

# MACFARLANE AUSLEY FERGUSON & McMULLEN

ATTORNEYS AND COUNSELORS AT LAW

111 MADISON STREET, SUITE 2300  
P.O. BOX 1531 (ZIP 33601)  
TAMPA, FLORIDA 33602  
(813) 273-4200 FAX (813) 273-4396

227 SOUTH CALHOUN STREET  
P.O. BOX 391 (ZIP 32302)  
TALLAHASSEE, FLORIDA 32301  
(904) 224-9115 FAX (904) 222-7560

400 CLEVELAND STREET  
P. O. BOX 1669 (ZIP 34617)  
CLEARWATER, FLORIDA 34615  
(813) 441-8966 FAX (813) 442-8470

July 15, 1994

IN REPLY REFER TO  
Tallahassee

## BY HAND DELIVERY

Ms. Blanca S. Bayo, Director  
Division of Records and Reporting  
Florida Public Service Commission  
101 East Gaines Street  
Tallahassee, Florida 32301

Re: In re: Expanded Interconnection Phase II and  
Local Transport Restructure; Docket Nos. 921074-TP,  
930955-TL, 940014-TL, 940020-TL and 931196-TL

Dear Ms. Bayo:

Enclosed for filing in the above-styled docket are the original and fifteen (15) copies of ALLTEL Florida, Inc.'s Motion in Support of the Petitions for Reconsideration of Order No. PSC-94-0285-FOF-TP.

Please acknowledge receipt and filing of the above by stamping the duplicate copy of this letter and returning the same to this writer.

ACK  Thank you for your assistance in this matter.

AFA \_\_\_\_\_

APC \_\_\_\_\_

CAF \_\_\_\_\_

GMU Reith

CTR \_\_\_\_\_

EAG JJW/csu

LEG Enclosures

LIN 4cc: Parties of Record (w/encl.)

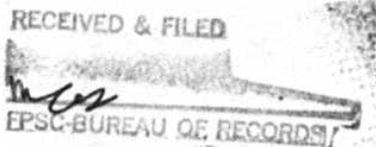
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RCH \_\_\_\_\_

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WAS \_\_\_\_\_

OTH \_\_\_\_\_



Sincerely,

J. Jeffrey Wahlen

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FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Expanded Interconnection ) Docket Nos. 921074-TP,  
Phase II and Local Transport ) 930955-TL, 940014-TL,  
Restructure ) 940020-TL, and 931196-TL  
\_\_\_\_\_ ) Filed: July 15, 1994

ALLTEL FLORIDA, INC.'S MOTION IN SUPPORT  
OF THE PETITIONS FOR RECONSIDERATION  
OF ORDER NO. PSC-94-0285-FOF-TP

ALLTEL Florida, Inc. ("ALLTEL"), by and through its undersigned counsel, files this Motion for Reconsideration and says:

1. On March 10, 1994, the Florida Public Service Commission ("FPSC" or the "Commission") issued Order No. PSC-94-0285-FOF-TP ("Phase I Order"). This order memorialized the Commission's decisions on the issues in Phase I of this docket.

2. As it relates to non-Tier I LECs like ALLTEL, the Phase I Order states:

Upon review, only the Tier I LECs shall be required to offer expanded interconnection as a tariff to generally available service. We also find it appropriate to allow non-Tier I LECs to negotiate provisions of the service in response to bona fide requests. If the terms and conditions of such request cannot be reached, the Commission will review the matter on a case-by-case basis.

Phase I Order at 18 (emphasis added).

3. Since the Phase I Order was issued, the United States Court of Appeals for the District of Columbia Circuit issued its opinion in Bell Atlantic Telephone Company v. Federal Communications Commission, 1994 W.L. 247134 (DC Cir. June 10,

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FPSC-RECORDS/REPORTING

1994). As a result of this order, the Commission has given the parties an opportunity to address the Phase I Order.

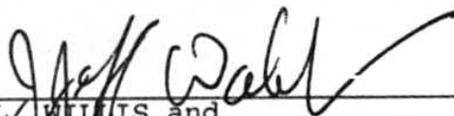
4. In light of the Bell Atlantic decision, the Commission should reconsider the Phase I Order as it relates to non-Tier I LECs. As noted in Southern Bell's Notice of Supplemental Authority and Motion for Additional Briefing, filed June 29, 1994, the Bell Atlantic decision clearly implies that the Phase I Order is unlawful insofar as it requires certain physical collocation.

5. While the Phase I Order does not impose a mandatory physical collocation requirement on non-Tier I LECs, the Phase I Order clearly implies that the Commission believes it has the power to require a non-Tier I LEC to offer physical collocation on terms and conditions approved by the FPSC if the parties are unable to reach an agreement on a negotiated basis.

In light of Bell Atlantic, the FPSC should reconsider its Phase I Order and eliminate all express or implied references to mandatory physical collocation, including the implied threat of mandatory physical collocation as a possible resolution of failed negotiations between non-Tier I LECs and persons making bona fide requests.

WHEREFORE, ALLTEL Florida, Inc. respectfully requests that the Florida Public Service Commission reconsider its Phase I Order consistent with the arguments and discussions contained herein.

DATED this 15th day of July, 1994.

  
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LEE L. WILLIS and  
J. JEFFREY WAHLEN  
Macfarlane Ausley Ferguson  
& McMullen  
P. O. Box 391  
Tallahassee, Florida 32302  
(904) 224-9115

ATTORNEYS FOR ALLTEL FLORIDA, INC.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U. S. Mail or hand delivery (\*) this 15th day of July, 1994, to the following:

Daniel V. Gregory  
Quincy Telephone Company  
P. O. Box 189  
Quincy, FL 32351

John A. Carroll, Jr.  
Northeast Florida Telephone  
P. O. Box 485  
Macclenny, FL 32063-0485

Michael W. Tye  
AT&T Communications  
106 E. College Ave., Suite 1410  
Tallahassee, FL 32301

Joseph Gillan  
Florida Interexchange Carriers  
P. O. Box 541018  
Orlando, FL 32854

Brad E. Mutschelknaus  
Rachel J. Rothstein  
Ann M. Szemplenski  
Wiley, Rein & Fielding  
1775 K Street, N.W.  
Washington, DC 20006

Laura L. Wilson  
Florida Cable Television Assn.  
P. O. Box 10383  
Tallahassee, FL 32302

Patrick K. Wiggins  
Kathleen Villacorta  
Wiggins & Villacorta  
P. O. Drawer 1657  
Tallahassee, FL 32302

Vicki Gordon Kaufman  
McWhirter, Reeves, et al.  
315 S. Calhoun St., Suite 716  
Tallahassee, FL 32301

Jack Shreve  
Office of Public Counsel  
c/o The Florida Legislature  
111 W. Madison St., Rm. 812  
Tallahassee, FL 32399-1400

C. Everett Boyd, Jr.  
Ervin, Varn, et al.  
305 S. Gadsden Street  
Tallahassee, FL 32301

Chanthina R. Bryant  
Sprint  
3065 Cumberland Circle  
Atlanta, GA 30339

Janis Stahlhut  
Time Warner Cable  
Corporate Headquarters  
300 First Stamford Place  
Stamford, CT 06902-6732

Jodie L. Donovan  
Teleport Communications Group  
1 Teleport Drive, Suite 301  
Staten Island, NY 10311

Kenneth A. Hoffman  
Floyd R. Self  
Messer, Vickers, et al.  
P. O. Box 1876  
Tallahassee, FL 32302

Donna L. Canzano \*  
Division of Legal Services  
Florida Public Service Comm.  
101 East Gaines Street  
Tallahassee, FL 32301

Marshall M. Criser, III  
Southern Bell Telephone  
and Telegraph Company  
150 S. Monroe Street, Suite 400  
Tallahassee, FL 32301

Mickey Henry  
MCI Telecommunications Corp.  
780 Johnson Ferry Road  
Suite 700  
Atlanta, GA 30342

Richard D. Melson  
Hopping, Boyd, Green & Sams  
P. O. Box 6526  
Tallahassee, FL 32314

Peter Dunbar  
Pennington, Haben, et al.  
306 No. Monroe Street  
Tallahassee, FL 32301

Douglas S. Metcalf  
Communications Consultants, Inc.  
P. O. Box 1148  
Winter Park, FL 32790-1148

Beverly Menard  
c/o Richard Fletcher  
GTE-Florida  
106 E. College Ave., Suite 1440  
Tallahassee, FL 32301

Intermediate Communications  
V.P., External Affairs  
9280 Bay Plaza Blvd., Suite 720  
Tampa, FL 32063

F. Ben Poag  
Jerry Johns  
Sprint\United-Florida  
P. O. Box 16500  
Altamonte Springs, FL 32716

  
\_\_\_\_\_  
Attorney