

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for waiver of collocation requirements in the Tallahassee-Thomasville Road Central Office by Sprint-Florida, Incorporated.

DOCKET NO. 001558-TL  
ORDER NO. PSC-01-0185-FOF-TL  
ISSUED: January 22, 2001

The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON, Chairman  
E. LEON JACOBS, JR.  
LILA A. JABER  
BRAULIO L. BAEZ  
MICHAEL A. PALECKI

ORDER GRANTING TEMPORARY WAIVER OF THE PHYSICAL COLLOCATION REQUIREMENTS IN THE TALLAHASSEE-THOMASVILLE ROAD CENTRAL OFFICE

BY THE COMMISSION:

BACKGROUND

On September 7, 1999, the Commission issued Proposed Agency Action (PAA) Order No. PSC-99-1744-PAA-TP, which established procedures by which incumbent local exchange companies (LECs) would process alternative local exchange companies' (ALECs) requests for collocation and also established procedures for demonstrating space depletion for physical collocation in LEC central offices. On September 28, 1999, BellSouth Telecommunications, Inc. (BellSouth) filed a Protest/Request for Clarification of Proposed Agency Action. That same day, Rhythms Links, Inc. (Rhythms) filed a Motion to Conform Order to Commission Decision or, in the Alternative, Petition on Proposed Agency Action. Because motions for clarification/conformity are not contemplated by the PAA process, the motions were treated as protests to the PAA Order. On December 7, 1999, the Commission issued Order No. PSC-99-2393-FOF-TP, the Final Order Approving Stipulated Modifications to Collocation Guidelines, Amendatory Order, and Consummating Order. On May 11, 2000, the Commission issued Order No. PSC-99-0941-FOF-

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TP, the Final Order on Collocation Guidelines. These Orders established the procedures by which a LEC could request a waiver from this Commission of the physical collocation requirements. In establishing these procedures, we set forth our belief that the handling of collocation waiver requests would be expedited, and that the number and scope of collocation disputes might be limited because the Commission's expectations would be defined.

Pursuant to Orders Nos. PSC-99-1744-PAA-TP and PSC-99-2393-FOF-TP, on October 16, 2000, Sprint-Florida, Incorporated ("Sprint") filed a Notice of Intent to Request Temporary Waiver of Physical Collocation Requirements in the Tallahassee-Thomasville Road central office. On October 25, 2000, Sprint, Commission staff and one of the ALECs denied space, Tallahassee Telephone Exchange, Inc., conducted a tour of this central office. Broadslate Networks Inc., the second ALEC denied space, did not participate in the tour.

Sprint filed its Petition for Waiver of Physical Collocation Requirements in the Tallahassee-Thomasville Road central office on November 6, 2000. In accord with the above-mentioned orders, Sprint filed its Post-Tour Report for this central office on November 14, 2000. Tallahassee Telephone Exchange, Inc. did not file a Post-Tour Report.

## II. ARGUMENT

Sprint states in its Notice of Intent that it is currently unable to provide physical collocation in the Tallahassee-Thomasville Road central office due to lack of space. Sprint explains that the space limitations it faces are a result of the space being used for existing Sprint equipment, space previously allocated to ALECs, and the planned installation of additional equipment. Sprint further states that it plans to complete a building addition to this central office by the second half of 2001.

Sprint states that the Tallahassee-Thomasville Road central office building houses a DMS-100 digital switch providing local dial tone, circuit equipment that consists of fiber optic terminals, multiplexers, digital channel banks, digital pair gain

central office terminals, and digital cross-connect panels. Sprint also states that this central office also provides connectivity to other central offices and local customers.

In its Petition for Temporary Waiver, Sprint asserts that the area served by the Tallahassee-Thomasville Road central office is growing rapidly and thus the facility is under enormous space constraints. Currently, Sprint reports that this central office serves approximately 27,500 access lines and 4,100 T1 circuits.

Sprint states that it used the following procedure to identify space currently available for physical collocation in the Tallahassee-Thomasville Road central office:

- a. Sprint determined the total square footage within the facility;
- b. Sprint determined the unavailable space (i.e., restrooms, hallways, stairs, etc.);
- c. Sprint determined assigned space currently occupied by the Sprint switch, transmission, power and other equipment, as well as necessary administrative space;
- d. Sprint determined the space reserved for future defined uses necessary to adequately serve Sprint customers, including consideration given to Sprint's future switch growth plans;
- e. Sprint identified physical collocation space previously allocated to requesting ALECs;
- f. Sprint identified any unusable space (such as basements subject to flooding); and
- g. Sprint determined available collocation space by subtracting Items b-f from item a.

Section 251(c)(6) of the Telecommunications Act of 1996 (Act) places certain obligations on LECS. One such obligation is collocation. The Act states:

COLLOCATION.-The duty to provide, on rates, terms, and conditions that are just, reasonable, and nondiscriminatory, for physical collocation of equipment necessary for interconnection or access to unbundled network elements at the premises of the local exchange carrier, except that the carrier may provide for virtual collocation if the local exchange carrier demonstrates to the State commission that physical collocation is not practical for technical reasons or because of space limitations. (47 U.S.C. 251 (c)(6))

Thus, the Act clearly acknowledges that state commissions will make the determination of whether there is sufficient space in a LEC's central office for physical collocation. Sprint alleges in its petition that it lacks sufficient room in the Tallahassee-Thomasville Road central office to provide physical collocation

In establishing procedures for handling a LEC's request for waiver of the physical collocation requirements for its central offices, we indicated our belief that by establishing these procedures, "the handling of collocation waiver requests will be expedited and the number and/or scope of collocation disputes may be limited because we have clearly defined our expectations." (Order No. PSC-99-1744-PAA-TP, p. 15) These procedures clearly outline the LEC, ALEC, and our responsibilities in processing waiver requests.

In brief, these Orders require that once an ALEC files a completed application for physical collocation with a LEC, and the LEC does not believe that space is available for physical collocation in that particular central office, the LEC must file, within fifteen days of the application, a Notice of Intent to Request a Waiver of the Physical Collocation Requirements with this Commission. The LEC is to file its actual Petition for Waiver of the Physical Collocation Requirements for this central office within twenty days of filing its Notice of Intent. Further, the LEC, ALEC(s) denied space, and the Commission staff will conduct a tour of the central office within ten days of the filing of the Notice of Intent. While the LEC must allow both the ALEC(s) denied space and the Commission staff to tour the premises, the ALEC(s)

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

#### POST-TOUR REPORT

The relevant information contained in Sprint's post-tour report of the Tallahassee-Thomasville Road central office is summarized below.

Sprint reports that the Tallahassee-Thomasville Road central office contains 5,655 gross square feet, 2,852.9 square feet in the basement and 2,802.1 square feet on the first floor. There are 2,685.4 square feet occupied by Sprint's equipment. There are 695.5 square feet of administrative space. Sprint considers as administrative space any space not directly supporting the installation and repair of telephone equipment or for customer service. Examples include storerooms, lounges, shipping-receiving rooms and training areas. Sprint also reports that there are 1,824.1 square feet of unavailable space in this central office. Unavailable space consists of building support components required to support the building and its occupancies such as air handling rooms, pump rooms, transformer and cable vaults, restrooms, stair towers, janitor closets, main corridors, vestibules, and light shafts. Sprint did not report any unusable space due to configuration problems, lack of exits, the fact that the building will be demolished, etc. Sprint further reports that there are 84 square feet of assigned physical collocation space in this office.

Sprint reports that it has 366 square feet reserved for its own future use. There are 126 square feet reserved for the growth of its switching equipment, 40 square feet reserved for the growth of its circuit equipment, 0 square feet reserved for the growth of its frame equipment, and 200 square feet reserved for the growth of its power equipment. We note that the FCC allows a LEC to reserve space for its own future use:

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

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

Generally, reserved space is held for the various space usages described in step C with forecasted needs for the next 18 months. There is one exception. There are several types and families of equipment requiring fixed layouts. That is, this equipment cannot be split up into several different locations in the central office without degrading service or capping the size or customer service levels for that type of equipment.

Concerning Sprint's policy for reserving space, we have previously ruled:

Upon consideration, we find that an 18-month reservation period is appropriate for reserving space. This 18-month reservation period shall apply to all providers alike, ILECS and ALECS. (Order No. PSC-00-0941-FOF-TP, p.56)

Sprint states in its petition that "[T]here is space reserved for defined future use for Sprint to meet the growing needs of its customers for the next 18 months." The end of year 2001 is roughly 13 months from this recommendation. It appears, therefore, that Sprint is in compliance with the Commission's space reservation policy.

Sprint states that a building addition is planned for the Tallahassee-Thomasville Road central office. Sprint's estimated completion date for this addition is the second half of 2001. This addition will add 1,385 square feet to the central office and will serve switch, transmission, and collocation requirements. Sprint states that once this addition is complete, there will be sufficient space to provide requesting ALECs collocation in this office. Although a LEC is not required to lease or construct additional space to provide for physical collocation when existing space has been exhausted, when planning additions or renovations to central offices, LECs are obligated by the FCC to consider the projected demand for collocation. See 47 C.F.R. §51.323 (f)(1) and (3). We find that Sprint is complying with this FCC rule.

Based on the information provided, Sprint's Petition for Temporary Waiver of Physical Collocation Requirements in the Tallahassee-Thomasville Road central office is reasonable. Therefore, we hereby grant Sprint a temporary waiver of the physical collocation requirements for this central office until December 31, 2001. Pursuant to Section 251(c)(6) of the Act, however, Sprint must continue to provide virtual collocation.

#### IV. CONCLUSION

Sprint is reserving 366 square feet for its own future use. We acknowledge that according to the FCC rules, a LEC may reserve space for its own future use. We find that this is important because a LEC such as Sprint does have carrier of last resort responsibilities. Further, we find that the 366 square feet that Sprint is reserving for its switch, circuit, power and frame equipment growth is reasonable.

We also note that during the tour of the Tallahassee-Thomasville Road central office, our staff did not observe any space that appeared to be wasted or inefficiently used.

Finally, we again note that Sprint is planning an addition to the Tallahassee-Thomasville Road central office that is scheduled for completion in the second half of 2001. Upon completion of this building addition, there will be additional space available for physical collocation by ALECs.

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

Based on the foregoing information, we find that Sprint's Request for Temporary Waiver of Physical Collocation Requirements in the Tallahassee-Thomasville Road central office shall be granted until December 31, 2001.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Sprint-Florida Incorporated's Request for Temporary Waiver of Physical Collocation Requirements in the Tallahassee-Thomasville Road central office shall be granted until December 31, 2001. It is further

ORDERED that this docket shall be closed.

By ORDER of the Florida Public Service Commission, this 22nd day of January, 2001.

BLANCA S. BAYÓ, Director  
Division of Records and Reporting

By: Kay Flynn  
Kay Flynn, Chief  
Bureau of Records

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Any party adversely affected by the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or the First District Court of Appeal in the case of a water and/or wastewater utility by filing a notice of appeal with the Director, Division of Records and reporting and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.