

ORIGINAL

Law Offices  
**Messer, Capareello & Self**  
A Professional Association

215 South Monroe Street, Suite 701  
Post Office Box 1876  
Tallahassee, Florida 32302-1876  
Telephone: (850) 222-0720  
Telecopiers: (850) 224-4359; (850) 425-1942  
Internet: www.lawfla.com

RECEIVED-FPSC  
99 MAY 10 PM 4:38

RECORDS AND  
REPORTING

May 10, 1999

**BY HAND DELIVERY**

Ms. Blanca Bayo, Director  
Division of Records and Reporting  
Room 110, Easley Building  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, Florida 32399-0850

Re: Docket Nos. 980947-TL, 980948-TL, 981011-TL, and 981012-TL,

Dear Ms. Bayo:

Enclosed for filing on behalf of e.spire Communications, Inc. is an original and fifteen copies of e.spire's Prehearing Statement in the above referenced dockets. Also enclosed is a 3 1/2" diskette with the Prehearing Statement on it in WordPerfect 6.0/6.1 format.

Please acknowledge receipt of these documents by stamping the extra copy of this letter "filed" and returning the same to me.

Thank you for your assistance with this filing.

RECEIVED & FILED

*[Signature]*  
FPSC BUREAU OF RECORDS

- AFA \_\_\_\_\_
- APP \_\_\_\_\_
- CAF \_\_\_\_\_
- CMU \_\_\_\_\_
- CTR \_\_\_\_\_
- EAG \_\_\_\_\_
- LEG \_\_\_\_\_
- MAS \_\_\_\_\_
- OPC \_\_\_\_\_
- RRR \_\_\_\_\_
- SEC \_\_\_\_\_
- WAW \_\_\_\_\_
- OTH \_\_\_\_\_

\_\_\_\_ NHH/amb  
\_\_\_\_ Enclosure  
cc: Paul Guarisco, Esq.  
Parties of Record

Sincerely,

*[Signature]*  
Norman H. Horton, Jr.

DOCUMENT NUMBER-DATE

05887 MAY 10 99

FPSC-RECORDS/REPORTING

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: BellSouth Telecommunications, Inc.'s Petition )  
for waiver of physical collocation requirement )  
set forth in the 1996 Telecommunications Act ) Docket No. 980947-TL  
and the FCC's First Report and Order, for the )  
Boca Raton Boca Teeca Central Office )

---

In re: BellSouth Telecommunications, Inc.'s Petition )  
for waiver of physical collocation requirement )  
set forth in the 1996 Telecommunications Act ) Docket No. 980948-TL  
Act and the FCC's First Report and Order, for the )  
Miami Palmetto Central Office )

---

In re: BellSouth Telecommunications, Inc.'s Petition )  
for waiver of physical collocation requirement )  
set forth in the 1996 Telecommunications Act ) Docket No. 981011-TL  
Act and the FCC's First Report and Order, for the )  
West Palm Beach Central Office )

---

In re: BellSouth Telecommunications, Inc.'s Petition )  
for waiver of physical collocation requirement )  
set forth in the 1996 Telecommunications Act ) Docket No. 981012-TL  
Act and the FCC's First Report and Order, for the ) Filed: May 10, 1999  
North Dade Golden Glades Central Office )

---

**PREHEARING STATEMENT OF e.spire COMMUNICATIONS, INC.**

American Communication Services of Jacksonville, Inc. d/b/a e.spire Communications, and  
ACSI Local Switched Services, Inc. d/b/a e.spire Communications, Inc. (collectively "e.spire" or the  
"Company"), through undersigned counsel, submits this prehearing statement.

DOCUMENT NUMBER-DATE

05887 MAY 10 99

FPSC-RECORDS/REPORTING

**A. APPEARANCES**

Norman H. Horton, Jr., Esq.  
Floyd R. Self, Esq.  
Messer, Caparello & Self, P.A.  
Post Office Box 1876  
Tallahassee, FL 32302-1876

Paul Guarisco, Esq.  
e.spire Communications, Inc.  
133 National Business Parkway, Suite 200  
Annapolis Junction, MD 20701

On behalf of e.spire Communications, Inc.

**B. WITNESSES**

<u>Witness</u>	<u>Issues</u>
James C. Falvey (Direct Testimony)	All

**C. EXHIBITS**

e.spire has not prefiled any exhibits, but reserves the right to introduce exhibits, if necessary, as may be required by cross examination, later filed testimony, completion of discovery, or new issues identified at the prehearing conference.

**D. BASIC POSITION**

Physical collocation is required in order to provide competitive facilities based services. Without physical collocation, e.spire is limited in the services which can be provided to customers and is foreclosed from effectively competing with BellSouth. Given the growing importance of physical collocation, the Commission should carefully review any waiver request and should consider alternatives that would enable physical collocation.

**E. ISSUES AND POSITIONS**

**ISSUE 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?**

e.spire's Position: BellSouth is required by Section 251(c)(6) of the Act to provide physical collocation to requesting carriers.

**ISSUE 2. What factors should be considered by the Commission in making its determination on BellSouth's Petitions for Waiver and Temporary 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**

e.spire's Position: The Commission should consider several factors including, but not limited to, the existing configuration and use of space, placement of equipment, accessibility and reasonable growth needs. The Commission should also consider the other factors such as shared, cageless and smaller space options, as well as adjacent alternatives.

**ISSUE 3: Based on the factors identified in Issue 2, how much space should be considered available in 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**

e.spire's Position: There is space available in the listed central offices but e.spire has not calculated a precise amount.

**ISSUE 4: If space is considered available in any of these central offices, is the space sufficient for physical collocation?**

e.spire's Position: Yes.

**ISSUE 5. Should BellSouth's Petition for Waiver and Temporary Waiver of the requirement 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

e.spire's Position: No.

**ISSUE 6. If the Commission determines that a waiver request should be denied, how should BellSouth effectuate FCC Rule 47 C.F.R. §51.323(f)(1) in processing requests for physical collocation in those central offices?**

e.spire's Position: Requests should be processed on a first come, first served basis which is the current requirement. Carriers should be provided reasonable time to make a decision as to how to proceed.

#### **G. REQUIREMENTS THAT CANNOT BE COMPLIED WITH**

All requirements of the procedural orders can be met by e.spire Communications, Inc.

Dated this 10th day of May, 1999.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Norman H. Horton, Jr.", written over a horizontal line.

NORMAN H. HORTON, JR.

FLOYD R. SELF

Messer, Caparello & Self, P.A.

Post Office Box 1876

Tallahassee, FL 32302-1876

(850) 222-0720

Attorneys for e.spire Communications, Inc.

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of e.spire Communications, Inc.'s Prehearing Statement in Docket No. 980947-TL, 980948-TL, 981011-TL and 981012-TL has been furnished by Hand Delivery (\*) and/or U.S. Mail to the following parties of record this 10th day of May, 1999:

Beth Keating, Esq.\*  
Division of Legal Services  
Room 370, Gunter Building  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

Nancy B. White  
General Counsel - Florida  
BellSouth Telecommunications, Inc.  
150 W. Flagler St., Suite 1910  
Miami, FL 33130

David V. Dimlich, Esq.  
Supra Telecommunications & Information  
Systems, Inc.  
2620 SW 27th Avenue  
Miami, FL 33133

Mr. Steve Brown  
Intermedia Communications, Inc.  
3625 Queen Palm Drive  
Tampa, FL 33619-1309

Patrick Wiggins, Esq.  
Charles Pellegrini, Esq.  
P.O. Drawer 1657  
Tallahassee, FL 32302

Kenneth A. Hoffman, Esq.  
John R. Ellis, Esq.  
Rutledge, Ecenia, Underwood, Purnell & Hoffman,  
P.A.  
P.O. Box 551  
Tallahassee, FL 32302

James C. Falvey  
e.spire Communications, Inc.  
133 National Business Parkway, Suite 200  
Annapolis Junction, MD 20701

James D. Earl, Esq.  
Covad Communications, Inc.  
6849 Old Dominion Dr., Suite 220  
McLean, VA 22101

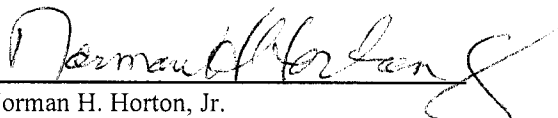
Charles A. Hudak, Esq.  
Jeremy D. Marcus, Esq.  
Gerry, Friend & Sapronov, LLP  
Three Ravina Drive, Suite 1450  
Atlanta, GA 30346-2131

Monica M. Barone  
Sprint Communications Company Limited Partnership  
3100 Cumberland Circle  
Mailstop GAATLN0802  
Atlanta, GA 30339

Richard D. Melson  
Gabriel E. Nieto  
Hopping Green Sams & Smith, P.A.  
P.O. Box 6526  
Tallahassee, FL 32314

Peter M. Dunbar, Esq.  
Barbara Auger, Esq.  
Pennington, Moore, Wilkinson & Dunbar, P.A.  
P.O. Box 10095  
Tallahassee, FL 32302

Carolyn Marek  
V.P. of Regulatory Affairs  
Southeast Region  
Time Warner Communications  
233 Bramerton Court  
Franklin, TN 37069

  
Norman H. Horton, Jr.