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RECORDS AND REPORTING

November 16, 1998

Mrs. Blanca S. Bayó
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Florida Public Service Commission
2540 Shumard Oak Boulevard
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Re: Docket No. 980800-TP (Supra Collocation)

Dear Ms. Bayó:

Enclosed is an original and fifteen copies of BellSouth Telecommunications, Inc.'s Brief of the Evidence, which we asked that you file in the captioned matter.

A copy of this letter is enclosed. Please mark it to indicate that the original was filed and return the copy to me. Copies have been served to the parties shown on the attached Certificate of Service.

Sincerely,

Nancy B. White (KR)
Nancy B. White

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Docket No. 980800-TP

I HEREBY CERTIFY that a true and correct copy of the foregoing was served by

* Facsimile and Federal Express this 16th day of November, 1998 to the following:

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition for Emergency Relief of Supra) Docket No. 980800-TP
Telecommunications and Information)
Systems, Inc., Against BellSouth)
Telecommunications, Inc.)
_____) Filed: November 16, 1998

**BELLSOUTH TELECOMMUNICATIONS, INC.
BRIEF OF THE EVIDENCE**

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STATEMENT OF THE CASE

On February 8, 1996, the Telecommunications Act of 1996 (the "Act") became law. The Act required interconnection negotiations between incumbent local exchange carriers and new entrants. On June 26, 1997, BellSouth Telecommunications, Inc. ("BellSouth") and Supra Telecommunications and Information Systems, inc. ("Supra") filed a request for approval of a resale agreement under the Act. On October 8, 1997, this Commission approved that agreement in Order No. PSC-97-1213-FOF-TP. On August 7, 1997, BellSouth and Supra filed a request for approval of a Collocation Agreement under the Act. On November 25, 1997, the Commission approved that agreement in Order No. PSC-97-1490-FOF-TP. On November 24, 1997, BellSouth and Supra filed a request for approval of a resale, interconnection, and unbundling agreement under the Act. On February 3, 1998, this Commission approved that agreement in Order No. PSC-98-0206-FOF-TP. The Commission found that all of the agreements complied with the Act. The agreements govern the relationship between BellSouth and Supra regarding resale, unbundling, interconnection and collocation pursuant to the Act. On June 30, 1998, Supra filed a Petition for Emergency Relief, for resolution of disputes as to the implementation of the collocation agreement.

The formal hearing on this matter was held on October 21, 1998. BellSouth submitted the direct and rebuttal testimony of David Thierry, James D. Bloomer, W. Keith Milner, the direct testimony of T. Wayne Mayes, and the rebuttal testimony of Jerome Rubin and Guy Ream. BellSouth also produced two witnesses for the hearing, Pam Tipton and Barbara Cruit, who did not file prefiled testimony. The hearing produced a transcript of 573 pages and 35 exhibits.

This Brief of Evidence is submitted in accordance with the post-hearing procedures of Rule 25-22.056, Florida Administrative Code. A summary of BellSouth's position on each of the issues to be resolved in this docket is delineated in the following pages and marked with an asterisk.

STATEMENT OF BASIC POSITION

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 ALECs, BellSouth has worked in good faith to fulfill its obligations. BellSouth has provided 13 physical collocation arrangements and 92 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 Supra, BellSouth's treatment of Supra's collocation requests has been nondiscriminatory and consistent with all state and federal rules and regulations and with the BellSouth-Supra Collocation Agreement.

STATEMENT OF POSITION ON THE ISSUES

Issue 1: Is BellSouth required to provide physical collocation in the North Dade Golden Glades and West Palm Beach Gardens central offices pursuant to the Collocation Agreement between BellSouth and Supra?

****Position:** No. The BellSouth-Supra Collocation Agreement requires BellSouth to provide physical collocation only in those offices where BellSouth has space available.

Supra alleges that BellSouth has failed to properly implement the provisions of the collocation agreement, the Act, and orders of the Federal Communications Commission ("FCC") with regard to physical collocation in the North Dade Golden Glades and West Palm Beach Gardens central offices (Tr. p. 31). This contention is without merit.

The BellSouth-Supra collocation agreement is premised on a condition precedent, i.e., that there must be space available in BellSouth's central offices to provide physical collocation in order for the provisions of the collocation agreement to become applicable. (Exhibit 10, p. 36). There is no provision in the collocation agreement that imposes an obligation on BellSouth to fulfill each and every request Supra makes for physical collocation. The terms and conditions of the collocation agreement are limited to those instances where BellSouth has adequate space available to provide physical collocation. (Tr. p. 247). The introductory paragraph of the collocation agreement specifically states "Whereas, BellSouth has space available in its Central Office(s) which interconnector desires to utilize." (Exhibit 25). Supra refuses to acknowledge the collocation agreement in this respect and did not contest the language of the collocation agreement on this issue. Thus, pursuant to the BellSouth-Supra collocation agreement, BellSouth is required to provide physical collocation only in those offices in which BellSouth has space available,

Supra further alleges that BellSouth is required to provide physical collocation under the Act. (Tr. p. 31). While this is correct, Section 251(c)(6) of the Act specifically states a "carrier may provide for physical collocation if... physical collocation is not practical for technical reasons or because of space limitations." The FCC specifically

acknowledged these exceptions in the First Report and Order and the corresponding federal regulations. (Exhibit 1, No. 14, paragraph 575 and C.F.R. 51.321(e). As will be discussed herein, the two central offices at issue do not have space available for physical collocation. BellSouth has fulfilled the requirements of the collocation agreement, the Act, and the FCC orders with regard to Supra's request.

Issue 2: What factors should be considered in determining if there is adequate space for Supra in the North Dade Golden Glades and West Palm Beach Gardens central offices?

****Position:** Factors such as the existing building configuration; space usage and forecasted demand; building code regulations and local regulations all affect space allocation and availability for physical collocation.

The appropriate factors that should be considered in determining whether there is space available for physical collocation in a specific office fall into four general categories. (Tr. p. 456). First, the existing building configuration, such as the building outline and physical capacity of the structure, must be considered. (Tr. p. 528). This entails consideration of the location of such things as doors, hallways, stairs, lounges, and air handling equipment. (Tr. p. 456). This factor was discussed by the FCC in its First Report and Order wherein the FCC specifically held that floor plans could be used to justify space constraints. (Exhibit 1, No. 14, paragraph 602, et seq.). Essentially, this factor is merely a common sense analysis of the building in question.

The second category of factors concerns space usage and forecasted demand. (Tr. p. 528). This category of factors was specifically outlined in the FCC's First Report and Order. (Exhibit 1, No. 14, paragraph 604 et seq.). The FCC held that incumbent local exchange companies are allowed to retain space for future growth, acknowledging that "allowing competitive entrants to claim space that incumbent LECs had specifically

planned to use could prevent incumbent LECs from serving their customers effectively.” (Exhibit 1, No. 14, paragraph 604). The process by which BellSouth forecasts demand and reserves space for future growth will be discussed in response to Issue 3 herein.

The remaining two categories of factors, although not specifically discussed by the FCC in the First Report and Order, also affect the availability of space for physical collocation, as well as the time frame for providing physical collocation. First, building code and regulatory considerations are applicable at the national, state and local levels. (Tr. pp. 528-529). For example, the National Fire Protection Act provides minimum requirements for the design, operation and maintenance of buildings and structures for safety to life from fire and similar emergencies. The Southern Building Code defines types and methods of construction for various functions to protect the occupants of the structure. Counties and municipalities adopt the National Fire Protection Act and Southern Building Code and add new regulations, restrictions, and interpretations to the existing framework. Local codes also govern the type of construction necessary to separate the collocation space from BellSouth occupancy, governing the width of fire aisles, heights of walls, lighting, landscaping, duct design, etc. (Tr. p. 459).

Secondly, BellSouth has design practices that act as another set of codes specifying space allocations that meet the safety needs for employees, vendors and customer service needs provided by the building and its occupants. (Tr. p. 529). These practices detail maximum equipment lineup length, travel distances to exits, front and rear equipment aisle widths, and the size of various support components such as air conditioning, House Service Panels, duct, conduit, ceiling rack heights, size and number of toilet facilities, lounges, storerooms, etc. These practices also dictate the

separation distances necessary to prevent service outages caused by grounding violations. (Id.). These grounding violations are usually caused by people working on one type of equipment while touching another type. The solution is to separate the equipment by the type of grounding path required. This is referred to as integrated and isolated grounding plane separation. (Tr. p. 460). The last two categories of factors are essentially concerned with the safety and public welfare aspects of employees, vendors and collocators. (Tr. p. 539).

The four categories of factors discussed above are appropriate, reasonable and the ones applied by BellSouth to the two central offices at issue. (Tr. pp. 460 and 463-464). *Supra*, however, while admitting that future growth for BellSouth is an appropriate factor, contends that two additional factors should be considered in determining if there is adequate space for physical collocation. (Tr. pp. 43-44). First, *Supra* asserts that the amount of administrative space used by BellSouth should be considered and second, *Supra* asserts that the question of whether BellSouth has designed the central office to maximize space should be considered. (Id.) These factors have no basis in the Act or the FCC's orders. Moreover, a central office design factor is not appropriate inasmuch as BellSouth's central offices pre-date the Act and were not designed with consideration for physical collocation opportunities. (Tr. p. 539).

Administrative space is considered by BellSouth to be any space not directly supporting the installation or repair of both telephone equipment and customer service. Examples of this space are storerooms, lounges, shipping-receiving rooms, and training areas. These rooms are necessary for code, life safety, or contractual reasons. Administrative space can also be regular office space used by work groups performing

company functions outside of the equipment support described above. (Tr. p. 58).

Space used by employees of BellSouth to install, monitor and repair equipment and service is considered to be occupied space and associated with the specific switching, transmission or frame equipment involved. (Tr. p. 481 and Exhibit 8, pp. 11-17).

BellSouth discusses the specific application of BellSouth's factors and the factors put forward by Supra to the central offices at issue in response to Issue 3 herein.

Issue 3: Is there sufficient space to permit physical collocation for Supra in the North Dade Golden Glades and West Palm Beach Gardens central offices?

****Position:** No. There is insufficient space at these offices for physical collocation.

Issue 3(A): If so, should Supra's request for physical collocation in the North Dade Golden Glades and West Palm Beach Gardens central offices be granted?

****Position(A):** No.

Issue 3(B): If not, what obligation, if any, does BellSouth have under the Collocation Agreement to make space available at these two central offices to permit physical collocation by Supra?

****Position(B):** None. When space is not available for physical collocation, BellSouth is required to offer virtual collocation to an ALEC.

Issue 3(C): If there is an obligation to make space available to Supra, how should the costs be allocation?

****Position(C):** There is no obligation to make space available for Supra.

In order to respond to these issues, BellSouth will describe its forecasting process for future growth, the process used to identify the central office space available

for physical collocation, the application of this process and the factors discussed in response to Issue 2 to the central offices at issue, BellSouth's obligations when space is unavailable for physical collocation, and the issue of cost allocation.

I. BELLSOUTH'S FUTURE GROWTH FORECASTING PROCESS

Prior to the Act, BellSouth's network was relatively stable, allowing BellSouth to rely heavily on forecasts of BellSouth line growth and interexchange carrier access. (Tr. p. 309). Over the past two years, however, several factors have caused the demand on BellSouth's network to become less stable. These factors include the popularity of the Internet and the inherent demand increase it has on BellSouth's network; the introduction of ALEC networks and the requirement of interconnecting ALECs to BellSouth's network and the increased demand for wireless interconnection. (Tr. p. 310). Because BellSouth does not receive forecasts from these entities, BellSouth capacity managers have come to rely heavily, but not exclusively, on trended demand to determine capacity exhaust and equipment relief. (Tr. p. 310).

BellSouth projects equipment requirements for the next 12 to 18 months based on the actual demand of the past 12 to 18 months. BellSouth uses judgment in applying that trended forecast to the equipment requirements when it is aware of an unusual occurrence that has taken place. Another change from the past is that BellSouth is deploying hardware equipment to last approximately 18 months and deploying the expensive electronics or plug-ins as the demand occurs, approximately every six months in the access tandem switches. This allows BellSouth to economically and quickly respond to interconnecting customer demands. (Tr. p. 310).

BellSouth employs several types of capacity managers. (Exhibit 12, p. 7). First, switch capacity managers oversee BellSouth's switching systems. The switching systems are in three categories: access tandem switches, local switches, and operator services switches ("TOPS"). The access tandems provide trunks for interconnection to other carrier networks, whether they be interexchange carriers, wireless carriers, or ALECs. These switches are the primary point of interconnection and it is critical that BellSouth continue equipment growth in these switches in order to allow traffic to traverse from one carrier's network to another. (Tr. p. 311). The switch capacity manager trends the projection of trunks based on the most recent projection of the demand. The number of trunks required is driven by interconnection to the ALEC networks, the interexchange carrier networks, the wireless networks, as well as BellSouth's own end users access to interconnect providers. No forecast is provided by any of these carriers, therefore, trending is used. (Id.) In the past, BellSouth used projections of its lines to determine the trunks (line to trunk ratio) required because BellSouth was the sole provider of those lines. (Tr. pp. 338-339).

The local switch supports the local office requirements. These are driven by both line requirements or access line requirements, and trunk requirements. For line requirements, the switch capacity manager receives a wire center forecast of lines. In addition, the outside plant loop capacity manager receives that same forecast and he forecasts the growth of the digital systems for the outside plant that are to be integrated into the office based on the forecast of lines and his knowledge of the wire center growth and the activity. He provides that forecast to the switch capacity manager who turns that system forecast into digital lines and assumes the remainder to be analog

line requirements. (Tr. p. 312). The projections are trued up based on the most recent history data and knowledge of any unusual activities. (Id.). Interoffice trunking requirements, however, are based on trending the most current demand because of the increase in Internet access and primary rate ISDN. Once again, the switch capacity manager turns those requirements into equipment needs. (Tr. p. 313).

The third type of switch, the telephone operator position systems ("TOPS") serve the operator services requirements. The demand is driven by the need to expand or modernize the operator services network. Doing so requires the replacement of old technology with new. (Tr. p. 313).

The circuit capacity manager deals with circuit and transport equipment, SONET equipment, digital cross connect system growth and associated cross connect panels. The circuit capacity manager considers local and message trunk growth, ISP trunk growth, interexchange carrier and ALEC trunk requirements, the expected growth for customer-driven SONET-based smart rings, as well as interoffice SONET rings. The circuit capacity manager also acts as the interface to the outside plant capacity manager who provides requirements for the placing of equipment, as well as for next-generation digital loop carrier equipment, loop multiplexors and fiber distribution frames. The circuit capacity managers consider all of these requirements, and provide the common systems capacity manager with an estimated equipment requirement. (Tr. p. 314).

The power capacity manager projects the needs of power equipment. (Id.). Needs are identified through BellSouth's Lucent power planner, including rectifiers and

batteries. (Tr. pp. 314-315). In addition, the power capacity manager plans the replacement and upgrades for optional standby engines.

In addition, BellSouth has Signaling Transfer Point ("STP") and Signaling Control Point ("SCP") equipment. This equipment is planned by the regional planning and engineering center and a regional center that monitors the capacity of these switches and provides the frame requirements to the common systems capacity manager.

Finally, the common systems capacity managers ensure that all the installed equipment is properly shown on the office floor plan, that all outstanding orders for adding or removing equipment are reflected on those plans and that the equipment bay projections from all these resources are shown accurately. As will be discussed in response to Issue 4, the common systems capacity managers are provided with a space assessment form when physical collocation application is received. The form is generic and is used for all requests. (Exhibit 6, pp.18-19).

From the common systems capacity managers floor plans, the facility planning managers take into account the factors discussed in response to Issue 2 and apply them to a specific central office.

II. BellSouth Space Assessment Process

BellSouth's process for determining whether space is available in a particular central office for physical collocation is open and fair. BellSouth uses this process for all requests for space in the central office. (Tr. p. 488). BellSouth uses common terms from the real estate and facility management industries for the definitions of various types of space. BellSouth uses common software, Excel, to generate the square foot

measurements and summaries and AUTOCAD to generate the floor plans of the central offices. (Tr. pp. 484-485).

The first step in the process is to determine the gross building space. The gross building space is the total space contained in the facility. (Tr. p. 457). Mr. Bloomer, on behalf of BellSouth, testified that the gross building space is measured in accordance with the Building Owner's Management Institute Standards for Measuring Floor Spaces, which is to start at the inside corners of the finished space of the exterior wall. (Exhibit 8, p. 10).

The second step in the process is to subtract unavailable space from the gross building space. Unavailable space is assigned to building support components required to support the building and its occupancies. This space is generally air handling rooms, pump rooms, transformer and cable vaults, restrooms, stair towers, janitor closets, main corridors, vestibules, and light shafts. (Tr. p. 457).

Third, occupied space is determined and subtracted from the answer determined in the second step. Occupied space is that physically occupied by: (1) Switching equipment that provides dial tone and calling ability to customers, (2) Transmission (toll & circuit) equipment that provides transport of customer services from one switch to another, (3) Frame space assigned to the various distributing frames in the office that provides interconnect points for switch or toll or outside plant, and (4) Power space assigned to the various DC power plants and standby generators necessary to support all equipment in the building. (Tr. p. 457). Work stations used by BellSouth to install, monitor, and repair equipment and service is considered to be part of the occupied space. (Tr. p. 481).

Fourth, Reserved space is determined and subtracted from the answer determined by step three. Generally, reserved space is held for the various space usages described in step three with forecasted needs for the next 2-3 year interval. There is one exception. There are several types and families of equipment requiring fixed layouts. (Tr. p. 457). 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. Examples of this type of equipment are switch processor frames for digital central offices and control points, the Digital Signal Cross Connect (DSX) family of cross connect panels, the Digital Access and Cross Connect Systems (DACS) family of digital toll cross connect systems, remote testing and monitoring systems. (Tr. pp. 457-458).

Fifth, vacant space/unusable space is determined and subtracted from the answer determined in step four. Space is not usable due to configuration problems, lack of exits, the size is less than 100 square feet, the building is being demolished, etc. The sixth step provides the net space possibly available for collocation. (Tr. p. 458).

BellSouth uses a space assessment work sheet form to document its evaluation of the central office space available for physical collocation. (Exhibit 31). As will be discussed in response to Issue 4, when an application for physical collocation is received by BellSouth, one of the steps in the application process involves this type of space assessment. (Exhibit 5, p. 8 and Exhibit 31).

BellSouth's space assessment process is fair, reasonable, and appropriate.

III. Application of BellSouth's Processes to Central Offices At Issue

A. North Dade Golden Glades

BellSouth's witness, Jim Bloomer, Manager – Facility Planning – Property and Services Management, reviewed BellSouth's North Dade Golden Glades central office based on the configuration, presently occupied space, reserved space, municipal county, and company code applications. He verified his findings by site visit and determined that there is no space available for physical collocation in this office. (Tr. p. 460).

The Golden Glades facility is a first and partial second-floor facility built on an irregular shaped site in northern Dade County. The building contains 26,225 gross square feet. (Tr. P. 461). While Supra attempted to use various numbers in an effort to show that BellSouth did not know how to measure gross building space, particularly with regard to the North Dade Golden Glades central office, Supra's attempt fails. (Exhibit 32). The North Dade Golden Glades contains 26,225 square feet of gross building space, as testified to by Mr. Bloomer. (Tr. p. 495). BellSouth's response to Supra's First Set of Interrogatories, Item No. 2, shows 26,255 square feet and is obviously a typographical error. BellSouth's response to Supra's Second Request for Production of Documents, Item No. 1 was a document supplied by BellSouth's witness, Mr. Rubin, showing 23,115 square feet. Mr. Rubin testified that he measured from the interior walls, not the exterior, and that the purpose of his filling out the Space Assessment Worksheet Form was not to address space, but the issue of sufficient power for the office. (Exhibit 7, pp. 17, 19, 56, and 68). While BellSouth's response to

Supra's Second Request for Production of Documents, Item No. 31 is a document that shows 27,968 square feet, this document was a space record form for space inventory completed some time ago and based on an unknown measurement method. (Tr. p. 492). Regardless of Supra's allegations, the fact remains that the North Dade Golden Glades central office contains 26,225 square feet of gross building space. (Tr. p. 495).

The Golden Glades central office is a major switching center. It houses a local switch, two toll tandems, one operator service switch, one STP switch and various transmission, circuit and power equipment. (Tr. p. 362).

There are 18,989 square feet of occupied space. (Id.). The first floor of the central office houses an operator services toll switch, a toll tandem switch, and an STP switch. The second floor houses a local switch and a tandem switch. (Tr. p. 363). The square footage occupied by switches is 7,456.5. Transmission equipment in the central office totals 4,170.5 square feet. Frame equipment totals 1,434 square feet and power equipment totals 4,218 square feet. Administrative space (that used for shipping and receiving, training, lounge, and emergency restoration center/ work area totals 1,710 square feet. (Tr. p. 461).

There are 4035 square feet of reserved future growth space. This is space held for currently forecasted shipments through year 2000. These space reservations include the floor space required for the equipment and the necessary aisles to properly enter and exit the equipment area. Locating the space reservation is done with the input of the Network Common Systems Planners who act as a gathering point for the information. (Tr. p. 462).

The total space reserved for switch growth is 1,877.5 square feet. (Tr. p. 462). The local switch is expected to grow because BellSouth is experiencing approximately 2% line growth in this central office. (Tr. p. 313). This growth is predicated primarily on the growth of services requiring Calling Number Delivery. (Tr. p. 364). The two toll tandems will grow because BellSouth is experiencing a 19% growth due to increased interoffice calling and increased demands from ALECs and Internet Service Providers. (Tr. pp. 312 and 364). The operator services switch is expected to grow because the equipment supplying the data links to the host switch in West Palm Beach was replaced. (Tr. p. 364). The STP is expected to grow because it provides routing instructions to the central offices. (Tr. pp. 364-365).

The total space reserved for transmission growth and virtual collocation is 1,576.5 square feet. (Tr. p. 462). BellSouth is experiencing growth at the rate of 22 bays per year due to carrier interconnection and Smart Ring. (Tr. p. 314). This equipment is a combination of fiber optic terminal frames, digital and fiber cross connect frames, and multiplex frames. (Tr. p. 365). Space has been reserved for virtual collocation because firm orders have been received for installation of this equipment in 1998. (Id.).

The total space reserved for future growth of the power plant and house service panel is 142 square feet. (Tr. p. 462). An engine replacement is scheduled for mid-year 2000. (Exhibit 12, p.38). The new engine will be 1200 kw. (Id. at p. 39). The engine will be used at a level of 850 kw until the house service panel has been replaced so that it can handle 1200 kw. (Id. at pp. 41-42). A new air handling unit will also be

added to handle the increased load. (Tr. p. 413). This will require 439 square feet. (Tr. p. 462).

The above discussed square footage numbers take into account not only the actual foot print of the equipment, but also the end aisle and fire aisle requirements, as well as ground plane restrictions. (Tr. p. 365). With regard to the latter, the standard is that isolated and integrated ground equipment should be kept six to seven feet apart so that a person cannot touch both pieces of equipment at the same time. (Exhibit 6, p. 72). This standard is in place for obvious safety reasons. (Id.). With regard to end aisles and fire aisles, this will consume approximately 851 square feet of the reserved space in the Golden Glades central office. (Tr. p. 478). The equipment projected to be installed will consume 2073 square feet of the reserved space, leaving 1111 square feet of reserved space available. (Tr. p. 478).

This available reserved space, however, is all the vacant space, regardless of dimensions, configurations, or locations in the total equipment area. It is not all in one place. The space is scattered among all switch, toll and power equipment areas and currently serves as work space for vendors and BellSouth personnel. These reserved spaces will be used for future equipment if the ground plane is appropriate. Some of the space is located in front of return air grilles and must be kept clear to provide proper cooling. Thus, the space is left in configurations that cannot be used for collocation. (Id.).

Moreover, Miami Dade County takes the position that physical collocation is a leased multi-tenant occupancy requiring a full fire rated wall from floor to ceiling served by a fire rated corridor to the two exit doors. (Tr. p. 463). To achieve the rating, the

wall must cross through all the overhead racking, duct, and conduit runs. A wall opening is constructed around each rack, duct, or conduit into or through the space. This may require completely dismantling some of the conduit and duct. Each wall opening must be completely sealed at all times to maintain the rating. In addition, each air conditioning duct must be cut open and fire dampers to control smoke spread. (Id.). Finally, there are 389 square feet determined as unusable at this location. The space's configuration restricts its use. It is currently used as temporary recyclable container storage. The space is adjacent to a code required exit path to the outside exit doors and limited by a wall with return air grilles. These grilles must have clear space in front of them to cool the telephone equipment. (Tr. p. 462).

On the first floor of the Golden Glades central office is a room variously called the emergency operations center/restoration center/work area. (Tr. p. 461). Supra alleges that this room should be given up by BellSouth for physical collocation. BellSouth disagrees. First, the room is 341 square feet. BellSouth uses it as a work area for its employees. (Exhibit 8, p. 62). It is also used in cases of hurricane preparedness, a catastrophic service failure, or a disaster in the central office. (Id. at p. 63). In addition, the room will also serve as a receiving room for equipment. (Id. at p. 62). This room, therefore, is not appropriate for physical collocation.

B. West Palm Beach Gardens

Mr. Bloomer also reviewed BellSouth's West Palm Beach Gardens central office based on the configuration, presently occupied space, reserved space and municipal, county, and company code applications. He verified his findings by site visit and

determined that there is no space available for physical collocation in this office. (Tr. pp. 463-464).

The West Palm Beach Gardens Central Office facility is a single floor facility built on a rectangular shaped site in southern Palm Beach County. The building contains 20,314 gross square feet. It is a major switching center with a large interoffice trunking presence. (Tr. p. 464). This office houses a local switch, a tandem switch, an operator services switch, an STP switch, an SCP switch, and various transmission, circuit and power equipment. (Tr. p. 370).

There are 2264 square feet of unavailable space. This is composed of non-assignable area including entrance lobbies, main corridors, hall spaces, inside stairways, fire towers, all toilet rooms, and all space necessary for building operations. (Tr. p. 464).

There are 14, 853 square feet of occupied space. (Id.). The square footage occupied by switches is 6,955. Transmission equipment and virtual collocations in the central office total 2,930 square feet. Frame equipment totals 2,136 square feet and power equipment totals 2,188 square feet. (Tr. p. 464). Administrative space (that used for the shipping/receiving room and the lounge) totals 644 square feet. (Tr. pp. 464-465).

There are 3,197 square feet of reserved future growth space. This is space held for currently forecasted equipment shipments through year 2000. These space reservations include the floor space required for the equipment and the necessary aisles to properly enter and exit the equipment area. Locating the space reservations is

done with the input of the Network Common Systems Planners who act as a gathering point for the information. (Tr. p. 465).

The total space reserved for switch growth is 2,012 square feet. (Tr. p. 465). The local switch is expected to grow because BellSouth is experiencing approximately 5% line growth in this central office. (Tr. p. 313). This growth is predicated primarily on the growth of services requiring Calling Number Delivery. (Tr. p. 364). The toll tandems will grow because BellSouth is experiencing a 17% growth due to increased interoffice calling and increased demands from ALECs and Internet Service Providers. (Tr. pp. 312). The operator services switch is also expected to grow. (Tr. p. 372).

The total space reserved for transmission growth and virtual collocation is 939 square feet. (Tr. p. 465). BellSouth is experiencing growth at the rate of 12-16 bays per year due to carrier interconnection and Smart Ring. (Tr. p.p. 314 and 372). This equipment is a combination of fiber optic terminal frames, digital and fiber cross connect frames, and multiplex frames. (Tr. p. 365). Space has been reserved for virtual collocation because installation of this equipment is occurring.

The total space reserved for future growth of the power plant is 246 square feet. (Tr. p. 465). An engine replacement is scheduled for mid-year 2000. (Exhibit 12, p. 38). The new engine will be 1200 kw. (Id. at p. 39).

The above discussed square footage numbers take into account not only the actual footprint of the equipment, but also the end aisle and fire aisle requirements, as well as ground plane restrictions. (Tr. p. 374). With regard to the latter, the standard is that isolated and integrated ground equipment should be kept six to seven feet apart so that a person cannot touch both pieces of equipment at the same time. (Exhibit 6, p.

72). This standard is in place for obvious safety reasons. (Id.). With regard to end aisles and fire aisles, this will consume approximately 1,169 square feet of the reserved space in the Gardens Central Office. (Tr. p. 477). The equipment projected to be installed will consume 1,151 square feet of the reserved space, leaving 877 square feet of reserved space available. (Tr. p. 477).

This available reserved space, however is all the vacant space, regardless of dimensions, configurations, or locations in the total equipment area. It is not all in one place. The space is scattered among all switch, toll, and power equipment areas and currently serves as work space for vendors and BellSouth personnel. These reserved spaces will be used for future equipment if the ground plane is appropriate. Some of the space is located in front of return air grilles and must be kept clear to provide proper cooling. Thus, the space is left in configurations that cannot be used for collocation. (Id.).

Moreover, Palm Beach County and Palm Beach Gardens take the position that physical collocation is a leased multi-tenant occupancy requiring a full fire rated wall from floor to ceiling served by a fire rated corridor to the two exit doors. (Tr. p. 466).

To achieve the rating, the wall must cross through all the overhead racking, duct, and conduit runs. A wall opening is constructed around each rack, duct, or conduit into or through the space. This may require completely dismantling some of the conduit and duct. Each wall opening must be completely sealed at all times to maintain the rating. In addition, each air conditioning duct must be cut open and fire dampers to control smoke spread. (Id.).

C. Arguments Common to Both Offices

1. FCC Waivers

In 1993 and 1994, BellSouth obtained exemptions for physical collocation in the North Dade Golden Glades and West Palm Beach Gardens central offices from the FCC on the basis that space was not available. (Exhibit 1, Nos. 9 and 11). These two central offices have not changed in size since the exemptions were granted. Supra notes that the forecasted usages and space assignments in the 1993 and 1994 FCC filings for these offices are different than those in this 1998 proceeding. (Tr. pp. 115-116). It is only to be expected that the numbers have changed. Equipment forecasts and the proposed space allocations derived from these forecasts are snapshots in time. This means that the forecast is good only until the next forecast is completed. (Tr. p. 469). Space planning allocations based on equipment forecasts are judgments based on the assumed service level needs at a particular point in time. (Tr. pp. 469-475). BellSouth's personnel took a great deal of effort in both the 1993/94 and 1998 filings to provide up-to-date requirements in order to be as accurate and complete as possible. Each space plan for a central office is a snapshot in time, based on the best information available. (Tr. p. 470). Drawing conclusions from 1998 forecasts as they relate to 1993 space allocations is inappropriate. What was allocated in 1993 is not germane to 1998 allocations. Telecommunications technology, customer needs, the regular environment, technical applications, and local building codes are just some of the variables that may change over time. Furthermore, minor construction activity takes place whenever necessary. Equipment relocations are made to consolidate service area and maximize space usage. In summary, there is no way to draw accurate

conclusions from mix and matched data from two different years, especially years that are so far apart. (Tr. p. 473).

2. Space Allocation

It should be understood that not every square foot of space can hold a piece of equipment and that space must be provided in front of and behind the equipment for access by installation and service personnel. For example, a DMS switch frame that has a foot print of three square feet actually requires nine square feet of space because a two foot aisle is standard on the rear side of the equipment and a three foot aisle is standard on the front side of equipment. Wide cross aisles are required in certain parts of the office. These aisles are required by local fire codes for emergency egress of the office personnel. These wide aisles are also required so installation vendors can move large equipment bays in the office without causing service outage by hitting working equipment. Certain types of equipment cannot be placed next to dissimilar types of technology. For example, batteries cannot be placed in toll equipment lineups and transport equipment cannot be placed in switch equipment lineups. This is because different types of equipment could cause blocked aisles and equipment variances require unique power and grounding. (Tr. p. 374). Moreover, the space allocations for occupied, reserved, and unavailable space as provided in the space assessment worksheets and floor plan drawings, make no allowances for building code required entrances and exits to equipment areas. (Tr. pp. 475-476). These pathways are considered part of the equipment space allocation. The physical difficulty of complying with building code-required construction for a collocation request in the equipment area may make some areas unusable. (Tr. p. 475).

The collocation floor space requirement is not just the collocator's dedicated space allocation. There must also be adequate space for POTS bays, DC power bays, and other termination bay requirements needed to support the collocator's request. (Tr. pp. 478-479). These network infrastructure components are most commonly located in space referred to as the collocation common area. Common area allocations serve all the collocators in that building area. Providing code-required aisles and walls in and around this area, in addition to the collocator space, makes the single collocator space requirements much larger than claimed by Mr. Ramos. (Tr. p. 479).

IV. "Administrative" Space

As noted earlier, BellSouth defines administrative space as any space not directly supporting the installation, monitoring, or repair of telephone equipment, or customer service. Examples are storerooms and lounges. (Tr. p. 458). Workstations used by BellSouth employees to install, monitor, and repair equipment and service are considered to be occupied space associated with the specific equipment involved. (Tr. p. 481 and Exhibit 8, pp. 11-17). Supra, on the other hand, defines administrative space as including both of BellSouth's definitions. (Tr. pp. 158-159).

Desks, work stations, chairs and tables are located in the reserved areas for three reasons. First, Network and Property Service Management vendors and all BellSouth personnel assigned to the building full-time or by project need a place to work. Second, BellSouth's vendor contracts require work space be provided during any vendor job. Third, work space is necessary to meet service demand levels set by our customers, the Federal Communications Commission, and/or the Florida Public Service Commission. Today's equipment requires electronic testing apparatus, with detailed

installation, repair and reference materials. It is appropriate to provide a place to use and store such apparatuses and reference materials. (Tr. p. 481).

The space that BellSouth has listed as occupied and as administrative is appropriate and reasonable. Moreover, Mr. Ramos' belief that BellSouth deliberately brought in extra chairs, tables and computer terminals to these offices just so that there would be no space available for Supra to collocate is absurd and untenable. (Tr. pp. 86-87).

V. Obligation to Provide Space

As discussed in response to Issue 1, BellSouth is required to provide Supra with space for physical collocation only when space is available. If space is not available, BellSouth is not required under the collocation agreement to renovate or add to the central office to accommodate Supra's request. (Tr. p. 248). The FCC, in its First Report and Order, agreed, holding that "LECs should not be required to lease or construct additional space to provide physical collocation to interconnectors when existing space has been exhausted." (Exhibit 1, No. 14, paragraph 585). Nothing in the FCC's recent Notice of Proposed Rulemaking changes this holding. (Exhibit 1, No. 18). Moreover, the FCC acknowledged that, while an incumbent LEC must relinquish space held for future use prior to denying virtual collocation, it need not do so prior to denying physical collocation. (Exhibit 1, No. 14, paragraphs 604-606).

Supra attempts to use Section IV.F of the collocation agreement to argue that the agreement provides for the upgrade of central office space. (Tr. p. 130). Section IV.F is titled "Ordering and Preparation of Collocation Space." (Exhibit 25). Section F is concerned with space preparation. (Id.). It is apparent that this section of the

agreement is applicable only to those central offices that have space available for physical collocation. (Tr. pp. 248-249). Such is not the case here. Essentially, this section is describing the preparation and cost of the "common area" in which all physical collocators are located within a BellSouth central office. (Exhibit 10, pp. 28-29).

There are two steps in providing physical collocation. First, BellSouth builds out the physical common area and then builds out the specific space within that common area for each collocator. (Id., p. 28). The space of the individual collocator can be enclosed/caged or not, depending on the requirements of the collocator and any building code requirements. Thus, Section VI F is concerned with the build-out of the common physical collocation area where space for such build-out is available in the central office. (Exhibit 10, pp. 28-29).

BellSouth is required by the FCC, in its First Report and Order, to take collocator demand into account when renovating existing facilities and constructing or leasing new facilities. (Exhibit 1, 14, paragraph 585). BellSouth has done this. BellSouth is in the planning stages for a building expansion of the second floor of the Golden Glades central office by mid-year 2001. (Exhibit 12, p. 59). A building expansion is also planned for Gardens by year end 2000. (Id. at p. 60). In planning for these additions, BellSouth has taken into account collocator demand. (Tr. p. 472). To determine the collocation space requirements for inclusion in the building addition, BellSouth polls all carriers who have been denied physical collocation, including existing virtual collocators and all carriers who requested physical collocation but did not select virtual collocation

in lieu of physical collocation, to determine if they want physical collocation space in the new addition. (Id.).

Supra claims that BellSouth has not done enough to maximize space.¹ (Tr. p. 136). BellSouth has considered various ideas in an attempt to maximize space in these central offices. (Exhibit 12, p. 69). The ideas were discarded as either not feasible or too expensive. (Exhibit 12, pp. 68-81 and Exhibit 6, pp. 55-58). Supra contends that new equipment is smaller than in the past, so space should be available. (Tr. p. 136). As noted by BellSouth, while the equipment may be smaller, BellSouth is using more of it to provide service. (Exhibit 6, p. 30). Some of the newer equipment is providing additional functionality and, therefore, does not have a smaller footprint. (Tr. pp. 356-357). BellSouth has found that it is not feasible to stack equipment because of the density and congestion of the cables in these offices. (Tr. p. 402). While Supra may believe that space is available in the battery rooms, it is essential that sufficient batteries and rectifiers be available in order to keep service up and running. (Tr. p. 393). Supra's ideas, therefore, are simply not appropriate.²

Finally, BellSouth is required by the Act and the FCC to provide for virtual collocation if there is no space available for physical collocation. (Section 252(c)6) of the Act and Exhibit 1, No. 14, paragraph 599, et seq.). BellSouth offered Supra the opportunity to virtually collocate in these central offices and Supra refused. (Tr. pp. 66-67).

¹ One novel idea put forth by Mr. Graham is to load all supplies on a truck and park it at the central office. (Tr. pp. 240-241).

VI. Allocation of Costs

BellSouth submits that it does not have an obligation to provide physical collocation when no space is available in a central office. (Tr. p. 250). To the extent space is available, the appropriate rates are those contained in the collocation agreement and which Mr. Ramos acknowledged were not an issue in this proceeding. (Tr. pp. 35 and 80).

Issue 4: In what time frame is BellSouth required to provide physical collocation to Supra pursuant to the Collocation Agreement?

****Position:** The Commission set a three month guideline for the provision of physical collocation in an arbitration proceeding between BellSouth and AT&T and MCI. BellSouth has attempted to negotiate time periods on a per request basis as indicated by the Commission.

BellSouth is bound by the requirement of the Agreement (Section IV.F of Exhibit 25) to "make reasonable efforts to provide for occupancy of the collocation space on the negotiated date and will advise interconnector of delays." BellSouth individually negotiates the specific interval for each collocation request based on a number of factors. Several mitigating factors that are outside BellSouth's control, such as permitting interval, local building code interpretation and unique construction requirements, affect the provision interval. (Tr. p. 250). BellSouth cannot guarantee a specific interval, as will be discussed herein.

The Florida Public Service Commission issued guidelines regarding the time frames to provide physical collocation space in Florida. (Exhibit 22). Although the

² Supra also claims that BellSouth denied space in these offices because they were access tandem offices. (Tr. p.84). Supra admits, however, that space for physical collocation was provided by

Commission's Order was an arbitration order between parties that did not include Supra, BellSouth uses the Commission's Order as a guideline when providing physical collocation space to all collocators in Florida. (Tr. pp. 250-251). BellSouth believes it is operating with the parameters of the Commission's guidelines by negotiating time periods on a per request basis. (Tr. p. 251). The Commission in Order No. PSC-98-0595-PCO-TP, issued on April 27, 1998, stated that:

As stated in the order, the parties may reach an agreement as to the time for a particular request. The purpose of the three month time frame is to serve as a guideline of what we consider reasonable. We find that our Order is clear as to our intent that the parties to a request for collocation would attempt to resolve any problems with that time frame on a case by case basis, and would only come to us if they were unable to resolve their problems." (Exhibit 24).

When BellSouth receives an application for physical collocation, it is received by an account representative who reviews it for whether data has been provided by the ALEC and distributes the application to the field. (Exhibit 4, pp. 9-10). The subject matter experts in the field review the specific piece parts of the application for accuracy with regard to space, power, and capacity, among other things. (Exhibit 5, pp. 7-8). The subject matter experts forward their input to the Integrated Network Access Coordinator ("INAC") for the state who, in turn, forwards it to the account representative for response back to the ALEC. (Id.).³

BellSouth interprets the trigger for the three month interval to begin with the receipt by BellSouth of a complete and accurate Firm Order for physical collocation submitted by the ALEC. This would mean that the ALEC has completed the

BellSouth in the Orlando Magnolia access tandem. (Tr. p.86).

Application/Inquiry Process, and that BellSouth has received from the collocator a complete and accurate firm order document, with all information needed to complete construction design and equipment design work. (Tr. p. 526). In other words, the trigger for the three month interval to begin should not be when an Application/Inquiry is received, but when the collocator has actually made the decision to collocate and provided the appropriate Firm Order information to BellSouth that will be needed by BellSouth to move the project forward. (Tr. pp.526-527).

BellSouth interprets this three month interval to stop at the date on which the building permit is applied for and to resume when the building permit is received. (Tr. p. 527). It is illegal for construction to begin prior to receiving a permit. BellSouth follows the same permit application process for collocation projects as for its own internal projects. There is no typical permit processing time because every project is unique and each building permit office has its own requirements. Thus, BellSouth believes the permitting process should not be counted as part of the three month interval. The time required to receive a permit is out of BellSouth's control and therefore, should not be included in the three month interval. BellSouth's experience is that the permitting process in Florida can take from five days to five months. There have been, and will continue to be, particular permitting problems in South Florida. Since Hurricane Andrew, the time to receive an approved permit in South Florida has lengthened considerably. Stricter building standards were instituted by municipalities, largely because it is a generally held opinion that the damage done to buildings during the

³ This process is used for all requests, including those of affiliates. (Tr. p.554). Although Mr. Ramos claimed he had spoken with several ALECs who claimed the process was "daunting", he refused to identify these companies. (Tr. pp.81-83).

hurricane was due to the lack of proper plan review and building code enforcement.

(Id.).

In general, the permitting process is similar in the various municipalities. The building plans must be submitted for environmental compliance and then they must be taken to the Building Department, which typically routes them through the Building, Fire, Zoning, Landscaping, mechanical, Electrical, and Plumbing departments. (Tr. p. 501). Even though the permitting procedures are similar, the amount of time taken to review the plans, and the amount of time required to answer comments by the different departments varies by municipality, department, and even by plan reviewer within the department. Many of the comments by the departments have nothing to do with the collocation job that is being performed inside the central office. However, they do have an effect on the project. (Tr. pp. 501-502).

For example, in a Hialeah Central Office collocation project, BellSouth was requested to resubmit its plans in order to provide the permit reviewer information on parking lots, (stall dimensions, signs and ramps) and lot elevations even though the project only required interior construction. (Tr. p. 503). The reviewer additionally requested information on toilet stalls, grab bars, and fixtures. There is also a difference in the way the various municipalities handle fire alarm systems. For example, BellSouth has high voltage fire alarm systems at numerous locations in its nine-state area. While most municipalities allow this type of system, there are a few building authorities in South Florida that have required major modifications, or replacements, before approving plans. All of these items contribute to the time it takes to obtain a building permit. (Id.).

A major obstacle to BellSouth's provision of space to collocators is the treatment of collocator space by all South Florida municipalities as "multi-tenant" space. (Tr. p. 502).⁴ In short, fire-rated, floor-to-ceiling walls must separate the individual collocation enclosures from each other and from BellSouth.⁵ In the event of cageless collocation, the fire-rated wall must separate collocators from BellSouth. Additionally, this interpretation leads to problems with egress from the collocator spaces. For example, code officials who reviewed the collocation projects at the Ft. Lauderdale-Main central office and the Pembroke Pines central office have asked BellSouth to construct fire-rated corridors from collocation spaces through equipment rooms as an alternate means of egress. At Pembroke Pines, where the collocation space is being provided on the second floor, the code official noted that on the first floor, there is a dead-end corridor that is 58 feet long and the code states it can be no longer than 50 feet. The remedy of this problem is pretty simple, add a door and change some signage. (*Id.*). However, the code officials requested, since BellSouth will now be performing vestibule and corridor work on the first floor, that BellSouth make major modifications to the fire alarm system. (Tr. pp. 502-503).

Many of the jurisdictions are understaffed to handle the large volume of requests they receive. Consequently, it takes a significant amount of time to receive a permit. It is not unusual for the permit process to take longer than the actual construction work. (Tr. p. 504).

⁴ The FCC specifically held that LECs are permitted "to require reasonable security arrangements to separate an entrant's collocation space from the incumbent LEC's facilities." (Exhibit 1, No. 14), paragraph 598). The FCC stated that physical separation by collocation cage was appropriate. (*Id.*). BellSouth, as discussed in Issue 3, Section III, does allow cageless collocation within an enclosed common area.

BellSouth's documentation shows that it takes approximately 45-75 days for permit approval in Florida, as compared to one day to two weeks in the other states in BellSouth's region. (Tr. pp. 508-509 and Exhibit 9). Because of Florida's concerns on the multi-tenant aspect of physical collocation, BellSouth has contacted the organization in charge of promulgating the Southern Building Code in an attempt to secure their support for a different interpretation. (Exhibit 9). BellSouth is also taking steps to communicate with local code officials the urgent nature of the work involved. (Tr. p. 512). In addition, BellSouth has offered to give Supra the specifics of Supra's permits so that Supra can attempt to speed up the process with the permitting officials.

Even though the individual construction projects are not necessarily large scale jobs, they are still performed in a controlled environment and therefore require many of the same steps and precautions as a large project. The major functions for the collocation projects are: design phase, permit phase (duration not included in time frame), demolition phase, construction phase, infrastructure engineering phase, and infrastructure installation phase. The projects require a significant amount of coordination as one group's design may affect another group's installation (i.e., cabling route to space, or added heat load). (Tr. p. 504).

BellSouth interprets the end of the three month interval to be triggered when all construction work for the collocation space is completed, BellSouth has received a Certificate of Occupancy, the BellSouth infrastructure work is complete, and BellSouth has notified the collocator, in writing, that the collocation space is available for equipment installation. (Tr. pp. 527-528).

⁵ Virtual collocation is not considered to be a multi-tenant situation in Florida, inasmuch as BellSouth

It should be noted that some building inspectors use the certificate of occupancy as a means to get other work performed. (Tr. p. 505). For example, BellSouth has been required to add landscaping and/or repair sidewalks on collocation projects at the Miami-Grande central office, the West Miami central office, and the Fort Lauderdale-Main central office in order to obtain the certificate of occupancy. (Tr. pp. 505-506).

Change in requirements by the ALECs can also affect the time interval for providing physical collocation. For example, Supra either changed, omitted, or provided conflicting information between its applications and its most recent firm orders. These changes were quite significant. (Exhibit 35).

Issue 5: Pursuant to the Collocation Agreement, what telecommunications equipment can and what telecommunications equipment cannot be physically collocated by Supra in BellSouth's central offices?

****Position:** The BellSouth-Supra Collocation Agreement allows Supra to place equipment authorized by BellSouth and by Federal or State regulators. BellSouth permits the placement of equipment in physical collocation arrangements where such equipment is used for providing telecommunications services.

BellSouth offers physical collocation arrangements to telecommunications service providers for the purpose of interconnection, as well as for the purpose of telecommunications carriers gaining access to BellSouth's unbundled network elements. (Tr. p. 530). BellSouth will permit the placement of equipment in the physical collocation arrangement where such equipment is utilized for the purposes of providing telecommunication services through interconnection or through access to unbundled network elements. (Tr. pp. 530-531). Where that equipment can also provide information services, the telecommunications carrier may offer information

controls the floor space and the equipment. (Exhibit 8, pp.43-46).

services through the same arrangement so long as it is also offering telecommunications services through the same arrangement. BellSouth is not required to provide for collocation of equipment that can only provide enhanced services or information services. In addition, BellSouth will not permit collocation of equipment that will be used only to provide enhanced services or information services. Further, BellSouth will not accept collocation requests from entities that are not telecommunications carriers. (Tr. p. 531).

BellSouth's position is consistent with the collocation agreement. Section III.A of the Agreement states that "BellSouth shall permit interconnector to place, maintain, and operate in the Collocation Space any equipment that Interconnector is authorized by BellSouth and by Federal or State regulators to place, maintain, and operate in collocation space and that is used by Interconnector to provide services which Interconnector has the legal authority to provide." (Exhibit 25).

BellSouth's position is consistent with the relevant portions of the FCC's First Report and Order. The FCC therein found that Section 251(c)(6) of the Act did not require physical collocation of equipment used to provide enhanced services. (Exhibit 1, No.14, paragraph 581). Contrary to Supra's assertion, the FCC tentatively concluded in the recent Notice of Proposed Rulemaking that it "should continue to decline to require collocation of equipment used to provide enhanced services." (Exhibit 1, No. 18, paragraph 132 and Tr. pp. 105-106). ATM nodes, digital switches, and digital loop carrier equipment are all capable of providing telecommunications services and information services through the same arrangement. The remote access concentrator equipment that Supra wants to install is not. (Tr. p.533).

Supra claims that since BellSouth uses such equipment in its central offices, BellSouth must allow Supra to do so. (Tr. p. 60). The FCC's rules, however, permit Bell Operating Company ("BOC") enhanced service operations to be in BellSouth's central offices as long as BellSouth complies with the FCC's Open Network Architecture ("ONA") rules and Computer III nonstructural safeguards, including charging enhanced service operations for tariffed services as though they are physically located outside of the central office. (Tr. p. 550 and Exhibit 1).

Mr. Ramos testified he was not a network expert. (Tr. pp. 92-93). Supra's witness, Mr. Graham was not an expert on current network equipment. (Tr. p.241). Mr. Nilson, Supra's alleged technical expert⁶, did not know whether the equipment Supra intends to collocate could provide dial tone and how many customer lines could be connected and admitted it could not provide vertical features. (Tr. pp.172-174). He also admitted the equipment functions as an Internet protocol router. (Tr. p. 174). The equipment is incapable of provisioning two-wire telephone service. (Tr. p.175). It is apparent that this equipment will not be used to provide basic local telecommunications services, but rather used for internet access and voice mail which are considered enhanced services.

CONCLUSION

BellSouth has attempted to accommodate Supra's requests. In two out of seventeen BellSouth offices in which Supra has requested physical collocation, Supra's requests cannot be granted. (Tr. p. 551).

⁶ Mr. Nilson's experience is in the microwave, heart pacemaker, and aircraft communications system industries. (Tr. p. 196).

Respectfully submitted this 16h day of November, 1998.

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