

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition of Competitive Carriers for Commission action to support local competition in BellSouth Telecommunications, Inc.'s service territory.

DOCKET NO. 981834-TP

In re: 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.

DOCKET NO. 990321-TP  
ORDER NO. PSC-99-2502-PHO-TP  
ISSUED: December 21, 1999

Pursuant to Notice and in accordance with Rule 28-106.209, Florida Administrative Code, a Prehearing Conference was held on December 9, 1999, in Tallahassee, Florida, before Commissioner J. Terry Deason, as Prehearing Officer.

APPEARANCES:

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On behalf of Rhythms Links Inc. and MCI WorldCom, Inc.

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On behalf of Rhythms Links Inc.

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On behalf of Intermedia Communications, Inc.

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On behalf of MGC Communications, Inc.

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On behalf of the Commission Staff.

### **PREHEARING ORDER**

#### **I. CONDUCT OF PROCEEDINGS**

Pursuant to Rule 28-106.211, Florida Administrative Code, this Order is issued to prevent delay and to promote the just, speedy, and inexpensive determination of all aspects of this case.

#### **II. 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), MCI Metro Access Transmission Services, LLC (MCI Metro), Worldcom 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

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Carriers for Commission Action to Support Local Competition in BellSouth's Service Territory.

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, we 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, we indicated, among other things, that we 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., now known as Rhythms Links Inc., (Rhythms) 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.

By Proposed Agency Action Order No. PSC-99-1744-PAA-TP, issued September 7, 1999, we accepted Sprint's late-filed answer, consolidated Dockets Nos. 990321-TP and 981834-TP for purposes of conducting a generic proceeding on collocation issues, and adopted a set of procedures and guidelines for collocation, focused largely on those situations in which an ILEC believes there is no space for physical collocation. The guidelines addressed: A. initial response times to requests for collocation space; B. application fees; C. central office tours; D. petitions for waiver from the collocation requirements; E. post-tour reports; F. disposition of the petitions for waiver; G. extensions of time; and H. collocation provisioning time frames.

On September 28, 1999, BellSouth filed Protest/Request for Clarification of Proposed Agency Action. That same day, Rhythms filed a Motion to Conform Order to Commission Decision or, in the Alternative, Petition on Proposed Agency Action. Our staff conducted a conference call on October 6, 1999, with all of the parties to discuss the motions filed by BellSouth and Rhythms, and to formulate additional issues for the generic proceeding to address the protested portions of Order No. PSC-99-1744-PAA-TP. As

a result of that conference call, a number of stipulations were reached and our staff was able to also clarify which portions of our Order were not protested. At our November 16, 1999, Agenda Conference, our staff recommended approval of the proposed stipulations and identified the portions of our Order that could go into effect by operation of law. At that conference, we approved staff's recommendation. A Final Order is pending.

The issues addressed in this Order go beyond the issues addressed in the approved collocation guidelines and have been set for hearing on January 12-13, 2000. I note that on November 19, 1999, the FCCA, Time Warner Telecom, FCTA, and MediaOne Florida filed a Joint Prehearing Statement. For clarification and ease of reference, this joint prehearing statement is referred to herein as the "Joint Statement."

### III. PROCEDURE FOR HANDLING CONFIDENTIAL INFORMATION

A. Any information provided pursuant to a discovery request for which proprietary confidential business information status is requested shall be treated by the Commission and the parties as confidential. The information shall be exempt from Section 119.07(1), Florida Statutes, pending a formal ruling on such request by the Commission, or upon the return of the information to the person providing the information. If no determination of confidentiality has been made and the information has not been used in the proceeding, it shall be returned expeditiously to the person providing the information. If a determination of confidentiality has been made and the information was not entered into the record of the proceeding, it shall be returned to the person providing the information within the time periods set forth in Section 364.183, Florida Statutes.

B. It is the policy of the Florida Public Service Commission that all Commission hearings be open to the public at all times. The Commission also recognizes its obligation pursuant to Section 364.183, Florida Statutes, to protect proprietary confidential business information from disclosure outside the proceeding.

1. Any party intending to utilize confidential documents at hearing for which no ruling has been made, must be prepared to present their justifications at hearing, so that a ruling can be made at hearing.

2. In the event it becomes necessary to use confidential information during the hearing, the following procedures will be observed:

- a) Any party wishing to use any proprietary confidential business information, as that term is defined in Section 364.183(4), Florida Statutes, shall notify the Prehearing Officer and all parties of record by the time of the Prehearing Conference, or if not known at that time, no later than seven (7) days prior to the beginning of the hearing. The notice shall include a procedure to assure that the confidential nature of the information is preserved as required by statute.
- b) Failure of any party to comply with 1) above shall be grounds to deny the party the opportunity to present evidence which is proprietary confidential business information.
- c) When confidential information is used in the hearing, parties must have copies for the Commissioners, necessary staff, and the Court Reporter, in envelopes clearly marked with the nature of the contents. Any party wishing to examine the confidential material that is not subject to an order granting confidentiality shall be provided a copy in the same fashion as provided to the Commissioners, subject to execution of any appropriate protective agreement with the owner of the material.
- d) Counsel and witnesses are cautioned to avoid verbalizing confidential information in such a way that would compromise the confidential information. Therefore, confidential information should be presented by written exhibit when reasonably possible to do so.
- e) At the conclusion of that portion of the hearing that involves confidential information, all copies of confidential exhibits shall be returned to the proffering party. If a confidential exhibit has been admitted into evidence, the copy provided to the Court Reporter shall be retained in the

Division of Records and Reporting's confidential files.

IV. POST-HEARING PROCEDURES

Each party shall file a post-hearing statement of issues and positions. A summary of each position of no more than 50 words, set off with asterisks, shall be included in that statement. If a party's position has not changed since the issuance of the prehearing order, the post-hearing statement may simply restate the prehearing position; however, if the prehearing position is longer than 50 words, it must be reduced to no more than 50 words. If a party fails to file a post-hearing statement, that party shall have waived all issues and may be dismissed from the proceeding.

Pursuant to Rule 28-106.215, Florida Administrative Code, a party's proposed findings of fact and conclusions of law, if any, statement of issues and positions, and brief, shall together total no more than 40 pages, and shall be filed at the same time.

V. PREFILED TESTIMONY AND EXHIBITS; WITNESSES

Testimony of all witnesses to be sponsored by the parties has been prefiled. All testimony which has been prefiled in this case will be inserted into the record as though read after the witness has taken the stand and affirmed the correctness of the testimony and associated exhibits. All testimony remains subject to appropriate objections. Each witness will have the opportunity to orally summarize his or her testimony at the time he or she takes the stand. Upon insertion of a witness' testimony, exhibits appended thereto may be marked for identification. After all parties and Staff have had the opportunity to object and cross-examine, the exhibit may be moved into the record. All other exhibits may be similarly identified and entered into the record at the appropriate time during the hearing.

Witnesses are reminded that, on cross-examination, responses to questions calling for a simple yes or no answer shall be so answered first, after which the witness may explain his or her answer.

The Commission frequently administers the testimonial oath to more than one witness at a time. Therefore, when a witness takes the stand to testify, the attorney calling the witness is directed to ask the witness to affirm whether he or she has been sworn.

VI. ORDER OF WITNESSES

<u>Witness</u>	<u>Proffered By</u>	<u>Issues #</u>
<u>Direct and</u> <u>Rebuttal</u>		
Jerry D. Hendrix	BellSouth	1-2, 5-8, 13-15, 17-19, 21
W. Keith Milner	BellSouth	3-4, 9-12, 16, 20
John W. Ries	GTEFL	all
Michael R. Hunsucker	Sprint	3, 4, 7, 10, 11, 12, 17, 19, 20, 21
Melissa L. Closz	Sprint	1, 2, 5, 6, 8, 9, 12, 13, 14, 15, 16, 18
Ronald Martinez	MCI WorldCom	1-7, 10-13, 15-19, 21
David A. Nilson	Supra	1, 2, 4, 6-10, 12-21
Michael Moscaritolo	Covad	1, 2, 5, 8, 10, 12, 14, 16, and 18
Joseph Gillan	FCCA	1, 5, 8, 10, 13, 17
Robert Williams	Rhythms	1-5, 7a, 8-9, 13, 16-19
Julia O. Strow	Intermedia	all
Andrew C. Levy (Direct only)	MGC	all
Ron W. Mills (Rebuttal only)	AT&T	all

VII. BASIC POSITIONS

**BELLSOUTH:**

BellSouth's position on the individually numbered issues in these dockets are consistent with the Act and the pertinent rulings of the Federal Communications Commission ("FCC") and this Commission. Each of BellSouth's positions should be sustained by this Commission.



**GTEFL:**

The Commission should approve GTE's recommendations for implementation of collocation arrangements, as set forth in detail below. GTE's practices comply with FCC requirements and appropriately balance ILEC and ALEC interests.

**ALLTEL:**

Timely collocation provisioning is extremely important to emerging local competition. ILECs subject to Section 251(c)(6) of the 1996 Act should be required to provide a prompt and complete response to a request for collocation. The FPSC should establish specific guidelines for the ordering and provisioning of collocation space so that ILECs and ALECs will know what is expected.

**SPRINT:**

Sprint operates as an Incumbent Local Exchange Carrier (ILEC) and an Alternative Local Exchange Carrier (ALEC) in the state of Florida. Sprint, by the nature of its diverse business interests, analyzes and develops positions that not only support the pro-competitive goals of the Telecom Act and comply with the FCC's rules but also are not unreasonably burdensome for its ILEC operations. Sprint believes that the Florida Public Service Commission should adopt guidelines and procedures that facilitate the enforcement of the pro-competitive collocation policies adopted by the Federal Communications Commission as codified in Section 51.321 and 51.323 of the FCC rules. In addition, the Florida Public Service Commission should respond to the direction of the FCC in its First Report and Order in Docket No. 98-147 to adopt further guidelines and procedures that will facilitate the provisioning of collocation and enhance telecommunications competition in Florida.

**AT&T:**

Collocation of ALEC facilities in ILEC central offices is an essential prerequisite to facilities based entry into the local market. It is absolutely critical that collocation be provided on a timely, efficient and economic basis. The potential for controversy and litigation underscores the critical need for the Commission to adopt thorough and concise rules regarding collocation. Much of the controversy and the potential for litigation regarding denials of waiver requests will be substantially reduced if the ILECs are required to accurately inventory the space available in their central

offices and make that information available on their respective web sites. Keeping this information current is also essential. The potential for controversy will also be mitigated by clear and concise rules adopted by the Commission that make the most space available pursuant to the FCC's Advanced Services Order. Such rules must be adopted with a view to making collocation a standardized generally available offering that details the specific rights, responsibilities and obligations of the ILECs and ALECs. Only with such rules can collocation become an efficient economic mechanism that will foster facilities based local exchange competition.

**MCI:** MCIW urges the Commission to establish a clear set of guidelines for collocation to ensure that the ILECs offer collocation arrangements in an efficient and cost-effective manner that will support the introduction of local competition.

**SUPRA:**

Florida's incumbent local exchange carriers ("ILECs") must comply with their obligation to provide alternative local exchange carriers ("ALECs") with flexible, timely, and cost-efficient collocation. The ILECs have used their monopoly status to create road-blocks to competition in their markets. These roadblocks serve to enrich the ILEC, while the delays cause irreparable harm to startup ALECs, and cause the large, well financed IXCs to abandon the local market. Even though ILECs are required by law to provide collocation in the central offices, ALECs have been delayed and prevented from collocating due to artificial barriers erected by the ILECs. The Commission must adopt procedures to require the provisioning of collocation at reasonable terms, conditions, intervals, and prices in order to facilitate the growth of competition in the local telecommunications market.

**COVAD:**

Covad is a provider of high-speed data services using various forms of digital subscriber line (xDSL) technology. To provide these services, Covad needs to interconnect with the network of the ILEC at the ILEC premises and, therefore, depends upon timely and cost-effective physical collocation at the ILEC premises. To ensure the entry of competitive firms into the Florida market, the Commission should promulgate rules that require ILECs to provide timely and cost-effective collocation to CLECs. In particular,

The Commission should adopt a flat-rate collocation application procedure similar to the procedure Covad uses with US West;

The Commission should allow for timely, cost-effective conversion of virtual collocation arrangements to cageless collocation arrangements without requiring an ALEC to move its equipment from the ILECs' line-up;

The Commission should require ILECs to provision cageless collocation within 45 calendar days when space and power is available;

The Commission should ensure that space reservation policies applicable to the ILECs also apply to ALECs' reservation of space;

The Commission should allow an ALEC to have access to the invoices and other cost information relating to an ILEC's fees for collocation;

The Commission should not allow an ILEC to unilaterally extend the collocation provisioning interval without first obtaining an order from the Commission.

**JOINT STATEMENT:**

The parties' basic position is that the Commission should require the ILECs to file a generally available tariff for cageless collocation which offers specific terms, conditions and prices. This tariff approach should reflect a collocation process that views collocation, particularly cageless collocation, as a routine process that the ILEC prepares in advance. This will result in a general offering whose costs and provisioning intervals are both known in advance and greatly accelerated, thus resulting in more carriers being able to more expeditiously accomplish collocation.

**RHYTHMS:**

Rhythms is a provider of high-speed services using various forms of digital subscriber line (xDSL) technology. Because xDSL service requires that Rhythms' equipment be directly connected to copper loop facilities, Rhythms is dependent on physical collocation at ILEC premises in order to make its service broadly available to Florida consumers. It is essential for the Commission to establish guidelines to ensure

that the ILECs provide the entire range of collocation arrangements in a predictable, timely and cost-effective manner.

**INTERMEDIA:**

In the federal Telecommunications Act of 1996 (the "1996 Act"), Congress created a procompetitive national policy framework for telecommunications, opening all telecommunications markets to competition. At the heart of the 1996 Act's market-opening provisions is Section 251 which, among other things, requires incumbent local exchange carriers ("ILECs") to provide collocation to competing telecommunications carriers. To implement the 1996 Act's market-opening mandates, the Federal Communications Commission (the "FCC") has promulgated a number of procompetitive rules. The FCC also has charged the state commissions with the unenviable task of ensuring that the procompetitive mandates of the 1996 Act are implemented in their respective jurisdictions. It is, therefore, this Commission's responsibility to promote Congress' goal by ensuring that alternative local exchange carriers ("ALECs") have an unencumbered ability to interconnect and collocate with the ILECs, including BellSouth, GTE, and Sprint.

For many competitive carriers, the need to collocate with the ILECs in order to provide ubiquitous service is paramount. Collocation, however, is expensive and resource-intensive. Further, the amount of collocation space is not unlimited. Consequently, the Commission must establish a procompetitive regulatory framework that maximizes the ability of the ALECs to collocate without undue delay, and minimizes the ability of the ILECs to act anticompetitively. More specifically, the Commission should carefully craft rules that would allow ALECs to obtain collocation with the least expense and in the shortest time possible, while ensuring that valuable collocation space is put to productive use.

**MGC:** Collocation should be a known commodity, preferably tariffed, which is available promptly and in a form which gives the ALEC as much control as possible over its business plan and the equipment with which it will provide service.

**STAFF:**

Staff's positions are preliminary and based on materials filed by the parties and on discovery. The preliminary positions are offered to assist the parties in preparing for the hearing. Staff's final positions will be based upon all the evidence in the record and may differ from the preliminary positions.

VIII. ISSUES AND POSITIONS

**ISSUE 1:** When should an ILEC be required to respond to a complete and correct application for collocation and what information should be included in that response?

**POSITIONS**

**BELLSOUTH:**

BellSouth will inform an ALEC within 15 calendar days of receipt of an application whether the application is accepted or denied as a result of space availability. BellSouth will also advise the applicant whether the application is complete and correct and, if not, the changes that must be made.

**GTEFL:**

GTE will provide space availability and price quote information to the ALEC within 15 days of submission of its complete and correct application. Any guidelines the Commission adopts should allow GTE to maintain this practice.

**ALLTEL:**

Within 10 business days. The response should include the types of collocation that the ALEC may utilize (i.e., cageless physical, physical, or virtual), a preliminary price quote reflecting a reasonable estimate of costs to collocate in a given central office and other specifics associated with the space requested, including, at a minimum: (1) estimated space preparation quotes, (2) the estimated provisioning intervals, (3) power requirements and associated costs, and (4) any other information that the ILEC provides that it will subsequently require an ALEC to include in its firm order.

**SPRINT:**

An ILEC should respond within ten (10) calendar days of receipt of an application for collocation to inform the requesting carrier whether space is available or not. (Closz)

**AT&T:**

An ILEC should respond to an application within 10 calendar days as to whether space is available and should provide all information needed to make a firm order within 15 calendar days of receipt of the application. If the ALEC's application is not complete and correct when received, the ILEC must describe with specificity all errors in the application within 5 calendar days of the receipt.

**MCI:** An ILEC should be required to respond to an application for collocation within 15 calendar days. The response should include all the information necessary for the ALEC to make a business decision on whether to place a firm order for collocation. This would include pricing information, dimensions of the offered space, and information on obstructions, diversity, power considerations, hazards, engineering considerations and proposed due date.

**SUPRA:**

ILECs should respond to physical collocation requests within ten calendar days by advising the requesting carrier whether space is available or not. The ILEC should be required to state whether or not space is available to meet the conditions of the request, and the ALEC should immediately be permitted to do a "walk-through" of the central office.

**COVAD:**

An ILEC should respond to an application for collocation within ten calendar days. The response should contain sufficient information to allow the applicant to place a firm order for collocation upon receipt of the response.

**JOINT STATEMENT:**

With cageless collocation offered in advance of a request, there is no need for a collocation application. Applicants will not apply, but rather will order, collocation. Collocators should be able to order and receive their space within a known interval, such as 45 days.

**RHYTHMS:**

An ILEC should be required to respond to an application for collocation within 15 calendar days. The response should include all the information necessary for the ALEC to place a firm order for collocation, including a price quote for the requested space.

**INTERMEDIA:**

The ILEC should inform the requesting ALEC that a space is available/not available within 10 business days of the date of the application. The ILEC should provide a complete response, containing detailed cost-estimates and other information sufficient to permit the ALEC to complete a firm order, within 30 business days from the date of the initial application.

**MGC:** Upon receipt of a complete and correct application, an ILEC should respond to the collocater within ten business days. The response should include whether space is available and in what forms (physical, cageless or virtual) in addition to the cost appropriate for the type of collocation requested. The most efficient method of handling collocation requests, whether for an initial request or for subsequent requests or "augmentations," is when pricing is subject to established rates under a tariff, as opposed to "individual case basis" or "ICB" pricing

**STAFF:**

Staff has no position at this time.

**ISSUE 2:** If the information included in the ILEC's initial response is not sufficient to complete a firm order, when should the ILEC provide such information or should an alternative procedure be implemented?

**POSITIONS**

**BELLSOUTH:**

BellSouth will provide an application response within 30 calendar days of receipt of the complete and correct application and application fee. The application response will include estimates of the various fees, the estimated date the space will be available, and the configuration of the space.

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**GTEFL:**

GTE's response to the application will provide all the information necessary to place a firm order. Thus, no alternative procedure is necessary as to GTE.

**ALLTEL:**

Within 10 additional business days. All information necessary to submit a firm order should be provided by the ILEC within 20 business days from the date of the initial request.

**SPRINT:**

All information necessary for the ALEC to submit a firm order, including ICB pricing and technical information, should be provided within 30 calendar days of receipt of an application. Sprint supports an alternative procedure that would allow ALECs to proceed with a firm order once they have been advised that space is available to accommodate their collocation request. (Closz)

**AT&T:**

The only exception to the ILEC providing the data within 15 calendar days necessary for an ALEC to place a Firm Order is an Act of God.

**MCI:** The initial 15-day response should contain sufficient information for the ALEC to place a firm order. No alternative procedure should be implemented, since it would only create an incentive to delay providing the necessary information.

**SUPRA:**

If the ten-day time frame for a response is adopted by the Commission, all additional information necessary to submit a firm order should be provided by the ILEC within twenty calendar days of the ALEC's application. This information should include the cost estimates.

**COVAD:**

If ILECs cannot commit to providing a sufficient response within ten calendar days, the Commission should order ILECs to implement the flat-rate collocation application procedure presently used by Covad and US West.



**JOINT STATEMENT:**

ILECs should always provide sufficient information to place a firm order.

**RHYTHMS:**

The initial 15-day response should contain sufficient information for the ALEC to place a firm order. This could be accomplished through a procedure in which the ILEC provides an estimated flat-rate for collocation preparation, subject to true-up upon completion of a price quote.

**INTERMEDIA:**

If the information provided by the ILEC is incomplete, the ILEC should be required to provide additional or corrected information within five business days of the ALEC's request for additional information.

**MGC:** The ILEC should always provide sufficient information in their response to an application to enable the ALEC to submit a FOC with the knowledge of exactly what charges will be incurred.

**STAFF:**

Staff has no position at this time.

**ISSUE 3:** To what areas does the term "premises" apply, as it pertains to physical collocation and as it is used in the Act, the FCC's Orders, and FCC Rules?

**POSITIONS**

**BELLSOUTH:**

The term "premises" applies to LEC central offices, serving wire centers and tandem offices, all buildings or similar structures owned or leased by the ILEC that house LEC network facilities, and any structures that house LEC network facilities on public rights-of-way.

**GTEFL:**

The FCC defines "premises" in its Rule 51.5. GTE interprets the FCC Rule to mean that any GTE location identified in the NECA #4 tariff (listing GTE sites nationwide) is available for collocation, although common sense must be used in real world applications of this definition.

**ALLTEL:**

The term "premises" refers to an ILEC's central offices and serving wire centers, as well as all buildings or similar structures owned or leased by the ILEC that house its network facilities and all structures that house ILEC facilities on public rights-of-way, including, but not limited to, vaults containing loop concentrators or similar structures.

**SPRINT:**

The FCC Rules in 47 CFR 51.5 define premises as "an incumbent LEC's central offices and serving wire centers, as well as buildings or similar structures owned or leased by an incumbent LEC that house its network facilities, and all structures that house incumbent LEC facilities on public rights-of-way, including but not limited to vaults containing loop concentrators or similar structures." In addition, in paragraph 44 of the First Report and Order in Docket 98-147, the FCC requires an ILEC to allow collocation in adjacent space on the ILEC's premises. The FPSC should expand on the FCC's definition of premises to make structures that house ILEC administrative offices located on adjacent space available for collocation, especially if there is vacant space available in these structures. (Hunsucker)

**AT&T:**

"Premises" is generally defined as a piece of real estate; house or building and its associated land. Consistent with the pro-competitive purposes of the Telecom Act of 1996, and ILEC's "premises" should be broadly construed to include ILEC central offices, serving wire centers and tandem offices, as well as all buildings or similar structures owned or leased by the ILEC that house ILEC network facilities. ILEC premises should also include any structures that house LEC network facilities on public rights-of-way, such as vaults containing loop concentrators or similar structures.

**MCI:** The term premises applies to any location where ILEC network equipment is housed. When space is legitimately exhausted in a central office, it includes other LEC-owned space such as administrative offices located on the same or adjacent property.

**SUPRA:**

No position at this time.

**COVAD:**

The term "premises" applies to any location where ILEC network equipment is housed, including central offices and remote terminals. It also includes other buildings located on the same property as an ILEC central office or on adjacent property owned or controlled by the ILEC.

**JOINT STATEMENT:**

The FCC has interpreted the term "premises" very broadly. See 47 CFR § 51.5. Further, when space is exhausted in a LEC premises space in nearby LEC buildings which house administrative functions must be available for collocation and qualify as premises.

**RHYTHMS:**

The term premises applies to any location where ILEC network equipment is housed, including central offices and remote terminals. It also includes other buildings located on the same property as an ILEC central office or on adjacent property owned or controlled by the ILEC.

**INTERMEDIA:**

The term premises should be interpreted broadly to include all areas, including areas adjacent to ILEC central offices, which are under the control of the ILEC.

**MGC:** The term "premises" applies to any space in a central office that is unused for the maintenance of telecommunications equipment and, therefore, is available for physical collocation. The term also includes the ILEC's property outside of the central office building, but within its property line.

**STAFF:**

Staff has no position at this time.

**ISSUE 4:** What obligations, if any, does an ILEC have to interconnect with ALEC physical collocation equipment located "off-premises"?

**POSITIONS**

**BELLSOUTH:**

A LEC has the obligation to accommodate ALEC requests for fiber optic facilities to be placed in BellSouth's entrance facilities.

**GTEFL:**

The Act requires all telecommunications carriers to interconnect with the facilities of other telecommunications carriers, whether they are located on- or off-premises.

**ALLTEL:**

ILECs subject to Section 251(c)(6) should be obligated to interconnect with ALEC collocation equipment located "off-premises" to the extent technically feasible.

**SPRINT:**

An ILEC does not have any obligation to provide for collocation of equipment located "off-premises" since the ILEC would not own or control the "off-premises" site. (Hunsucker)

**AT&T:**

An ILEC is obligated to interconnect with off-premises ALEC physical collocation equipment if space is legitimately exhausted. In addition, off-premises is presumed feasible if an ILEC anywhere provides the requested off-premises interconnection unless the ILEC rebuts the presumption. Any such off-premises interconnection should not be limited to fiber optic cable.

**MCI:** The Texas PUC requires UNEs to be extended to off-premises locations when space is legitimately exhausted in the central office. Under the best practices provisions of the Advanced Services Order, Florida ILECs should also be required to connect to ALEC equipment located "off-premises" in space obtained by the ALEC from third parties.

**SUPRA:**

ILECs are obligated to interconnect at any technically feasible point within the carrier's network and should be required to provide anything that is a technically feasible interconnection or use of facilities within the central office off-premises.

**COVAD:**

An ILEC has an obligation to interconnect with ALEC equipment located on third-party property at an ILEC central office or remote terminal. That interconnection must offer the same type of interconnection facilities as are available within a central office.

**JOINT STATEMENT:**

ILECs must interconnect with ALEC physical collocation off-premises.

**RHYTHMS:**

An ILEC has the obligation to interconnect with ALEC equipment located on third-party property at an ILEC central office or remote terminal. That interconnection must offer the same type of interconnection facilities (e.g. copper) as are available within a central office.

**INTERMEDIA:**

The ILEC has an obligation to interconnect with the ALEC whether the equipment is located off-premises or on-premises.

**MGC:** The ILEC is obligated to interconnect with an ALEC that houses its equipment in some sort of off-site or adjacent collocation arrangement. Interconnection is technically feasible and therefore, should be mandatory.

**STAFF:**

Staff has no position at this time.

**ISSUE 5:** What terms and conditions should apply to converting virtual collocation to physical collocation?

**POSITIONS**

**BELLSOUTH:**

The terms and conditions that should apply for converting virtual to physical collocation should be consistent with the terms and conditions of the assessment and provisioning of physical collocation. In addition, the terms should be negotiated between the carriers and formalized in a collocation agreement.

**GTEFL:**

In general, an ALEC converting from virtual to physical collocation must follow the standard process for a new physical collocation request.

**ALLTEL:**

Migration from a virtual to physical arrangement should be accomplished in a seamless manner with no interruption of service to the ALEC's customers. The terms for converting virtual collocation space should require no more than reversing the "ownership" of the virtually collocated equipment and assuring that the ALEC's employees are familiar with whatever security procedure applies to cageless collocation. When the ALEC migrates from virtual to cageless physical, the interval should be no greater than 30 business days.

**SPRINT:**

The terms and conditions that should apply to conversions from virtual to physical collocation vary depending on what type of conversion is requested. The ALEC should be required to submit an application for conversion from virtual to physical collocation. If there are no changes to the collocation configuration being requested, the application fee should reflect only the work directly involved in reviewing the conversion request. In these instances the ILEC should provide the ALEC with records change notification within 30 calendar days of receipt of a conversion application. If the ALEC requests a conversion from virtual collocation to physical collocation that requires changes, then the ILEC's standard provisioning terms, conditions, and intervals for physical cageless collocation should be followed. A request to convert a virtual collocation arrangement that occupies less than a full bay would be considered a conversion requiring changes, as the ILEC could choose to move it. (Closz)

**AT&T:**

An ALEC, at its option, should be allowed to convert a virtual collocation arrangement to a physical collocation arrangement with no changes to the collocation configuration including retaining the same location in the central office.

**MCI:** An ALEC should have the option, but not be required, to convert virtual collocation arrangements to caged or cageless

physical collocation when space becomes available. If a move is required to honor an ALEC's request for a caged space, the ILEC and ALEC should develop a migration plan to minimize impact on the ALEC's customers.

**SUPRA:**

No position at this time.

**COVAD:**

An ALEC should be able to obtain timely conversion of virtual collocation space to cageless collocation space merely by submitting a request to the ILEC. Conversion should not require the relocation of an ALEC's equipment even if the equipment is in the same line-up as the ILEC equipment. Conversion requests should not be subject to the ILEC's standard collocation application fee. If an ALEC was forced to request a virtual collocation arrangement after June 1, 1999, then any cost of the conversion should be borne solely by the ILEC. An ALEC should not incur the cost of conversion merely because an ILEC failed to provide cageless collocation as required by FCC Order 99-48.

**JOINT STATEMENT:**

Terms for converting virtual collocation should require no more than reversing "ownership" of the virtually collocated equipment and assuring that ALEC employees are familiar with whatever security procedure applies to cageless collocation more generally. There should be no requirement that the physical equipment be disrupted or relocated.

**RHYTHMS:**

An ALEC should have to option to convert virtual collocation arrangements to cageless physical collocation in place. There should be no application fee for such conversions, which involve only a transfer of ownership of the collocated equipment and any necessary security training for ALEC employees who will access the equipment.

**INTERMEDIA:**

Conversion from virtual collocation to physical collocation should be seamless. Because the Federal Communications Commission's ("FCC") rules allow the commingling of ILEC and ALEC equipment, conversion from virtual collocation to physical collocation should not necessitate equipment

relocation even if the virtually collocated equipment is in the same line-up as the ILEC equipment.

**MGC:** Converting a typical virtual collocation arrangement to a typical physical collocation arrangement would be practically impossible. It is possible, however, for an ALEC to get many of the qualities typically associated with physical collocation other than the granting of self contained floor space. For example, one ILEC permits MGC technicians to access its collocated equipment on a 24 by 7 basis even though all its collocations are considered virtual and the equipment is typically located in a lineup that includes ILEC transmission or switching equipment. While this is not as desirable as physical collocation, it is far superior to the typical virtual collocation with its constraints on access.

**STAFF:**

Staff has no position at this time.

**ISSUE 6:** What are the appropriate response and implementation intervals for ALEC requests for changes to existing collocation space?

**POSITIONS**

**BELLSOUTH:**

The response interval for change to an ALEC's existing collocation space should not exceed 30 days and the implementation interval should not exceed 60 days for normal conditions or 90 days for conditions other than normal.

**GTEFL:**

It depends upon the type of change sought, but, in general, response and implementation intervals are the same for collocation change requests as for new collocation requests.

**ALLTEL:**

An initial response should be provided within 5 business days, with a total implementation interval of between 10 and 30 business days depending on the complexity of the changes.



**SPRINT:**

The appropriate response and implementation intervals will depend on the type of change being requested. For example, simple change-outs of a particular type of equipment may require only record changes on the part of the ILEC. Other changes may impact the power or other infrastructure requirements. When the change requires no physical work on the part of the ILEC other than record updates, ILEC's should respond to ALEC notification of such change that its records have been updated within 15 calendar days of the ALEC's change notification. When changes are required, provisioning intervals should be reflective of the work required but should not exceed 30 calendar days from the receipt of an ALEC's request for a change. Longer intervals may be warranted only in cases where ILEC infrastructure improvements are required, but these cases should not exceed 90 calendar days from receipt of the change request. (Closz)

**AT&T:**

For changes to existing collocation space requiring work by the ILEC, the response under normal conditions should be no later than 15 calendar days from the request for the change and the implementation interval should be 60 calendar days from the request. For changes requested as a result of service threatening emergency situations, an ILEC should respond to the request within 48 hours and implement the necessary changes within 7 calendar days.

**MCI:** There should be a simple notification procedure with no implementation interval if the change does not cause the ALEC's initial estimate of space and power requirements to be exceeded. If a physical modification is required, standard intervals should apply.

**SUPRA:**

A ten-day, or less, response time interval is appropriate.

**COVAD:**

Covad has no specific position at this time.

**JOINT STATEMENT:**

Most changes within an ALEC's collocation space should not require any additional intervals so long as the ALEC is within its space and power forecast.

**RHYTHMS:**

No position.

**INTERMEDIA:**

For minor changes, the ALEC should be allowed to perform the change without a formal application; the ALEC should give the ILEC one day's notice prior to the planned change. For intermediate or augmentation changes, the ILEC should provide a response to an application within five business days, and should implement the change within 45 business days from the date of the application. For major changes, the ILEC should provide a response to an application within ten business days, and should implement the change within 60 business days from the date of the application.

**MGC:** The ideal process is to establish prices for collocation elements as opposed to ICB pricing. In such case, there is no need for any response, much less a response interval.

In any event, after receiving a request for such changes, the ILEC should be required to respond to the ALEC within 10 business days and this response should include all costs associated with the request. The ALEC should have a 15 to 30 calendar day interval in which it can provide a FOC for the request. Once a firm order has been placed, the interval for provisioning this request should be no more than 30 calendar days.

**STAFF:**

Staff has no position at this time.

**ISSUE 7:** What are the responsibilities of the ILEC and collocators when:

- A. a collocator shares space with, or subleases space to, another collocator;
- B. a collocator cross-connects with another collocator

**POSITIONS**

**BELLSOUTH:**

- (a) The appropriate terms and conditions regarding shared/subleased caged collocation are contained in Section 3.1. of Exhibit JDH-1;
- (b) The appropriate terms and conditions for co-carrier cross connects are located in Section 5.6 of Exhibit JDH-1.

**GTEFL:**

- (a) In both the shared and sublease situations, the collocating ALECs will share space in accordance with the terms and conditions they negotiate, within the guidelines set by GTE. These detailed guidelines are included in Mr. Ries' Direct Testimony as Exhibit A.
- (b) In Exhibit B to his Direct Testimony, Mr. Ries sets forth in detail the ILECs' and ALECs' rights and responsibilities in the cross-connect situation.

**ALLTEL:**

ALLTEL adopts Sprint's position on this issue.

**SPRINT:**

FCC Rule 51.323 (k) (1) addresses the issue of shared collocation cages. An ILEC may not increase the cost of site preparation or nonrecurring charges above the cost for provisioning a similar cage to a single collocating party. In addition, an ILEC must prorate the charges for site conditioning and preparation based on the percentage of total space used by a collocating carrier, may not place unreasonable restrictions on a new entrant's use of a collocation cage, and must permit each ALEC to order unbundled network elements to and provision service from that shared collocation space.

FCC Rule 51.323 (h) addresses the issue of cross connection between two collocators. Specifically, ILECs shall permit collocating telecommunications carriers to interconnect their respective network to the network of other collocating carriers, when the telecommunications carrier does not request

the ILEC construction of such facilities. Additionally, the ILEC must do the construction upon request. (Hunsucker)

**AT&T:**

- (a) AT&T takes no position on this issue at this time.
- (b) The responsibilities ILECs and collocators are set forth in FCC Rule 51.323. The ILEC should be notified of any ALEC-to-ALEC interconnection of collocated facilities. However, to the extent that the ILEC does not actually provide any of the ALEC-to-ALEC interconnection, the interconnecting ALECs should not be required to pay any application or other fees, or await the approval of the ILEC before performing the work.

- MCI:**
- (a) The ALEC should be required to notify the ILEC of the sublease arrangement, which should contain terms that are not inconsistent with the Advanced Services Order or the underlying collocation agreement with the ILEC. The ILEC should be required to honor the sublease and to permit each party to order services directly, and should not place unreasonable restrictions on the use of the space.
  - (b) So long as the ILEC is not required to perform any work, the ALEC should simply notify the ILEC of the cross-connections and should not be required to pay any application fee.

**SUPRA:**

- (a) The ILEC must provision space and honor service requests to all collocators equally.
- (b) The ILEC must provide shared cable racking, cable routing, and other engineering services. The collocators must provide accurate information regarding the physical characteristics of the copper/fiber transmission path, including size and weight, and must comply with ILEC technical specifications on the manufacture of that transmission path. The ILEC must document the minimum level of technical training required to perform work in the central office.

**COVAD:** Covad has no specific position at this time.

**JOINT STATEMENT:**

- (a) When a collocator shares space with or subleases space to another collocator, the initial ALEC should notify the ILEC. The initial ALEC is responsible for the terms and conditions of the sublease. The ILEC must prorate any appropriate charges, permit each ALEC to order UNEs and receive a separate bill, provision space, and not place unreasonable restrictions upon the use of space.
- (b) In a cross-connect situation, the ALEC should simply notify the ILEC that it is performing the cross-connect work. No application should be required nor any fees assessed in any arrangement that does not require additional work by the ILEC.

**RHYTHMS:**

- (a) For new shared arrangements, the ILEC should: (i) accept a joint application, (ii) prorate normal space preparation charges, and (iii) charge any ALEC-specific costs to the cost-causing ALEC. For subleases of existing arrangements, the initial collocator should require a sublease which requires compliance with applicable FCC and Florida rules. In both cases, each ALEC should be responsible directly to the ILEC for compliance with the terms of its interconnection agreement, including any security provisions.
- (b) No position.

**INTERMEDIA:**

Rules 51.323(k)(1) and 51.323(h) of the FCC's rules clearly define the ALEC and ILEC obligations with respect to shared collocation and cross-connections between collocators.

- MGC:**
- (a) In situation "A," the ILEC must treat the sublessee as a separate collocator by giving it its own ACTL (carrier identification code within a central office), tie downs and power. The sublessee must be billed separately for any unbundled loops, interoffice transport, trunking, and power it utilizes.
  - (b) In situation "B," any cross connect between ALEC's for the purpose of interconnection should be permitted and

the ALEC's should have the right to physically make such cross connects without BellSouth's participation.

**STAFF:** Staff has no position at this time.

**ISSUE 8:** What is the appropriate provisioning interval for cageless physical collocation?

**POSITIONS**

**BELLSOUTH:**

The appropriate provisioning interval for cageless physical collocation should be 90 calendar days under normal conditions.

**GTEFL:**

The provisioning intervals for caged and cageless collocation should be the same. The presence or absence of a cage does not materially affect the time or activities needed to prepare physical collocation space.

**ALLTEL:**

When the ALEC migrates from virtual to cageless physical, the interval should be no greater than 30 business days. The interval for establishing an initial "cageless physical" arrangement should be no more than 50 business days.

**SPRINT:**

The appropriate interval is the same as the interval for virtual collocation, that is, 60 calendar days from receipt of a firm order from an ALEC. (Closz)

**AT&T:**

The appropriate provisioning interval for cageless physical collocation should be the same as for virtual collocation - 60 calendar days.

**MCI:** Adopt the position of the Joint Statement.

**SUPRA:**

The provisioning interval for cageless physical collocation should be the same as the provisioning for virtual collocation.

**COVAD:**

When space and power are readily available, an ILEC should provision cageless collocation space within 45 calendar days of receiving a request. When space and power is not readily available, an ILEC should provision cageless collocation space within 90 calendar days of receiving a request.

**JOINT STATEMENT:**

Cageless physical collocation should be provisioned in 30 days or less. Since no construction is required for cageless collocation within forecasted demand, this is a reasonable interval.

**RHYTHMS:**

The provisioning interval for cageless physical collocation should be the same as for virtual collocation, which the Commission has set at 60 calendar days.

**INTERMEDIA:**

The ILECs should provision cageless physical collocation within 60 business days from the date of the collocation application.

**MGC:** Upon receipt of a firm order, cageless collocation should be provisioned within 30 calendar days.

**STAFF:**

Staff has no position at this time.

**ISSUE 9:** What is the appropriate demarcation point between ILEC and ALEC facilities when the ALEC's equipment is connected directly to the ILEC's network without an intermediate point of interconnection?

**POSITIONS**

**BELLSOUTH:**

BellSouth should designate the point of interconnection between the ALEC's network and/or equipment and BellSouth's network. For 2-wire and 4-wire connections to BellSouth's network, the demarcation point should be a common block on the BellSouth designated conventional distributing frame; for all

other terminations, BellSouth should designate a demarcation point on a per arrangement basis.

**GTEFL:**

The appropriate demarcation point would be the ALEC-provided block that connects to the main distribution frame (MDF) or a digital signal cross-connect (DSX) panel.

**ALLTEL:**

If the ILEC provides the Tie, then the demarcation point should be the ALEC's equipment. Conversely, if the ALEC provides the Tie facility, then the demarcation point should be the ILEC's equipment.

**SPRINT:**

The ALEC collocation site is the appropriate demarcation point. The ALEC should have the option to use or not use an intermediate point of interconnection. (Closz)

**AT&T:**

ALEC should have the option to place a POTs bay in or immediately adjacent to its collocation space and the demarcation point should be the POTs bay. Other demarcation points from the MDF to other intermediate distribution frames should be mutually agreed upon by the ILEC and the ALEC.

**MCI:** The FCC has determined that the requesting carrier may choose any method of interconnection or access to unbundled elements (including access at the main distribution frame) that is technically feasible at a particular point.

**SUPRA:**

For equivalent circuit types, there should be no difference between the demarcation point the ILEC or the ALEC uses in connecting its switching and transmission equipment to the network and outside plant. There is always a point of demarcation. For POTS service, it is the Main Distribution Frame (MDF); for metallic digital service, it is the DSx panel; and for optical, it is an OCx panel. What is of issue here is whether an ALEC can still be compelled to purchase and provision a second set of demarcation equipment, in addition to the ALEC circuit also running to the ILEC MDF, or whether the ILEC can directly connect to the ILEC MDF (DSx/OCx) at parity. At the ALEC's option, the ALEC may provision an



alternate demarcation point within its collocation space, but must not be compelled to do so.

**COVAD:**

Covad has no position on this specific issue at this time.

**JOINT STATEMENT:**

The requesting carrier may choose any method of interconnection or access to UNEs that is technically feasible.

**RHYTHMS:**

The appropriate demarcation point is at the site of the ALEC's collocated equipment or any other point designated by the ALEC.

**INTERMEDIA:**

No position at this time.

**MGC:** In such case, each cable becomes a type of meet-point since the ALEC is not permitted to reach the ILEC end and the ILEC is not permitted to reach the ALEC end. The only way to establish a demarcation point is to require that a POTs bay be utilized where the ILEC cables to one side and the ALEC to the other. However, if there is no POTs bay, establishing a demarcation point would be less important if the ALEC were permitted to do all of its wiring between its equipment and the ILEC termination destination: the MDF for DS0s; and DSX1 and DSX3 ports for the DS1s and DS3s.

**STAFF:**

Staff has no position at this time.

**ISSUE 10:** What are reasonable parameters for reserving space for future LEC and ALEC use?

**POSITIONS**

**BELLSOUTH:**

BellSouth and ALECs should be allowed to reserve space for two-year forecast. If it is apparent the space will not be used and BellSouth or an ALEC has a need for the space following the expiration of the two-year period, the ALEC must forfeit the use of that space. Likewise, BellSouth will

forfeit any of its reserved space that will not be used within the two-year window if needed by an ALEC.

**GTEFL:**

GTE and ALECs alike should be able to reserve the amount of space they can support with documented, funded business plans. ALECs reserving space should be charged for the space reserved, just as GTE is required to pay for utilities, taxes, and maintenance on vacant space in its central offices.

**ALLTEL:**

An ILEC cannot retain space on terms more favorably than those that apply to ALECs seeking to reserve collocation space for their own future use.

**SPRINT:**

FCC Rule 51.323 (f) (4)-(6) establishes guidelines to be used in the reservation of space for future use. The rules allow an ILEC to retain a limited amount of floor space for its own future use, provided that the ILEC may not reserve space for future use on terms more favorable than those that apply to other telecommunications carriers seeking to reserve space for their own future use. In addition, the rules require an ILEC to relinquish space held for future use before denying a request for virtual collocation space due to insufficient space. The FCC rules also allow an ILEC to impose reasonable restrictions on the warehousing of unused space by collocating carriers.

In addition to the FCC requirements, the FPSC should adopt additional requirements relating to the reservation of space for future use. The FPSC should limit ILEC reservation of space to one year. Prior to denying an application for physical collocation, the ILEC should be required to justify the reserved space based on a demand and facility forecast. The demand and facility forecast must include at least three to five years of historical data and forecasted growth by functional type of equipment. Similarly, the FPSC should limit ALEC reservation of space at no charge to one year. If collocation space requests exceed available space within a particular office, an ALEC should be required to relinquish the reserved space or begin paying the appropriate collocation charge for the space. Then, the ALEC should be required to occupy the reserved space within six months of beginning to

pay the appropriate charges or relinquish the space if the ILEC has outstanding ALEC requests for space. (Hunsucker)

**AT&T:**

ALECs and ILECs should be allowed to reserve space under a procedure that insures equal treatment of ALECs and ILECs. If an ALEC has a documented business plan for use of the reserved space, the ALEC should not be required to surrender any of the reserved space.

**MCI:** The ALECs and ILECs should be at parity with respect to the ability to reserve space for future use, which should not exceed two years in any event. Any space for future use that extends beyond the building relief date should be available to ALECs who have a current need for space.

**SUPRA:**

Historically, an ILEC's space reservation was based on growth forecasting in a monopoly environment; however, an ILEC now must take into consideration a decrease in demand due to local competition. Both ILECs and ALECs must be treated equally. An ILEC may not reserve space longer, or under better conditions, than what the ILEC offers to the least of all ALECs that apply for collocation.

**COVAD:**

An ALEC must be able to reserve space for future use under the same policies and procedures that the ILEC applies to itself. If an ILEC's plans for future growth will result in less space available for collocation, the ILEC should be required to disclose those plans as soon as they are developed.

**JOINT STATEMENT:**

When space is limited, current use should be given priority over future use. That is, a service today should take precedence over a service that may be offered in the future.

**RHYTHMS:**

No position.

**INTERMEDIA:**

ILECs should have enough space for at least two collocators in every CO. When the amount of available space falls below that which would be required to accommodate at least two

collocators, the ILEC should be required to surrender the space it has reserved for future growth. Rules 51.323(f)(4), 51.323(f)(5), and 51.323(f)(6) of the FCC's rules provide additional guidance.

**MGC**: There should be no ability for either the ILEC or ALECs to reserve space in a central office. However, if there must be a reservation policy, it should not in any way favor the ILEC or any affiliated companies or subsidiaries of the ILEC. It should be applied neutrally to all interested collocators, including the ILEC.

**STAFF**:

Staff has no position at this time.

**ISSUE 11**: Can generic parameters be established for the use of administrative space by an ILEC, when the ILEC maintains that there is insufficient space for physical collocation? If so, what are they?

**POSITIONS**

**BELLSOUTH**:

Administrative space should be defined as any space not directly supporting the installation or repair of both telephone equipment and customer service. Generic parameters cannot be established because there are space, equipment, building code, manpower and other requirements unique to each central office.

**GTEFL**:

No. Every central office is different, so that uniform parameters would be unworkable. The ILEC's use of administrative space should be evaluated on a case-by-case basis, as it is today.

**ALLTEL**:

No. The variance in central office infrastructure would make the attempt to establish generic parameters an onerous and unmanageable task.

**SPRINT:**

Yes, generic guidelines should be established to promote the availability of space for competitive purposes. ILECs should be required to relocate administrative office personnel before denying physical collocation requests. Administrative office personnel should be defined as personnel that are not essential to the function of a particular premise. ILECs should have the flexibility to relocate only enough personnel to accommodate the ALEC space request or any amount above the ALEC request if the ILEC deems it necessary to relocate an entire workgroup. ILECs should be required to apportion the relocation costs to the ALEC as the percentage of ALEC square footage to total square footage relocated. (Hunsucker)

**AT&T:**

Yes. Any administrative space not critical to the operation of the ILEC premises for which collocation is requested should be available for use in ALEC physical collocation.

**MCI:** Yes. If an ILEC claims there is insufficient space for physical collocation, then the ILEC should be required to eliminate all space for administrative functions that can be performed elsewhere and that do not directly support the operation of the network equipment located in the central office. Staffing and administrative space guidelines should be established in advance for each type of central office.

**SUPRA:**

No position at this time.

**COVAD:**

Covad has no position on this specific issue at this time.

**JOINT STATEMENT:**

Yes. All space within a central office should be used for the housing of telecommunications equipment. No space should be reserved for other functions if it prevents space from being available to provide telecommunications services.

**RHYTHMS:**

No position.

**INTERMEDIA:**

Generic parameters can, and should be, established. If the use of the administrative space is unnecessary, or the activity for which the space is reserved can be performed equally effectively elsewhere, the administrative space must be surrendered.

**MGC:** There is no more economically efficient use of space within an ILEC central office than use for the purpose of housing telecommunications equipment. For this reason, all space within a central office should be used for this purpose, with the exception of minimal amounts of work space for technicians that work in that office and bathrooms to be used by that staff and collocators. There should be no other space reserved for functions other than telecommunications space.

**STAFF:**

Staff has no position at this time.

**ISSUE 12:** What types of equipment are the ILECs obligated to allow in a physical collocation arrangement?

**POSITIONS**

**BELLSOUTH:**

Equipment that can be used to provide telecommunications service, such as Digital Subscriber Line Access Multiplexers (DSLAMS), routes, Asynchronous Transfer Mode (ATM) multiplexers, Remote Switching Modules (RSMs), and stand-alone switching equipment should be allowed in a physical collocation arrangement. Equipment used solely to provide enhanced services should not be allowed in a physical collocation arrangement.

**GTEFL:**

Under FCC Rules, the ILECs must permit collocation of all equipment that is necessary for interconnection or access to unbundled elements.

**ALLTEL:**

ILECs subject to Section 251(c)(6) of the 1996 Act are required to permit collocation of any equipment required by the statute unless they first prove to the state commission

that the equipment will not be actually used by the telecommunications carrier for the purpose of obtaining interconnection or access to unbundled network elements.

**SPRINT:**

Pursuant to FCC Rule 51.323 (b), an ILEC shall permit the collocation of any type of equipment used for interconnection or access to unbundled network elements. Such equipment includes, but is not limited to, transmission equipment, optical terminating equipment and multiplexers, equipment collocated to terminate basic transmission facilities, digital subscriber line access multiplexers ("DSLAMS"), routers, asynchronous transfer mode multiplexers ("ATMs") and remote switching modules. (Hunsucker, Closz)

**AT&T:**

ILECs should permit the collocation of the facilities and equipment set forth in the FCC's Advanced Services Order, FCC 99-48.

**MCI:** Under the Advanced Services Order, ILECs are obligated to allow collocation of any equipment that is "used and useful" for either interconnection or access to unbundled network elements.

**SUPRA:**

ILECs are required to permit collocation of *all* equipment that is used or useful for interconnection or access to unbundled network elements, regardless of whether such equipment includes a switching functionality, provides enhanced services capabilities, or offers other functionalities, provided that the collocator is providing basic telephony service from the same arrangement.

**COVAD:**

An ILEC may not refuse to permit collocation of any equipment that is "used or useful" for either interconnection or access to unbundled network elements, regardless of other functionalities inherent in such equipment.

**JOINT STATEMENT:**

Collocation must be permitted for any equipment that is "used and useful" for either interconnection or access to UNEs. See paragraph 28 of the Advanced Services Order and 47 CFR

§51.323(b)(c), regardless of other functionalities inherent in the equipment. The ILEC may not place any restrictions on the ALEC's ability to use all the features and functions of its equipment.

**RHYTHMS:**

No position.

**INTERMEDIA:**

Rule 51.323(b) of the FCC's rules provide explicit guidelines on what types of equipment are allowed to be collocated.

**MGC:** Pursuant to FCC Order ("706 Order," Order 99-48, in Docket 98-147, issued 3/31/99, para. 28), the ILEC must permit the collocation of any equipment that is "used or useful" for either interconnection or access to UNEs regardless of other functions the equipment may be able to perform. MGC believes the ALEC should be permitted to install any equipment that meets NEBS level 1 compliance, regardless of its functionality.

**STAFF:**

Staff has no position at this time.

**ISSUE 13:** If space is available, should the ILEC be required to provide price quotes to an ALEC prior to receiving a firm order for space in a central office (CO)?

- A. If an ILEC should provide price quotes to an ALEC prior to receiving a firm order from that ALEC, when should the quote be provided?
- B. If an ILEC should provide price quotes to an ALEC prior to receiving a firm order from that ALEC, should the quote provide detailed costs?

**POSITIONS**

**BELLSOUTH:**

An ILEC should be required to provide price quotes to an ALEC prior to receiving a firm order. BellSouth provides price estimates (subject to true-up) to an ALEC within 30 days of



receipt of a complete and accurate application and application fee.

**GTEFL:**

GTE will provide price quotes prior to receiving a firm order.

**ALLTEL:**

Yes. "Best estimate" price quotes should be provided to the ALEC within 20 business days of request, together with detailed cost information. In the absence of "best estimates" of the detailed costs involved for collocating in a central office, the ALEC will be unable to properly evaluate alternative types of collocation for the CO in question. If estimates, rather than firm quotes are initially provided, once costs are firmied-up, that information should be expeditiously provided to the ALEC.

**SPRINT:**

The ILEC should accept a firm offer at any time in the process after receiving an application and determining that space is available. The ALEC may decide that it is necessary for the ILEC to provide price quotes prior to the ALEC's placement of a firm order. Such price quotes should be provided no later than 30 calendar days after receipt of a collocation application. (Closz)

**AT&T:**

- (a) Price quotes should be provided within 30 calendar days of the ILEC's receipt of a complete and accurate application. This should be part of the information the ILECs provide to ALECs so they can place a Firm Order.
- (b) Yes. Regardless of when received, all price quotes should include detailed cost information. The cost detail should be sufficient to enable the ALEC to reasonably verify the reasonableness of the ILEC's price quote.

**MCI:**

The ILEC should provide a firm price quote to an ALEC within 15 calendar days from receipt of an application for collocation.

**SUPRA:**

- (a) For an ILEC that requires one-half payment of collocation charges at the time of firm order, the ILEC must provide a collocation quote prior to the ALEC issuing the firm order. However, tariffed non recurring collocation charges (eliminating ICB charges) would seem to have streamlined and assured even treatment of CLECs, reduced litigation, and encouraged competition where such tariffs are used. For elements that remain ICB, ILECs should be required, if requested by the ALEC, to provide three independent estimates and allow the ALEC to subcontract the work themselves. The price quotes should be provided within thirty calendar days of the initial application.
- (b) The ILEC should provide a detailed price quote like all other ALEC vendors. At the very least, ALECs should have the option of requesting a detailed price quote. It is only from this detailed information that an ALEC can correct planning errors before they happen. The ILEC must do the planning and costing before quoting the ALEC, not after.

**COVAD:** Covad has no position on this specific issue at this time.

**JOINT STATEMENT:**

- (a) As a general obligation, ILECs should be required to provide price quotes (with supporting material) prior to receiving a firm order. The parties believe, however, that the availability of cageless collocation can be standardized to a level where ALECs can order collocation directly with known prices and service intervals. Such an offering would greatly reduce the number of customized applications requiring price quotes.

If the Commission does not follow this suggestion, an ILEC should be required to provide price quotes to an ALEC as part of its initial response to the collocation application.

- (b) Yes.

**RHYTHMS:**

Consistent with Issue 1, the ILEC should provide a price quote to an ALEC within 15 calendar days from receipt of an

application for collocation. The price quote should provide sufficient detail to allow the ALEC to place a firm order for collocation.

**INTERMEDIA:**

ILECs should provide complete and detailed price quotes sufficient to permit an ALEC to complete a firm order, within 30 business days of a collocation request.

**MGC:** Yes. The ALEC needs to receive a price quote before it can be prepared to make the business decision of whether to submit a FOC committing itself to the space. Again, the key is to get away from ICB pricing and make all such elements tariffed. In such case, the ALEC knows up front how much space will cost and the only question it needs answered by the ILEC is whether space is available.

**STAFF:**

Staff has no position at this time.

**ISSUE 14:** Should an ALEC have the option to participate in the development of the ILEC's price quote, and if so, what time frames should apply?

**POSITIONS**

**BELLSOUTH:**

No. The ILEC's price estimate is an estimate of the cost of the work that will be done by the ILEC. The ALEC's participation in this estimate should be limited to providing detailed and accurate information regarding the collocation arrangement it is requesting.

**GTEFL:**

GTE's tariff approach moots the issue of the ALEC "participating" in the development of the price quote.

**ALLTEL:**

ALECs should not necessarily be involved in the price quote development; however, the ALEC should be provided an opportunity to review the quote prior to its finalization. A joint planning session preceding the development of the quote would provide both parties with a clear understanding of how

the space is going to be used, and provide insight to the ALEC relative to the vendors/contractors being utilized for construction and space rearrangement, if applicable.

**SPRINT:**

ALECs should have the option to participate in the ILEC's development of a price quote only to the extent of providing specific requests or development parameters along with the collocation request. Sprint believes that ILEC tariffing of collocation prices would not only expedite the price quote process, but would give ALEC's much greater certainty with respect to anticipated collocation costs. (Closz)

**AT&T:**

Yes. The ILEC should permit an ALEC to participate in development of the ILEC's price quotes.

**MCI:** No position.

**SUPRA:**

The ALEC should have the option to participate in the development of the price quote. The same time frame as discussed in Issue 13(a) should apply—thirty calendar days.

**COVAD:**

At a minimum, the ILEC should be required to deliver to the ALEC copies of all invoices relating to the preparation of the ALEC's requested space.

**JOINT STATEMENT:**

An ALEC should have the option to participate but should not be required to do so.

**RHYTHMS:**

No position.

**INTERMEDIA:**

No position at this time.

**MGC:** MGC has no opinion on this issue other than to stress that if all collocation elements were tariffed, there would be no need to develop price quotes.

**STAFF:**

Staff has no position at this time.

**ISSUE 15:** Should an ALEC be permitted to hire an ILEC certified contractor to perform space preparation, racking and cabling, and power work?

**POSITIONS**

**BELLSOUTH:**

An ALEC should be allowed to use a certified contractor to perform work on the ALEC's dedicated collocation space. An ALEC should not be allowed to hire a certified contractor to perform site readiness work for collocation.

**GTEFL:**

An ALEC can hire an ILEC-certified contractor, but GTE must retain control of all scheduling and other coordination of work done on behalf of collocators.

**ALLTEL:**

Yes, ALECs should be allowed to hire ILEC certified contractors to perform space preparation, racking and cabling, and associated power work. In certain instances, depending on the type of collocation arrangement, the ALECs themselves should be permitted to perform installation work within ILEC central offices. Permitting an ALEC to hire its own contractors or ILEC authorized vendors, or permitting an ALEC to complete the work itself, will expedite completion of work.

**SPRINT:**

Yes. The certification process used by the ILEC should be the same process as the ILEC uses for approving contractors for its own purposes. In no instance should the ILEC certification process unduly delay collocation work completion. (Closz)

**AT&T:**

An ILEC is responsible for space preparation, racking and cabling and power work. However, an ALEC, at its option, should be allowed to hire an ILEC certified contractor to perform space preparation, racking and cabling.

**MCI**: Yes, an ALEC should have the option to have work performed by ILEC-certified contractors, or its own certified personnel, either inside or outside of its dedicated collocation space.

**SUPRA**:

Yes. Since the ILEC retains the right to inspect and sign off on a collocation arrangement, the ALEC should be provided with the detailed plans and specifications BellSouth provides to its selected "turf" vendor. The ALEC would then be free to subcontract a certified vendor of the ILEC. The ILEC would retain engineering and supervisory rights in either case. Power plant investment should not be included in any space preparation charge assessed to a collocator, as this Commission has already approved recurring rates for power which include recovery of power plant equipment.

**COVAD**:

Covad has no position on this specific issue at this time.

**JOINT STATEMENT**:

Yes.

**RHYTHMS**:

No position.

**INTERMEDIA**:

Rule 51.323(j) of the FCC's rules requires ILECs to permit (but not require) a collocator to use an ILEC-approved subcontractor to perform the construction of physical collocation arrangements.

**MGC**: Yes. The ALEC should be able to do any installation work within a central office that is currently being done by ILEC personnel or authorized vendors working on behalf of the ILEC.

**STAFF**:

Staff has no position at this time.

**ISSUE 16**: For what reasons, if any, should the provisioning intervals be extended without the need for an agreement by the applicant ALEC or filing by the ILEC of a request for an extension of time?

**POSITIONS**

**BELLSOUTH:**

There are three situations where provisioning intervals should be extended. They are: 1) provisioning of collocation arrangements encountering extraordinary conditions; 2) provisioning of collocation arrangements encountering delays in the permitting process; and 3) provisioning collocation arrangements associated with central office building additions.

**GTEFL:**

The ILEC should not need to seek a waiver in all cases where it and the ALEC agree to an extension of the provisioning interval. Also, no waiver should be required where delays are out of the ILEC's control (such as delays in delivery of the ALEC's equipment and delays in issuance of building permits); where the ALEC materially changes its application; and where the ALEC fails to complete work items for which it is responsible within the designated time frame.

**ALLTEL:**

Timely entry into the market is dependent upon ILECs meeting provisioning intervals. Absent extraordinary circumstances, there are no viable reasons for which provisioning intervals should be unilaterally extended without the need for an agreement by the applicant ALEC.

**SPRINT:**

There are no reasons that should provide the ILEC with an opportunity to unilaterally extend collocation provisioning intervals. (Closz)

**AT&T:**

Absent an agreement between an ILEC and an ALEC, provisioning intervals should be extended only due emergency circumstances or acts of God.

**MCI:** The provisioning intervals should never be extended without either an agreement by the ALEC or a ruling by the Commission on a waiver request.

**SUPRA:**

Under the present rules, other than for acts of God, there should be no extensions of time. However where ILECs in Florida have already adopted issue 14, the parties mutually agree to language in their interconnection agreement assuring the ILEC will not be unduly penalized by delays caused by the ALEC.

**COVAD:**

AN ILEC should not be able to unilaterally extend collocation provisioning intervals. Such an unsupervised extension would result in abuse.

**JOINT STATEMENT:**

None. If the ILEC cannot provision the collocation space within the specified interval and the ALEC does not agree to an extension, the ILEC should be required to file a request for extension with this Commission.

**RHYTHMS:**

There are no reasons that the provisioning intervals should be extended either automatically or through unilateral action by the ILEC.

**INTERMEDIA:**

The provisioning interval may not be extended unilaterally by the ILEC. Rather, the ILEC should be required to file an application for an extension of the provisioning deadline at least thirty business days prior to the end of the deadline.

**MGC:** The ILEC should never be able to extend its provisioning intervals without the need for agreement by the ALEC, such agreement taking the form of a response to a filing by the ILEC.

**STAFF:**

Staff has no position at this time.

**ISSUE 17:** How should the costs of security arrangements, site preparation, collocation space reports, and other costs necessary to the provisioning of collocation space, be allocated between multiple carriers?



**POSITIONS**

**BELLSOUTH:**

The recovery of volume insensitive costs associated with security arrangements, site preparation, and collocation space reports will be allocated among all parties that benefit and in an equitable manner.

**GTEFL:**

GTE's tariff will generally determine these costs; there is no need for a separate allocation mechanism.

**ALLTEL:**

ILECs subject to Section 251(c)(6) of the Act must allocate space preparation, security measures, and other collocation charges on a pro-rated basis so the first collocater in a particular incumbent premises will not be responsible for the entire cost of site preparation.

**SPRINT:**

Sprint proposes that the costs of implementing reasonable security measures should be shared by both the ALEC and the ILEC and that the cost sharing methodology should be based on relative square footage as an appropriate estimator of the value of the equipment being protected. Sprint proposes that the FPSC adopt the same methodology that the FCC codified regarding cageless collocation, i.e., a methodology that allocates space preparation charges on the basis of relative square footage, for space preparation costs associated with any method of collocation. Sprint suggests that the costs for collocation space reports be recovered via a non-recurring charge to be assessed at the time of the request for a report. For other collocation charges, Sprint suggests that, in general, if the costs are associated with general building modifications that benefit the whole location, the costs should be recovered from all carriers located on the premises on a relative square footage basis. If modifications are made for ALECs only, then the charges should be assessed to ALECs only on the basis of relative square footage (or 100% if the modifications make improvements relative to a specific ALEC request). (Hunsucker)

**AT&T:**

The costs of security arrangements should be allocated based on each ALEC's occupied square footage divided by the total central office square footage including the ILEC's occupied space. The costs of site preparation should be allocated based on each ALEC's square footage divided by the total central office square footage receiving renovation or upgrade. Costs of collocation space reports and other costs should be allocated the same as site preparation cost.

**MCI:** The cost for existing security arrangements should already be included in the existing charges for collocation. The cost of any additional security arrangements designed to protect the ILEC's equipment should be borne solely by the ILEC.

**SUPRA:**

Costs for collocation should be allocated based on the amount of space occupied by the ALEC, and a portion should be shared by all ILECs since they also benefit from the upgrades and profit from the ALEC's business expansion. ILECs must allocate space preparation, security measures, and other collocation charges on a prorated basis so the first collocater in a particular incumbent premises will not be responsible for the entire cost of site preparation. Power plant investment should not be included in any space preparation charge assessed to a collocater, nor should the cost of security system installations other than reasonable charges for keys or other access devices.

**COVAD:**

Covad has no position at this time.

**JOINT STATEMENT:**

These costs (if there are any additional costs) should be handled through a state-wide collocation tariff. Any costs should be made known in advance and computed into a tariffed rack-space charge that recognizes that the space will either be used by collocaters or continue to be used by the ILEC.

**RHYTHMS:**

The cost of additional security arrangements designed to protect the ILEC's equipment should be borne solely by the ILEC. The cost for space reports should be recovered through TELRIC-based charges established by the Commission.

**INTERMEDIA:**

Costs directly attributable to individual collocators should be allocated on a *pro rata* basis.

**MGC:** These costs should be entirely paid for by the ILEC. These costs enable the ILEC to generate revenue from wholesale customers.

**STAFF:**

Staff has no position at this time.

**ISSUE 18:** If insufficient space is available to satisfy the collocation request, should the ILEC be required to advise the ALEC as to what space is available?

**POSITIONS**

**BELLSOUTH:**

Yes. BellSouth will notify the applicant what space is available if insufficient space is available to satisfy the collocation request.

**GTEFL:**

It is GTE's policy to do so.

**ALLTEL:**

Yes, if insufficient space is available to satisfy an ALEC's request for collocation, the ILEC should be required to provide information regarding any space that may be utilized to satisfy the request. The ILEC should provide the ALEC, within 10-business days, information relative to the dimensions (square footage and shape) of the available space and its location within the central office. A floor plan and diagram, including the physical location of lighting, ventilation, power, heat and air conditioning of the CO should also be included in the ILEC response.

**SPRINT:**

Yes. FCC Rule 51.231 (h) requires an ILEC to provide a requesting carrier, within ten days of a request, with a report indicating the ILEC's available collocation space in a particular ILEC's premises. In addition, a dialogue should be created between the ILEC and the ALEC to explore options that

are specifically relevant to that ALEC's request, within the established time frames for responding to a collocation application. (Closz)

**AT&T:**

Yes. In addition, the ALEC should be permitted to modify its initial request without any additional cost.

**MCI:** Yes. In addition, the ALEC should be allowed to amend its request, without paying any additional application fee, in order to take the space that is available.

**SUPRA:**

Yes, the ILEC should let the ALEC know how much space is available. When an ILEC responds to an application for collocation stating that there is insufficient space, a walk-through of the central office should be performed by Commission staff, the denied carrier, and the ILEC.

**COVAD:**

An ILEC should notify the ALEC if only a portion of the requested space is available, and then, with ALEC approval, proceed to provisioning such space without delay.

**JOINT STATEMENT:**

Yes.

**RHYTHMS:**

Yes, and the ALEC should be permitted to amend its request in order to take the available space without the payment of an additional application fee.

**INTERMEDIA:**

The ILEC should inform the requesting ALEC if the available space is insufficient to address the collocater's requirements. The ALEC should then have the option of changing its request to accommodate the available space.

**MGC:** Yes. The ALEC should not have to submit an application with a fee to request physical space only to be rejected and have to do the same for cageless and then again for virtual, if no space is available. Applications should allow the ALEC to submit a first, second and third choice for type of collocation.

**STAFF:**

Staff has no position at this time.

**ISSUE 19:** If an ILEC has been granted a waiver from the physical collocation requirements for a particular CO, and the ILEC later makes modifications that create space that would be appropriate for collocation, when should the ILEC be required to inform the Commission and any requesting ALECs of the availability of space in that office?

**POSITIONS**

**BELLSOUTH:**

BellSouth will maintain a waiting list of all ALECs that have submitted an application and when space becomes available in a previously exhausted central office, BellSouth will notify the ALECs that can be accommodated a maximum of 60 days prior to the space availability date. BellSouth will inform the Commission on the space availability date that space for physical collocation has been made available by filing with the Commission to remove the waiver from that central office.

**GTEFL:**

The ILEC should inform interested parties by means of a posting on its website within 10 days of the space becoming available.

**ALLTEL:**

Notice should be provided to the FPSC within 10 business days of the space becoming available. Further, the FCC Web Posting requirement should also be utilized in these instances, with information noting that the CO is being removed from the Web posting due the fact that a waiver for that CO is no longer required. This information should remain on the Website for a period of 3 months. Within 15 business days, the incumbent should provide notification to all ALECs who have requested space in that CO within the last 6 months.

**SPRINT:**

The ILEC should initially inform the Commission and the ALECs at the time a decision is made to make any modification to increase the availability of space. Subsequently, the ILEC should provide a project plan and expected timeline of when

the space will be available and should provide progress reports every 30 days to the Commission and ALECs who requested space, as to the current status. Alternatively, the information could be placed on an Internet web site. (Hunsucker)

**AT&T:**

The ILEC should be required to notify ALECs and the Commission within 10 calendar days of when work begins to reconfigure or add space in the central office. The notice should include the date that the space will become available. The ILEC should then notify ALECs 30 calendar days before the space will be ready for use by an ALEC.

**MCI:** The ILEC should be required to advise the Commission and ALECs by mail and by posting on its web site as soon as it knows when additional space will be available.

**SUPRA:**

The ILEC should notify the Commission and any requesting carriers that previously requested collocation and were denied of the availability of space in the central office prior to using the space for any ILEC project.

**COVAD:**

The ILEC should be required to advise the Commission and ALECs as soon as it knows the additional space will be available as soon as it knows that additional space will be available and the approximated date of such availability..

**JOINT STATEMENT:**

The ILEC should be required to inform ALECs and the Commission as soon as it becomes aware that space is available.

**RHYTHMS:**

The ILEC should be required to advise the Commission and ALECs as soon as it knows that additional space will be available and the approximate date of such availability.

**INTERMEDIA:**

The ILECs should be required to maintain a waiting list of ALECs that have requested collocation space and have been denied. When additional space becomes available, the ILECs should immediately inform both the Commission and the ALECs on

the waiting list. Priority (i.e., right of first refusal) should be given to the ALECs based on the dates on which the ALECs submitted their collocation requests (see Intermedia's position in response to issue no. 21 below).

**MGC:** The ILEC should inform the Commission and any collocators who have previously been rejected for physical collocation at least 3 months before the additional space is ready for ALEC occupancy. The advance notice will enable the ALEC to re-visit their interest in collocating in the particular central office to determine if that interest remains.

**STAFF:**

Staff has no position at this time.

**ISSUE 20:** What process, if any, should be established for forecasting collocation demand for CO additions or expansions?

**POSITIONS**

**BELLSOUTH:**

The Commission should encourage ALECs to provide forecasts periodically for a planning horizon of two years such that BellSouth can take ALEC forecasts into account as one factor when planning for central office additions, expansions, or replacements.

**GTEFL:**

GTE does not believe any process should be mandated. Rather, the ILECs should be able to consider all market and historical collocation demand information that will aid in the forecasting process. Above all, ILECs should not be required to undertake additions based on ALEC forecasts of space needs.

**ALLTEL:**

AllTel agrees with AT&T.

**SPRINT:**

Sprint proposes that ALECs should be required to provide an annual forecast (for a three year period) of space requirements by premises as part of the Joint Operations Plan developed jointly by the ILEC and ALEC. In addition, the ILEC

should be required to make reasonable estimates of additional ALEC space requirements for those ALECs not currently covered by a contract. (Hunsucker)

**AT&T:**

ALECs should provide forecasts to ILECs to prevent premature space exhaust. Based on ALEC forecasts, ILECs should be able to develop or construct space sufficient to prevent exhaust of space.

**MCI:** No position at this time.

**SUPRA:**

ILECs should be required to keep a list of all ALECs who have requested collocation. When the ILEC begins planning for central office expansion, the ILEC should contact each carrier on the list to determine the level of interest and amount of collocation space. Additionally, ILEC account representatives could poll their customers when an office comes under review to properly define future needs.

**COVAD:**

Covad has no position on this specific issue at this time.

**JOINT STATEMENT:**

Agree with AT&T.

**RHYTHMS:**

No position.

**INTERMEDIA:**

The ILECs should maintain a forecast that incorporates a three-year horizon.

**MGC:** Forecasting future growth of current collocators can be done by requesting three to five year forecasts from these companies when applications are submitted. MGC has no opinion on how to forecast space needs from new collocators that have not yet submitted applications expressing interest in collocation in a particular central office.

**STAFF:**

Staff has no position at this time.



**ISSUE 21:** Applying the FCC's "first-come, first-served" rule, if space becomes available in a central office because a waiver is denied or a modification is made, who should be given priority?

**POSITIONS**

**BELLSOUTH:**

BellSouth will maintain a waiting list of ALECs and the amount of space each requested in the order of BellSouth's receipt of each collocation application. When space becomes available, space will be offered in a "first-come, first right of refusal" manner.

**GTEFL:**

The fairest and most efficient approach would be to give priority to the first ALEC submitting a firm order for the space.

**ALLTEL:**

Specific retention periods for collocation requests should be established and ILECs subject to Section 251(c)(6) should be required to maintain an inventory of requests. Any ALEC who had requested space in the CO for which space is not available should be notified within 15 business days of space availability for all ALECs requesting space within the last 6 months. Following the appropriate notification, a continuation of the "first-come, first-served" approach should be applied. Under this approach, the first party to have requested space would be the first party to whom the space is offered. Then, for all other ALECs a lottery should be conducted if the demand for the space exceeds what is available.

**SPRINT:**

ALECs should be given priority based on the date of their respective collocation applications. If space is exhausted, the ILEC must maintain a list of all pending requests in a wait list mode based on the collocation application date. The ILEC must notify the ALECs on the waiting list within ten days of space becoming available. ALECs shall have ten days to respond to the notification. ALECs must reaffirm their collocation request every 180 days to remain in their original place on the waiting list. (Hunsucker)

**AT&T:**

For space that becomes available due to modification to a central office, collocation requesters whose requests were denied should be awarded space based on a first come first served based on the order in which their requests were initially received by the ILEC. For space that becomes available due to denial of a waiver, the ILEC should award space to the ALECs that challenged the waiver request in the order in which the ALECs that actually challenge the waiver requested space. To the extent that a requestor fails to participate in the challenge of the waiver request, that requestor will have waived its place in the priority of space allocated as a result of the successful challenge of the waiver request.

**MCI:** An ALEC should have priority based on its firm order date or, if earlier, the date that its application for space is denied.

**SUPRA:**

The ILEC should offer the available space to the first carrier that requested space. If one ALEC chooses to contest the availability of space before the Commission, that ALEC must be given priority above any other ALEC who chose not to exercise their legal rights. The ILEC should be required to maintain a list of all carriers who have requested space in the order they were received.

**COVAD:**

Covad has no position on this specific issue at this time.

**JOINT STATEMENT:**

Priority should be given to the "oldest" firm order or if earlier, the date an application for space is denied.

**RHYTHMS:**

No position.

**INTERMEDIA:**

Priority should be based on the dates on which the ALECs submitted their initial collocation requests (*i.e.*, the oldest collocation request comes first, followed by the next oldest, and so on).

**MGC:** The first collocator request for physical collocation that was rejected should be first in line and have the first opportunity to submit a FOC for a cage in the new space. This should continue one by one down the line until FOCs are submitted for the amount of space that has become available. Once all formerly rejected applicants have a chance to submit a FOC for physical collocation, then it should be published to any new collocators who had not previously applied for space.

**STAFF:**

Staff has no position at this time.

IX. EXHIBIT LIST

<u>Witness</u>	<u>Proffered By</u>	<u>I.D. No.</u>	<u>Description</u>
Jerry D. Hendrix	BellSouth	_____	G e n e r i c
		(JDH-1)	Collocation Agreement
W. Keith Milner	BellSouth	_____	P h y s i c a l
		(JDH-2)	E x p a n d e d Interconnecti on Application Document and Instructions
John W. Ries	GTEFL	_____	B u i l d i n g   C o d e
		(WKM-1)	Excerpts Dade County Edition
		_____	S h a r e d   C a g e d
		(JWR-1)	and Subleased C a g e d Collocation Guidelines and Responsibilit ies, attached to Mr. Ries' D i r e c t Testimony as Exhibit A.

<u>Witness</u>	<u>Proffered By</u>	<u>I.D. No.</u>	<u>Description</u>
John W. Ries	GTEFL	_____ (JWR-2)	CLEC-to-CLEC Interconnect Guidelines and Responsibilities, attached to Mr. Ries' Direct Testimony as Exhibit B.
David A. Nilson	Supra	_____ (DAN-1)	Cost breakdown Provided by BellSouth to the FCC
Michael Moscaritolo	Covad	_____ (MM-1)	Excerpt from Interconnection Agreement between US West and Covad
Michael Moscaritolo	Covad	_____ (MM-2)	E-mail from BellSouth regarding Covad's flat-rate collocation application arrangement
		_____ (MM-3)	Redlined copy of BellSouth's proposed collocation amendment

<u>Witness</u>	<u>Proffered By</u>	<u>I.D. No.</u>	<u>Description</u>
Robert Williams	Rhythms	_____	Correspondence from BellSouth regarding collocation agreement amendment to address demarcation point issue
		(RW-1)	
		_____	Description of Rhythms' Business
		(RW-1)	

Parties and Staff reserve the right to identify additional exhibits for the purpose of cross-examination.

X. RULINGS

- A. On October 29, 1999, Sprint filed a Motion to Accept Testimony of Michael R. Hunsucker One Day Out of Time. No responses or objections to the Motion were filed; therefore, the Motion is granted.
- B. On November 1, 1999, Covad filed a Motion for Leave to File Direct Testimony of Michael Moscaritolo Out of Time. No responses or objections to the Motion were filed; therefore, the Motion is granted.
- C. On November 24, 1999, Covad filed a Motion for Leave to File Prehearing Statement Out of Time. No responses or objections to the Motion were filed; therefore, the Motion is granted.
- D. On November 24, 1999, Covad also filed a Motion for Leave to File Rebuttal Testimony Out of Time. No responses or objections to the Motion were filed; therefore, the Motion is granted.
- E. On December 1, 1999, Covad filed a Motion for Leave to File Amended Prehearing Statement. No responses or objections to

the Motion were filed or stated at the prehearing conference; therefore, the Motion is granted.

- F. On December 6, 1999, Sprint filed a Motion to Accept Supplemental Rebuttal Testimony of Michael R. Hunsucker. The time for filing responses to this motion has not yet run. Therefore, I will make a ruling on this motion at a later date.
- G. Witnesses are asked to limit the summary of their direct and rebuttal testimony to five minutes. If, however, the witness believes that the summary of his or her testimony will exceed five minutes, then the witness should so notify the presiding officer at the time that the witness takes the stand and an extension will be given consideration. Otherwise, oral summaries of witnesses' testimony shall be limited to five minutes.
- H. In addition, I note that there are no pending requests for confidential treatment at this time.

It is therefore,

ORDERED by Commissioner J. Terry Deason, as Prehearing Officer, that this Prehearing Order shall govern the conduct of these proceedings as set forth above unless modified by the Commission. It is further

ORDERED that the Motion to Accept Testimony of Michael R. Hunsucker One Day Out of Time filed by Sprint-Florida Incorporated and Sprint Communications Company Limited Partnership is granted. It is further

ORDERED that the Motion for Leave to File Direct Testimony of Michael Moscaritolo Out of Time filed by Covad Communications Company is granted. It is further

ORDERED that the Motion for Leave to File Prehearing Statement Out of Time filed by Covad Communications Company is granted. It is further


ORDERED that the Motion for Leave to File Rebuttal Testimony Out of Time filed by Covad Communications Company is granted. It is further

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ORDERED that the Motion for Leave to File Amended Prehearing Statement filed by Covad Communications Company is granted. It is further

ORDERED that witnesses shall limit their summaries of their direct and rebuttal testimony at the hearing to five minutes as set forth in the body of this Order.

By ORDER of Commissioner J. Terry Deason as Prehearing Officer, this 21st day of December, 1999.

  
\_\_\_\_\_  
J. TERRY DEASON  
Commissioner and Prehearing Officer

( S E A L )

BK

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, Florida Administrative Code, if issued by a Prehearing Officer; (2) reconsideration within 15 days pursuant to Rule 25-22.060, Florida

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Administrative Code, if issued by the Commission; or (3) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Director, Division of Records and Reporting, in the form prescribed by Rule 25-22.060, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.