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99 MAY 21 PM 4:25

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RECORDS AND  
REPORTING

May 21, 1999

Mrs. Blanca S. Bayó  
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Florida Public Service Commission  
2540 Shumard Oak Boulevard  
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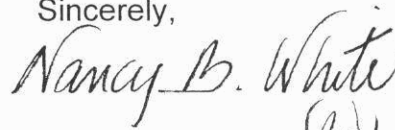
**Re: Docket Nos., 980947-TL, 980948-TL, 981011-TL, and 981012-TL**

Dear Ms. Bayó:

Enclosed are an original and 15 copies of BellSouth Telecommunications, Inc.'s Motion for Continuance of the Proceedings. Please file this document in the captioned matter.

A copy of this letter is enclosed. Please mark it to indicate that the original was filed and return the copy to me.

Sincerely,



Nancy B. White

AFA	1	
APP		Enclosures
CAS		
CMU		
CTR		cc: All parties of record
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LEG	1	J. Phillip Carver
MAS	5	William J. Ellenberg II
OPC		
RRR		
SEC	1	164103
WAV		
OTH		

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FPSC-RECORDS/REPORTING

**CERTIFICATE OF SERVICE**  
**Docket Nos. 980946-TL, 980947-TL, 980948-TL, 981011-TL**  
**981012-TL, and 981250-TL**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via

U.S. Mail this 21st day of May, 1999 to the following:

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Nancy B. White  
Nancy B. White (PN)

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for Waiver of Physical ) Docket No.: 980946-TL  
Collocation Requirements Set Forth )  
In the Telecommunications Act of 1996 )  
And the FCC's First Report and Order, )  
for the Daytona Beach Port Orange Central )  
Office, By BellSouth Telecommunications, Inc)

In re: Petition for Waiver of Physical ) Docket No.: 980947-TL  
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)

In re: Petition for Waiver of Physical ) Docket No.: 980948-TL  
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)

In re: Petition for Waiver of Physical ) Docket No.: 981011-TL  
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. )

In re: Petition for Waiver of Physical ) Docket No.: 981012-TL  
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. )

In re: Petition for Waiver of Physical ) Docket No.: 981250-TL  
Collocation Requirements Set Forth )  
In the Telecommunications Act of 1996 )  
And the FCC's First Report and Order, )  
for the Lake Mary Main Central )  
Office, By BellSouth Telecommunications, Inc) FILED: May 21, 1999

**BELLSOUTH TELECOMMUNICATION, INC.'S  
MOTION FOR CONTINUANCE OF THE PROCEEDINGS**

BellSouth Telecommunications, Inc. ("BellSouth"), pursuant to Rules 28-106.204 and 28-106.210, Florida Administrative Code, hereby files its Motion for Continuance of the Proceedings scheduled in the above captioned docket. In support thereof, Bellsouth states the following:

1. On July 27, 1998, BellSouth filed a Petition for Temporary Waiver for the Daytona Beach Port Orange Central Office and Petitions for Waiver for the Boca Raton Bocca Teeca and Miami Palmetto Central Offices from the provisions of the Telecommunications Act of 1996 ("Act") and the Federal Communication Commission's ("FCC") First Report and Order, FCC Order No. 96-325. These provisions require BellSouth to allow ALECs to physically collocate in BellSouth's central offices unless BellSouth demonstrates that physical collocation is not practical for technical reasons or because of space limitations. On August 7, 1998, BellSouth filed Petitions for Waiver for the West Palm Beach Gardens and the North Dade

Golden Glades central offices. On October 1, 1998, BellSouth filed a Petition for Waiver for the Lake Mary Main Central Office.

2. These dockets were consolidated for hearing purposes.

Discovery has proceeded in these dockets and the Staff conducted audits of the six offices at issue. The hearing on these dockets is scheduled for June 9-11, 1999.

3. On March 31, 1999, the FCC released its First Report and Order and Further Notice of Proposed Rulemaking, FCC Order 99-48, containing new collocation rules. These rules delineate requirements for space allocation, central office tours, reports on space, equipment types and safety standards, security and collocation alternatives, among other things. These rules were published on May 2, 1999 and will become effective on June 1, 1999.

4. As a result of Order 99-48, BellSouth will begin implementation of the vast majority of these rules. Specifically, BellSouth will implement the FCC rules concerning the following:

- (a) Allowing the sharing of collocation cages;
- (b) Cageless collocation;
- (c) Adjacent collocation where space is legitimately exhausted;
- (d) No requirement for walls, separators, separate entrance;
- (e) No requirement for intermediate interconnection device;
- (f) Specified equipment types;

- (g) Tour of premises within ten days of denial due to space exhaust;
- (h) Acceptance or denial of application within ten days with regard to space availability;
- (i) Program for removal of obsolete equipment upon request;
- (j) Security program, including card readers and ALEC training; and
- (k) Equipment safety requirements (NEBS level 1).

5. BellSouth is contemplating seeking clarification, waiver, or reconsideration from the FCC on some issues set forth in the order, including a temporary waiver on the time limit for providing space reports, identifying the amount of space available, the number of collocators at each premise, and the actions taken or planned to make additional collocation space available. (Rule 51.321(h)). The basis for this waiver will be the additional time necessary for BellSouth to assess its central offices in the nine states in which BellSouth operates. These issues, however, will not impact whether this Commission should grant the continuance sought by this Motion, nor will they delay BellSouth's reassessment and assignment of space as contemplated by Paragraph 7.

6. Based on BellSouth's plan to implement the majority of the rules contained in FCC Order 99-48, BellSouth requests that these proceedings be suspended and continued for a period not to exceed six weeks. Such a



continuance is necessary because the implementation of these rules for the six central offices at issue will require more action by the ALECs and by BellSouth.

7. First, ALECs who filed applications for physical collocation in the six offices at issue may reassess their original requests in light of the FCC's new requirements. ALECs should be given a set time period in which to submit this information to BellSouth. Two weeks from the date this Motion is granted would be reasonable. Once this information is received by BellSouth, BellSouth will use the information to reassess the six offices at issue, in light of the new rules. Once this review is completed, BellSouth will offer any space found to be available to requesting carriers in the same order as originally requested (based upon the date of the original physical collocation application). If the offer is rejected by an ALEC, BellSouth will go to the next in line. Included in the order of ALECs will be those who were denied physical collocation and, therefore, chose virtual collocation. Not included in the order will be those carriers who initially chose virtual collocation or who have been provided physical collocation in the six central offices at issue. BellSouth will consider the failure by an ALEC to provide this information to BellSouth in a timely fashion to constitute a waiver of the ALEC's original application for physical collocation. BellSouth recognizes that the ALECs, including the intervenors in these dockets, do not necessarily agree with its position on this waiver issue. BellSouth will

complete this reassessment and space assignment within six weeks from the date this Motion is granted.

The parties and Commission staff will be required to attend an informal conference on June 11, 1999, to discuss the status of BellSouth's reassessment of the six offices at issue and any implementation issues that may have arisen. A second formal prehearing conference should be held as close to six weeks from the date of the order granting the continuance as the Prehearing Officer's schedule permits.

8. When the reassessment and allocation of any available space is completed by BellSouth, BellSouth will advise the Florida Public Service Commission ("Commission") of the results. At that point, BellSouth will also be able to advise the Commission as to whether there is a need to continue with the Petitions for Waiver in connection with the six central offices at issue. BellSouth is unwilling, at this time, to simply dismiss the Petitions for Waiver. It is BellSouth's opinion that such an action would be premature at this time. Moreover, in the event that BellSouth must move forward with any of the Petitions, the information developed so far should not be wasted.

9. In addition, BellSouth remains concerned about the issue of code interpretation by building officials in the South Florida area. In certain municipalities, these officials interpret physical collocation as a multi-tenant situation, requiring fire-rated separating walls, among other things. Even though cageless collocation may not require building permits in some

municipalities, BellSouth remains aware that providing cageless collocation in select areas would be considered a violation of certain building codes by local officials. It will be necessary for BellSouth to advise building officials of the FCC Order and BellSouth's subsequent actions. BellSouth may seek the assistance of this Commission and the ALECs on this issue so that BellSouth will not be penalized for a knowing violation, either at the time the collocation is implemented or at the point where BellSouth seeks permits for building additions at the respective central offices.

10. BellSouth believes its request is reasonable and will facilitate the efficient use of resources by the Commission, by the ALECs, and by BellSouth. BellSouth conferred with all the parties of record prior to the filing of this motion. [Statement as to each party and their objection or lack thereof pursuant to Rule 28-106.204, Florida Administrative Code].

BellSouth is authorized to represent that Covad Communications, d/b/a DIECA Communications, Inc.; ACI Corporation; Intermedia Communications, Inc.; Supra Telecommunications and Information Systems, Inc.; Sprint Communications Company Limited Partnership; NorthPoint Communications, Inc.; MCI WorldCom Technologies, Inc.; e-spire Communications, Inc.; Time Warner AxS of Florida, L.P.; Teleport Communications Group, Inc./TCG South Florida do not object to the granting of the requested six week continuance: (a) on the condition that the Commission requires attendance by the parties at the conferences identified in Paragraph 8, and (b) with the

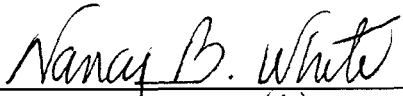
understanding that the parties do not waive any rights, positions or issues available to them in these or other proceedings, or under the FCC's collocation order and rules, and do not necessarily agree with the positions or assertions made by BellSouth in this motion.

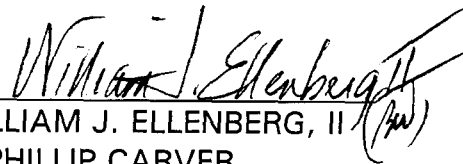
Supra has no objection to this continuance, however, neither Supra nor BellSouth waive any rights granted in or relative to Order No. PSC-98-1417-PCO-TP; Order No. PSC-98-0047-FOF-TP; Docket No. 4:99-CV43-RH, United States District Court of Appeals, Northern District; Order No. PSC-99-0060-FOF-TP; and Order No. PSC-99-0582-FOF-TP; Docket No. 4:99-CV-157-RH, United States District Court of Appeals, Northern District; concerning the North Dade Golden Glades and West Palm Beach Gardens central offices.

WHEREFORE, BellSouth requests that its Motion for Continuance of the Proceedings be granted for the reasons stated herein.

Respectfully submitted this 21<sup>st</sup> day of May, 1999.

BELLSOUTH TELECOMMUNICATIONS, INC.

  
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