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Director, Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
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RECORDS AND
REPORTING

Re:


Docket Nos. 980946-TL, 980947-TL, 980948-TL,
981011-TL, 981012-TL, 981250-TL

Dear Ms. Bayó:

Enclosed for filing on behalf of ACI Corp. in the above dockets are the original and fifteen copies of its Prehearing Statement and a diskette containing the Prehearing Statement information.

By copy of this letter, this document has been furnished to the parties on the attached service list.

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FPSC-BUREAU OF RECORDS

Very truly yours,



Richard D. Melson

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cc: Attached Service List

DOCUMENT NUMBER-DATE

05897 MAY 10 99

FPSC-RECORDS/REPORTING

**BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION**

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

Docket No. 980946-TL

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

Docket: 980948-TL

In re: Petition for temporary waiver of physical collocation requirements set forth in the 1996 Telecommunications Act and the FCC's First Report and Order, for the Miami Palmetto 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. 981012-TL

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

Docket No. 981250-TL

Filed: May 10, 1999

DOCUMENT NUMBER-DATE

05897 MAY 10 99

FPSC-RECORDS/REPORTING

**ACI CORP.'s
PREHEARING STATEMENT**

ACI Corp., ("ACI"), by and through its undersigned attorneys, hereby files this prehearing statement in compliance with the Order Establishing Procedure.

A. Known Witnesses. ACI will present the direct and rebuttal testimony of the following witness:

<u>Witness</u>		<u>Issues</u>
James D. Cuckler	Direct/Rebuttal	1, 2, 3c, 4, 5, 6

B. Known Exhibits. ACI has introduced no prefiled exhibits. ACI reserves the right to offer additional exhibits for purposes of cross examination.

C. Basic Position. The petitions for waiver of physical collocation requirements should be denied. There is adequate space in each of the six BellSouth central offices at issue to accommodate collocation once inefficient and unnecessary uses of central office space are eliminated. Moreover, wasteful restrictions on collocation imposed by BellSouth, such as segregated collocation rooms, SPOT bays for interconnection, and minimum-sized caged collocation spaces, artificially limit collocation space. The Commission should eliminate these restrictions and require the use of alternative physical collocation arrangements, such as common, parking-lot, and adjacent collocation, when necessary to accommodate physical collocation. These measures will allow every available increment of space to be used. With the above measures in place, space at each of the central offices will be more than sufficient to accommodate physical collocation.

D. to F. Issues. The following is ACI's position on the factual, legal and policy issues identified by the Order on Procedure:

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?

ACI: BellSouth has an absolute obligation to provide physical collocation, except when it is not possible for technical or space reasons. Before collocation can be denied due to space reasons, BellSouth must eliminate any unnecessary use of central office floor space and must rearrange its uses of space in the most efficient way possible. Additionally, BellSouth must allow the use of alternative collocation arrangements to maximize the space available for collocation.

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
- c) West Palm Beach Gardens
- d) North Dade Golden Glades
- e) Lake Mary

ACI: The Commission should first determine how much total space is available at each office. It should then subtract any current uses of space that are both efficient and necessary for the provision of telecommunications services. Any currently available space, including space that could be made available by eliminating inefficient, unnecessary or reserved space usage, should be considered available for collocation. Any available space that is large enough to accommodate a single bay of equipment, regardless of whether it is in a segregated collocation room, should be made available for collocation. If there is not enough space within the central office to accommodate all of an ALEC's equipment, collocation should be accommodated through parking-lot or adjacent collocation.

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

- c) West Palm Beach Gardens
- d) North Dade Golden Glades
- e) Lake Mary

ACI: At least 500 square feet should be considered available for collocation in Miami Palmetto. Currently, ACI has no position on the other central offices.

Issue 4. If space is considered available in any of these central offices, is the space sufficient for physical collocation?

ACI: Yes. Any available space that can technologically accommodate collocated equipment should be considered sufficient. This includes non-contiguous space or space smaller than the minimum increment required under BellSouth policies. The only consideration should be whether, from a technological perspective, a single bay of equipment can be installed in the available space. Under this approach, a space as small as seven square feet is sufficient to accommodate collocation.

Issue 5. Should BellSouth's Petitions 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
- c) West Palm Beach Gardens
- d) North Dade Golden Glades
- e) Lake Mary

ACI: No. The waivers should be denied because there is sufficient space to accommodate collocation at each central office.

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?

ACI: BellSouth should distribute space on a "first-come-first-served" basis. It should keep all physical collocation applications for five years, and, as soon as space becomes available, notify each ALEC who has requested space. The ALECs should then have three business days to affirm their desire for the space, with priority given to earliest application date. All ALECs, including any BellSouth subsidiaries, should be subject to the same process.

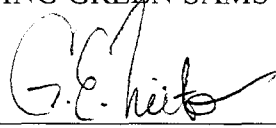
G. Stipulations. No issues have been stipulated at this time.

H. Pending Matters. ACI has no pending motions or other matters that require action at this time.

I. Requirements of Order on Procedure. ACI has not identified any requirements of the Order on Procedure that cannot be complied with.

Respectfully submitted this 10th day of May 1999.

HOPPING GREEN SAMS & SMITH, P.A.

By:  _____

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via U.S. Mail or Hand Delivery this 10th day of May, 1999 to the following persons.

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