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RECORDS AND
REPORTING

April 7, 1999

Ms. Blanca S. Bayo, Director
Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

Re: Docket No. 990321-TL

Dear Ms. Bayo:

Enclosed for filing is the original and seven (7) copies of Sprint-Florida, Inc.'s Motion to Accept Late-Filed Answer and Sprint-Florida Inc. (Sprint) Answer to Petition of ACI d/b/a Accelerated Connections, Inc. for Generic Investigation into Terms and Conditions of Physical Collocation Statement.

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

Thank you for your assistance in this matter.

Sincerely,

Charles J. Rehwinkel

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Enclosures

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04489 APR-7 99

FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition of ACI d/b/a Accelerated
Connections, Inc. for Generic Investigation
into Terms and Conditions of Physical
Collocation

DOCKET NO. 990321-TL

FILED: April 7, 1999

Motion to Accept Late-filed Answer

Sprint-Florida, Incorporated (Sprint) respectfully requests that the Commission allow Sprint's Answer to the Petition of ACI in this matter to be filed one day late and in support states as follows:

ACI filed its petition requesting the Commission to open a generic docket dealing with the collocation obligations of the three largest ILECs, including Sprint. The Petition was served on Sprint by U.S. Mail, hence the response date for the Answer was April 6, 1999. Commission Rule 25-22.037(3) provides that a default shall occur where a timely answer is not filed where *the initial pleading seeks a penalty or specific relief*. In this matter, ACI is seeking neither a penalty or specific relief. Therefore, Sprint submits that an automatic default should not occur and Sprint's answer should be considered.

In the alternative, Sprint requests that the Commission find that good cause exists for filing one day late. The undersigned counsel has been preparing for the upcoming hearing (scheduled for April 8-9, 1999) in Docket 990223. Also, through inadvertence and two dental (one unanticipated) appointments on the filing deadline, the filing was not made by the end of the day as planned. Furthermore, Sprint does not believe that late filing will

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prejudice the rights of any party.

In light of the above, Sprint requests that the Commission accept the filing of its Answer in the above matter.

Respectfully submitted, this 7th day of April 1999.



Charles J. Rehwinkel
Senior Attorney
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(850) 847-0244

Inc.'s Service Territory), the Commission instructed staff to make more specific recommendations about proceeding with the collocation, Operational Support Systems (OSS) and Unbundled Network Element (UNE) pricing and deaveraging issues raised in the Petition of the Florida Competitive Carriers Association (FCCA). At the Agenda Conference there seemed to be general consensus among the ALECS and Commissioners that the terms and conditions of physical collocation should be investigated with respect to at least the largest Incumbent Local Exchange Companies (ILEC) BellSouth (and maybe the rest of the major ILECs) regardless of whether OSS or UNE pricing issues proceed at this time. Furthermore, as ACI correctly notes, six BellSouth petitions for waiver of collocation obligations are being reviewed by the Commission. To the extent that the Commission is or will be investigating physical collocation on a generic basis in relation to all of these other proceedings, ACI's Petition could be considered in that proceeding.

While stating a position of general support for the Commission granting the ACI Petition, Sprint does not concede that all factual allegations and assertions of law are correct. Many such assertions of fact are not specific to Sprint-Florida or ILEC operations in Florida and thus cannot be directly answered. Likewise, the state statutory provision (Section 364.01(4)) cited may not be sufficient in and of itself to provide a substantive, independent legal basis for the Commission to act. Nevertheless, in its prayer for relief, ACI "urges the Commission to establish a generic proceeding to address how Florida's largest three ILECs should comply with their obligations to provide ALECs with flexible, timely, and cost efficient physical collocation." Sprint cannot summon a good objection to this general proposition other than perhaps the one voiced by some Commissioners and some parties that any such undertaking should take into consideration the Commission's workload and resources. In this regard, the BellSouth-specific investigation requested by FCCA in Docket

CERTIFICATE OF SERVICE
DOCKET NO.990321

I HEREBY CERTIFY that a true and correct copy of the foregoing was served by U.S. Mail or hand-delivery(*) this 7th day of April, 1999 to the following:

GTE Florida,
Incorporated
Ms. Beverly Y. Menard
% Ms. Margo B. Hammar
106 East College Avenue
Suite 810
Tallahassee, Florida 32301-7704

Will Cox
Division of Legal Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32599-0850

Nancy White
c/o Nancy Sims
BellSouth Telecommunications, Inc.
150 North Monroe Street, Ste. 400
Tallahassee, Florida 32301-1556

Kimberly Caswell
GTE Florida, Incorporated
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Tampa, Florida 33601

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Charles J. Rehwinkel

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition of ACI d/b/a Accelerated
Connections, Inc. for Generic
Investigation into Terms and Conditions
of Physical Collocation

DOCKET NO. 990321-TL

FILED: April 7, 1999

Answer of Sprint-Florida, Incorporated

Sprint-Florida, Incorporated (Sprint) files this Answer in response to the Petition of ACI and states as follows:

In essence, ACI has petitioned this Commission to initiate a proceeding that the Commission has already decided to undertake. If such is the case, Sprint welcomes the opportunity to participate in a generic docket dealing with collocation. Furthermore, Sprint submits that the FCC's recent decision in *In Re: Adoption of Rules to Promote the Deployment of Advanced Telecommunications Services* (CC Docket No. 98-147), Report No. CC 99-6; March 18, 1999 may provide additional guidance to the Florida Public Service Commission in fashioning any state-specific rules since the collocation rules set forth in the Order serve as minimum standards, and permit any state to adopt additional requirements.

By its vote on March 31, 1999 in Docket No. 981834-TL (*Petition of Competitive Carriers for Commission Action to Support Local Competition in BellSouth Telecommunications, Inc.'s Service Territory*), the Commission instructed staff to make more specific recommendations about proceeding with the collocation, Operational Support Systems (OSS) and Unbundled Network Element (UNE) pricing and deaveraging issues raised in the Petition of the Florida Competitive Carriers Association

(FCCA). At the Agenda Conference there seemed to be general consensus among the ALECS and Commissioners that the terms and conditions of physical collocation should be investigated with respect to at least the largest Incumbent Local Exchange Companies (ILEC) BellSouth (and maybe the rest of the major ILECs) regardless of whether OSS or UNE pricing issues proceed at this time. Furthermore, as ACI correctly notes, six BellSouth petitions for waiver of collocation obligations are being reviewed by the Commission. To the extent that the Commission is or will be investigating physical collocation on a generic basis in relation to all of these other proceedings, ACI's Petition could be considered in that proceeding.

While stating a position of general support for the Commission granting the ACI Petition, Sprint does not concede that all factual allegations and assertions of law are correct. Many such assertions of fact are not specific to Sprint-Florida or ILEC operations in Florida and thus cannot be directly answered,. Likewise, the state statutory provision (Section 364.01(4)) cited may not be sufficient in and of itself to provide a substantive, independent legal basis for the Commission to act. Nevertheless, in its prayer for relief, ACI "urges the Commission to establish a generic proceeding to address how Florida's largest three ILECs should comply with their obligations to provide ALECs with flexible, timely, and cost efficient physical collocation." Sprint cannot summon a good objection to this general proposition other than perhaps the one voiced by some Commissioners and some parties that any such undertaking should take into consideration the Commission's workload and resources. In this regard, the BellSouth-specific investigation requested by FCCA in Docket

981834-TP may be the optimal way to proceed.

Respectfully submitted, this 7th day of April 1999.

A handwritten signature in black ink, appearing to read 'C. Rehwinkel', written in a cursive style.

Charles J. Rehwinkel
Senior Attorney
Sprint-Florida, Incorporated
P.O. Box 2214
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(850) 847-0244

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DOCKET NO. 990321

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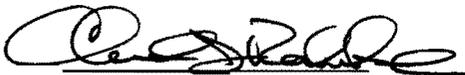
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