



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 (BAYO)

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

RE: DOCKET NO. 980946-TL - 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.

RECORDED AND REPORTED
AUG-5 4:11:51
1999

DOCKET NO. 980947-TL - 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. 980948-TL - 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 NO. 981011-TL - 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. 981012-TL - 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.

DOCUMENT NUMBER-DATE

09325 AUG-5 99

REC-RECORDS/REPORTING

DOCKET NO. 980946-TL, 980947-TL, 980948-TL, 981011-TL, 981012-TL,
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DOCKET NO. 981250-TL - 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.

AGENDA: AUGUST 17, 1999 - REGULAR AGENDA - PROCEDURAL MATTER -
CLOSE DOCKET - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\LEG\WP\980946CL.RCM

CASE BACKGROUND

On July 27, 1998, BellSouth Telecommunications, Inc. (BellSouth) filed a Petition for Temporary Waiver and two Petitions for Waiver from provisions set forth in the Telecommunications Act of 1996 (Act) and the Federal Communication Commission's (FCC) First Report and Order, FCC Order 96-325, which require the company to allow ALECs to physically collocate in its central offices unless it:

. . . demonstrates to the State commission that physical collocation is not practical for technical reasons or because of space limitations.

47 U.S.C. § 251 (c)(6). On August 7, 1998, BellSouth filed two more Petitions for Waiver from the physical collocation requirements, Docket Nos. 981011-TL and 981012-TL, and on October 1, 1998, BellSouth filed a sixth Petition for Temporary Waiver from the physical collocation requirements, Docket No. 981250-TL. The central offices at issue in these Dockets are the Daytona Beach Port Orange office, the Boca Raton Boca Teeca office, the Miami Palmetto office, the West Palm Beach Gardens office, the North Dade

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Golden Glades office, and the Lake Mary office, respectively. These Dockets were set for hearing on June 9-11, 1999.

At the May 17, 1999, prehearing conference, BellSouth indicated that it planned to seek a continuance of these proceedings in view of the FCC's Order No. 99-48, issued March 31, 1999. On May 21, 1999, BellSouth filed its Motion for Continuance. By Order No. PSC-99-1123-PCO-TL, issued June 3, 1999, BellSouth's Motion was granted.

On July 26, 1999, a status conference was conducted. At that status conference, BellSouth explained that it has determined that space is available in these offices for the parties to these dockets that had requested space in these offices as of the date that BellSouth filed its Motion for Continuance, May 21, 1999. BellSouth stated, therefore, that it wishes to withdraw its pending Petitions. BellSouth noted that it will likely have to file new Petitions for Waiver in the near future for several of the central offices at issue in these Dockets.

This recommendation addresses BellSouth's oral notice of withdrawal of its Petitions in these dockets.

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission acknowledge BellSouth's withdrawal of its Petitions for Waiver in Dockets Nos. 980946-TL, 980947-TL, 980948-TL, 981011-TL, 981012-TL, and 981250-TL and close these dockets?

RECOMMENDATION: Yes. The Commission should acknowledge BellSouth's oral withdrawal of its Petitions for Waiver and Temporary Waiver in these dockets and close these dockets.

STAFF ANALYSIS: On June 3, 1999, a continuance of these proceedings was granted to allow BellSouth to review the central offices at issue in these dockets based upon the FCC's physical collocation

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requirements set forth in FCC Order 99-48. Upon reassessment of the space in these offices, BellSouth states that it has determined that there is space in these offices for the parties to these dockets that had requested space as of May 21, 1999. Therefore, BellSouth indicated its desire to withdraw the pending petitions in these dockets.

Staff recommends that the Commission acknowledge BellSouth's July 26, 1999, oral withdrawal of its Petitions for Waiver and Temporary Waiver. BellSouth has indicated that it has found space in these offices based upon the requirements in FCC Order 99-48, and that a waiver is not necessary at this time.

If the Commission approves staff's recommendation, no further issues remain for the Commission to address in these dockets. Therefore, these dockets may be closed.