



# Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD  
TALLAHASSEE, FLORIDA 32399-0850

## -M-E-M-O-R-A-N-D-U-M-

**DATE:** AUGUST 5, 1999

**TO:** DIRECTOR, DIVISION OF RECORDS AND REPORTING (RDR)

**FROM:** DIVISION OF LEGAL SERVICES (B. KEATING) BK  
DIVISION OF COMMUNICATIONS (FAVORS) CRF

**RE:** DOCKET NO. 990321-TL - PETITION OF ACI CORP. D/B/A ACCELERATED CONNECTIONS, INC. FOR GENERIC INVESTIGATION TO ENSURE THAT BELLSOUTH TELECOMMUNICATIONS, INC., SPRINT-FLORIDA, INCORPORATED, AND GTE FLORIDA INCORPORATED COMPLY WITH OBLIGATION TO PROVIDE ALTERNATIVE LOCAL EXCHANGE CARRIERS WITH FLEXIBLE, TIMELY, AND COST-EFFICIENT PHYSICAL COLLOCATION.

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DOCKET NO. 981834-TP PETITION OF COMPETITIVE CARRIERS FOR COMMISSION ACTION TO SUPPORT LOCAL COMPETITION IN BELLSOUTH TELECOMMUNICATIONS, INC.'S SERVICE TERRITORY.

**AGENDA:** AUGUST 17, 1999 - REGULAR AGENDA - ISSUE 1 - PROCEDURAL - ISSUES 2 AND 3 - PROPOSED AGENCY ACTION - INTERESTED PERSONS MAY PARTICIPATE

**CRITICAL DATES:** NONE

**SPECIAL INSTRUCTIONS:** NONE

**FILE NAME AND LOCATION:** S:\PSC\LEG\WP\990321.RCM

### CASE BACKGROUND

On December 10, 1998, the Florida Competitive Carriers Association (FCCA), the Telecommunications Resellers, Inc. (TRA), AT&T Communications of the Southern States, Inc. (AT&T), MCImetro Access Transmission Services, LLC (MCImetro), Worldcom

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Technologies, Inc. (Worldcom), the Competitive Telecommunications Association (Comptel), MGC Communications, Inc. (MGC), and Intermedia Communications Inc. (Intermedia) (collectively, "Competitive Carriers") filed their Petition of Competitive Carriers for Commission Action to Support Local Competition in BellSouth's Service Territory. In the Petition, the Competitive Carriers requested the following relief:

- (a) Establishment of a generic BellSouth Unbundled Network Element (UNE) pricing docket to address issues affecting local competition;
- (b) Establishment of a Competitive Forum to address BellSouth operations issues;
- (c) Establishment of third-party testing of BellSouth's Operations Support Systems (OSS);
- (d) Initiation of a rulemaking proceeding to establish expedited dispute resolution procedures applicable to all local exchange carriers (LECs); and
- (e) Provision of such other relief that the Commission deems just and proper.

On December 30, 1998, BellSouth Telecommunications, Inc. (BellSouth) filed a Motion to Dismiss the Competitive Carriers' Petition. On January 11, 1999, the Competitive Carriers filed their Response in Opposition to BellSouth's Motion to Dismiss.

At the March 30, 1999, Agenda Conference, the Commission denied BellSouth's Motion to Dismiss. See Order No. PSC-99-0769-FOF-TP, issued April 21, 1999. Subsequently, by Order No. PSC-99-1078-PCO-TP, issued May 26, 1999, the Commission indicated, among other things, that it would conduct a Section 120.57(1), Florida Statutes, formal administrative hearing to address collocation and access to loop issues as soon as possible following the UNE pricing and OSS operational proceedings.

On March 12, 1999, ACI Corp. d/b/a Accelerated Connections Inc. (ACI) filed a Petition for Generic Investigation into Terms

and Conditions of Physical Collocation. On April 6, 1999, GTEFL and BellSouth filed responses to ACI's Petition. On April 7, 1999, Sprint filed its response to the Petition, along with a Motion to Accept Late-Filed Answer.

In this recommendation, staff addresses ACI's Petition for Generic Investigation, and Sprint's Motion to Accept Late-Filed Answer. Staff also revisits the FCCA's Petition to the extent that it addresses collocation.

### **DISCUSSION OF ISSUES**

**ISSUE 1:** Should the Commission grant Sprint's Motion to Accept Late-Filed Answer?

**RECOMMENDATION:** Yes. Pursuant to Rule 28-106.203, Florida Administrative Code, Sprint's answer is timely.

**STAFF'S ANALYSIS:** Sprint submitted its Answer on April 7, 1999. Sprint acknowledges that its Answer is a day late under the requirements of Rule 25-22.037, Florida Administrative Code, and asks that the Commission find good cause for accepting its Answer late. Sprint asserts that counsel experienced unanticipated emergencies that resulted in the late filing. Sprint states that it does not believe that filing its Answer late has prejudiced any of the parties.

Staff notes that Rule 25-22.037, Florida Administrative Code is no longer in effect. The effective rule, Rule 28-106.203, Florida Administrative Code, simply states, "A respondent may file an answer to the petition." In accordance with Rule 28-106.203, Florida Administrative Code, Sprint's Answer is not late and should, therefore, be accepted and considered by the Commission.

**PROPOSED AGENCY ACTION**

**ISSUE 2:** Should the Commission grant ACI's Petition for Generic Investigation into Terms and Conditions of Physical Collocation?

**RECOMMENDATION:** To the extent that ACI's Petition seeks a generic investigation of collocation issues, staff recommends that ACI's Petition should be granted. Staff recommends, however, that the Commission should not proceed to rulemaking as suggested in ACI's petition, nor should it adopt the specific rules and procedures set forth in ACI's petition. The Commission should also consolidate this Docket with Docket No. 981834-TP for purposes of investigating collocation issues on a generic basis in order to avoid duplicative proceedings. The Commission should proceed with its investigation as outlined in Order No. PSC-PSC-99-1078-PCO-TP, issued May 26, 1999, in Docket No. 981834-TP, and as further recommended in Issue 3.

**STAFF'S ANALYSIS:**

**ACI**

ACI asks that the Commission initiate a generic proceeding to establish collocation policy applicable to Sprint-Florida, GTEFL, and BellSouth to ensure that these companies provide collocation in an appropriate and timely manner.

In support of its Petition, ACI states that it is very important to ensure that the ILECs provide physical collocation to all ALECs in order for the ALECs to be able to provide service to their Florida customers. ACI explains that space is scarce in certain ILEC central offices, and that it is very important to adopt procedures to deal with future waiver petitions in a fair and timely manner.

In addition, ACI specifically requests that the Commission adopt the following rules and procedures:

1. ILECs should make physical collocation space available wherever possible, including all ILEC buildings and attached land.

2. The term "premises," as found in 47 U.S.C. §251(c)(6), as it pertains to where an ILEC must provide physical collocation, should be construed broadly.
3. ILECs should be required to allow adjacent collocation outside of the central office building.
4. The Commission should set a high threshold of proof for collocation waivers.
5. The Commission should establish a comprehensive procedure for processing waiver petitions.
6. The Commission should establish strict procedural requirements for denying space to an ALEC and seeking a waiver from the Commission, including:
  - A. ILECs should be required to file a Notice of Intent to seek a waiver along with an office floorplan.
  - B. ILECs should file a formal Petition for Waiver within 30 days of the Notice and include a more detailed floorplan.
  - C. ILECs should be required to file comprehensive testimony, and include any plans for space rearrangement.
  - D. Competitors should be allowed to inspect the central office premises within 30 days of ILEC's formal petition.
  - E. ALECs should be allowed to file comments and testimony challenging the ILEC's petition.
7. The Commission should require ILECs to allow alternative forms of collocation.
8. The Commission should require ILECs to permit competitors to sublease and share physical collocation space.
9. The Commission should establish procedures for the assignment of new space created in a central office either by reclamation or conversion of space, including:

- A. Notification to ALECs that have applied for entry into the office within the past five years.
  - B. ALECs must respond to notification within three business days.
  - C. ILEC subsidiaries should not be able to obtain space before ALEC applicants.
10. The Commission should require ILECs to provision collocation space within 76 business days of receipt of application.

Incumbent LECs

In general, Sprint supports ACI's Petition for a generic proceeding, and suggests that ACI's petition be addressed within the proceeding established in Docket No. 981834-TP. Sprint does not, however, agree with the specific allegations of fact or law in ACI's petition.

GTEFL asserts that ACI's Petition has been rendered moot by the Commission's approval of a generic collocation investigation in Docket No. 981834-TP. GTEFL states that there is no need for a separate proceeding.

BellSouth believes that ACI's Petition should be denied. BellSouth argues that many assertions in ACI's Petition are incorrect interpretations of the requirements in the Act. BellSouth also argues that ACI has proposed rules and procedures that are designed simply to make obtaining waivers as difficult as possible. In addition, BellSouth asserts that ACI is essentially requesting the Commission to go to rulemaking on these issues. BellSouth maintains that ACI cannot force the Commission into rulemaking on these issues<sup>1</sup>.

BellSouth further emphasizes that the Commission has already established a procedure for handling a generic investigation of collocation issues and adds that it does not oppose a generic

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<sup>1</sup>Citing Florida League of Cities v. Administrative Commission, 586 So. 2d 397, 406 (Fla. 1st DCA 1991).

investigation of collocation issues. BellSouth states that it simply disagrees with many of the assertions in ACI's Petition and objects to a duplicative proceeding. Thus, BellSouth asks that ACI's Petition be denied or dismissed. BellSouth also suggests that ACI should be allowed to intervene in Docket No. 981834-TP.

Staff's Recommendation

To the extent that ACI's Petition seeks a generic investigation of collocation issues, staff recommends that ACI's Petition should be granted. Staff believes that such a proceeding will result in better, more efficient ways of addressing collocation issues and of handling collocation disputes.

Staff recommends, however, that the Commission should not proceed to rulemaking as suggested in ACI's petition, nor should it adopt the specific rules and procedures set forth in ACI's petition. In view of the strict Administrative Procedures Act requirements for rulemaking, staff does not believe that a rulemaking proceeding is feasible at this time, because the Commission has not yet had sufficient time to acquire the knowledge and experience reasonably necessary to commence formal rulemaking for collocation. The collocation issues presented in the ACI and FCCA petitions and in the FCC's recent order on collocation, FCC 99-48, are still relatively new to the Commission. See Section 120.54 (1)(a)(1), Florida Statutes.

Instead, staff recommends that the Commission should consolidate this Docket with Docket No. 981834-TP for purposes of investigating collocation issues on a generic basis in order to avoid duplicative proceedings. The Commission should also proceed with its investigation as outlined in Order No. PSC-PSC-99-1078-PCO-TP, issued May 26, 1999, in Docket No. 981834-TP, and as further recommended in Issue 3. Staff believes that the Commission has the authority to proceed in this manner pursuant to Section 120.80, Florida Statutes, and Sections 364.01(c), 364.01(g), and 364.01(h), Florida Statutes. Section 120.80(13)(d), Florida Statutes, authorizes the Commission to employ procedures consistent with the Telecommunications Act of 1996. Staff believes that the

procedures recommended herein are consistent with the Act and are of the type contemplated by Section 120.80, Florida Statutes.

**PROPOSED AGENCY ACTION**

**ISSUE 3:** Should the Commission establish procedures and guidelines for collocation?

**RECOMMENDATION:** Yes. Staff recommends that the Commission establish, at the outset, the methods, procedures, and guidelines set forth in the Staff Analysis section of this Issue and do so as proposed agency action. Staff further recommends that the Commission wait until the time has run for responding to the Commission's proposed agency action on this issue before scheduling further proceedings on generic collocation.

**STAFF'S ANALYSIS:** By Order No. PSC-99-1078-PCO-TP, issued May 26, 1999, in Docket No. 981834-TP, the Commission ordered that the generic collocation investigation established in that Docket be set for a 120.57, Florida Statutes, hearing after the UNE pricing proceeding and the OSS workshops are completed. In this recommendation, staff recommends that the Commission take the first step in this proceeding by adopting the methods, procedures, and guidelines set forth herein as proposed agency action. Staff believes that this will serve as guidance to the participants in the investigative proceeding and will provide a "jumping off point" from which to proceed.

Staff also hopes that issuance of these guidelines at the outset as a PAA will expedite discussion of the issues and may, ultimately, limit the areas that need to be addressed at hearing by resolving some issues. Therefore, staff also recommends that the Commission refrain from scheduling any formal proceedings on generic collocation issues until the time for responding to the Commission's proposed agency action on this issue has run. In the end, staff believes this will enable the Commission to better



define the scope of the proceeding and will greatly assist in scheduling the appropriate amount of time for any hearing that may be necessary.

Staff has developed its recommended guidelines based upon rules adopted by the California PUC in December, 1998<sup>2</sup>, and the suggestions to state commissions made by the FCC in its recent FCC Order 99-48. These proposed guidelines would be used in conjunction with the FCC's collocation rules.

Staff believes that the Commission has the authority to adopt these procedures and guidelines pursuant to Section 120.80, Florida Statutes, and Sections 364.01(c), 364.01(g), and 364.01(h), Florida Statutes. Furthermore, the FCC has clearly indicated that it anticipates that state commissions will adopt collocation procedures in addition to those the FCC has already promulgated. See FCC Order 99-48, ¶¶ 23, 24, 54, and 55.

#### PROCEDURES FOR DEMONSTRATING SPACE DEPLETION IN COs

##### A. INITIAL RESPONSE TIME

The California PUC requires ILECs to respond to a carrier's completed application for collocation within 15 days. If the ILEC intends to deny an application, the ILEC should indicate a possible future relief date.

Pursuant to amended FCC Rule 47 C.F.R. §51.321(h), upon request, an ILEC must provide a report to the applicant carrier within 10 days of the request indicating the space available in a particular ILEC central office premises. Pursuant to this Rule, the ILEC must also post and update a notice on the ILEC's website that indicates which premises are full. The notice must be updated within 10 days of the premises becoming full.

##### Proposed Requirement

Staff believes that the California model for initial response time is appropriate and should be adopted in Florida. Staff also

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<sup>2</sup>1998 Cal. PUC LEXIS 915 (December 17, 1998).

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believes that if a carrier that applies for collocation in an ILEC central office premises requests a report on the space in that particular ILEC premises, the FCC requirement is acceptable. Staff believes, however, that additional notice must be sent to the Commission. Staff recommends, therefore, that the following requirements be adopted in Florida:

The ILEC shall respond to a completed application for collocation within 15 days. If the ILEC intends to deny collocation, the ILEC shall be required to submit a Notice of Intent to Seek Waiver of Physical Collocation Requirements to the Commission on the same date of its initial response to the applicant carrier. The Notice shall include a basic statement of the reason for its denial (technically infeasible or lack of space). If the denial is based upon lack of space, the ILEC shall also file detailed floor plans or diagrams of the premises with the Notice, which shall also be provided by the ILEC to the applicant carrier.

If the applicant carrier requests a report in accordance with FCC Rule 51.321(h), the ILEC shall also file a copy of the report with the Commission.

#### B. APPLICATION FEES

The California PUC has required the ILEC to return any application charges collected by the ILEC to the applicant carrier within 15 days of application if the ILEC denies collocation to the applicant.

##### Proposed Requirement

On this point, staff's recommendation differs somewhat with the California model. In past Orders, this Commission has found that costs are incurred during the application process itself and has advocated a two-part charge for the initial application for a

central office. See Order No. PSC-98-0604-FOF-TP at p. 140-142, issued April 29, 1998, in Docket No. 960833-TP. Staff believes that the ILEC must be allowed to recover the costs incurred during its initial processing of the application and review of the central office. Staff recommends, therefore, that the Commission adopt the following requirement:

If the ILEC informs the applicant carrier that it intends to deny collocation in an ILEC premises, the ILEC shall return to the applicant carrier any fees over and above those necessary to cover the initial administrative costs associated with processing the carrier's application for that premises.

C. TOUR OF THE CENTRAL OFFICE PREMISES

Pursuant to amended FCC Rule 47 C.F.R. §51.321(f), an ILEC that contends that there is no space available in a specific premise, must allow the applicant carrier to tour, without charge, the entire premises within 10 days of the carrier's receipt of the ILEC's denial of space.

Proposed Requirement

Staff agrees that this is appropriate, but suggests the language be modified to include Commission staff. Thus, the provision would read:

An ILEC that contends that there is no space available for physical collocation at its premises must allow the applicant carrier(s) and Commission staff to tour, without charge, the entire premises within 10 days of the carrier's receipt of the ILEC's denial of space.

D. PETITION FOR WAIVER

The California PUC has required ILECs to submit the following information to the PUC in support of its denial of space to an ALEC:

1. Central Office Language Identifier, where applicable
2. Identity of the Requesting CLEC, including the amount of space sought.
3. Total amount of space at the premises.
4. Floor Plans, including measurements of the ILEC's premises showing:
  - a. Space housing ILEC network equipment, nonregulated services space, or administrative offices;
  - b. Space housing idle or underutilized equipment;
  - c. Space which does not currently house ILEC equipment or administrative offices but is reserved by the ILEC for future use;
  - d. Space occupied by collocators for the purpose of network interconnection or access to unbundled network elements;
  - e. Space, if any, occupied by third parties for other purposes, including identification of the uses of such space;
  - f. Remaining space, if any;
  - g. Identification of switch turnaround plans and other equipment removal plans and timelines, if any;

- h. Central office rearrangement/expansion plans, if any; and
- i. Description of other plans, if any, that may relieve space exhaustion.

Proposed Requirements

Staff believes that the California model is particularly helpful, because it requires most of the essential information necessary to review the request to be provided up front when the Petition is filed. Staff recommends, therefore, that the Commission adopt the following requirements:

The ILEC shall file with the Commission a Petition for Waiver of the Collocation Requirements within 20 days of filing its Notice Of Intent to request a waiver. The Petition shall include the following information:

1. Central Office Language Identifier, where applicable.
2. Identity of the Requesting ALEC(s), including the amount of space sought.
3. Total amount of space at the premises.
4. Floor Plans, including measurements of the ILEC's premises showing:
  - a. Space housing ILEC network equipment nonregulated services space, or administrative offices;
  - b. Space housing idle or underutilized equipment;

- c. Space that does not currently house ILEC equipment or administrative offices but is reserved by the ILEC for future use, including the intended purpose of each area and the forecasted year of use;
- d. Space occupied by collocators for the purpose of network interconnection or access to unbundled network elements;
- e. Space, if any, occupied by third parties for other purposes, including identification of the uses of such space;
- f. Remaining space, if any;
- g. Identification of switch turnaround plans and other equipment removal plans and timelines, if any;
- h. Central office rearrangement/expansion plans, if any; and
- i. Description of other plans, if any, that may relieve space exhaustion.

5. Floor loading requirements

The ILEC may request confidential treatment of information submitted with the Petition, as necessary, in accordance with Rule 25-22.006, Florida Administrative Code.

E. POST-TOUR REPORTS

Under the California model, following the tour, if the applicant carrier believes there is no basis for denial of its application, the applicant shall promptly notify the ILEC. The California PUC requires that the applicant carrier and the ILEC shall file inspection reports following the tour of the central

office premises. The reports shall be filed within 45 days of the initial application.

Proposed Requirement

Staff agrees that this post-tour report will further expedite review of the ILEC's Petition for Waiver. Staff recommends, therefore, that the Commission adopt the following requirement:

Following the tour of the central office premises, if the applicant carrier(s) believes there is no basis for denial of its application, it shall promptly notify the ILEC. Thereafter, within 20 days of the tour, the applicant carrier(s) and the ILEC shall file in the docket established to address the ILEC's Petition for Waiver reports outlining their findings as a result of the tour.

F. DISPOSITION OF PETITION

Under the California model, the commission staff must prepare a formal resolution within 45 days of the post-tour report for the Commission's consideration. The proposed resolution will either direct the ILEC to provide the requested collocation or deny the requested collocation. The California model references factors that may be considered in rendering a decision.

If the California Commission decides that there is not sufficient space for the applicant carrier(s), the ILEC will not have to justify subsequent denials of space to other applicant carriers. The ILEC shall, however, advise the applicant carrier(s) when there are material changes in the central office premises that would affect a collocation request.

Proposed Requirement

Staff believes that the California model will greatly facilitate handling collocation waiver requests in situations where applicant carriers dispute the ILEC's claims that space is no

longer available. In addition, using these guidelines, the ILEC and the applicant carrier(s) have the opportunity to participate in the decision-making process to the fullest extent, but the unnecessary delay of a full administrative hearing is avoided. Staff notes that although the California model proposes certain factors for consideration in rendering a decision, staff believes that this Commission should simply base its decision on the information presented in the Docket. Staff recommends, therefore, that the following requirement be adopted:

The Commission staff shall prepare a recommendation for consideration by the Commission at an Agenda Conference to be held within 45 days of the post-tour report. The staff recommendation shall address whether the ILEC's Petition for Waiver should be granted based upon the information provided by the ILEC and the applicant carrier and information gathered by Commission staff on the tour of the central office premises.

If the Commission grants the ILEC's Petition, the decision will be issued as a final agency action. The ILEC will not have to justify subsequent denials of space to other applicant carriers. The ILEC shall, however, advise the applicant carrier(s) and the Commission when there are material changes in the central office premises that could affect a collocation request.

#### G. PROVISIONING OF COLLOCATION

In FCC Order 99-48, the FCC did not adopt provisioning intervals. The FCC indicated that it did not have sufficient experience with the new collocation arrangements to suggest time frames for provisioning and specifically retained authority to adopt time frames as necessary. The FCC did emphasize, however, that it was "confident that state commissions recognize the competitive harm that new entrants suffer when collocation arrangements are unnecessarily delayed." FCC Order 99-49 at ¶ 52-55.



Proposed Interim Requirement

Until the FCC adopts a specific time frame for provisioning physical collocation, staff recommends that the Commission adopt an interim guideline to address this issue. In past Commission Orders, the Commission has considered 3 months to be a reasonable amount of time in which to provision physical collocation, and two months to be reasonable for virtual collocation. See Order No. PSC-97-1579-FOF-TP, issued December 31, 1996, in Docket No. 960833-TP, and Order No. PSC-99-0060-FOF-TP, issued January 6, 1999, in Docket No. 980800-TP. Staff recommends, therefore, that the Commission adopt the following interim requirement:

Upon firm order by an applicant carrier, the ILEC shall provision physical collocation within 90 days or virtual collocation within 60 days. If the ILEC believes it will be unable to meet the applicable time frame, the ILEC shall seek an extension of time from the Commission within 45 days of receipt of the firm order. The request shall be styled as a Motion for Extension of Time, instead of a waiver of this guideline. The ILEC shall explain, in detail, the reasons necessitating the extension and shall serve the applicant carrier with its request. The applicant carrier shall have an opportunity to respond to the ILEC's request for an extension of time. The Commission will rule upon the request as a procedural matter at an Agenda Conference.

H. CONCLUSION

Staff recommends that the guidelines set forth herein be adopted by the Commission as a proposed agency action. Staff believes that these guidelines will expedite the handling of collocation waiver requests and may limit the number and/or scope of complaints or collocation disputes by clearly defining the Commission's expectations. Staff also believes that these

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guidelines will further the process of the generic collocation proceeding by helping to define and possibly limit other collocation issues that need to be addressed. Staff notes that Attachment A to this recommendation is a timeline demonstrating the flow of this process.

**ISSUE 4:** Should these Dockets be closed?

**RECOMMENDATION:** No. If the Commission approves staff's recommendations, the decision in Issues 2 and 3 should be issued as Proposed Agency Action in consolidated Dockets Nos. 981834-TP and 990321-TP. Thus, a person whose substantial interests are affected by the Commission's decision may file a protest within 21 days of the issuance of the Commission's Order. If no timely protest is filed, a consummating order should be issued. These consolidated Dockets should remain open for further proceedings on generic collocation issues, as necessary.

**STAFF ANALYSIS:** If the Commission approves staff's recommendations, the decision in Issues 2 and 3 should be issued as Proposed Agency Action in consolidated Dockets Nos. 981834-TP and 990321-TP. Thus, a person whose substantial interests are affected by the Commission's decision may file a protest within 21 days of the issuance of the Commission's Order. If no timely protest is filed, a consummating order should be issued. These consolidated Dockets should remain open for further proceedings on generic collocation issues, as necessary.

**Attachment A**

**COLLOCATION WAIVER TIMELINE**

**DAY 1 →  
CLEC files  
completed  
application**

**DAY 15 →  
ILEC  
responds to  
application**

**ILEC  
returns fees  
over and  
above  
admin. costs**

**ILEC files  
Notice of  
Intent with  
FPSC**

**DAY 25 →  
ALEC, ILEC,  
Commission  
Staff tour  
Central  
Office**

**DAY 35 →  
ILEC files  
Petition for  
Waiver with  
FPSC**

**DAY 45 →  
ALEC and  
ILEC file  
post-tour  
reports**

**DAY 90 →  
Commission  
Agenda  
Conference**

**DAY 110  
Final Order  
on Petition  
for Waiver is  
issued**