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May 7, 1999

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Ms. Blanca Bayo  
Director of Records and Reporting  
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Re: Dockets Nos. 980947-TL, 980948-TL, 981011-TL and 981012-TL

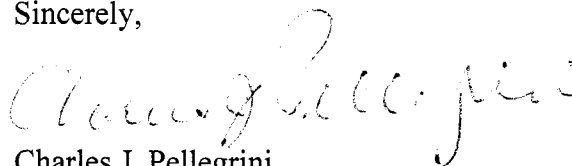
Dear Ms. Bayo:

Enclosed for filing on behalf of Intermedia Communications Inc., is an original and 15 copies of the Rebuttal Testimony of Intermedia Communications Inc.'s witnesses, Ronald W. Beasley and Julia O. Strow, to be filed in Dockets Nos. 980947-TL, 980948-TL, 981011-TL and 981012-TL. The testimony is also provided on diskette in Microsoft Word format.

Please acknowledge receipt of these documents by date stamping "Received and Filed" on the cover sheet of an extra copy of each


Thank you for your assistance with this filing.

Sincerely,



Charles J. Pellegrini

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

Docket No. 980947-TL

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

Docket No. 980948-TL

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

Docket No. 981011-TL

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

Docket No. 9801012-TL

INTERMEDIA COMMUNICATIONS INC.'S  
REBUTTAL TESTIMONY OF JULIA O. STROW

May 7, 1999

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1 **Q. PLEASE STATE YOUR NAME, EMPLOYER, AND BUSINESS**  
2 **ADDRESS.**

3 **A.** My name is Julia Strow. I am employed by Intermedia Communications Inc.  
4 (Intermedia). My business address is 3625 Queen Palm Drive, Tampa, Florida  
5 33619.

6 **Q. IN WHAT CAPACITY ARE YOU EMPLOYED BY INTERMEDIA?**

7 **A.** I am employed as Assistant Vice President, Regulatory and External Affairs.

8 **Q. WHAT ARE YOUR RESPONSIBILITIES IN THAT POSITION?**

9 **A.** I am the primary interface between Intermedia and the incumbent local exchange  
10 carriers (“ILECs”). In that capacity, I am involved in interconnection negotiations  
11 and arbitrations between Intermedia and the ILECs. I am also primarily responsible  
12 for Intermedia’s strategic planning and regulatory policy.

13 **Q. DID YOU FILE DIRECT TESTIMONY IN THESE PROCEEDINGS?**

14 **A.** Yes, I did.

15 **Q. WHAT IS THE PURPOSE OF YOUR TESTIMONY TODAY?**

16 **A.** The purpose of my testimony is to respond to several aspects in the direct  
17 testimony of BellSouth Telecommunications, Inc.’s (“BellSouth’s”) witnesses  
18 Keith Milner and James Bloomer. I will show that the FCC’s recent amendments  
19 to Part 51 of Title 47 of the Code of Federal Regulations<sup>1</sup> have invalidated many  
20 of BellSouth’s collocation policies and procedures. These amendments will  
21 become effective June 1, 1999. Specifically, I will demonstrate that according to  
22 the new FCC rules, BellSouth must: (1) provide shared collocation even when

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<sup>1</sup> FCC 99-48, First Report and Order and Further Notice of Proposed Rulemaking, CC Docket No. 98-147, rel. March 31, 1999, Appendix B, Final Rules, Subpart D (“Order”).

1 there is no space exhaust in a central office; (2) allow cageless collocation without  
2 separation; (3) not place minimum space requirements on alternative local  
3 exchange carriers (“ALECs”) for physical collocation; (4) not require a physical  
4 cage or similar structure; (5) allow adjacent collocation where technically  
5 feasible; (6) allow the commingling of ALEC equipment with its own; and (7)  
6 make relocations and renovations of existing equipment and administrative areas  
7 to accommodate physical collocation. Finally, I will discuss how the FCC’s rule  
8 amendments have effectively removed much of the commonly recognized  
9 distinctions between physical and virtual collocation.

10 **Q. DOES BELLSOUTH ALLOW SHARED SPACE COLLOCATION?**

11 **A.** I was not aware that BellSouth offered shared space collocation, under any  
12 circumstance. However, witness Milner states, on page 8, lines 1-5, of his direct  
13 testimony, that BellSouth does allow shared space collocation “in those cases  
14 where space is unavailable for physical collocation.”

15 **Q. DO THE FCC’S RULE AMENDMENTS REQUIRE PRIOR CONDIITONS**  
16 **FOR SHARING OF COLLOCATION SPACE BY ALECS?**

17 **A.** No. Rule §51.323(k)(1), requires BellSouth to offer shared collocation in its  
18 physical collocation offering. The rule does not require that there must be an  
19 exhaust of collocation space first. BellSouth must change its policy regarding  
20 shared space collocation in order to comply with FCC rules. Witness Milner  
21 appears to acknowledge that BellSouth must do this, but he inexplicably stops  
22 short of saying that it will.

1 **Q. BELLSOUTH WITNESS MILNER STATES, ON PAGES 8-9 OF HIS**  
2 **DIRECT TESTIMONY, THAT UNDER A CAGELESS COLLOCATION**  
3 **ARRANGEMENT THE ALEC COLLOCATION AREA MUST BE**  
4 **PHYSICALLY SEPARATED FROM BELLSOUTH'S FACILITIES. IS**  
5 **THIS CONSISTENT WITH THE FCC'S RULES?**

6 **A.** Absolutely not. Rule §51.323(k)(2) clearly states that ILECs cannot require  
7 separation of ALEC equipment in a cageless collocation arrangement. The rule  
8 requires that “an incumbent LEC must give competitors the option of collocating  
9 equipment in any unused space within the incumbent’s premises, and may not  
10 require competitors to collocate in a room or isolated space separate from the  
11 incumbent’s own equipment.” Therefore, BellSouth’s requirements for separation  
12 must be removed from its collocation policies and procedures. Again, witness  
13 Milner is not as clear as he might be concerning what BellSouth will do.

14 **Q. CAN BELLSOUTH REQUIRE ALECS TO PURCHASE A MINIMUM**  
15 **AMOUNT OF SPACE FOR A CAGELESS COLLOCATION**  
16 **ARRANGEMENT?**

17 **A.** No. Although witness Milner testifies, on page 10, lines 2-3, that there is no  
18 minimum square footage requirement for cageless collocation space, he earlier  
19 testifies on page 9, lines 23-24, that a minimum space of 2.5 times the shadow  
20 print will be assigned where a collocator does not request a specific amount of  
21 unenclosed space. Rule §51.323(k)(2), however, requires that “an incumbent  
22 LEC must make cageless collocation space available in single-bay increments,  
23 meaning that a competing carrier can purchase space in increments small enough

1 to collocate a single rack, or bay, of equipment.” As a result, BellSouth cannot  
2 require ALECs to adhere to minimum square footage requirements of any kind for  
3 collocation.

4 **Q. CAN BELLSOUTH REQUIRE A MINIMUM SPACE REQUIREMENT OF**  
5 **100 SQUARE FEET FOR CAGED COLLOCATION?**

6 **A.** No. Witness Milner, on page 10, lines 15-24, testifies that BellSouth has required  
7 at least 100 square feet for enclosed physical collocation arrangements. He  
8 appears to wrongfully suggest that this must continue as a requirement. As I state  
9 above, the amended FCC rules require BellSouth to allow ALECs to purchase  
10 space in increments small enough to collocate a single rack, or bay, of equipment,  
11 whether it is for cageless or caged collocation.

12 **Q. ON PAGES 11- 16, BELLSOUTH WITNESS MILNER DISCUSSES**  
13 **PROBLEMS IN PROVIDING COLLOCATION SPACE DUE TO**  
14 **BUILDING CODE REQUIREMENTS. DOES THE INTERPRETATION**  
15 **BY CODE OFFICIALS THAT COLLOCATION SPACE IS A “MULTI-**  
16 **TENANT” OCCUPANCY CONFLICT WITH THE FCC’S RECENT**  
17 **AMENDMENTS TO ITS RULES?**

18 **A.** Yes. According to the FCC’s rules, ILECs cannot require separation between the  
19 equipment of the ILEC and the equipment of the ALEC. The local code  
20 authorities' interpretation that collocation is a multi-tenant occupancy is contrary  
21 to the FCC’s rules. ALEC equipment complies with the same NEBS safety  
22 requirements as ILEC equipment and thus does not present any additional fire  
23 hazards that would call for fire-rated walls between ALEC and ILEC equipment.

1           Therefore, a typical multi-tenant code restriction should not be required for the  
2           collocation of telecommunications equipment within an ILEC central office.

3           To the extent BellSouth characterizes collocation arrangements as multi-  
4           tenant arrangements, it is failing to comply with the FCC's rules. While  
5           Intermedia appreciates BellSouth's efforts to clarify the application of the  
6           building code with various zoning authorities, it is clear that BellSouth must  
7           comply with federal law. As Mr. Milner testifies, a number of local authorities  
8           have interpreted the building code *not* to require separate walled enclosures for  
9           collocation arrangements. To the extent that a local zoning board interprets the  
10          building code to reach an opposite conclusion, BellSouth is obligated to inform  
11          that board that such interpretation is contrary to federal law, and must, if  
12          necessary, file a petition for preemption with the FCC. BellSouth cannot use  
13          local zoning boards as an excuse to delay full implementation of the FCC's  
14          unequivocal orders.

15   **Q.    ON PAGES 16-17, BELLSOUTH WITNESS MILNER DISCUSSES**  
16   **BUILDING PERMITS FOR WIRE CAGE ENCLOSURES BELLSOUTH**  
17   **OBTAINED IN MARCH 1999 FOR SEVERAL OF ITS CENTRAL**  
18   **OFFICES. DO THE FCC'S AMENDED RULES REQUIRE CAGE**  
19   **ENCLOSURES?**

20   **A.**    No. As I note above, Rule §51.323(k)(2) requires BellSouth to allow ALECs to  
21          collocate in any unused space in its premises, without the construction of a cage  
22          or similar structure. Since caged enclosures, including even wire cages, are not to  
23          be required under the amended FCC rules, witness Milner's testimony concerning

1 permits for wire cage enclosures should have no bearing on the space availability  
2 issues in these proceedings.

3 **Q. ON PAGE 17, LINES 12-25, BELLSOUTH WITNESS MILNER**  
4 **TESTIFIES THAT IT HAS BEEN BELLSOUTH'S POLICY TO NOT**  
5 **ALLOW COLLOCATORS TO CONSTRUCT CONTROLLED**  
6 **ENVIRONMENTAL VAULTS ("CEVS") ON BELLSOUTH'S**  
7 **PROPERTY. IS THIS CONSISTENT WITH THE FCC'S AMENDED**  
8 **RULES?**

9 **A.** No, decidedly not. Rule §51.323(k)(3), requires BellSouth to make available,  
10 where space is legitimately exhausted, collocation in adjacent CEVs or similar  
11 structures to the extent technically feasible. In addition, the rule requires  
12 BellSouth to "permit the new entrant to construct or otherwise procure such an  
13 adjacent structure, subject only to reasonable safety and maintenance  
14 requirements." Moreover, it requires BellSouth to permit ALECs to collocate  
15 telecommunications equipment in "adjacent facilities constructed by either  
16 [BellSouth] or by the requesting carrier itself."

17 **Q. DOES WITNESS MILNER'S DISCUSSION OF THE DEFINITION OF**  
18 **"PREMESES" HAVE ANY BEARING ON THE REQUIREMENT THAT**  
19 **ILECs PROVIDE ADJACENT COLLOCATION?**

20 **A.** No. Witness. Milner's characterization of the term "premises" as excluding  
21 facilities not owned by BellSouth is simply wrong. The FCC's rules contain a  
22 broad definition of "premises", as follows:

23 *Premises* refers to an incumbent LEC's central offices and serving wire  
24 centers, as well as all buildings or similar structures owned or leased by an



1 incumbent LEC that house its network facilities, and all structures that  
2 house incumbent LEC facilities on public rights of way, including but not  
3 limited to vaults containing loop concentrators or similar structures.  
4

5 This broad definition means that ALECs have the right to collocate – and to have  
6 constructed additional collocation space where space is exhausted – at any place  
7 where ILEC equipment is housed, regardless of who owns it.

8 Moreover, witness Milner appears to miss the point. A CEV does not  
9 need to be included in the definition of “premises” on which he relies on page 19  
10 of his direct testimony. As I discuss above, the FCC’s amended rules provide that  
11 collocation “in adjacent controlled environmental vaults or similar structures” is  
12 required “where space is legitimately exhausted in a particular incumbent LEC  
13 premises.” (emphasis supplied) Therefore, the FCC explicitly envisions adjacent  
14 collocation to be off the ILEC’s premises. Obviously then, the definition of  
15 “premises” does not- and needs not to- include controlled environmental vaults or  
16 similar structures used for adjacent collocation, and witness Milner’s effort to  
17 exclude such structures from the meaning of premises is therefore unavailing.

18 **Q. DID THE FCC ANTICIPATE OTHER ISSUES SUCH AS STATE AND**  
19 **LOCAL REGULATIONS THAT MAY AFFECT THE VIABILITY OF**  
20 **ADJACENT COLLOCATION?**

21 **A.** Yes. In ¶44 of the FCC’s March 31, 1999, Order, supra, the FCC states that  
22 “because zoning and other state and local regulations may affect the viability of  
23 adjacent collocation, and because the incumbent LEC may have a legitimate  
24 reason to exercise some measure of control over design or construction  
25 parameters, we rely on state commissions to address such issues.” Intermedia

1 recommends that the Commission handle such issues on a case-by-case basis. If  
2 an ALEC requests collocation in an office that has space exhaust constraints and  
3 has then asked for adjacent collocation, the ILEC and the ALEC should attempt to  
4 implement the adjacent collocation in good faith. If problems arise, then either  
5 party could bring the issues before the Commission for resolution.

6 **Q. DO YOU AGREE WITH WITNESS MILNER'S ASSESSMENT, ON PAGE**  
7 **21, LINES 1-10, OF THE TYPE OF EQUIPMENT THAT CAN BE**  
8 **DEPLOYED IN ALEC COLLOCATES?**

9 **A.** Yes, for the most part. According to Rule §51.323(b), ILECs must permit the  
10 collocation of any type of equipment used for interconnection or access to  
11 unbundled network elements ("UNEs"). BellSouth appears to be in compliance  
12 with this rule. However, given the trend in manufacturing to integrate multiple  
13 functions into telecommunications equipment, Intermedia wants to make sure that  
14 ILECs do not place any restrictions on these new types of equipment as long as  
15 the equipment is used for interconnection or access to UNEs. Rule §51.323(b)  
16 provides that equipment used for interconnection and access to UNEs includes,  
17 but is not limited to:

18 (1) Transmission equipment including, but not limited to, optical  
19 terminating equipment and multiplexers.

20 (2) Equipment being collocated to terminate basic transmission facilities.

21 (3) Digital subscriber line access multiplexers, routers, asynchronous  
22 transfer mode multiplexers, and remote switching modules.  
23

1 **Q. ARE WITNESS MILNER'S CONCERNS, ADDRESSED ON PAGE 22 OF**  
2 **HIS DIRECT TESTIMONY, REGARDING REPORTING**  
3 **REQUIREMENTS WARRANTED?**

4 **A.** No. Witness Milner states that BellSouth evaluates its ability to provide physical  
5 collocation on a per request basis. This is consistent with Rule §51.321(h), which  
6 requires that ILECs submit, upon request, a report indicating the ILEC's available  
7 collocation space in a particular office within ten days of submission of the  
8 request. Witness Milner appears to believe that BellSouth must maintain a list of  
9 space availability in all 1,600 central offices. This is not the case. This rule  
10 requires ILECs to provide a report only for offices where requests are made. The  
11 rule does, moreover, require that ILECs maintain a list, on the Internet, of all  
12 central offices where space is completely exhausted.

13 **Q. DO YOU AGREE WITH WITNESS MILNER'S TESTIMONY ON PAGES**  
14 **22-23, WHICH REQUIRES THAT EQUIPMENT MUST BE BOTH**  
15 **OBSOLETE AND UNUSED BEFORE IT HAS TO BE REMOVED OR**  
16 **MODIFIED IN ORDER TO MAKE SPACE AVAILABLE FOR**  
17 **COLLOCATION?**

18 **A.** No. In adopting its rules requiring removal of equipment in order to maximize  
19 space available for collocation, the FCC made clear that the terms "obsolete" and  
20 "unused" are not synonymous. Paragraph 60 of the FCC's order states that:

21 Finally, we conclude that in order to increase the amount of space  
22 available for collocation, incumbent LECs must remove obsolete unused  
23 equipment from their premises upon reasonable request by a competitor  
24 or upon the order of a state commission. There is no legitimate reason  
25 for an incumbent LEC to utilize space for obsolete *or* retired equipment

1           that the incumbent is no longer using when such space could be used by  
2           competitors for collocation. (Emphasis added.)

3  
4           The FCC therefore makes clear that ILECs may be required to remove either  
5           obsolete or unused equipment. In fact, later in the same order, the FCC expressly  
6           found that ILECs must be required to replace specific equipment based on AMI  
7           T1 technology in their networks because that equipment may prevent ALECs  
8           from sharing ILEC loops: “We further believe carriers should, to the fullest  
9           extent possible, replace AMI T1 with new and less interfering technologies.”  
10          Order at ¶ 74. Therefore, the FCC does not simply leave it to the ILEC’s  
11          discretion to retain obsolete equipment if it unreasonably restricts an ALEC’s  
12          right to interconnect. Of course, state commissions will hear disputes over these  
13          matters and decide whether a given piece of equipment is unreasonably  
14          interfering with ALEC collocation opportunities. Order at ¶ 60.

15                 Moreover, in the definition of “technical feasibility” in Rule §51.5, the  
16                 FCC recognizes that ILECs may have to modify their facilities and equipment in  
17                 some circumstances in responding to requests for collocation. That fact does not  
18                 determine whether satisfying an access request is technically feasible.

19                 Accordingly, and as I testify further below, BellSouth should be required not only  
20                 to remove obsolete or unused equipment in order to create collocation space, but  
21                 it should be required in addition to modify its facilities and equipment generally  
22                 where that does not present demonstrated technical or operational concerns and is  
23                 necessary to create collocation space. This particularly should be required of  
24                 facilities and equipment in space being used for administrative purposes,

1 including workstations, that is otherwise suited for collocation and where its  
2 present location is not technically or operationally essential.

3 **Q. DOES THE ACT AND THE FCC’S RULES REQUIRE ILECS TO**  
4 **RENOVATE ADMINISTRATIVE AREAS WITHIN CENTRAL OFFICES**  
5 **IN ORDER TO ACCOMMODATE COLLOCATION?**

6 **A.** Yes. When the FCC first established its collocation rules under the  
7 Telecommunications Act of 1996, it noted that “[w]e believe that incumbent  
8 LECs have the incentive and capability to impede competitive entry by  
9 minimizing the amount of space that is available for collocation by competitors.”  
10 FCC August 8, 1996, Order in CC Docket No. 96-98. In its March 31, 1999,  
11 Order, the FCC took a dramatic step to maximize space available for collocation  
12 within ILEC offices by effectively eliminating the distinction between physical  
13 and virtual collocation, and by opening up the entire area within ILEC central  
14 offices to collocation. The FCC made clear that ILECs must make available for  
15 collocation space available anywhere within their offices. In that Order, the FCC  
16 stated that: “[w]e require the incumbent LEC to permit representatives of a  
17 requesting telecommunications carrier that has been denied collocation due to  
18 space constraints to tour the entire premises in question, not just the room in  
19 which space was denied . . . .” Order at ¶ 57.

20 **Q. ON PAGE 23, WITNESS MILNER SEEMS TO FIND TROUBLESOME**  
21 **THE NEW FCC RULE GRANTING ALECS ENTITLEMENT TO A**  
22 **PRESUMPTION THAT ANY COLLOCATION ARRANGEMENT**

1           **OFFERED BY ANY OTHER INCUMBENT LEC IS TECHNICALLY**  
2           **FEASIBLE. ARE HIS CONCERNS WARRANTED?**

3    **A.**    No, not at all. While BellSouth may be “troubled” by this, Rule §51.321(c) states  
4           that, “a requesting telecommunications carrier seeking a particular collocation  
5           arrangement, either physical or virtual, is entitled to a presumption that such  
6           arrangement is technically feasible if any LEC has deployed such collocation  
7           arrangement in any incumbent LEC premises.” The presumption is rebuttable.  
8           The burden rests with the LEC to prove that such an arrangement nevertheless is  
9           not technically feasible and cannot be provided on an equally cost-effective basis  
10          in its particular circumstances. In other words, the LEC must prove to the state  
11          commission that a particular one of its premises cannot feasibly provide a  
12          collocation arrangement that is being provided by another LEC somewhere. This  
13          approach is entirely logical. Intermedia agrees with the FCC that it will open up a  
14          wide variety of collocation arrangements and will promote competition. It should  
15          not be a problem for BellSouth.

16   **Q.    DO YOU AGREE WITH WITNESS MILNER THAT BELLSOUTH DOES**  
17   **NOT HAVE TO ALLOW COMMINGLING OF A COLLOCATOR’S**  
18   **EQUIPMENT WITH BELLSOUTH’S EQUIPMENT OR ANOTHER**  
19   **ALEC’S EQUIPMENT?**

20   **A.**    No. Rule §51.323(k)(2) requires that BellSouth must allow competitors to  
21          collocate in any unused space in its premises. In addition, this rule requires  
22          BellSouth to make collocation available in single-bay increments. As a result,  
23          BellSouth must allow ALECs to commingle their equipment with its own

1 equipment or with other ALEC equipment. Witness Milner's concerns over  
2 security and network reliability regarding commingling are also addressed by the  
3 FCC's amended rules. Further, in its Order, at ¶47, the FCC states that ILECs  
4 may not impose discriminatory security requirements that increase collocation  
5 costs without providing concomitant protection of the ILEC's equipment.  
6 Moreover, I would suggest that his concern with terrorist attacks is somewhat  
7 overdrawn, even in today's world.

8 **Q. WITNESS MILNER ALSO ARGUES THAT ALECS MUST OPT FOR**  
9 **VIRTUAL COLLOCATION IN ORDER TO COMMINGLE EQUIPMENT.**  
10 **DO YOU AGREE?**

11 **A.** No. As I state above, the ILECs must allow the ALECs to collocate even a single  
12 equipment bay in any unused space in the central office. In addition, ILECs must  
13 also give ALEC technicians access to this equipment. The recent amendments to  
14 the FCC's rules regarding collocation discussed throughout my testimony  
15 effectively remove any distinction between physical and virtual collocation. As a  
16 result, if an ILEC has space for virtual collocation, then it must have space for  
17 cageless commingled physical collocation. Furthermore, under the FCC Order,  
18 ALECs should also be permitted to convert existing virtual collocation  
19 arrangements to cageless physical collocation immediately.

20 **Q. HOW CAN AN ALEC CONVERT AN EXISTING VIRTUAL**  
21 **COLLOCATION ARRANGEMENT TO A CAGELESS PHYSICAL**  
22 **ARRANGEMENT?**

1           Very simply. Before the March 31 Order, three things distinguished  
2 virtual collocation from physical. First, in many cases, the ILEC forced the  
3 ALEC to sign over title to the virtually collocated equipment to the ILEC. This  
4 requirement now has absolutely no justification, and must be eliminated  
5 immediately.

6           Second, an ALEC's virtually collocated equipment was often installed  
7 right next to an ILEC's equipment, while an ALEC's physically collocated  
8 equipment had to be located in a segregated space, physically separated from the  
9 ILEC's equipment. Third, an ALEC could not send in its own technicians to  
10 install, repair or maintain its virtually collocated equipment, as it did in physical  
11 collocation arrangements. Instead, the ALEC had to ask the ILEC to send ILEC  
12 personnel to perform these functions. The Order now eliminates these  
13 distinctions, however, and allows ALECs to physically collocate their equipment  
14 in any part of the central office, including in space right next to an ILEC's  
15 equipment. In order to "convert" an existing virtual arrangement to meet the  
16 FCC's new standards for physical collocation, the ILEC simply has to allow the  
17 ALEC personnel access to the equipment so that they can perform their own  
18 installation, repair and maintenance work. This simple procedural change can  
19 take place immediately, and the Commission should ensure that ALEC personnel  
20 are granted such access to their equipment without delay.

21           Intermedia does recognize that ILECs have the right to install  
22 computerized card key systems or video cameras to provide additional security in  
23 areas where ALEC personnel previously were not allowed access. However, this



1 right should not be an excuse to deny ALEC personnel access to the equipment  
2 installed in virtual collocation arrangements. In order to prevent any such delay,  
3 Intermedia will agree to pay tariffed labor rates to have its technicians escorted by  
4 ILEC personnel when they access their virtually collocated equipment. This  
5 should not be used as an excuse for the ILEC to delay installation of its security  
6 systems, however. The Commission should find that such systems must be  
7 installed within 60 days from the effective date of its order, and should prevent  
8 ILECs from charging for escorts after those 60 days.

9 **Q. ON PAGES 25-26 OF WITNESS MILNER'S DIRECT TESTIMONY HE**  
10 **ADDRESSES BELLSOUTH'S CONCERNS REGARDING SECURITY IN**  
11 **COLLOCATION ARRANGEMENTS. DOES THE FCC ADDRESS THIS**  
12 **ISSUE?**

13 **A.** Yes. The FCC's recent amendments to its rules directly address this issue. Rule  
14 §51.323(i) states that, "an incumbent LEC must allow collocating parties to  
15 access their collocated equipment 24 hours a day, seven days a week, without  
16 requiring either a security escort of any kind or delaying a competitor's  
17 employees' entry into the ILEC's premises." The rule recognizes as reasonable  
18 security measures installing security cameras or other monitoring equipment and  
19 requiring ALEC personnel to use identification badges with computerized  
20 tracking systems. The rule also requires that ALECs go through the same level of  
21 security training as the ILEC personnel. The FCC has found that these measures  
22 are adequate to address ILEC security concerns. In light of this finding (and  
23 further to my remark above), witness. Milner's far-fetched scenario regarding a

1 terrorist invasion of ILEC offices is irrelevant – ILECs must comply with the  
2 FCC’s rules.

3 **Q. DO YOU AGREE WITH BELLSOUTH’S POLICY OF RESERVING**  
4 **SPACE IN ITS CENTRAL OFFICE FOR ITS OWN USE UNTIL 2001?**

5 **A.** No. In today’s rapidly changing telecommunications market place, BellSouth  
6 should not be able to reserve space for its own use so far in advance. To do so is  
7 to be blatantly anticompetitive, when ALECs are prepared to enter local markets  
8 and request collocation space. BellSouth Witness Bloomer states on page 5, lines  
9 20-25, that space is generally reserved with forecasted needs for the next 2-year  
10 shipping interval. This is not acceptable. Where ALECs request collocation,  
11 BellSouth should relinquish some part of its reserved space because the ALECs  
12 immediately need it for their use. This Commission must determine how much of  
13 the reserved space can be relinquished to the ALECs.

14 In its August 8, 1996, Order, the FCC expressly found that ILECs must  
15 take ALEC collocation requirements into account in their own forecasting  
16 processes.

17 Consistent with the requirements and findings of the *Expanded*  
18 *Interconnection* proceeding, we conclude that incumbent LECs should  
19 be required to take collocator demand into account when renovating  
20 existing facilities and constructing or leasing new facilities, just as they  
21 consider demand for other services when undertaking such projects. We  
22 find that this requirement is necessary in order to ensure that sufficient  
23 collocation space will be available in the future  
24

25 August 8, 1996, Order, CC Docket 96-98, at ¶ 585. This requirement means that  
26 ILECs cannot give preference for anticipated demand for their retail services over  
27 demand for collocation services provided to ALECs.

1 **Q. DOES THIS CONCLUDE YOUR TESTIMONY?**

2 **A.** Yes. I reserve the right, however, to amend or modify my testimony, as

3 appropriate.

4

5

**END OF TESTIMONY**

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of the foregoing has been furnished by Hand Delivery (\*) or U.S. Mail this 10th day of May, 1999, to the following:

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