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February 26, 1999

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Ms. Beth Keating, Esq.
Staff Counsel
Florida Public Service Commission
Division of Legal Services
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

Re: Docket Nos. ⁹⁸⁰⁹¹⁶ ~~980496~~-TL, ⁹⁸⁰⁹¹⁷ ~~980497~~-TL, ⁹⁸⁰⁹¹⁸ ~~980498~~-TL, 981011-TL, 981012-TL, and 981250-TL

Dear Ms. Keating:

Pursuant to your request during the February 19, 1999 collocation workshop in the above referenced dockets, ACI Corp. ("ACI") files this letter in support of the Commission considering, pursuant to Staff's recommendation, alternative physical collocation arrangements in evaluating the BellSouth Petitions for Waiver and Temporary Waiver ("Petitions") at issue in this proceeding.

During the workshop, the parties agreed, with the exception of whether to include alternative physical collocation arrangements in Hearing Issue No. 2, on the following four issues to be addressed in this proceeding.

Hearing Issue No. 1

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

Hearing Issue No. 2

What factors and/or alternative physical collocation arrangements should be considered by the Commission in making its determination on BellSouth's Petitions for Waiver and Temporary

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FPSC-RECORDS/REPORTING

Letter to Beth Keating, Esq.

Florida Public Service Commission

Re: Docket Nos. 980496-TL, 9804970TL, 981011-TL, 981012-TL and 981250-TL

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Waiver of the requirement to provide physical collocation for the following central offices?

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

Hearing Issue No. 3

Should BellSouth's Petitions for Waiver and Temporary Waiver of the requirements to provide physical collocation in the following central offices be granted?

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

Hearing Issue No. 4

If the Commission determines that a waiver should be denied, how should BellSouth effectuate FCC Rule 47 C.F.R. §1.323(f)(1) in processing requests for physical collocation in those central offices?

With regard to Hearing Issue No. 2, ACI strongly supports Staff's proposed language, which specifically references "alternative physical collocation arrangements" as one of the factors that the Commission should consider in its determination on BellSouth's Petitions. In defending this language at the workshop, Staff perceptively recognized the need for the Commission to take into account the different types of physical collocation available. Since these proceedings will focus on the factual issues of whether collocation space exists at each BellSouth Central office (CO) at issue, it is important that the Commission be able to fully consider how BellSouth's space is currently used and how its premises could be more efficiently utilized to maximize physical collocation space. This analysis will necessarily require the Commission to consider the various physical collocation arrangements that are technically achievable -- not just those unilaterally allowed by BellSouth.

ACI intends to demonstrate that because of the availability and technical feasibility of different

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collocation arrangements, BellSouth is in fact not out of space. By considering all collocation options, the Commission will be able to maximize available space, thereby allowing the greatest number of competitors to provide services to customers served by these COs. Several other states have used a variety of physical collocation methods to more efficiently utilize available space and thereby promote competition. This Commission should similarly consider all available types of physical collocation.

It is important to remember that, in evaluating BellSouth's Petitions, the Commission must consider whether BellSouth's alleged lack of space is substantiated by evidence that is sufficient to justify denying a competitor access to these key facilities. Any denial of space limits consumer choice of service for every customer served by a particular CO. Therefore, it is critical in terms of both ensuring a fair competitive environment and protecting consumer welfare that the Commission consider all reasonable and technically feasible physical collocation arrangements before granting any of BellSouth's Petitions. In other words, the Commission's evaluation should not be limited to BellSouth's restricted (and self-serving) definition of physical collocation.

For these reasons, ACI strongly recommends adoption of Staff's proposed Hearing Issue No. 2, which specifically includes alternative physical collocation arrangements as a factor that the Commission should consider in determining whether BellSouth is out of collocation space. If you have any questions regarding these comments, please do not hesitate to contact either of the undersigned counsel. Elise Kiely may be reached at (202) 955-6300 and Richard Melson may be reached at (850) 222-7500.

Sincerely,

A handwritten signature in black ink, appearing to read "R. D. Melson for". The signature is written in a cursive, somewhat stylized font.

Richard D. Melson

Elise P.W. Kiely

RDM/tckw

xc: Service List