion of collocation space is BellSouth's reservation of space for its own future use. BellSouth, however, has not shown that it allowed CLECs to reserve space for future use under the same terms, as required by 47 C.F.R. § 51.323(f)(4). *E.g.*, Pet. Waiver, No. 981011 (West Palm Beach Gardens) ¶¶ 2, 4-5, 7; Pet. Waiver, No. 980948 (Miami Palmetto) ¶¶ 2, 4-5, 7.

In sum, BellSouth's Petitions for Waiver are moot under FCC Order 99-48. Moreover, the requested waivers would violate federal collocation requirements at the expense of competitive local exchange carriers and Florida consumers. Accordingly, this Commission should deny BellSouth's Petitions for Waiver.

SUPRA:

BellSouth's petition for temporary waiver of collocation requirements for each office is premature. BellSouth not only has available space in each office for collocation, but additional space suitable for collocation could easily be made available if BellSouth utilized current space more efficiently. Pursuant to Section 251(c)(6) of the Telecommunications Act, BellSouth must carry the burden of proving that there is inadequate space for physical collocation in any central office for which it desires to receive a waiver from the Florida Public Service Commission.

SPRINT:

According to the Telecommunications Act of 1996 and the rules of the Federal Communications Commission, BellSouth is obligated to make space available for physical collocation in its central offices. Sprint has determined that space is available in each central office at issue in these proceedings for physical collocation. Therefore, the Commission should deny BellSouth's Petition in each docket. Space in as small as single-bay increments should be made available to requesting carriers on a first come, first served basis.

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E.SPIRE:

The petition for waiver should be denied. Physical collocation is required in order to provide competitive facilities based services. Without physical collocation, e.spire is limited in the services which can be provided to customers and is foreclosed from effectively competing with BellSouth. Given the growing importance of physical collocation, the Commission should carefully review any waiver request and should consider alternatives that would enable physical collocation.

NORTHPOINT:

NorthPoint adopts the positions offered by e.spire on all issues.

TCG:

Collocation is essential to the ability of interconnectors to obtain access to BellSouth's transmission facilities. Fulfilling BellSouth's obligation to make space available for physical collocation must take priority over fulfilling BellSouth's desire to maintain all existing uses of administrative space in its central offices, and BellSouth must not be permitted to reduce the amount of space available for physical collocation by reserving excessive amounts of space for equipment for future growth or by reserving space for future equipment for BellSouth affiliates.

The FCC's decision released March 31, 1999 in CC Docket No. 98-147, *In Re: Deployment of Wireline Services Offering Advanced Telecommunications Capability* ("Advanced Services Order"), rejects the policies relied upon by BellSouth as reasons for denying requests for physical collocation in these six central offices. BellSouth must comply with all of the terms of the Advanced Services Order, and BellSouth cannot meet its burden of proof that there is not space available for physical collocation in any central office until it has complied with all such terms.

In Golden Glades, there is 4,075 square feet of space available for physical collocation. This amount includes equivalent space available for cageless collocation pursuant to the Advanced Services Order, but does not include space

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available for adjacent collocation although adjacent collocation also is required by the Advanced Services Order. Consequently, BellSouth's petition for waiver of the requirement to provide physical collocation for Golden Glades should be denied.

INTERMEDIA:

BellSouth is obligated under the Telecommunications Act of 1996 ("Act") to provide Intermedia upon request with a physical collocation opportunity, unless it can demonstrate to the Commission that physical collocation is impractical for technical reasons or because of space limitations. Under the FCC's recent national collocation rules, BellSouth must permit Intermedia to collocate any equipment used or useful for interconnection or access to unbundled network elements. It must permit collocation by means of arrangements other than traditional physical collocation, including common cageless, shared cage and adjacent collocation and enhanced extended link. In addition, Intermedia is entitled to a presumption of technical feasibility to collocate its equipment in BellSouth's premises by any means deployed by any incumbent local exchange carrier. Furthermore, BellSouth must make available for collocation purposes any unused space in its premises, including single bays that may be intermingled with and need not be separated from space BellSouth uses. It may not impose security measures on Intermedia that are more stringent than those it imposes on itself or that are otherwise discriminatory. Finally, BellSouth is obligated to remove obsolete unused equipment and to make other modifications to its facilities and equipment to accommodate Intermedia's collocation requests and may refuse to do so only upon a demonstration of an adverse affect on network reliability.

With these principles applied, Intermedia has identified sufficient available space for its immediate collocation requirements in BellSouth's North Dade Golden Glades, Miami Palmetto, Boca Raton Boca Teeca, and West Palm Beach Gardens central offices, even recognizing BellSouth's entitlement to reserve, on terms not discriminatory to Intermedia, a limited amount of presently unused space for its own legitimate growth projections

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TIME WARNER:

The waivers requested by BellSouth should be denied because there is sufficient space for physical collocation at each office utilizing one or more of the forms of collocation authorized by the March 31, 1999 Advanced Services Order and the FCC's new collocation rules.

STAFF:

Staff's positions are preliminary and based on materials filed by the parties and on discovery. The preliminary positions are offered to assist the parties in preparing for the hearing. Staff's final positions will be based upon all the evidence in the record and may differ from the preliminary positions.

VIII. ISSUES AND POSITIONS

ISSUE 1: What obligation does BellSouth have to make space available at these central offices to permit physical collocation pursuant to the Act and applicable state and federal requirements?

POSITIONS

BELLSOUTH:

Neither the Telecommunications Act of 1996 ("Act") nor the rules of the Federal Communications Commission (FCC) require BellSouth to make relocations and renovations to accommodate requests for physical collocation arrangements. The Federal Communications Commission has stated that "An incumbent LEC shall not be required to provide for physical collocation of equipment necessary for interconnection or access to unbundled network elements at the incumbent LEC's premises if it demonstrates to the state commission that physical collocation is not practical for technical reasons or because of space limitations." (47 CFR Chapter 1, 51.321(e)). This requirement has been met in the central offices at issue.

ACI: BellSouth has an absolute obligation to provide physical collocation, except when it is not possible for technical or space reasons. Before collocation can be denied due to space reasons, BellSouth must eliminate any unnecessary use of central office floor space and must rearrange its uses of space in the most efficient way possible. Additionally, BellSouth must allow the use of alternative collocation arrangements to maximize the space available for collocation.

MCI: The Telecommunications Act of 1996 places on BellSouth the duty to make space available anywhere on its premises unless and until such time as BellSouth satisfactorily demonstrates to this Commission that space is unavailable on the premises.

TCG: BellSouth's obligation to make space available for physical collocation in these central offices is set forth in Section 251(c)(6) of the Telecommunications Act of 1996 ("the Act"), in the FCC's Local Competition Order issued August 8, 1996, and in the FCC's Advanced Services Order issued March 31, 1999. The Act requires BellSouth to provide physical collocation unless it can demonstrate to the Commission that the requested physical collocation is not practical because of space limitations. The Local Competition Order and the Advanced Services Order establish national collocation standards and minimum terms and conditions pursuant to which incumbent LECs such as BellSouth must provide physical collocation, and allow state commissions to impose additional physical collocation obligations of incumbent LECs.

COVAD:

BellSouth must comply with all the provisions of FCC Order 99-48 regarding cageless collocation, including without limitation, the requirement

- a. to provide cageless collocation "as soon as possible," FCC Order 99-48 ¶40;
- b. to verify claims of space exhaustion according to the procedures identified in the Order, FCC Order ¶¶57-60;
- c. to remove all obsolete and retired equipment from central offices, FCC Order ¶60;

- d. to permit "adjacent" physical collocation in controlled environmental vaults or other spaces or, if such space is exhausted, to allow CLECs to construct or otherwise procure an adjacent physical collocation space, FCC Order 99-48 ¶44; and
- e. to permit "shared" collocation, FCC Order ¶41.

BellSouth must also comply with the provisions of Title 47 of Code of Federal Regulations, including, without limitation 47 C.F.R. §51.323, which requires BellSouth to allow CLECs to reserve space in central offices for future use under the same terms it allows itself to make such space reservations. In addition, BellSouth must comply with all other collocation requirements under federal and state law and regulations.

SUPRA:

Pursuant to Section 251(c)(6) of the Telecommunications Act, BellSouth is required to provide physical collocation to all requesting carriers. If no suitable space exists, then BellSouth must offer virtual collocation if the Florida Commission determines that there is insufficient space for physical collocation. In addition, BellSouth must make virtual collocation available to all requesting carriers before it can reserve space for its own future needs. Section 251(c)(6) also requires the incumbent LEC to carry the burden of proving that there is inadequate space for physical collocation in any central office for which it desires to receive a waiver from the Florida Public Service Commission.

SPRINT:

Under Section 251 (c) (6) of the Act, Incumbent Local Exchange Companies ("ILECs") have:

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.

It is clear that ILECs are obligated to make space in their central offices available for physical collocation. Moreover, the ILEC is further obligated to demonstrate to State Commissions that physical collocation is not practical due to technical or space limitations.

E. SPIRE:

BellSouth is required by Section 251(c)(6) of the Act to provide physical collocation to requesting carriers.

NORTHPOINT:

NorthPoint adopts the position offered by e.spire.

INTERMEDIA:

The Act, at 47 U.S.C. §251(c)(6), requires BellSouth to provide for physical collocation of equipment necessary for interconnection or access to unbundled network elements at its premises. BellSouth may avoid this obligation only upon a demonstration that physical collocation is not practical because of technical unfeasibility or space limitations. BellSouth must make any unused space in or adjacent to its premises, defined as any structures housing its network facilities, available for collocation in increments as small as single bays without imposing a requirement that collocation space be separated in any way from space BellSouth uses. In order to satisfy this obligation, BellSouth may be required to make modifications to its facilities and equipment, pursuant to 47 C.F.R §51.5, Technical Feasibility.

TIME WARNER:

The Telecommunications Act of 1996 places on BellSouth the duty to make space available anywhere on its premises unless and until such time as BellSouth satisfactorily demonstrates to this Commission that space is unavailable on the premises.

STAFF:

Staff takes no position at this time.

ISSUE 2: What factors should be considered by the Commission in making its determination on BellSouth's Petitions for Waiver and Temporary Waiver of the requirement to provide physical collocation for the following central offices:

- a) Daytona Beach Port Orange
- b) Boca Raton Boca Teeca
- c) Miami Palmetto
- c) West Palm Beach Gardens
- d) North Dade Golden Glades
- e) Lake Mary

POSITIONS

BELLSOUTH:

The factors include: (1) existing building configuration such as the building outline and physical capacity of the structure; (2) space usage and forecasted demand. Other factors include Code and regulatory factors at the national, state, and local level (such as the National Fire Protection Act, the Southern Building Code, and local county and municipal codes), as well as space design practices.

ACI: The Commission should first determine how much total space is available at each office. It should then subtract any current uses of space that are both efficient and necessary for the provision of telecommunications services. Any currently available space, including space that could be made available by eliminating inefficient, unnecessary or reserved space usage, should be considered available for collocation. Any available space that is large enough to accommodate a single bay of equipment, regardless of whether it is in a segregated collocation room, should be made available for collocation. If there is not enough space within the central office to accommodate all of an ALEC's equipment, collocation should be accommodated through parking-lot or adjacent collocation.

MCI: MCI WorldCom's Position: The factors that must be evaluated by the Commission in its determination of space availability on the premises include:

1. Placement of existing unused equipment.
2. Future growth.
3. Security arrangements.
4. Administrative space allocations.
5. Building codes and other local government requirements.
6. Space accessibility
7. Outside space.

TCG: The Commission should examine:

- 1) The amount and arrangement of space occupied or planned for BellSouth affiliates;
- 2) Whether there is non-essential administrative and recreational space that could be reclaimed;
- 3) The terms under which BellSouth reserves space for its own future use;
- 4) The expected use of such reserved space;
- 5) The removal of obsolete unused equipment and the reconfiguration of equipment;
- 6) The reasonableness of BellSouth's projections of future equipment growth/ reductions by equipment categories;
- 7) Floor plans for the central offices which identify all areas and equipment sufficiently to audit usages and projections;
- 8) Plans for building additions or renovations which may affect space availability;
- 9) Results of central office tours in which ALECs have participated, including ALEC testimony and Commission Staff audit reports; and

- 10) BellSouth's compliance with the requirements of the Advanced Services Order.

COVAD:

The Commission should consider the following factors, without limitation, when determining BellSouth's Petitions for Waiver for all of the above central offices:

- a. BellSouth's Petitions are moot under FCC Order 99-48 because they do not address the availability of collocation space in a cageless, adjacent, or shared arrangement;
- b. BellSouth has not provided cageless collocation as required by FCC Order 99-48;
- c. BellSouth has not satisfied the space exhaustion verification requirements of FCC Order 99-48;
- d. BellSouth has not shown that it has removed all obsolete and retired equipment as required by FCC Order 99-48;
- e. BellSouth has not shown that "adjacent" physical collocation, as required by FCC Order 99-48, is unavailable;
- f. BellSouth has not provided "adjacent" collocation as required by FCC order 99-48;
- g. BellSouth has not shown that "shared" physical collocation, as required by FCC Order 99-48, is unavailable;
- h. BellSouth cannot provide evidence to demonstrate "that physical collocation is not practical...because of space limitations," as required by the 1996 Act;
- i. BellSouth has not shown that it allowed CLECs to reserve space for future use under the same terms it allows itself to make such space reservations.

SUPRA:

The Commission should consider the following factors in determining if there is adequate space in the above listed Central Offices:

The proper amount of administrative space to be utilized by BellSouth for its own purposes;

The appropriate amount of space for BellSouth to reserve, both short-term and long-term, for its own future use including consideration of customers lost to ALECs;

Whether BellSouth has utilized a design for the central offices that maximizes the opportunity for physical collocation by other telecommunications services providers like Supra Telecom; Space that allows carriers to place equipment in-line with BellSouth's equipment; Consideration of space savings utilizing cageless collocation; and removal of BellSouth's obsolete and unused equipment.

SPRINT:

Sprint believes the Commission should consider the following factors:

Whether there is non-essential, unused, little used or retired equipment that should be removed to provide space for collocation;

Whether there is administrative space that should be converted to provide space for collocation; Whether there are partial line-ups or unfilled bays that should be reconfigured to provide space for collocation; For what length of time BellSouth should be permitted to reserve space for its future use; What security arrangements are reasonable to impose upon carriers requesting physical collocation; Whether security concerns should be permitted to provide the sole basis for denial of a physical collocation request; Whether BellSouth should permit subleasing or sharing of collocation space; What minimum space requirements BellSouth should be able to impose upon carriers requesting collocation.

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E.SPIRE:

The Commission should consider several factors including, but not limited to, the existing configuration and use of space, placement of equipment, accessibility and reasonable growth needs. The Commission should also consider the other factors such as shared, cageless and smaller space options, as well as adjacent alternatives.

NORTHPOINT:

NorthPoint adopts the position offered by e.spire.

INTERMEDIA:

The factors that the Commission should take into account to determine the availability of space are the same for BellSouth's North Dade Golden Glades, Miami Palmetto, Boca Raton Boca Teeca, and West Palm Beach Gardens central offices. Intermedia has no present interest in the Daytona Beach Port Orange and Lake Mary central offices. First, these factors include those the FCC initially set forth in 47 C.F.R. §51.323(f). They require BellSouth to allocate available space on a first come, first served basis. They require BellSouth to reserve space for future use only on a basis that is non-discriminatory to competing carriers and to yield such space before denying virtual collocation. From this, it follows that BellSouth's distant requirements should not be assigned a priority superior to the immediate collocation needs of requesting carriers. Finally, they require BellSouth to take into account projected physical collocation demands when renovating its facilities and to make contiguous space available to collocated carriers seeking to expand.

Second, the factors the Commission should take into account include those that the FCC recently promulgated as "national" collocation rules in CC Docket 98-147, In the Matter of Deployment of Wireline Services Offering Advanced Telecommunications Capability. Amongst other things, these require that BellSouth permit shared cage collocation, cageless collocation and adjacent space collocation. They require BellSouth to permit the collocation of any equipment

used or useful for interconnection or access to unbundled network elements. They require BellSouth to remove, upon request, obsolete and unused equipment from its premises to provide physical collocation space. They require BellSouth to make available for collocation any unused space in its premises without requiring that such space, which may be as small as a single bay, be isolated from space BellSouth or other collocated carriers use. Finally, they entitle requesting telecommunications carriers to a presumption of technical feasibility with respect to collocation arrangements successfully deployed by any incumbent local exchange carrier, e.g., SCOPE, CLOSE, and ISC.

Third, the factors the Commission should take into account includes a recognition that at least where there is no possibility of expanding the space available, BellSouth is required to make modifications to its facilities and equipment when that is feasible and necessary to accommodate collocation requests.

TIME WARNER:

The factors that must be evaluated by the Commission in its determination of space availability on the premises include:

1. Placement of existing unused equipment.
2. Future growth.
3. Security arrangements.
4. Administrative space allocations.
5. Building codes and other local government requirements.
6. Space accessibility
7. Outside space.

STAFF:

Staff takes no position at this time.

ISSUE 3: Based on the factors identified in Issue 2, how much space should be considered available in the following central offices:

- a) Daytona Beach Port Orange
- b) Boca Raton Boca Teeca
- c) Miami Palmetto
- d) West Palm Beach Gardens
- e) North Dade Golden Glades
- f) Lake Mary

POSITIONS

BELLSOUTH:

- (a) Daytona Beach Port Orange: none.
- (b) Boca Raton Boca Teeca: none.
- (c) Miami Palmetto: none.
- (d) West Palm Beach Gardens: none.
- (e) North Dade Golden Glades: none.
- (f) Lake Mary: none.

ACI: On this issue, ACI adopts the position stated by Sprint.

MCI: 3(a), 3(b), 3(d), and 3(e) - No position.

3(c) Miami Palmetto: There is between 900 and 3,910 square feet of potential physical collocation space within this office, with additional potential space available inside and outside of the office.

3(f) Lake Mary: There is approximately 750 square feet of potential physical collocation space within this office, with additional potential space available inside and outside of the office.

TCG: There is 4,075 square feet of space available in North Dade Golden Glades. TCG takes no position concerning the amount of space available in the other five central offices.

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COVAD:

Specific amounts of available collocation space is difficult to quantify because BellSouth has not offered cageless collocation and has not complied with FCC Order 99-48 or 47 C.F.R. § 51.323(f)(4). At the very least, additional collocation space is available in (1) any space saved by converting pending applications for traditional physical collocation to applications for cageless physical collocation; (2) any space previously designated as insufficient for "caged" collocation, but that would accommodate cageless collocation; (3) any space occupied by obsolete or retired equipment or other items that should not be stored in central offices; (4) any space available in shared collocation spaces; (5) any space available in "adjacent" collocation spaces; (6) any space that BellSouth has reserved for future use without contemporaneously offering CLECs the same rights to reserve space; and (7) any available space identified by the Intervenor during their inspections of the disputed central offices.

SUPRA:

Supra believes that the following amount of space should be considered available:

- A) Daytona Beach Port Orange - Space cannot be calculated until all discovery is complete.
- B) Boca Raton Boca Teeca - 14229.5 square feet
- C) Miami Palmetto- 3780.5 square feet
- D) West Palm Beach Gardens - 3687 square feet
- E) North Dade Golden Glades - 5235 square feet
- F) Lake Mary Main - 200 square feet, however, total space cannot be calculated until all discovery is complete.

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SPRINT:

Daytona Beach Port Orange

Approximately 1,801 square feet reserved for future use have been identified that should be considered available. This does not include space that can be reclaimed through reconfiguration of partial line-ups and removal of 3 M.A.P positions.

Boca Raton Boca Teeca

Approximately 1,211 square feet reserved for future use have been identified that should be considered available. In addition, there are over 13,000 square feet of administrative space that should be considered available. These figures do not include space that can be reclaimed through reconfiguration of partial line-ups and more efficient use of space currently utilized.

Miami Palmetto

Approximately 2,700 square feet reserved for future use have been identified that should be considered available.

West Palm Beach Gardens

Approximately 1,300 square feet reserved for future use have been identified that should be considered available. This does not include space that can be reclaimed through more efficient use of space.

North Dade Golden Glades

Approximately 2,500 feet reserved for future use have been identified that should be considered available.

Lake Mary

Approximately 642 square feet reserved for future use have been identified that should be considered available.

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E.SPIRE:

There is space available in the listed central offices but e.spire has not calculated a precise amount.

NORTHPOINT:

NorthPoint adopts the position offered by e.spire.

INTERMEDIA:

In the Boca Raton Boca Teeca central office, there are at least five significant areas totaling approximately 18,179 square feet within which substantial in-premises collocation can be accommodated. Of this, 12,946 square feet on the second floor are being used for administrative functions not directly related to the operation of the central office. In addition, there is space for both on-site and off-site adjacent collocation in two areas being partially used for parking.

In the Miami Palmetto central office, there are also at least five significant areas totaling approximately 2,839 square feet within which substantial in-premises collocation can be accommodated. In addition, there is space for both on-site and off-site adjacent collocation in an area behind the office and in a building and parking lot just to the right of the office.

In the West Palm Beach Gardens central office, there are also at least five significant areas totaling approximately 4,539 square feet within which substantial in-premises collocation can be accommodated. In addition, there is space for off-site adjacent collocation in unimproved land all around the office.

In the North Dade Golden Glades central office, there are seven significant areas totaling 3,161 square feet within which substantial in-premises collocation can be accommodated. In addition, there is space for on-site adjacent collocation in a parking lot just to the left of the office.

Intermedia has no present interest in the Daytona Beach Port Orange and Lake Mary central offices.

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TIME WARNER:

3(a), 3(b), 3(c), 3(d), and 3(e) - No position.

3(f) Lake Mary: There is approximately 750 square feet of potential physical collocation space within this office, with additional potential space available outside of the office.

STAFF:

Staff takes no position at this time.

ISSUE 4: If space is considered available in any of these central offices, is the space sufficient for physical collocation?

POSITIONS

BELLSOUTH:

No. If the Commission determines that space is available in any of the six central offices at issue, this space would not be sufficient for physical collocation.

ACI: Yes. Any available space that can technologically accommodate collocated equipment should be considered sufficient. This includes non-contiguous space or space smaller than the minimum increment required under BellSouth policies. The only consideration should be whether, from a technological perspective, a single bay of equipment can be installed in the available space. Under this approach, a space as small as seven square feet is sufficient to accommodate collocation.

MCI: MCI WorldCom's Position: Yes. Under the FCC's Advanced Services Order, released March 31, 1999, and accompanying rules, space is available at each office for a number of different forms of physical collocation that should be made available to the ALECS on the basis of the FCC's first come, first served rule

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TCG: Yes.

COVAD:

Covad believes that the additional space, as described above and as described in Tom Regan's prefiled testimony, is available for physical collocation.

SUPRA:

Supra believes that space considered available in any of these central offices can be used for physical collocation.

SPRINT:

The space considered available in each central office is sufficient for physical collocation.

E.SPIRE:

Yes.

NORTHPOINT:

NorthPoint adopts the position offered by e.spire.

INTERMEDIA:

The amount of space available for collocation in BellSouth's North Dade Golden Glades, Miami Palmetto, Boca Raton Boca Teeca, and West Palm Beach Gardens central offices, whether presently or potentially accessible, is certainly sufficient to accommodate Intermedia's collocation requirements.

Intermedia has no present interest in the Daytona Beach Port Orange and Lake Mary central offices.

TIME WARNER:

Yes. Under the FCC's Advanced Services Order, released March 31, 1999, and accompanying rules, space is available at each office for a number of different forms of physical collocation

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that should be made available to the ALECs on the basis of the FCC's first come, first served rule.

STAFF:

Staff takes no position at this time.

ISSUE 5: Should BellSouth's Petitions for Waiver and Temporary Waiver of the requirement to provide physical collocation in the following central offices be granted:

- a) Daytona Beach Port Orange
- b) Boca Raton Boca Teeca
- c) Miami Palmetto
- c) West Palm Beach Gardens
- d) North Dade Golden Glades
- e) Lake Mary

POSITIONS

BELLSOUTH:

Yes. No available space exists in any of the identified central offices for physical collocation. Therefore, BellSouth's Petitions should be granted.

ACI: No. The waivers should be denied because there is sufficient space to accommodate collocation at each central office.

MCI: No. Since the offices have space available that could be used to provide physical collocation through one or more of the different forms that are available, the waivers should be denied.

TCG: BellSouth's petition for waiver of the requirement to provide physical collocation in the North Dade Golden Glades central office should be denied. TCG believes that space is available for physical collocation in the other five central offices as well, but takes no position concerning this issue as to those offices.

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COVAD:

For the reasons outlined above, all of BellSouth's Petitions for Waiver should be denied.

SUPRA:

No. There is suitable space available for collocation in each of these central offices.

SPRINT:

No.

E.SPIRE:

No.

NORTHPOINT:

NorthPoint adopts the position offered by e.spire.

INTERMEDIA:

No. BellSouth's petitions for permanent waiver of the requirement to provide physical collocation in its North Dade Golden Glades, Miami Palmetto, Boca Raton Boca Teeca, and West Palm Beach Gardens central offices should be denied. BellSouth has not demonstrated technical unfeasibility or preclusive space limitations. On the contrary, Intermedia has demonstrated that ample space for collocation exists in each of these central offices when the appropriate factors are correctly applied. The Commission should require BellSouth to expeditiously accommodate Intermedia's collocation requests in these offices.

Intermedia has no present interest in the Daytona Beach Port Orange and Lake Mary central offices.

TIME WARNER:

No. Since the offices have space available that could be used to provide physical collocation through one or more of the

different forms that are available, the waivers should be denied.

STAFF:

Staff takes no position at this time.

ISSUE 6: If the Commission determines that a waiver request should be denied, how should BellSouth effectuate FCC Rule 47 C.F.R. § 51.323(f)(1) in processing requests for physical collocation in those central offices?

POSITIONS

BELLSOUTH:

If the Commission determines that space is available for physical collocation in a given central office for which BellSouth has filed a waiver, the Commission should specify the amount of space it has determined is available. Once the Commission's Order is final and unappealable, BellSouth would allocate the available space to requesting carriers on a "first come, first served" basis. BellSouth would offer the space to requesting carriers in the same order and for the same amount of floor space as had been originally requested.

ACI: BellSouth should distribute space on a "first-come-first-served" basis. It should keep all physical collocation applications for five years, and, as soon as space becomes available, notify each ALEC who has requested space. The ALECs should then have three business days to affirm their desire for the space, with priority given to earliest application date. All ALECs, including any BellSouth subsidiaries, should be subject to the same process.

MCI: BellSouth should contact each ALEC denied space on the basis of the FCC's first come, first served rule and present all of the then available space. With this information, the ALEC will be able to evaluate each area of space and how it might be configured to meet the ALEC's physical collocation requirements.

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TCG: In any central office for which BellSouth has denied a request for physical collocation within the preceding three years, any newly available space should first be offered to the carriers whose requests for physical collocation were denied, beginning with the first such denial. Only reasonable space requests should be honored. BellSouth must not require ALECs to reapply for space that becomes available. If BellSouth improperly denied a request for physical collocation, BellSouth should be responsible for all of the costs associated with migrating a virtual collocation arrangement to physical collocation and any additional costs related to BellSouth's improper denial. Because the amounts of space previously requested for collocation in these six central offices were based on BellSouth's since-prohibited policy requiring requests to be made in minimum increments of 100 square feet, the ALECs who have made such requests should now be required to restate the actual and verifiable amounts of space which they reasonably expect to utilize for physical collocation equipment within a twelve-month period, after the Commission has ordered BellSouth to provide all collocation arrangements required by the Advanced Services Order. The process of restatement and verification of ALECs' space requests should not left to BellSouth to manage alone.

COVAD:

Upon denial of the waivers, CLECs should be provided a specific period of time to submit proof of the timing of their previous applications or requests for collocation space. After receiving proof of a previous application or request during the specified time period, BellSouth should assign priority to the applications/requests according to the date the application/request was submitted and notify each CLEC of this assignment. In addition, BellSouth should be required to accept cageless applications, or requests for conversion of pending traditional applications to cageless applications, immediately. All requests for conversion of an application to cageless should be assigned the same relative priority as the original application. Requests for conversion should not increase the provisioning interval assigned to the original application.

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In the event that BellSouth demonstrates that only virtual collocation is available, CLECs should be allowed to convert any pending physical collocation applications to applications for virtual collocation without any change in the relative priority of the application or any delay of the original provisioning interval.

SUPRA:

Supra believes that a list of carriers who applied for physical collocation should be prepared with rank of position based on the date of the application. Those carriers that were denied physical collocation and either settled for virtual collocation or did not seek relief from the Commission, should not be re-instated based on their original application date. Supra believes that these carriers did not stand on their rights and, therefore, should not be placed ahead of other applicants who are already in queue. All new applicants should be processed on a first-come, first-served basis.

SPRINT:

Sprint believes that requests for physical collocation in such central offices should be processed on a "first come, first served" basis. In other words, the first collocator that was denied physical collocation in such central office should be offered the opportunity to obtain physical collocation space that subsequently becomes available, with other physical collocation applications being subsequently considered in the order that they were received.

E.SPIRE:

Requests should be processed on a first come, first served basis which is the current requirement. Carriers should be provided reasonable time to make a decision as to how to proceed.

NORTHPOINT:

NorthPoint adopts the position offered by e.spire.

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INTERMEDIA:

47 C.F.R. §51.323(f)(1), requires BellSouth to make space available within or on its premises to requesting telecommunications carriers on a first-come, first-served basis. Space should be allocated to requesting carriers on that basis until it becomes exhausted. Moreover, requesting carriers should not be permitted to warehouse collocation space to an extent that would prejudice the present opportunities of others. To determine future priorities when space has become truly exhausted, the Commission should, in addition, develop procedures in order to assign new space that becomes available through creation, conversion or reclamation of space by BellSouth. The Commission should require BellSouth to maintain on file, for five years, all unsatisfied applications for physical collocation. When space becomes available or is about to become available, BellSouth should immediately provide written notification to the requesting carriers whose requests are then open in the order that BellSouth received those requests. Requesting carriers that receive notification should be required to respond in writing to BellSouth within three business days, or be deemed to forfeit the space. If more requesting carriers respond than there are those for which there is space available, then the available space should be allocated on a first-come, first-served basis until exhausted. If the amount of space offered to a requesting carrier is less than the amount requested, the carrier should be permitted to decline the offer without losing its place in line for a subsequent offer.

TIME WARNER:

BellSouth should contact each ALEC denied space on the basis of the FCC's first come, first served rule and present all of the then available space. With this information, the ALEC will be able to evaluate each area of space and how it might be configured to meet the ALEC's physical collocation requirements.

STAFF:

Staff takes no position at this time.

IX. EXHIBIT LIST

<u>Witness</u>	<u>Proffered By</u>	<u>I.D.No.</u>	<u>Description</u>
W. Keith Milner	BellSouth	<u> </u> (WKM-1)	Letter from Mr. Marta to Mr. Chubb, dated July 6, 1998; Letter from Mr. Chubb to Mr. Marta, dated September 25, 1998.
		<u> </u> (WKM-2)	Interconnection Agreements
James D. Bloomer	BellSouth	<u> </u> (JDB-1)	Space Assessment Work Sheet Form
		<u> </u> (JDB-2)	North Dade Golden Glades Central Office: Building Sketch
		<u> </u> (JDB-3)	North Dade Golden Glades Central Office: Space Assessment Worksheet
		<u> </u> (JDB-4)	West Palm Beach Gardens Central Office: Building Sketch

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<u>Witness</u>	<u>Proffered By</u>	<u>I.D.No.</u>	<u>Description</u>
James D. Bloomer	BellSouth	<u> </u> (JDB-5)	West Palm Beach Gardens Central Office: Space Assessment Worksheet
		<u> </u> (JDB-6)	Lake Mary Central Office: Building Sketch
		<u> </u> (JDB-7)	Lake Mary Central Office: Space Assessment Worksheet
James D. Bloomer		<u> </u> (JDB-8)	Daytona Beach Port Orange Central Office: Building Sketch
		<u> </u> (JDB-9)	Daytona Beach Port Orange Central Office: Space Assessment Worksheet
		<u> </u> (JDB-10)	Boca Raton Teeca Central Office: Building Sketch

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<u>Witness</u>	<u>Proffered By</u>	<u>I.D.No.</u>	<u>Description</u>
James D. Bloomer	BellSouth	_____	Boca Raton
		(JDB-11)	Boca Teeca Central Office: Space Assessment Worksheet
		_____	Miami
		(JDB-12)	Palmetto Central Office: Building Sketch
		_____	Miami
		(JDB-13)	Palmetto Central Office: Space Assessment Worksheet
James D. Bloomer	BellSouth	_____	North Dade
		(JDB-14)	Golden Glades Central Office: Photos of Areas from Staff Audit
		_____	West Palm
		(JDB-15)	Beach Central Office: Photos of Areas from Staff Audit
		_____	Lake Mary
		(JDB-16)	Central Office: Photos of Areas from Staff Audit

<u>Witness</u>	<u>Proffered By</u>	<u>I.D.No.</u>	<u>Description</u>
James D. Bloomer	BellSouth	<u> </u> (JDB-17)	Daytona Beach Port Orange Central Office: Photos of Areas from Staff Audit
		<u> </u> (JDB-18)	Boca Raton Boca Teeca Central Office: Photos of Areas from Staff Audit
James D. Bloomer	BellSouth	<u> </u> (JDB-19)	Miami Palmetto Central Office: Photos of Areas from Staff Audit
		<u> </u> (JDB-20)	North Dade Golden Glades Central Office: Building Sketch of Area from Staff Audit
		<u> </u> (JDB-21)	West Palm Beach Gardens Central Office: Building Sketch of Area from Staff Audit

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<u>Witness</u>	<u>Proffered By</u>	<u>I.D.No.</u>	<u>Description</u>
James D. Bloomer	BellSouth	_____	Lake Mary
		(JDB-22)	Central Office: Building Sketch of Area from Staff Audit
James D. Bloomer	BellSouth	_____	Daytona Beach
		(JDB-23)	Port Orange Central Office: Building Sketch of Areas from Staff Audit
		_____	Boca Raton
		(JDB-24)	Boca Teeca Central Office: Building Sketch of Area from Staff Audit
		_____	Miami
		(JDB-25)	Palmetto Central Office: Building Sketch of Areas from Staff Audit

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<u>Witness</u>	<u>Proffered By</u>	<u>I.D.No.</u>	<u>Description</u>
PCM Panel (MacDonald and Fisher)	BellSouth	_____	Boca Raton
		(PCM Panel-5)	Boca Teeca Central Office: Power Room
		_____	Boca Raton
		(PCM Panel-6)	Boca Teeca Central Office: Engine/Altern ator Room
C S C M Panel (Rodriguez, Caban, Cook and Ream)	BellSouth	_____	West Palm
		(PCM Panel-7)	Beach Gardens Central Office: Power Area
		_____	West Palm
		(PCM Panel-8)	Beach Gardens Central Office: Engine/Altern ator Room
C S C M Panel (Rodriguez, Caban, Cook and Ream)	BellSouth	_____	North Dade
		(CSCM Panel-1)	Golden Glades First Floor Plan and Second Floor Plan
		_____	Miami
C S C M Panel (Rodriguez, Caban, Cook and Ream)	BellSouth	(CSCM Panel-2)	Palmetto, First Floor Plan
		(CSCM Panel-3)	Boca Raton Boca Teeca, First Floor Plan

<u>Witness</u>	<u>Proffered By</u>	<u>I.D.No.</u>	<u>Description</u>
CSCM Panel (Rodriguez, Caban, Cook and Ream)	BellSouth	_____	Daytona Beach
		(CSCM Panel-4)	Port Orange, First Floor Plan
		_____	Lake Mary, First Floor Plan
		(CSCM Panel-5)	
		_____	West Palm Beach Gardens, First Floor Plan
		(CSCM Panel-6)	
Kathy L. Welch	Staff	_____	Staff Audit
		(KLW-1)	Report - Boca Teeca
		_____	Staff Audit
		(KLW-2)	Report - North Dade Golden Glades
		_____	Staff Audit
		(KLW-3)	Report - Lake Mary
		_____	Staff Audit
		(KLW-4)	Workpapers
Ruth K. Young	Staff	_____	Staff Audit
		(RKY-1)	Report - Daytona Port Orange
		_____	Staff Audit
		(RKY-2)	Report - Miami Palmetto
		_____	Staff Audit
		(RKY-3)	Report - West Palm Beach Gardens

<u>Witness</u>	<u>Proffered By</u>	<u>I.D.No.</u>	<u>Description</u>
Ruth K. Young	Staff	_____ (RKY-4)	Staff Audit Workpapers
Michael D. West	Sprint	_____ (MDW-1)	Pictures of each central office
		_____ (MDW-2)	Confidential- NDADFLGGK32 STS Port -3/1 Lcnt Chart
		_____ (MDW-3)	Confidential - September 10, 1998 Memo
		_____ (MDW-4)	Confidential- Floor Plans for each CO
Scott Stinson	TCG	_____ (SS-1)	North Dade Golden Glades Floor Plan (revised exhibit)
Julia O. Strow	Intermedia	_____ (JOS-1)	Enhanced Extended Link "EEL"
		_____ (JOS-2)	Secured Collocation Open Physical Environment (SCOPE)
		_____ (JOS-3)	Collocation Line of Sight Escort (CLOSE)
Ronald W. Beasley		_____ (RB-1)	Collocation Space Miami Palmetto CO

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<u>Witness</u>	<u>Proffered By</u>	<u>I.D.No.</u>	<u>Description</u>
Ronald W. Beasley	Intermedia	_____	Collocation
		(RB-2.1)	Space North
		_____	Dade Golden
		(RB-2.2)	Glades CO,
		_____	1st Floor
Joseph Gillan	ACI, AT&T, e.spire, MCI, Supra, & Time Warner	_____	Collocation
		(RB-3.1)	Space Boca
		_____	Raton Boca
		(RB-3.2)	Teeca CO, 1st
		_____	Floor
Joseph Gillan	ACI, AT&T, e.spire, MCI, Supra, & Time Warner	_____	Collocation
		(RB-4)	Space West
		_____	Palm Beach
		(JG-1)	Gardens CO
		_____	Comptel White
			Paper

<u>Witness</u>	<u>Proffered By</u>	<u>I.D.No.</u>	<u>Description</u>
David Nilson	Supra	<u> </u> (DN 1-12)	Composite Exhibit Photographs of the Daytona Beach/Port Orange Central Office
David Nilson	Supra	<u> </u> (DN 13-17)	Composite Exhibit Photographs of the Boca Raton/Boca Teeca Central Office
		<u> </u> (DN 18-30)	Composite Exhibit Photographs of the Miami Palmetto Central Office
		<u> </u> (DN 31-41)	Composite Exhibit Photographs of the West Palm Beach Gardens Office
		<u> </u> (DN 42-52)	Composite Exhibit Photographs of the North Dade Golden Glades Central Office

3. On May 10, 1999, Intermedia filed a Motion for Leave to File Testimony One Day Out of Time. The request was not opposed. Intermedia's request does not appear prejudicial to any party to these proceedings; therefore, Intermedia's request is granted.

4. There were also several Motions for Protective Order filed by BellSouth that remained outstanding at the time of the prehearing conference. The motions were filed on March 8, 1999; April 12, 1999 (4 separate motions were filed on this date); April 19, 1999; and May 6, 1999. At the prehearing conference, counsel for BellSouth stated that these motions have been resolved between the parties. Therefore, no ruling will be made on these Motions for Protective Order. The motions have been rendered moot.

5. In addition, Sprint requested that each side be allowed 30 minutes to present opening statements. In view of the complex issues to be addressed in these proceedings, Sprint's request is granted. BellSouth shall have 30 minutes to make an opening statement, and the intervenors, as a whole, shall have 30 minutes to present their opening statement.

It is therefore,

ORDERED by Commissioner Susan F. Clark, as Prehearing Officer, that this Prehearing Order shall govern the conduct of these proceedings as set forth above unless modified by the Commission. It is further

ORDERED that Commission staff's April 29, 1999, Request for Leave to File Supplemental Direct Testimony for staff witnesses Kathy L. Welch and Ruth K. Young is granted. It is further

ORDERED that Supra Telecommunication and Information Systems, Inc.'s May 11, 1999, Motion for Leave to File its Prehearing Statement one day late is granted. It is further

ORDERED that Intermedia Communications, Inc.'s May 10, 1999, Motion for Leave to File Testimony One Day Out of Time is granted. It is further

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ORDERED that BellSouth Telecommunications, Inc.'s Motions for Protective Order filed on March 8, 1999, April 12, 1999, April 19, 1999, and May 6, 1999, have been rendered moot as explained in the body of this Order.

By ORDER of Commissioner Susan F. Clark, as Prehearing Officer, this 1st 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 120.59(4), 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 this order, which is preliminary, procedural or intermediate in nature, may request: 1) reconsideration within 10 days pursuant to Rule 25-22.038(2), 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

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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.

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May 28, 1999

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RECORDS AND REPORTING

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (B. KEATING)

BK CB

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.

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.

MUST GO TODAY

99-1094-PHO

*Locals called
mailed
5/11/99*

Attached is a PREHEARING ORDER, to be issued in the above-referenced docket. (Number of pages in order - 51)

BK/anr

Attachment

cc: Division of Communications

I: etalpo.bk

9809469.a/c