

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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Petition for waiver of physical collocation requirements set forth in the 1996 Telecommunications Act and the FCC's First Report and Order for the North Dade Golden Glades Central Office, by BellSouth Telecommunications, Inc.

Docket No. 981012-TL

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Filed: October 23, 1998

RECORDS AND REPORTING

SUPRA TELECOMMUNICATIONS AND INFORMATION SYSTEMS, INC.'S COMMENTS ON BELL SOUTH'S PETITION FOR WAIVER OF PHYSICAL COLLOCATION REQUIREMENTS

Supra Telecommunications and Information Systems, Inc. ("Supra" or "Company"), pursuant to the Florida Administrative Weekly Notice published in this Docket, hereby files its comments on BellSouth Telecommunications, Inc.'s ("BellSouth's") Petition for Waiver of Physical Collocation Requirements at its North Dade Golden Glades Central Office as set forth in the 1996 Telecommunications Act:

- Supra is an alternative local exchange carrier ("ALEC") lawfully doing business in the State of Florida whose regulated operations are subject to the jurisdiction of this Commission pursuant to Chapter 364, Florida Statutes.
- Supra filed an application with BellSouth on May 2, 1998, to physically collocate in BellSouth's North Dade Golden Glades Central Office. Supra filed its application for physical collocation approximately three months prior to BellSouth's filing of its Petition for Waiver for the North Dade Golden Glades Central Office on July 27, 1998.
- BellSouth denied Supra access to the North Dade Golden Glades Central Office on May 6, 1998, with the explanation that there was inadequate space for Supra to physically collocate in that central office.

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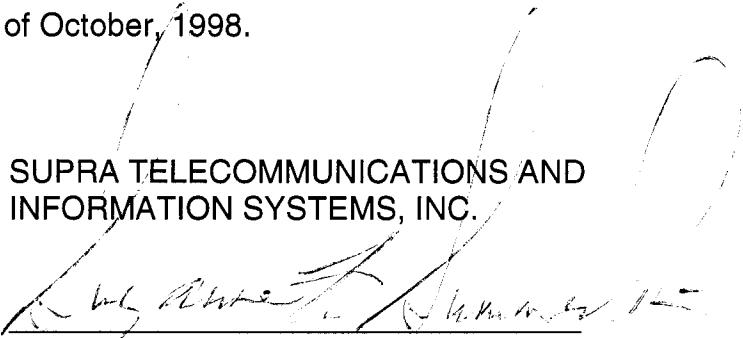
4. Consequently, Supra filed a Petition for Emergency Relief against BellSouth on June 30, 1998, for violation of the Telecommunications Act of 1996 and the Collocation Agreement between Supra and BellSouth for BellSouth's denial of Supra's application for physical collocation in the North Dade Golden Glades Central Office and the West Palm Beach Gardens Central Office in Docket No. 980800-TP. The hearing in this docket was held October 21, 1998.
5. Section 251(c)(6) of the Telecommunications Act of 1996 provides that, prior to denying a request for physical collocation, an incumbent local exchange carrier (ILEC), such as BellSouth, is required to make a showing to the state commission that there is inadequate space for physical collocation or that physical collocation is technically not feasible. When BellSouth denied Supra's request for physical collocation on May 6, 1998, it had not made any such showing to the Florida Public Service Commission.
6. 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. BellSouth's Petition for Waiver simply states that there is inadequate space available to permit physical collocation in the North Dade Golden Glades Central Office. The sole reason for this is BellSouth is either occupying or reserving all of the space in the central office for its own purposes. As it is clear that BellSouth has every motivation to utilize all of the space in the central office for its own purposes

and no motivation to provide space for physical collocation, the Commission cannot simply take BellSouth's petition at face value.

7. As the Commission has declared that Supra will receive first priority for physical collocation in this central office (See Order No. PSC-98-1417-PCO-TP, issued October 22, 1998), it appears appropriate for the Commission to defer any decision regarding this waiver until after its decision in Docket No. 980800-TP scheduled for December 15, 1998. At that point, the Commission will have determined whether any space is available and if so, how much is left after Supra physically collocates. At that point, other interested companies could pursue their requests for physical collocation in the appropriate order.

Respectfully submitted, this 23<sup>rd</sup> day of October, 1998.

SUPRA TELECOMMUNICATIONS AND  
INFORMATION SYSTEMS, INC.



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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via U.S. Mail this 23<sup>rd</sup> day of October, 1998, to the following:

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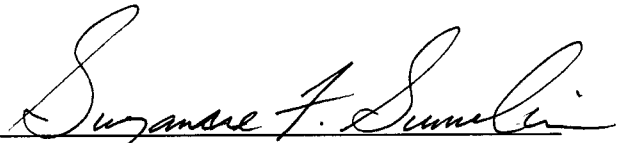
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*by B. M. [unclear]*