

ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: BellSouth Telecommunications, Inc.'s Petition for temporary waiver of physical collocation requirement set forth in the 1996 Telecommunications Act and the FCC's First Report and Order, for the Daytona Beach Port Orange Central Office

Docket No. 980946-TL

In re: BellSouth Telecommunications, Inc.'s Petition for waiver of physical collocation requirement set forth in the 1996 Telecommunications Act and the FCC's First Report and Order, for the Boca Raton Boca Teeca Central Office

Docket No. 980947-TL

In re: BellSouth Telecommunications, Inc.'s Petition for waiver of physical collocation requirement set forth in the 1996 Telecommunications Act and the FCC's First Report and Order, for the Miami Palmetto Central Office

Docket No. 980948-TL

In re: BellSouth Telecommunications, Inc.'s Petition for waiver of physical collocation requirement set forth in the 1996 Telecommunications Act and the FCC's First Report and Order, for the West Palm Beach Central Office

Docket No. 981011-TL

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

Docket No. 981012-TL

In re: BellSouth Telecommunications, Inc.'s Petition for waiver of physical collocation requirement set forth in the 1996 Telecommunications Act and the FCC's First Report and Order, for the Lake Mary Central Office

Docket No. 981250-TL

Filed: May 10, 1999

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RECORDS AND REPORTING

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

**PREHEARING STATEMENT OF TIME WARNER AxS OF FLORIDA, L.P.**

Time Warner AxS of Florida, L.P. d/b/a Time Warner Telecom (Time Warner"), through undersigned counsel, submits this prehearing statement.

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*[Signature]*  
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DOCUMENT NUMBER-DATE  
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**A. APPEARANCES**

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On behalf of Time Warner.

**B. WITNESSES**

<u>Witness</u>	<u>Issues</u>
Joseph Gillan (Rebuttal Testimony) (Jointly sponsored by ACI Corp., AT&T Communications of the Southern States, e.spire Communications, Inc., MCI, Supra Telecommunications & Information Systems, Inc., and Time Warner AxS of Florida, L.P. )	1-2, 5-6

**C. EXHIBITS**

<u>Exhibit Number</u>	<u>Witness</u>	<u>Description</u>
_____ (JG-1)	Gillan	Comptel White Paper

**D. BASIC POSITION**

The waivers requested by BellSouth should be denied because there is sufficient space for physical collocation at each office utilizing one or more of the forms of collocation authorized by the March 31, 1999 Advanced Services Order and the FCC's new collocation rules.

## 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?**

Time Warner's Position: The Telecommunications Act of 1996 places on BellSouth the duty to make space available anywhere on its premises unless and until such time as BellSouth satisfactorily demonstrates to this Commission that space is unavailable on the premises.

**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

Time Warner's Position: The factors that must be evaluated by the Commission in its determination of space availability on the premises include:

1. Placement of existing unused equipment.
2. Future growth.
3. Security arrangements.
4. Administrative space allocations.
5. Building codes and other local government requirements.

6. Space accessibility
7. Outside space.

**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

Time Warner's Position: 3(a), 3(b), 3(c), 3(d), and 3(e) - No position.

3(f) Lake Mary: There is approximately 750 square feet of potential physical collocation space within this office, with additional potential space available outside of the office.

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

Time Warner's Position: Yes. Under the FCC's Advanced Services Order, released March 31, 1999, and accompanying rules, space is available at each office for a number of different forms of physical collocation that should be made available to the ALECs on the basis of the FCC's first come, first served rule

**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**

Time Warner's Position: No. Since the offices have space available that could be used to provide physical collocation through one or more of the different forms that are available, the waivers should be denied.


**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?**

TIME WARNER AxS OF FLORIDA, L.P. 's Position: BellSouth should contact each ALEC denied space on the basis of the FCC's first come, first served rule and present all of the then available space. With this information, the ALEC will be able to evaluate each area of space and how it might be configured to meet the ALEC's physical collocation requirements.

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

All requirements of the procedural orders can be met by TIME WARNER AxS OF FLORIDA, L.P. Technologies, Inc.

**RESPECTFULLY SUBMITTED** this 10<sup>th</sup> day of May, 1999.

A handwritten signature in cursive script, appearing to read "Peter M. Dunbar", is written over a horizontal line.

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Attorneys for Time Warner

**CERTIFICATE OF SERVICE**  
**Docket No. 980946-TL**

I **HEREBY CERTIFY** that a true and correct copy of the Prehearing Statement on behalf of Time Warner AxS of Florida, L.P. d/b/a Time Warner Telecom of Florida has been served by U.S. Mail on this 10<sup>th</sup> day of May, 1999, to the following parties of record:

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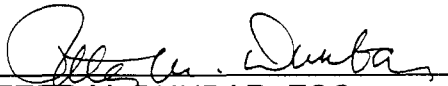
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