

ORIGINAL

BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

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RECORDS AND
REPORTING

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 Collocation)

DOCKET NO. 990321-TP

REVISED REBUTTAL TESTIMONY OF
JULIA O. STROW
ON BEHALF OF
INTERMEDIA COMMUNICATIONS INC.

AFA _____
APP _____
CAE _____
CMU *Demas*
CTR _____
EAG _____
LEG _____
MAS *3708*
OPC _____
RRR _____
SEC *1*
WAW _____
OTH _____

Filed January 13, 2000

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FPSC-RECORDS/REPORTING

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1 **Q: PLEASE STATE YOUR NAME, EMPLOYER, BUSINESS ADDRESS,**
2 **AND OCCUPATION.**

3 **A:** My name is Julia O. Strow. I am employed by Intermedia Communications Inc.
4 (“Intermedia”) as Assistant Vice President, Industry Policy. My business address
5 is 3625 Queen Palm Drive, Tampa, Florida 33619.

6 **Q: ON WHOSE BEHALF ARE YOU TESTIFYING?**

7 **A:** I am testifying on behalf of Intermedia.

8 **Q: DID YOU FILE DIRECT TESTIMONY IN THIS PROCEEDING?**

9 **A:** Yes, I did. I filed direct testimony in this proceeding on October 28, 1999, in
10 conformity with the Commission’s *Order Establishing Procedure*, dated October
11 12, 1999.

12 **Q: WHAT IS THE PURPOSE OF YOUR TESTIMONY TODAY?**

13 **A:** The purpose of my testimony today is to respond to some of the issues raised in
14 the testimony filed separately by BellSouth Telecommunications, Inc.
15 (“BellSouth”) and GTE Florida Incorporated (“GTE”). I will respond to
16 BellSouth’s testimony first, followed by GTE.

17

18 **RESPONSE TO BELL SOUTH’S DIRECT TESTIMONY**

19 **Q: WITNESS JERRY D. HENDRIX (“HENDRIX”) TESTIFIES THAT**
20 **BELLSOUTH WILL INFORM AN ALTERNATIVE LOCAL EXCHANGE**
21 **CARRIER (“ALEC”) WITHIN FIFTEEN (15) CALENDAR DAYS OF**
22 **RECEIPT OF A COLLOCATION APPLICATION WHETHER ITS**

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1 **APPLICATION IS ACCEPTED OR DENIED AS A RESULT OF SPACE**
2 **AVAILABILITY. DO YOU HAVE ANY COMMENT?**

3 **A:** Yes. I do not agree that it should take BellSouth fifteen (15) calendar days to
4 inform an ALEC that its collocation application is either denied or accepted based
5 on space availability. BellSouth should be able to provide a response to a
6 requesting ALEC within ten (10) calendar days of receipt of the application. I am
7 aware that the Commission has agreed to a fifteen-day turnaround in its recent
8 order. However, the Commission should revisit that determination in light of the
9 fact that several incumbent local exchange carriers (“ILECs”) in other
10 jurisdictions have shown that information on space availability can be provided in
11 ten calendar days. This fact alone should give rise to a rebuttable presumption
12 that such a timeframe is technically feasible. *See Deployment of Wireline*
13 *Services Offering Advanced Telecommunications Capability*, CC Docket No. 98-
14 147, FCC 99-48, First Report and Order and Further Notice of Proposed
15 Rulemaking, ¶ 45 (rel. Mar. 31, 1999) (establishing a rebuttable presumption of
16 technical feasibility) (*Collocation Order*). In addition, at least one state
17 commission—the Texas Public Utilities Commission—has required ILECs to
18 provide competing carriers with information on space availability within ten
19 calendar days of receipt of a collocation request. If other ILECs can provide a
20 response in ten calendar days, there is no reason why BellSouth cannot do the
21 same. Indeed, the Federal Communications Commission (the “FCC”) views ten
22 calendar days as a reasonable time period within which to inform a requesting

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1 carrier whether its collocation application is accepted or denied. *See Collocation*
2 *Order*, at ¶ 54

3 **Q: WITNESS HENDRIX STATES THAT, FOR PHYSICAL COLLOCATION**
4 **REQUESTS IN FLORIDA, BELLSOUTH WILL PROVIDE AN**
5 **APPLICATION RESPONSE WITHIN 30 CALENDAR DAYS OF**
6 **RECEIPT OF THE COMPLETED APPLICATION AND APPLICATION**
7 **FEE. FOR VIRTUAL COLLOCATION, BELLSOUTH WILL PROVIDE**
8 **AN APPLICATION RESPONSE WITHIN 20 BUSINESS DAYS OF**
9 **RECEIPT OF COMPLETED APPLICATION AND APPLICATION FEE.**
10 **ARE THOSE TIMEFRAMES ACCEPTABLE IN YOUR OPINION?**

11 **A:** BellSouth's intervals would appear to be reasonable. I understand that many
12 ALECs would prefer to have a complete response to collocation requests within
13 ten calendar days of BellSouth's receipt of the request. Thus, to the extent
14 BellSouth can reasonably accommodate a ten-calendar-day turnaround, BellSouth
15 should be required to do so.

16 **Q: IN HIS TESTIMONY, WITNESS HENDRIX LISTS THE TYPES OF**
17 **INFORMATION THAT WOULD BE INCLUDED IN AN APPLICATION**
18 **RESPONSE. IS THE INFORMATION LISTED BY MR. HENDRIX**
19 **ADEQUATE?**

20 **A:** No. In addition to those items listed by Mr. Hendrix, BellSouth should also
21 provide a *detailed* itemization of the costs involved. ALECs need the lowest level

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1 of cost granularity in order to intelligently evaluate BellSouth's cost estimates and
2 to move forward with a firm order.

3 **Q: WITNESS HENDRIX SUGGESTS THAT THE ALEC SIMPLY SHOULD**
4 **CONTACT ITS ACCOUNT TEAM COLLOCATION COORDINATOR**
5 **("ATCC") IN THE EVENT BELLSOUTH'S INITIAL RESPONSE IS**
6 **INSUFFICIENT FOR THE ALEC TO COMPLETE A FIRM ORDER. DO**
7 **YOU AGREE WITH HIS SUGGESTION?**

8 **A:** No. While I do not impugn BellSouth's assertion that it has never omitted
9 information that was necessary for a collocation applicant to move forward with a
10 firm order, BellSouth cannot expect the ALECs to unconditionally rely on that
11 guaranty. Rather, while continuing to strive to provide complete information to
12 the ALECs, BellSouth should be held to a fixed timeframe within which it must
13 provide additional information to the ALEC in the event its initial response proves
14 insufficient. Intermedia suggests that BellSouth should be required to provide
15 additional information to the ALEC within five (5) calendar days of the ALEC's
16 request for additional information. Absent a Commission-mandated timeframe,
17 BellSouth could delay the collocation process indefinitely. To prevent BellSouth
18 from deliberately extending the 30-calendar-day timeframe for providing a
19 complete response (see above) to 35 calendar days, the Commission should insist
20 that BellSouth provide the ALECs with all the information that would be
21 necessary to complete a firm order within 30 calendar days, as discussed above.

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1 **Q: DO YOU AGREE WITH WITNESS HENDRIX THAT A REQUEST FOR**
2 **A VIRTUAL COLLOCATION CONVERSION SHOULD BE TREATED IN**
3 **THE SAME MANNER BELLSOUTH TREATS A REQUEST FOR**
4 **PHYSICAL COLLOCATION?**

5 **A:** No. As an initial matter, the FCC already has determined that the ALECs can
6 share the same collocation space with the ILECs, which means that there does not
7 have to be physical separation between ALEC and ILEC equipment.
8 Consequently, when an ALEC submits a request to convert a virtual collocation
9 arrangement to a *cageless* physical collocation arrangement, there should not be a
10 requirement that the equipment be relocated even if the ALEC's equipment is in
11 the same line-up as the ILEC's equipment. Accordingly, virtual-to-cageless
12 conversions should not be subject to the same application processes, fees, and
13 delays that generally accompany initial requests for physical collocation. In fact,
14 a simple notification to the ILEC (or at most, an abbreviated application) should
15 suffice to convert a virtual collocation arrangement to cageless physical
16 collocation.

17 **Q: DO YOU HAVE ANY COMMENT ON WITNESS HENDRIX'S POSITION**
18 **ON THE APPROPRIATE RESPONSE AND IMPLEMENTATION**
19 **INTERVALS FOR ALEC REQUESTS FOR CHANGES TO EXISTING**
20 **COLLOCATION SPACE?**

21 **A:** Yes. Mr. Hendrix states that the response interval for a request for changes to an
22 existing space should not exceed 30 calendar days; the implementation interval

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1 runs anywhere from 60 to 90 calendar days. I disagree that these timeframes are
2 reasonable. As I stated in my direct testimony, changes to an existing collocation
3 space require less work by the ILEC and, accordingly, response and
4 implementation intervals appropriately must be reduced to account for this
5 variation. I believe that the following timeframes are more realistic:

- 6 • For “minor” changes, *i.e.*, changes that would not have any material
7 impact on the central office (“CO”) infrastructure (for example, minor
8 rearrangements of equipment, introduction of an additional device, etc.),
9 there should not be any need for an application. Rather, the ALEC should
10 be allowed to perform the change, without any delay, subject only to the
11 requirement that the ALEC notify the ILEC one (1) calendar day in
12 advance of the proposed “minor” change.
- 13 • For “intermediate” or “augmentation” changes, *i.e.*, changes that would
14 have *some* but not *dramatic* impact on the CO infrastructure
15 (necessitating, for example, the addition of facilities or augmenting power
16 to the collocation space), the ALEC should be required to submit an
17 application to BellSouth and BellSouth should provide a response within
18 five (5) calendar days from the date of the application; BellSouth should
19 implement the change within 45 calendar days from the date of the
20 application.
- 21 • For “major” changes, *i.e.*, changes that require new constructions (such as,
22 for example, enlarging the existing collocation space), the ALEC should

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1 submit an application to BellSouth and BellSouth should provide a
2 response within ten (10) calendar days from the date of the application;
3 implementation should be completed within sixty (60) calendar days from
4 the date of the application.

5 **Q: WITNESS HENDRIX STATES THAT SHARED (SUBLEASED) CAGED**
6 **COLLOCATION IS ALLOWED UNLESS, AMONG OTHER THINGS,**
7 **BELLSOUTH IS PROHIBITED BY ITS LEASE FROM OFFERING THIS**
8 **ARRANGEMENT. DO YOU HAVE ANY COMMENT?**

9 **A: Yes. I recognize that BellSouth *may* indeed have leases that might prohibit**
10 BellSouth from providing “subleased” caged collocation. However, BellSouth
11 has not adduced any evidence, to my knowledge, demonstrating the number and
12 locations, if any, of COs subject to the purported restriction. Consequently, there
13 should be a presumption that none of BellSouth’s COs have collocation
14 “subleasing” restrictions at this time. In addition, even if there are any such
15 restrictions, BellSouth should be required to renegotiate its lease arrangements in
16 order to effectuate to the greatest extent the federal requirement of collocation
17 “subleasing.” Likewise, in order to prevent BellSouth from denying requests for
18 “subleased” caged collocations under the guise of lease restrictions, the
19 Commission should require that any prospective lease arrangements entered into
20 by BellSouth should allow for collocation subleasing consistent with the federal
21 law. Failure to do so would enable BellSouth to trump an important, pro-
22 competitive federal requirement.

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1 **Q: WITNESS HENDRIX SUBMITS THAT BELLSOUTH WILL PROVISION**
2 **BOTH CAGED AND CAGELESS COLLOCATION ARRANGEMENTS**
3 **BETWEEN 90 AND 130 BUSINESS DAYS? ARE THESE INTERVALS**
4 **REASONABLE?**

5 **A:** No. I believe that these provisioning intervals are simply too long, particularly as
6 applied to cageless collocation arrangements. BellSouth should be able to
7 provision cageless collocation within 60 calendar days from the date of the
8 collocation application. Caged collocation should be provisioned within 90
9 calendar days from the date of the collocation application.

10 **Q: ACCORDING TO WITNESS HENDRIX, BELLSOUTH WILL PROVIDE**
11 **A PRICE ESTIMATE TO AN ALEC, PRIOR TO RECEIVING A FIRM**
12 **ORDER, WITHIN 30 BUSINESS DAYS FROM RECEIPT OF A**
13 **COLLOCATION APPLICATION. IS THIS ACCEPTABLE?**

14 **A:** No. As I stated previously, BellSouth should be required to provide a complete
15 response to a collocation request within 30 calendar days from the date the
16 collocation application was filed. This response should include detailed cost
17 estimates sufficient to enable the requesting ALEC to complete a firm order.

18 **Q: WITNESS HENDRIX STATES THAT ALLOWING ONE ALEC (AS**
19 **OPPOSED TO BELLSOUTH) TO PERFORM ALL SITE READINESS**
20 **WORK FOR COLLOCATION IS IMPRACTICABLE. DO YOU AGREE?**

21 **A:** I agree that selecting one ALEC (as opposed to BellSouth) to perform site
22 readiness work on behalf of the collocating ALECs might prove to be inefficient.

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1 However, this should remain an option. In other words, the ALECs should be
2 permitted, at their discretion, to elect one ALEC to perform all work common to
3 all collocators.

4 **Q: ACCORDING TO WITNESS HENDRIX, WHEN ADDITIONAL**
5 **COLLOCATION SPACE BECOMES AVAILABLE , BELLSOUTH WILL**
6 **NOTIFY ALECs ON THE WAITING LIST THAT CAN BE**
7 **ACCOMMODATED IN THE NEWLY AVAILABLE SPACE BASED ON**
8 **SQUARE FOOTAGE PREVIOUSLY REQUESTED. DO YOU HAVE ANY**
9 **COMMENT.**

10 **A:** Yes. It is unclear from Mr. Hendrix's statement whether BellSouth will notify
11 only those ALECs on the waiting list whose initial requests match the amount of
12 newly available space. If this is the case, I believe the procedure is defective and
13 discriminatory. As I stated in my direct testimony, priority should be given to the
14 ALECs based on the dates on which the ALECs submitted their collocation
15 requests. In other words, when additional space becomes available, *all* the
16 ALECs on the waiting list should be notified immediately. The ALEC with the
17 oldest request will then have the "right of first refusal" regardless of the amount
18 of space it originally requested. For example, if there were 100 square feet of
19 space available, and the first ALEC on the waiting list initially requested 200
20 square feet, that ALEC should be notified of the newly available space and
21 permitted to either (a) reject the offer in its entirety, (b) choose to utilize the
22 newly available 100 square feet and remain on the waiting list for an additional

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1 100 square feet, or (c) choose to utilize the newly available square feet and be
2 deleted from the waiting list for any additional space. If the ALEC rejects the
3 offer in its entirety, the space will be offered to the ALEC with the next oldest
4 request, and so on until everyone on the waiting list has had an opportunity to
5 reject or accept the offer.

6 **Q: WITNESS W. KEITH MILNER (“MILNER”) REFERS TO A TEN-DAY**
7 **“WINDOW” WITHIN WHICH BELLSOUTH WILL PROVIDE A TOUR**
8 **OF THE CENTRAL OFFICE IN THE EVENT AN ALEC IS DENIED**
9 **SPACE FOR PHYSICAL COLLOCATION. CAN YOU COMMENT ON**
10 **THIS?**

11 **A: Yes. Mr. Milner appears to suggest that an ALEC who has been denied physical**
12 **collocation space loses the opportunity to tour BellSouth’s premises once the ten-**
13 **day window expires. I do not believe that that is a reasonable interpretation of the**
14 **FCC’s rules. More specifically, the ten-day window requirement is for the**
15 **protection of the ALECs. In other words, if the ALEC requests a tour of the**
16 **facility within the ten-day window, the ILEC is obligated to allow the ALEC to**
17 **tour the facilities within ten days of the denial of space. However, nothing in the**
18 **FCC’s rules precludes an ALEC from requesting a tour date beyond the ten-day**
19 **window or, for that matter, from requesting a tour after the ten-day window has**
20 **ended. Any other interpretation would punish those ALECs who may not have**
21 **the flexibility of immediately rearranging their schedules to accommodate a tour.**
22 **I recognize that, for purposes of planning, there must be a point at which a request**

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1 for a tour of the facilities can no longer be entertained. To accommodate the
2 needs of both BellSouth and the ALECs, the Commission should impose the
3 following requirements:

- 4 • If an ALEC requests a tour of the facilities within ten calendar days of the
5 denial of space, BellSouth must allow the ALEC to tour the facilities
6 within ten calendar days of the denial of space.
- 7 • If an ALEC either (a) requests a tour of the facilities after ten calendar
8 days of the denial of space, or (b) requests a tour of the facilities within ten
9 calendar days of the denial of space but requests a tour date beyond the
10 end of the ten-calendar-day window, BellSouth's obligation to provide a
11 tour will end 30 calendar days after the date of the denial of space.
12 BellSouth, however, should be required to accommodate the ALEC's
13 request, to the greatest extent possible, prior to the end of the 30-calendar-
14 day window.

15 **Q: DO YOU HAVE ANY OPINION ON BELL SOUTH'S POLICY WITH**
16 **RESPECT TO THE REMOVAL OF OBSOLETE AND/OR UNUSED**
17 **EQUIPMENT, AS EXPLAINED BY WITNESS MILNER?**

18 **A:** Yes. Mr. Milner appears to suggest that BellSouth will not remove "retired"
19 equipment in cases where the cost of removal is too high (*i.e.*, retired in place). I
20 do not agree that BellSouth is allowed to do that. The FCC previously has
21 concluded that

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1 in order to increase the amount of space available for collocation,
2 incumbent LECs must remove obsolete unused equipment from their
3 premises upon reasonable request by a competitor or upon the order of a
4 state commission. There is no legitimate reason for an incumbent LEC to
5 utilize space for obsolete or retired equipment that the incumbent LEC is
6 no longer using when such space could be used by competitors for
7 collocation.
8

9 *Collocation Order*, at ¶ 60. Nothing in the FCC's order can be read to permit
10 BellSouth to retain retired equipment on the basis that is too costly to remove it.
11 The order is very clear: BellSouth must remove obsolete or retired equipment
12 from its premises in order to permit competing carriers to utilize the space.
13 Equally important, BellSouth should not be allowed to recover the costs of
14 equipment removal from the collocating ALECs.

15 **Q:** **WITNESS MILNER ASSERTS THAT IT IS NOT ADVISABLE TO**
16 **ESTABLISH GENERIC PARAMETERS FOR THE USE OF**
17 **ADMINISTRATIVE SPACE BY AN ILEC, WHEN THE ILEC**
18 **MAINTAINS THAT THERE IS INSUFFICIENT SPACE FOR PHYSICAL**
19 **COLLOCATION. DO YOU CONCUR?**

20 **A:** No. *Generic* parameters can be established based on whether the use of
21 administrative space is simply unnecessary. In many cases, this is just a matter of
22 plain common sense. For example, it is clearly unnecessary to have a "meeting
23 room" in the CO. I am not aware of any building code or lease provision that
24 would require BellSouth to maintain a "meeting room" in its premises. Likewise,
25 I disagree with Mr. Milner that anything that constitutes "productive use of floor
26 space" necessarily entitles BellSouth to occupy the space that could otherwise be

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1 used by competing carriers. For instance, using the space for preparing invoices
2 is "productive use of floor space," but the preparation of invoices does not have to
3 be performed in the premises where collocation space is critical. In other words,
4 if the activity can be performed as effectively using another facility, there is
5 simply no reason why BellSouth should not surrender that space.

6 **Q: DO YOU HAVE ANY COMMENT ON WITNESS MILNER'S**
7 **TESTIMONY CONCERNING PROVISIONING INTERVALS?**

8 **A:** Yes. Mr. Milner would have the Commission affirm that its provisioning
9 intervals for virtual and physical collocations should exclude the time spent
10 obtaining permits, among other things. I disagree that BellSouth's already
11 lengthy intervals should be stretched further. Rather, as I stated previously,
12 cageless collocation should be provisioned within 60 calendar days from the date
13 of the collocation application, while caged collocation should be provisioned
14 within 90 calendar days from the date of the collocation application. In the event
15 BellSouth requires an extension due to unforeseen circumstances—and
16 Intermedia does not dispute that there may well be instances in which an
17 extension may well be appropriate—BellSouth should be required to file an
18 application for an extension with the Commission. Under no circumstances
19 should BellSouth be allowed unilaterally to extend the provisioning intervals.
20 Rather, the Commission should impose on BellSouth the burden of demonstrating
21 to the requesting ALEC and to the Commission that an extension is appropriate.
22 In order to give the requesting ALEC as much advance notice as possible, the

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1 Commission should require BellSouth to file its application for an extension at
2 least thirty (30) calendar days prior to the end of the provisioning interval.

3 **RESPONSE TO GTE'S DIRECT TESTIMONY**

4 **Q: GTE WITNESS JOHN W. RIES ("RIES") STATES THAT AN ALEC**
5 **THAT DESIRES TO CONVERT ITS EXISTING VIRTUAL**
6 **COLLOCATION SPACE TO PHYSICAL COLLOCATION MUST**
7 **FOLLOW THE STANDARD PROCESS FOR A NEW PHYSICAL**
8 **COLLOCATION REQUEST. DO YOU AGREE?**

9 **A:** No. As I stated previously in response to a similar argument from BellSouth
10 witness Hendrix, I do not believe that converting a virtual collocation
11 arrangement to *cageless* physical collocation necessarily requires a major
12 undertaking. In particular, in light of the FCC's rules permitting the commingling
13 of ALEC and ILEC equipment, there is simply no reason to move virtually
14 collocated equipment to a different space. Consequently, the conversion should
15 be relatively painless.

16 **Q: WITNESS RIES TESTIFIES THAT GTE WILL INFORM THE ALEC**
17 **WITHIN 15 CALENDAR DAYS WHETHER SPACE IS AVAILABLE,**
18 **AND IT WILL PROVIDE A PRICE QUOTE WITHIN 30 CALENDAR**
19 **DAYS. ARE THESE INTERVALS REASONABLE?**

20 **A:** Although the 30-calendar-day interval is reasonable, the 15-calendar-day interval
21 is not. GTE should be required to provide an initial response to the ALEC within
22 10 calendar days of the request. GTE should then submit a complete response

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1 (i.e., containing detailed information, including but not limited to, cost estimates,
2 target dates, etc.) to the ALEC within 30 calendar days of the request. This
3 response also should be as complete as possible to enable the ALEC to move
4 forward with a firm order if it so chooses.

5 **Q: WITNESS RIES ARGUES THAT NO ALTERNATIVE PROCEDURE IS**
6 **REQUIRED IN THE EVENT GTE'S RESPONSE TO A COLLOCATION**
7 **REQUEST IS INSUFFICIENT TO COMPLETE A FIRM ORDER. DO**
8 **YOU AGREE?**

9 **A:** No. As I explained above, there can be no guaranty that the ILECs will always
10 provide complete information to the ALECs. Errors and omissions do occur and,
11 consequently, there must be a mechanism to address that eventuality. Intermedia
12 suggests that GTE should be required to provide additional or corrected
13 information to the requesting ALEC within five calendar days of the ALEC's
14 request for additional or corrected information. In no event should GTE be
15 permitted to circumvent the 30-calendar-day response time by deliberately
16 providing incomplete information to the ALECs.

17 **Q: DO YOU AGREE WITH WITNESS RIES THAT THE PARTIES SHOULD**
18 **BE ALLOWED TO NEGOTIATE AN ENLARGEMENT OF THE**
19 **PROVISIONING INTERVAL?**

20 **A:** No. While negotiations may work in other context, negotiations may not be
21 equally effective in this case. As the requesting party, the ALECs have no
22 bargaining power and, consequently, may easily fall prey to ILEC abuses. To

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1 preempt GTE's improper use of its bargaining power, the Commission should
2 require GTE to file an application for an extension with the Commission in the
3 event an extension is necessary. As I explained in response to BellSouth witness
4 Milner's testimony, this application should be filed 30 calendar days prior to the
5 end of the provisioning interval in order to give the ALECs as much notice as
6 possible. To ensure that the issues are resolved without undue delay to the
7 detriment of the ALECs, the Commission should establish an expedited legal
8 process pursuant to which the Commission will deny or approve the application
9 for an extension within five calendar days of filing.

10 **Q: WITNESS RIES INDICATES THAT GTE WILL CHARGE ALECs FOR**
11 **THE FLOOR SPACE THEY RESERVE. IS THIS APPROPRIATE?**

12 **A:** No. GTE's proposal will allow GTE to extract gratuitous fees from collocators.
13 GTE's position is fundamentally flawed because it is premised on the assumption
14 that GTE is foregoing other opportunities by allowing an ALEC to reserve the
15 space. That is not necessarily the case.

16 **Q: WITNESS RIES FURTHER STATES THAT, AS A CONDITION OF**
17 **SPACE RESERVATION, ALECs SHOULD BE REQUIRED TO INSTALL**
18 **THEIR CAGE OR BAY AT THE TIME OF RESERVATION. DO YOU**
19 **AGREE?**

20 **A:** No. This would be putting the cart before the horse. ALECs typically base their
21 decision to reserve collocation space on, among other things, anticipated demand,
22 potential expansion, traffic patterns, and the like. This analysis is not, however,

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1 an exact science. Requiring the ALECs to expend scarce resources on
2 requirements that potentially could change is unnecessarily costly and wasteful.

3 **Q: DO YOU AGREE WITH GTE'S POSITION THAT GENERIC**
4 **PARAMETERS NEED NOT BE ESTABLISHED FOR THE USE OF**
5 **ADMINISTRATIVE SPACE?**

6 **A:** No. As I explained in my response to BellSouth's testimony, *generic* parameters
7 can, and should be, established.

8 **Q: WITNESS RIES SUGGESTS THAT THERE IS NO NEED TO PROVIDE**
9 **DETAILED COST INFORMATION TO AN ILEC PRIOR TO**
10 **RECEIVING A FIRM ORDER FROM THAT ILEC. DO YOU HAVE ANY**
11 **COMMENT?**

12 **A:** Yes. I reiterate that the ILECs must provide detailed cost estimates in order to
13 allow the ALECs to intelligently decide whether to proceed with a firm order. I
14 realize that, in some instances a number of the elements may well be tariffed, as
15 Mr. Reiss suggests. However, the ALECs should not be expected to maintain and
16 process volumes upon volumes of documents in order to determine the applicable
17 collocation costs, when the ILECs have them readily available.

18 **Q: DO YOU AGREE WITH WITNESS RIES THAT AN ALEC SHOULD NOT**
19 **BE PERMITTED TO HIRE AN ILEC-CERTIFIED CONTRACTOR TO**
20 **PERFORM SPACE PREPARATION, RACKING AND CABLING, AND**
21 **POWER WORK?**

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1 **A:** No. In fact, according to its testimony, BellSouth allows ALECs to do so subject
2 to certain limitations. There is no reason why GTE should be any different. To
3 the extent other ILECs, including BellSouth, allow ALECs to use ILEC-certified
4 vendors for space preparation, the presumption of technical feasibility should
5 apply here. In addition, rule 51.323(j) of the FCC's rules specifically provides
6 that "[a]n incumbent LEC shall permit a collocating telecommunications carrier to
7 subcontract the construction of physical collocation arrangements with contractors
8 approved by the incumbent LEC, provided, however, that the incumbent LEC
9 shall not unreasonably withhold approval of contractors. . . ." Thus, federal law
10 requires GTE to permit ILEC-certified vendors to perform space preparation on
11 behalf of ALECs.

12 **Q:** **DO YOU HAVE ANY COMMENT ON GTE'S "FILL FACTOR"?**

13 **A:** Yes. According to Mr. Ries, GTE employs a statewide average number of
14 collocators (fill factor) in developing the price each collocator will pay in a given
15 central office. In other words, the costs are averaged across the state. Although I
16 do not claim to be an economist, this methodology would appear to violate the
17 FCC's mandate that the costs be allocated to collocators on a *pro rata* basis. In
18 other words, collocators in one central office could end up paying more than their
19 fair share of collocation costs because the costs are spread across all collocators as
20 opposed to being divided amongst the collocators in a particular CO.

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1 **Q: CAN YOU COMMENT ON GTE'S "FIRST-COME, FIRST-SERVED"**
2 **APPROACH TO MAKING ADDITIONAL SPACE AVAILABLE TO**
3 **POTENTIAL COLLOCATORS?**

4 **A:** Yes. Mr. Reiss states that, in the event additional space becomes available in a
5 CO, the ALEC who submits a check for 50% of the NRCs associated with the
6 collocation request gets priority. This approach is fundamentally unsound. As an
7 initial matter, GTE should be required to maintain a waiting list of collocators.
8 When additional space becomes available, GTE should immediately inform the
9 collocators on the waiting list of the newly available space. Priority should be
10 given to the collocator with the oldest collocation request, followed by the next
11 oldest, and so on. Priority should not be decided based on who gets to the bank
12 first.

13 **Q: PLEASE SUMMARIZE YOUR TESTIMONY.**

14 **A:** This Commission is charged with the critical task of furthering Congress' goal of
15 opening all telecommunications markets to competition. For many competitive
16 carriers, participation in this market-opening initiative means being able to
17 interconnect and collocate with the ILECs. Collocation, however, is expensive
18 and subject to delays. Moreover, collocation space is not inexhaustible. These
19 concerns are further complicated by the fact that the ILECs have the motivation to
20 delay the entry of competing carriers into the monopoly local markets.
21 Consequently, the Commission must establish a procompetitive regulatory
22 framework that maximizes the ability of the ALECs to collocate without undue

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1 delay, and minimizes the ability of the ILECs to act anticompetitively. More
2 specifically, the Commission should carefully craft rules that would allow the
3 ALECs to obtain collocation with the least expense and in the shortest time
4 possible, while ensuring that valuable collocation space is put to productive use.

5 **Q: DOES THIS CONCLUDE YOUR TESTIMONY?**

6 **A:** Yes. I reserve the right, however, to amend, supplement, or modify my
7 testimony, as appropriate.

8 **END OF TESTIMONY**

CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that a true and correct copy of the foregoing was served via U.S.

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