

BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

In the Matter of	:	DOCKET NO. 981834-TP
	:	
Petition of Competitive	:	
Carriers for Commission	:	
Action to support local	:	
competition in BellSouth	:	
Telecommunications, Inc.'s	:	
service territory.	:	

Petition of ACI Corp. d/b/a	:	DOCKET NO. 990321-TP
Accelerated Connections, Inc.	:	
for generic investigation to	:	
ensure the BellSouth	:	
Telecommunications, Inc.,	:	
Sprint-Florida, Incorporated,	:	
and GTE Florida Incorporated	:	
comply with obligation to	:	
provide alternative local	:	
exchange carriers with	:	
flexible, timely, and	:	
cost-efficient physical	:	
collocation.	:	



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VOLUME 4

Pages 504 through 679

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

PROCEEDINGS: HEARING

BEFORE: COMMISSIONER J. TERRY DEASON
COMMISSIONER SUSAN F. CLARK
COMMISSIONER E. LEON JACOBS

DATE: Thursday, January 13, 2000

TIME: Commenced at 8:30 a.m.

LOCATION: Betty Easley Conference Center
Room 148
4075 Esplanade Way
Tallahassee, Florida

REPORTED BY: JANE FAUROT, RPR
FPSC Division of Records and Reporting
Chief, Bureau of Reporting

APPEARANCES: (As heretofore noted.)

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WITNESSES

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NUMBER		MKD.	RCVD.
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(Transcript follows in sequence from Volume 3.)

COMMISSIONER DEASON: Call the hearing back to order. Take your places, please.

MS. WHITE: Commissioner Deason, before we begin, we have been unable to reach those who give us a definitive answer on Commissioner Jacobs' question, so I would request that we be allowed to answer his question via a late-filed exhibit, if that would be acceptable.

COMMISSIONER DEASON: Commissioner Jacobs says that is fine.

MS. WHITE: Thank you. And on that note, may Mr. Milner be excused?

COMMISSIONER DEASON: Yes, he may be excused. But let's get the exhibit identified. It would be Exhibit 19. It will late-filed, it will be provided by Mr. Milner. Do you have a short title for that?

MS. WHITE: Why don't we say power clarifications.

COMMISSIONER DEASON: Power clarifications. Very well.

(Late-filed Exhibit Number 19 marked for identification.)

MS. CASWELL: And, Commissioner Deason, might we also have Mr. Ries excused from the hearing?

1 COMMISSIONER DEASON: Yes, he may be excused.

2 Ms. Masterton.

3 MS. MASTERTON: Mr. Hunsucker, have you
4 previously been sworn in this proceeding?

5 THE WITNESS: Yes, I have.

6 Thereupon,

7 MICHAEL R. HUNSUCKER

8 was called as a witness on the behalf of Sprint-Florida
9 Incorporated and, having been duly sworn, testified as
10 follows:

11 DIRECT EXAMINATION

12 BY MS. MASTERTON:

13 Q Please state your name and your employer for the
14 record?

15 A My name is Michael R. Hunsucker, and I am
16 employed by Sprint-United Management Company.

17 Q Did you submit direct and rebuttal testimony in
18 this docket?

19 A Yes, I did.

20 Q Are there any changes or corrections to your
21 testimony?

22 A I have one minor change. On Page 26 of my direct
23 testimony, at the bottom of the page on Line 25, I would
24 strike the word business in front of days. That is the only
25 correction.

1 Q Mr. Hunsucker, with this change if I should ask
2 you today the questions contained in your testimony, would
3 the answers be the same?

4 A Yes, they would.

5 Q Do you have any changes or changes to your
6 rebuttal testimony?

7 A No, I do not.

8 Q If I should ask you today the questions contained
9 in your rebuttal testimony, would the answers be the same?

10 A Yes.

11 MS. MASTERTON: Commissioners, at this time I
12 would like to move that the prefiled direct and rebuttal
13 testimony of Mr. Hunsucker be inserted into the record as
14 though read.

15 COMMISSIONER DEASON: Without objection, it shall
16 be so inserted.

17

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1 **BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

2 **DIRECT TESTIMONY**

3 **OF**

4 **MICHAEL R. HUNSUCKER**

5

6 **Q. Please state your name and business address.**

7 **A. My name is Michael R. Hunsucker. I am employed by**
8 **Sprint/United Management Company as Director-**
9 **Regulatory Policy. My business address is 4220 Shawnee**
10 **Mission Parkway, Fairway, Kansas, 66205.**

11

12 **Q. Please describe your educational background and work**
13 **experience.**

14 **A. I received a Bachelor of Arts degree in Economics and**
15 **Business Administration from King College in 1979.**

16

17 I began my career with Sprint in 1979 as Staff
18 Forecaster for Sprint/United Telephone - Southeast
19 Group in Bristol, Tennessee and was responsible for
20 the preparation and analysis of access line and minute
21 of use forecasts. While at Southeast Group, I held
22 various positions through 1985 primarily responsible
23 for the preparation and analysis of financial
24 operations budgets, capital budgets and Part 69 cost
25 allocation studies. In 1985, I assumed the position

1 of Manager - Cost Allocation Procedures for
2 Sprint/United Management Company and was responsible
3 for the preparation and analysis of Part 69
4 allocations including systems support to the 17 states
5 in which Sprint/United operated. In 1987, I
6 transferred back to Sprint/United Telephone -
7 Southeast Group and assumed the position of
8 Separations Supervisor with responsibilities to direct
9 all activities associated with the jurisdictional
10 allocations of costs as prescribed by the FCC under
11 Parts 36 and 69. In 1988 and 1991 respectively, I
12 assumed the positions of Manager - Access and Toll
13 Services and General Manager - Access Services and
14 Jurisdictional Costs responsible for directing all
15 regulatory activities associated with interstate and
16 intrastate access and toll services and the
17 development of Part 36/69 cost studies including the
18 provision of expert testimony as required.

19
20 In my current position as Director - Regulatory Policy
21 for Sprint/United Management Company, I am responsible
22 for the development of state and federal regulatory
23 and legislative policy for Sprint's Local
24 Telecommunications Division. Additionally, I am
25 responsible for the coordination of

1 regulatory/legislative policies with other Sprint
2 business units.

3

4 Q. Have you testified previously before state regulatory
5 commissions?

6 A. A. Yes, I have testified before state regulatory
7 commissions in South Carolina, Florida, Illinois,
8 Pennsylvania, North Carolina and Nebraska.

9

10 Q. What is the purpose of your testimony in this
11 proceeding?

12 A. The purpose of my testimony is to present testimony on
13 behalf of Sprint-Florida, Inc. and Sprint
14 Communications L.P. (hereinafter referred to as
15 Sprint) on various policy issues surrounding the
16 collocation issues identified by the Florida Public
17 Service Commission (FPSC). Specifically, I will
18 address issues 3, 4, 7, 10, 11, 12, 17, 19, 20 and 21.
19 Melissa Cloz is also presenting testimony on behalf
20 of Sprint and will be addressing the remaining
21 identified issues. My testimony is structured to
22 include an introduction section and an issue-by-issue
23 presentation of Sprint's positions on the identified
24 issues.

25

INTRODUCTION

1

2

3 **Q. What are Sprint's interests in this proceeding?**

4 A. Sprint has varied interests in this proceeding. Sprint
5 operates as an Incumbent Local Exchange Carrier
6 (ILEC), an Alternative Local Exchange Carrier (ALEC),
7 an Interexchange Carrier (IXC) and a Commercial Mobile
8 Radio Service (CMRS) provider in the state of Florida.
9 Because of these varied interests, Sprint brings a
10 balanced perspective and business focus to this
11 proceeding. Sprint has been forced, by the nature of
12 its diverse business interests, to analyze and arrive
13 at balanced positions that support the pro-competitive
14 goals of the Telecom Act and are not unreasonable for
15 its ILEC operations. In this particular proceeding on
16 collocation, Sprint is and will be a provider of
17 collocation as an ILEC and a purchaser of collocation
18 as an ALEC in the state of Florida and, as such, is
19 advocating balanced positions in this proceeding and
20 urges the FPSC to adopt its positions relative to
21 collocation.

22

23 **Q. What is the relationship between the FCC and the FPSC**
24 **in regards to the development of collocation**
25 **parameters/guidelines?**

1 A. The Act, as confirmed by the Eighth Circuit and the
2 Supreme Court, authorizes the FCC to establish
3 national rules and regulations to implement the
4 requirements of Section 251 of the Act which includes
5 the obligation on ILECs to provide collocation. These
6 national rules must be adhered to in all cases. The
7 FCC has established collocation rules in Section
8 51.321 and Section 51.323 of the FCC rules. The FCC
9 has deferred to the states certain issues that the
10 states must address and resolve. Many, if not all, of
11 those issues are contained in the list of issues to be
12 resolved in this proceeding. Sprint has identified,
13 in its testimony, the areas in which the FPSC must
14 render decisions and establish guidelines to effect
15 such decisions. Additionally, state commissions are
16 free to implement additional guidelines that are
17 consistent with Section 251 of the Act and that do not
18 conflict with the FCC rules.

19

20 **Q. In what dockets did the FCC address the issue of**
21 **collocation in regards to Section 251 of the Act?**

22 A. The FCC addressed collocation initially in the First
23 Report and Order in Docket 96-98 and made subsequent
24 revisions and additions in the First Report and Order
25 in Docket 98-147. Again, as stated above, the FCC

1 developed certain rules and regulations regarding
2 collocation but deferred certain decisions to state
3 commissions. Rather than provide a complete overview
4 of the FCC's rules and regulations, my testimony
5 focuses only on the issues identified by the FPSC and
6 provides discussion on those items for which state
7 commission decisions are required.

8

9

ISSUE 3

10 To what areas does the term "premises" apply, as it
11 pertains to physical collocation and as it is used in
12 the Act, the FCC's Orders, and FCC's Rules?

13

14 Q. Where is the term "premises" defined and to what areas
15 does the term apply?

16 A. The FCC Rules and Regulations, in 47 CFR 51.5, define
17 "premises" as "an incumbent LEC's central offices and
18 serving wire centers, as well as buildings or similar
19 structures owned or leased by an incumbent LEC that
20 house its network facilities, and all structures that
21 house incumbent LEC facilities on public rights-of-
22 way, including but not limited to vaults containing
23 loop concentrators or similar structures." It should
24 be noted that the FCC chose a very broad definition of
25 "premises". In fact, the FCC stated in the First

1 Report and Order in Docket 96-98, "In light of the
2 1996 Act's procompetitive purposes, we find that a
3 broad definition of the term "premises" is appropriate
4 in order to permit new entrants to collocate at a
5 broad range of points under the incumbent LEC's
6 control. Thus, ALECs should be afforded an
7 opportunity to collocate at all such points.

8

9 **Q. How did the FCC define adjacent space collocation and
10 what impact does the definition of "premises" have in
11 this regard?**

12 **A.** The FCC, in Rule 51.323(k)(3), defined adjacent space
13 collocation as "collocation in adjacent controlled
14 environmental vaults or similar structures to the
15 extent technically feasible". The FCC stated, in
16 paragraph 44 of the First Report and Order in Docket
17 98-147, that "Such a requirement is, we believe, the
18 best means suggested by commenters, both incumbents
19 and new entrants, of addressing the issue of space
20 exhaustion by ensuring that competitive carriers can
21 compete with the incumbent, even when there is no
22 space inside the LEC's premises." The impact of this
23 rule is a requirement that further defines "premises"
24 to include structures that are adjacent to a central
25 office or serving wire center, if owned or leased by

1 the ILEC and also requires ILECs to permit the new
2 entrant to construct or procure an adjacent structure,
3 subject only to reasonable safety, zoning and
4 maintenance requirements. In fact, the FCC confirmed
5 this in paragraph 44 of the First Report and Order in
6 Docket 98-147, stating that "the incumbent LEC must
7 permit the new entrant to construct or otherwise
8 procure such an adjacent structure, subject only to
9 reasonable safety and maintenance requirements."

10

11 **Q. Should the FPSC expand upon the FCC's definition of**
12 **"premises"?**

13 **A.** Yes. Sprint has experienced real life examples of
14 being denied collocation space in adjacent structures.
15 Many ILECs may have administrative office buildings
16 that have been constructed adjacent to their central
17 offices and are denying the use of these locations for
18 collocation. Sprint believes that structures that
19 house administrative office personnel located on
20 adjacent spaces should be available for collocation,
21 especially if there is vacant space available in these
22 structures. If there is not vacant space in these
23 structures, Sprint proposes, in its response to issue
24 11, that the ILEC should be required to relocate these
25 administrative office personnel if the ALEC pays for

1 the cost of the relocation. Please refer to Sprint
2 response for Issue 11 for more detail on it relocation
3 proposal.

4

5

ISSUE 4

6 What obligations, if any, does an ILEC have to
7 interconnect with ALEC physical collocation equipment
8 located "off-premises"?

9

10 Q. Does an ILEC have any obligation to permit the
11 collocation of equipment in "off premises" locations?

12 A. An ILEC does not have any obligation to provide for
13 collocation of equipment located "off-premises" since
14 the ILEC would not own or control the "off-premises"
15 site. Given that collocation is premised on ILEC
16 control, either through ownership or leases of such
17 facilities, this question is not relevant to this
18 proceeding dealing with collocation issues.

19

20 Q. Does an ILEC have any obligation to interconnect with
21 ALEC equipment located "off-premises"?

22 A. The Act and the FCC Rules require an ILEC to
23 interconnect with ALEC facilities and equipment for
24 the mutual exchange of traffic between the two
25 carriers. This obligation exists regardless of

1 whether the ALEC equipment is collocated "on-
2 premises", i.e, the ILEC premises or located "off-
3 premises" at a non-ILEC location. Interconnection is
4 the physical linking of networks between the ILEC
5 facilities and the ALEC facilities.

6

7

ISSUE 7

8 **What are the responsibilities of the ILEC and**
9 **collocators when :**

10 **A. a collocator shares space with, or subleases**
11 **space to another collocator;**

12 **B. a collocator cross-connects with another**
13 **collocator.**

14

15 **Q. Do the FCC Rules define the responsibilities of the**
16 **ILEC and collocators when a collocator shares space**
17 **with, or subleases space to another collocator?**

18 **A. Yes, FCC Rule 51.323(k)(1) addresses the issue of**
19 **shared collocation cages. A shared collocation cage**
20 **is a caged collocation space shared by two or more**
21 **competitive LECs pursuant to terms and conditions**
22 **agreed to by the competitive LECs. In paragraph 41,**
23 **of the First Report and Order in Docket 98-147, and**
24 **Rule 51.323(k)(1) the FCC requires the following:**

- 1 1) ILECs may not increase the cost of site
2 preparation or nonrecurring charges above the
3 cost for provisioning such a cage of similar
4 dimensions and material to a single collocating
5 party.
- 6 2) ILECs must prorate the charges for site
7 conditioning and preparation undertaken to
8 construct the shared collocation cage or
9 condition the space for collocation use by
10 determining the total charge for site preparation
11 and allocating that charge to a collocating
12 carrier based on the percentage of total space
13 utilized by that carrier.
- 14 3) ILECs may not place unreasonable restrictions on
15 a new entrant's use of a collocation cage, such
16 as limiting the new entrant's collocation cage in
17 a sublease-type arrangement.
- 18 4) ILECs must permit each competitive LEC to order
19 unbundled network elements to and provision
20 service from that shared collocation space,
21 regardless of which competitive LEC was the
22 original collocator.
- 23 5) ILECs must make shared collocation space
24 available in single-bay increments or their
25 equivalent, i.e., a competing carrier can

1 purchase space in increments small enough to
2 collocate a single rack, or bay, of equipment.

3

4 Q. Do the FCC Rules define the responsibilities of the
5 ILEC and collocators when a collocator cross connects
6 with another collocator?

7 A. Yes, FCC Rule 51.323(h) addresses the issue of cross
8 connection between two collocators. Specifically,
9 ILECs shall permit collocating telecommunications
10 carriers to interconnect their respective network to
11 the network of other collocating carriers, when the
12 telecommunications carrier does not request the ILEC
13 construction of such facilities. Additionally, the
14 ILEC is required to do the construction upon request
15 and the facilities shall be either copper or fiber
16 equipment. The ILEC must allow the collocating
17 telecommunications carrier to place their own
18 connecting transmission facilities within the ILEC's
19 premises outside of the actual physical collocation
20 space subject only to reasonable safety limitations.
21 Reasonable safety limitations should be the same
22 technical standards that the ILEC applies to its own
23 equipment.

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ISSUE 10

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What are reasonable parameters for reserving space for future LEC and ALEC use?

Q. Do the FCC Rules establish any guidelines to be used in regards to reservation of space for future collocation use?

A. Yes. FCC Rules 51.323(f)(4), 51.323(f)(5) and 51.323(f)(6) all provide guidelines to be used in the reservation of space for future collocation use. The Rules are as follows :

Rule 51.323(f)(4) : "an incumbent LEC may retain a limited amount of floor space for its own specific future uses, provided, however, that the incumbent LEC may not reserve space for future use on terms more favorable than those that apply to other telecommunications carriers seeking to reserve collocation space for their own future use;"

Rule 51.323(f)(5) : "an incumbent LEC shall relinquish any space held for future use before denying a request for virtual collocation on the grounds of space limitations, unless the incumbent LEC proves to the

1 state commission that virtual collocation at that
2 point is not technically feasible;"

3

4 **Rules 51.323(f)(6) :** "an incumbent LEC may impose
5 reasonable restrictions on the warehousing of unused
6 space by collocating telecommunications carriers,
7 provided, however, that the incumbent LEC shall not
8 set maximum space limitations applicable to such
9 carriers unless the incumbent LEC proves to the state
10 commission that space constraints make such
11 restrictions necessary."

12

13 **Q. Does the Florida Public Service Commission need to**
14 **adopt more specific requirements for the reservation**
15 **of space for future collocation?**

16 **A.** Yes. While the FCC has provided guidelines for the
17 reservation of space, these guidelines are at a very
18 high level and additional granularity needs to
19 provided to ensure that ALECs are able to acquire
20 collocation in a timely manner.

21

22 **Q. Does Sprint have a recommendation on more specific**
23 **requirements for the reservation of space for future**
24 **collocation?**

1 A. Yes. Sprint proposes the following requirements be
2 adopted for ILECs and ALECs in the state of Florida :

3

4 **ILEC Requirements :**

- 5 1) ILECs may reserve floor space for its own
6 specific uses for up to 12 months.
- 7 2) Prior to denying any ALEC request for physical
8 collocation, an ILEC shall be required to provide
9 justification for the reserved space to the
10 requesting ALEC based on a demand and facility
11 forecast.
- 12 3) The demand and facility forecast shall include,
13 but is not limited to, three to five years of
14 historical data, and forecasted growth by
15 functional type of equipment (e.g., switching,
16 transmission, power, etc.).
- 17 4) Consistent with FCC Rule 51.323(f)(5), the ILEC
18 shall relinquish any space held for future use
19 prior to denying a ALEC request for virtual
20 collocation.

21

22 **ALEC Requirements :**

- 23 1) ALECs can reserve space for their own future use
24 for up to 12 months at no charge.

1 2) In the event that requests for collocation space
2 exceed available space within a particular
3 office, an ALEC shall be required to relinquish
4 the reserved space or begin paying the
5 appropriate collocation charges for the reserved
6 space.

7 3) Upon implementation of appropriate collocation
8 charges to an ALEC, the ALEC should be required
9 to occupy the reserved space within six months.
10 To prevent the warehousing of unused space, the
11 ILEC shall have the right to reclaim the reserved
12 space after six months to provision any
13 outstanding ALEC requests for space within the
14 particular office.

15

16 **Q. Please explain the proposed requirements.**

17 A. Adoption of the Sprint proposal provides parity,
18 consistent with the FCC's rules, in that both the ILEC
19 and the ALEC have the opportunity to reserve space for
20 up to 12 months. Additionally, ILECs should have the
21 burden of proof in demonstrating that the space
22 reserved for their own future use is grounded in fact,
23 based upon historical data projected for future
24 growth. Likewise, Sprint's proposal does not allow
25 ALECs to warehouse space to the detriment of other

1 ALECs by allowing ILECs to reclaim space not used in a
2 reasonable period of time (six months after space
3 exhaustion provided that there are additional requests
4 pending for space).

5

6

ISSUE 11

7 Can generic parameters be established for the use of
8 administrative space by an ILEC, when the ILEC
9 maintains that there is insufficient space for
10 physical collocation? If so, what are they?

11

12 Q. Should generic parameters/rules be developed by the
13 FPSC for the use of administrative office space?

14 A. Yes. Generic guidelines should be established to
15 promote the availability of space for competitive
16 purposes. ALECs, including Sprint, are being denied
17 space in certain ILEC "premises" that are considered a
18 shared site facility in that they house both essential
19 and nonessential personnel. Clearly, if an individual
20 (or work group) is not essential to a central office
21 switching/transmission function, then that person (or
22 work group) could perform an equally competent job at
23 a different location. ALECs should have the ability
24 to collocate their switching/transmission equipment in
25 the premises where the ILEC has their similar

1 equipment located. This will mitigate the need for
2 ALECs to bear additional costs of connecting their
3 equipment to the equipment of the ILEC. Therefore it
4 is essential that a requirement be placed on ILECs to
5 relocate administrative office personnel in a shared
6 site location if there is an ALEC request for
7 additional collocation space and no space is available
8 other than the space occupied by non-essential
9 personnel.

10

11 **Q. What is Sprint's specific recommendation in regards to**
12 **the relocation of administrative office personnel?**

13 **A.** ILECs should be required to relocate administrative
14 office personnel before denying physical collocation
15 requests. Administrative office personnel would be
16 defined as personnel that are not essential to the
17 function of a particular premise, i.e., marketing
18 personnel, human resources personnel, etc. ILECs
19 should have the flexibility to relocate only enough
20 personnel to accommodate the ALEC space request or any
21 amount above the ALEC request if the ILEC deems it
22 necessary to relocate an entire work group. ILECs
23 should be required to apportion the relocation costs
24 on a percentage basis of requested ALEC square footage
25 to total square footage relocated. This methodology

1 will ensure that ILECs have an incentive to relocate
2 only what is absolutely necessary while not placing
3 any anti-competitive charges upon the ALEC.

4

5

ISSUE 12

6 What equipment is the ILEC required to allow in a
7 physical collocation arrangement?

8

9 Q. Does the FCC define what type of equipment an ILEC is
10 required to allow in a physical collocation
11 arrangement?

12 A. Yes. FCC Rule 51.323(b) states that an ILEC "shall
13 permit the collocation of any type of equipment used
14 for interconnection or access to unbundled network
15 elements". The FCC rule specifically states that
16 equipment used for interconnection or access to
17 unbundled network elements includes, but is not
18 limited to : transmission equipment including, but not
19 limited to optical terminating equipment and
20 multiplexers, equipment collocated to terminate basis
21 transmission facilities as of August 1, 1996 , digital
22 subscriber line access multiplexers, routers,
23 asynchronous transfer mode multiplexers and remote
24 switching modules. The only limitation contained in
25 the FCC rules is that ILECs are not required to permit

1 collocation of equipment used solely for switching or
2 solely to provide enhanced services. Additionally, if
3 the ALEC places mixed use equipment, i.e., equipment
4 used for interconnection or access to unbundled
5 network elements that also provides switching or
6 enhanced service functionality, the ILEC cannot place
7 any limitations on the ability of the ALEC to use all
8 the features, functions, and capabilities of the
9 equipment, including, but not limited to switching,
10 routing features and functions and enhanced services
11 capabilities.

12

13 The burden of proof is on the ILEC to prove to a state
14 commission that the equipment will not be used for
15 interconnection or access to unbundled network
16 elements. An ILEC cannot object to the collocation of
17 any equipment on the grounds of non-compliance to
18 safety or engineering standards that are more
19 stringent than those applied to the ILEC equipment.
20 If the ILEC denies collocation of a competitor's
21 equipment, citing safety standards, the ILEC must
22 provide the ALEC and the state commission (under
23 appropriate confidentiality agreement), within five
24 business days, a list of all equipment collocated in
25 that premises along with an affidavit attesting that

1 all of that equipment meets or exceeds the safety
2 standard that the ILEC contends the competitor's
3 equipment fails to meet. The ILEC should be required
4 to include a complete and thorough explanation of
5 exactly why the ALEC equipment fails to meet the
6 safety standards.

7

8

ISSUE 17

9 How should the costs of security arrangements, site
10 preparation, collocation space reports, and other
11 costs necessary to the provisioning of collocation
12 space, be allocated between multiple carriers?

13

14 Q. Does the FCC address the issue of cost recovery for
15 costs associated with security arrangements in Docket
16 98-147, First Report and Order?

17 A. Yes. The FCC addresses the issue of security in
18 paragraphs 46-49 of the First Report and Order in
19 Docket 98-147. On the issue of security cost
20 recovery, the FCC makes several observations on cost
21 recovery as discussed below, however, they defer to
22 the state commissions as to how ILECs would "recover
23 the costs of implementing these security measures from
24 collocating carriers in a reasonable manner."

25

1 In paragraph 47 of the First Report and Order in
2 Docket 98-147, the FCC states that "the incumbent LEC
3 may not impose discriminatory security requirements
4 that result in increased collocation costs without the
5 concomitant benefit of providing necessary protection
6 of the incumbent LEC's equipment." The FCC recognizes
7 that implementation of security measures not only
8 provides protection to the ALEC's equipment but also
9 provides protection to the ILEC's equipment and any
10 cost recovery mechanism must reflect this dual
11 protection philosophy. Again in paragraph 48 of the
12 First Report and Order in Docket 98-147, the FCC
13 states that "We agree with commenting incumbent LECs
14 that protection of their equipment is crucial to the
15 incumbents' own ability to offer service to their
16 customer. Therefore, incumbent LECs may establish
17 certain reasonable security measures that will assist
18 in protecting their networks and equipment from harm."

19

20 **Q. What is Sprint's proposal for cost recovery of**
21 **implementing reasonable security measures?**

22 **A. Sprint proposes that the costs of implementing**
23 **reasonable security measures should be a cost shared**
24 **by both the ILEC and the ALEC and that the appropriate**
25 **methodology should be based on relative square footage**

1 as an appropriate estimator of the value of the
2 equipment being protected. This method is totally
3 consistent with the FCC's statements in paragraphs 47
4 and 48 of the First Report and Order in Docket 98-147,
5 that the benefits of protecting the total equipment
6 located in the office are shared by both the ILEC and
7 the ALEC. Given the reference to "networks and
8 equipment", a relative value methodology is the only
9 appropriate way to recognize the dual benefits to
10 ILECs and ALECs. Given the propriety of the price
11 paid for the relative equipment to equipment vendors,
12 a methodology based on relative square footage is
13 appropriate and fairly reflective of the associated
14 value of the equipment.

15

16 **Q. Does the FCC address the issue of cost recovery for**
17 **costs associated with site preparation in Docket 98-**
18 **147, First Report and Order?**

19 **A. Yes.** The FCC addresses space preparation cost
20 allocation, in paragraph 42 of the First Report and
21 Order in Docket 98-147, as it relates to cageless
22 collocation and in paragraphs 50-51 of the same Order
23 as it relates to generic space preparation charges.

24

1 Q. What is the FCC's recommendation on the appropriate
2 cost recovery methodology for space preparation
3 charges as it relates to cageless collocation?

4 A. The FCC states, in paragraph 42 of the First Report
5 and Order in Docket 98-147, that "incumbent LECs may
6 not increase the cost of site preparation or non-
7 recurring charges above the cost for provisioning such
8 a cage of similar dimension and material to a single
9 collocating party. In addition, the incumbent must
10 prorate the charge for site conditioning and
11 preparation undertaken by the incumbent to construct
12 the shared collocation cage or condition the space for
13 collocation use, regardless of how many carriers
14 actually collocate in that cage, by determining the
15 total charge for site preparation and allocating that
16 charge to a collocating carrier based on the
17 percentage of the total space utilized by that
18 carrier." In other words, a carrier should be charged
19 only for those costs directly attributable to that
20 carrier. Additionally, this methodology is codified
21 in Rule 51.323(k)(1) and is sufficient to guide the
22 appropriate application of charges at the state level.

23

1 Q. What is the FCC's recommendation on the appropriate
2 cost recovery methodology for space preparation
3 charges as it relates to non-cageless collocation?

4 A. In paragraph 51 of the First Report and Order in
5 Docket 98-147, the FCC concludes, "based on the
6 record, that incumbent LECs must allocate space
7 preparation, security measures and other collocation
8 charges on a pro-rated basis so the first collocator
9 in a particular incumbent premises will not be
10 responsible for the entire cost of site preparation."
11 The FCC also stated that, "In order to ensure that the
12 first entrant into an incumbent's premises does not
13 bear the entire cost of site preparation, the
14 incumbent must develop a system of partitioning the
15 cost by comparing, for example, the amount of
16 conditioned space actually occupied by the new entrant
17 with the overall space conditioning expenses."
18 Further, the FCC stated that state commissions will
19 determine the proper pricing methodology.

20

21 Q. What does Sprint propose relative to the allocation of
22 space preparation costs?

23 A. Sprint proposes that the FPSC adopt the same
24 allocation methodology that the FCC codified in
25 regards to cageless collocation, i.e., a methodology

1 that allocates the space preparation charges on the
2 basis of relative square footage. For example, if an
3 ILEC decides to make a general building modification
4 (complete changeout of the heating and cooling
5 system), then the ALECs would be charged on the basis
6 of their respective square footage to the total square
7 footage associated with the building modification. If
8 however, the ILEC only prepares space sufficient to
9 handle the specific ALEC request, then the ALEC would
10 be responsible for 100% of the charges.

11

12 This proposal is the only logical approach based on
13 the FCC's rules associated with cageless collocation
14 and their suggestion of this methodology, by way of an
15 example, in paragraph 51. This methodology will
16 provide sufficient incentive to control ILEC behavior
17 by not proposing space preparation modifications that
18 are not directly related to ALEC requests for
19 collocation space while placing an appropriate cost on
20 ALECs.

21

22 **Q. What requirements are placed on ILECs as it relates to**
23 **the provision of collocation space reports?**

24 **A.** The FCC, in Rule 51.321(h), requires ILECs to submit a
25 report, within 10 ~~business~~ days of the submission of

1 the request, indicating the available collocation
2 space in a particular LEC premise, the number of
3 collocators, any modifications in the use of the space
4 since the last report, and must include measures that
5 the incumbent LEC is taking to make additional space
6 available for collocation. In addition, ILECs are
7 required to maintain a publicly available document, on
8 the Internet, of all premises that are full and must
9 update such a document within ten days of the date at
10 which a premises runs out of physical collocation
11 space.

12

13 **Q. Does the FCC address the issue of cost recovery for**
14 **the development of collocation space reports?**

15 **A.** In paragraph 58 of the First Report and Order in
16 Docket 98-147, the FCC stated that they expected state
17 commissions to allow the recovery of the costs of
18 implementing these reporting measures from collocating
19 carriers in a reasonable manner. Given that an ALEC
20 can request this report at any time, Sprint suggests
21 that these costs should be recovered via a non-
22 recurring charge to be assessed at the time of the
23 request. This charge would be separate and apart from
24 the collocation application fee so as to provide
25 sufficient information to ALECs regarding space

1 availability prior to submitting the formal
2 application and associated fee.

3

4 **Q. What general guidelines should the FPSC develop when**
5 **determining the appropriate cost recovery methodology**
6 **for other collocation charges?**

7 **A. In general, if the collocation is associated with**
8 **general building modifications that benefit the whole**
9 **location, then the costs should be recovered from all**
10 **carriers located in the premise on a relative square**
11 **footage basis. If however modifications are made for**
12 **ALECs only, then the charges should be assessed to**
13 **ALECs only on the basis of relative square footage (or**
14 **100% if the modifications make improvements relative**
15 **to a specific ALEC request).**

16

17

ISSUE 19

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

25

1 Q. When should ILECs be required to inform the Commission
2 and any requesting ALECs of the availability of space
3 in an office that had been granted a waiver because of
4 space limitations?

5 A. The ILEC should initially inform the state commission
6 and the ALECs at the time that a decision is made to
7 make any modification to increase the availability of
8 space. Subsequently, the ILEC should provide a
9 project plan and expected timeline of when the space
10 will be available and should provide progress reports
11 every thirty days as to the current status/activities.
12 This information can be sent directly to each ALEC who
13 has a request for collocation space pending or placed
14 on an Internet web site.

15

16

ISSUE 20

17 What process, if any, should be established for
18 forecasting collocation demand for CO additions or
19 expansions?

20

21 Q. What is the FCC's requirement regarding ILEC
22 consideration of forecasted collocation demand for CO
23 additions or expansions?

24 A. The FCC requires that ILECs "take into account
25 projected demand for collocation of equipment." The

1 issue is how to ensure that the ILEC reasonably
2 anticipates future ALEC requests for collocation.
3 There are two ways to accomplish this : 1) the ILEC
4 could be required to contact the ALECs to request a
5 forecast of future space requirements or 2) the ILEC
6 could make an independent decision on the amount of
7 space to be requested by ALECs. Sprint proposes a
8 combination of the two in which ALECs would be
9 required to provide an annual forecast (for a three
10 year period) of space requirements by premise as part
11 of the Joint Operations Plan developed jointly by the
12 ILEC and ALEC. Additionally, the ILEC would be
13 required to make a reasonable estimate of additional
14 ALEC space requirements for those ALECs not currently
15 covered by a contract. ALECs should have the ability
16 to file commission complaints if they feel an ILEC is
17 routinely under-forecasting future space requirements
18 and the ILEC should bear the burden of proof in
19 proving the reasonableness of their forecasting
20 methodology.

21

22

ISSUE 21

23

Applying the FCC "first-come, first-served" rule, if

24

space becomes available in a central office because a

1 waiver is denied or a modification is made, who should
2 be given priority?

3

4 **Q. What does the term "first-come, first-served mean?**

5 **A. The term "first-come, first-served" simply means that**
6 ALECs should be given priority on the basis of the
7 date of their respective collocation application. In
8 other words, the date of collocation application
9 establishes the priority by which collocation space
10 must be made available by the ILEC.

11

12 **Q. Does Sprint have a proposal to establish a process for**
13 **making space available when a waiver is denied or a**
14 **building modification has been made?**

15 **A. Yes. Sprint proposes the following :**

16 1. The ILEC should be required to respond to
17 collocation requests on a first-come, first-
18 served basis based upon the collocation
19 application date.

20 2. If an ILEC has insufficient space to fully
21 satisfy an ALEC request, the ILEC should be
22 required to inform the ALEC as to the amount of
23 space available and allow the ALEC the
24 opportunity to adjust their request accordingly

- 1 or elect not to collocate into the available
2 space.
- 3 3. Additionally, ALECs have the opportunity to
4 request a walk-through within 10 days of denial
5 of space per the FCC's rules. If a ALEC chooses
6 not to challenge the ILEC and another ALEC later
7 challenges the ILEC on space availability, the
8 second ALEC should be given priority if space is
9 found to be available. Additional space would
10 then be provided to ALECs based on their
11 respective collocation request date.
- 12 4. If space is sufficiently exhausted, the ILEC
13 shall be required to maintain a list of all
14 pending requests in a wait list mode based on the
15 collocation application date.
- 16 5. When the ILEC takes steps to make space
17 available, the ILEC shall promptly notify the
18 Commission and the ALECs, and provide a project
19 plan and expected timeline for availability of
20 space.
- 21 6. The ILEC shall provide progress reports on the
22 project every thirty days by notifying in writing
23 each ALEC on the wait list or by posting the
24 information on a website.

- 1 7. When space becomes available, the ILEC shall be
2 required to make space available to ALECs on the
3 wait list based upon the date of application
4 until all space has been exhausted. Notification
5 shall be made within 10 days of space
6 availability.
- 7 8. ALECs shall have 10 days to respond to the ILEC
8 space availability notification. If the ALEC
9 does not respond to the notification within 10
10 business days, the ALEC will be moved to the
11 lowest priority on the wait list.
- 12 9. ALECs have the obligation to reaffirm their
13 collocation request, in writing, every 180 days
14 to ensure that market plans have not changed and
15 space is no longer required. Reaffirmation of
16 space confirms the original request date on the
17 wait list. If space is not reaffirmed in the 180
18 day time period, the request date is changed to
19 the reaffirmation date.
- 20
- 21 Sprint believes that the above proposal places an
22 appropriate balance on ILECs and ALECs alike and is an
23 evenly balanced and fair process of making collocation
24 space available to ALECs.

25

- 1 Q. Should ILECs be required to establish wait lists based
2 on the collocation application date?
- 3 A. Yes, this is a way to legitimize the whole process of
4 making space available to ALECs. It establishes a
5 clear and defining way of establishing priority that
6 is fair and equitable to all ALECs requesting
7 collocation space. Clearly, there is a cost
8 associated with this process and ILECs should have the
9 opportunity to recover the costs in the recurring
10 collocation charges.
- 11
- 12 Q. You state that the establishment of wait lists is
13 "fair and equitable", yet you propose a process that
14 appears to reward ALECs who challenge the availability
15 of space. What is your rationale for this?
- 16 A. The FCC rules establish a process whereby ALECs are
17 afforded the opportunity to challenge the ILECs denial
18 of available space. Specifically, ALECs can tour the
19 entire premises at no charge and the ILEC is required
20 to provide certain information to substantiate their
21 lack of space claim. Let's assume that three ALECs
22 have had their respective collocation applications
23 denied and the first two ALECs chose not to tour the
24 premises or challenge the denial. If the third ALEC
25 chooses to challenge the ILEC and is successful, with

1 or without commission intervention, why should the
2 first two ALECs be rewarded for their lack of action?
3 In this case, it is not only appropriate to award the
4 third ALEC the available space, but any remaining
5 space should be provided to the first two ALECs based
6 on their collocation application date until all
7 requests are satisfied or space is exhausted.

8

9 **Q.** Does this conclude your testimony?

10 **A.** Yes, it does.

1 **BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

2 **REBUTTAL TESTIMONY**

3 **OF**

4 **MICHAEL R. HUNSUCKER**

5

6 **Q. Please state your name and business address.**

7

8 **A. My name is Michael R. Hunsucker. I am employed by**
9 **Sprint/United Management Company as Director-**
10 **Regulatory Policy. My business address is 4220 Shawnee**
11 **Mission Parkway, Fairway, Kansas, 66205.**

12

13 **Q. Are you the same Michael R. Hunsucker that presented**
14 **direct testimony in this case?**

15

16 **A. Yes, I am.**

17

18 **Q. What is the purpose of your testimony?**

19

20 **A. The purpose of my testimony is to present rebuttal**
21 **testimony on four key issues : 1)Issue 3 - definition**
22 **of "premises", 2)Issue 10 - space reservation, 3)Issue**
23 **11 - relocation of administrative office personnel,**
24 **and 4)Issue 17 - cost recovery methodology.**

25

Issue 3 - Definition of Premises

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Q. Does the FCC provide any insight into the term "premises"?

A. Yes. The FCC Rules and Regulations, 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." It should be noted that the FCC chose a very broad definition of "premises". In fact, the FCC stated in the First Report and Order in Docket 96-98, "In light of the 1996 Act's procompetitive purposes, we find that a broad definition of the term "premises" is appropriate in order to permit new entrants to collocate at a broad range of points under the incumbent LEC's control. Thus, ALECs should be afforded an opportunity to collocate at all such points.

1 In the most recent Third Report and Order in Docket 96-98
2 (adopted September 15, 1999 and released November 5, 1999),
3 the FCC provides additional direction on the breadth of
4 their definition of "premises" in their discussion of
5 subloop unbundling. Specifically, in paragraph 221 the FCC
6 states; "... we agree, that our collocation rules, which we
7 recently clarified in the *Advanced Services First Report*
8 *and Order*, apply to collocation at any technically feasible
9 point, from the largest central office to the most compact
10 FDI." Clearly, the FCC intended for a very broad
11 definition of premises to be used in the determination of
12 collocation points or "premises".

13

14 **Q. What does GTE propose in regards to the definition of**
15 **premises?**

16

17 Q. GTE's witness Ries states, on page 4, line 12, that
18 "GTE interprets it to mean that any location
19 identified in NECA #4 tariff is available for
20 collocation..." Clearly, this is a more limited
21 definition of "premises" than that envisioned by the
22 FCC and should be dismissed. The FCC definition
23 requires ILECs to allow ALECs to collocate in "vaults
24 containing loop concentrators or similar structures."
25 Again, as discussed above, the FCC provided direction

1 in the Third Report and Order in Docket 96-98 by
2 affirming a broad definition of collocation
3 "premises". Typically, ILECs do not load these
4 locations in NECA #4. Thus, applying GTE's definition
5 would preclude collocation at these points in the ILEC
6 network which is inconsistent with the FCC's
7 definition. The FPSC needs to set a clear policy
8 direction on adoption of a broad definition of
9 premises consistent with the FCC.

10

11 Q. BellSouth (Milner, page 20, line 8) proposes that
12 ALECs should not be allowed to construct a controlled
13 environmental vault (CEV) on an ILEC premises that
14 does not house an ILEC's network facilities. Do you
15 agree?

16

17 A. Yes, as a general rule ILECs should not be required to
18 allow an ALEC to construct or otherwise procure a CEV
19 on premises that do not house an ILEC's network
20 facilities. However, an issue of proximity does
21 surface when you get into the details of an adjacent
22 property. For example, an ILEC could argue that it
23 has one premises on one side of the street that houses
24 its network facilities and one premises on the
25 opposite side of the street that does not house any

1 network facilities. An ILEC should not be allowed to
2 simply reject this request because the premises is
3 separated by a road, a street, or an alley. There
4 must be some reasonableness placed on the ALEC's
5 request and the ILEC's response. Sprint would suggest
6 that consideration must be given to contiguous
7 property versus stand-alone property when making that
8 decision.

9
10 In addition, FCC Rule 51.323(k)(3), requires ILECs to
11 permit an ALEC to construct or otherwise procure an
12 adjacent structure, subject only to reasonable safety
13 and maintenance requirements. ILECs must permit this
14 construction or procurement only when space is
15 "legitimately exhausted" at a particular premises and
16 construction is not contingent upon the housing of
17 ILEC network facilities.

18
19 **Q. BellSouth (Milner, page 10, line 14) believes that**
20 **they should be allowed to protect their equipment by**
21 **enclosing their equipment in a cage. Do you believe**
22 **that this is appropriate?**

23 **A.** There is nothing in the FCC's rules that prevents or
24 prohibits an ILEC from protecting their own equipment
25 through enclosure. However, there are three guiding

1 principles that should be adopted when allowing an
2 ILEC to enclose their equipment; 1) the ILEC should be
3 responsible for 100% of the cost of enclosure, just as
4 the ALEC is responsible for cage construction costs to
5 enclose their equipment, 2) the enclosure should be
6 done in a manner that does not unnecessarily take up
7 available space for collocation and 3) if space
8 outside the ILEC enclosure becomes full, the ILEC
9 should have a requirement to make any unused space
10 inside the enclosure available for collocation.

11

12 BellSouth did not specifically address any of these
13 issues in their testimony. Clearly they can enclose
14 their equipment, however, enclosure of unused space
15 must be limited as addressed above. Sprint believes
16 that adoption of these guidelines ensures that maximum
17 space is available for collocation.

18

19 **Issue 10 - Space Reservation**

20

21 **Q. Is there an issue regarding the parity requirements of**
22 **space reservation?**

23 **A. No, in fact, there appears to be general consensus**
24 **among the parties that the ILEC must provide parity to**
25 **the ALEC in regards to the length of time for space**

1 reservation. This is required by FCC Rule
2 51.323(f)(4).

3

4 **Q. What are the disputed issues in regard to space**
5 **reservation?**

6

7 A. From Sprint's perspective, there are three key
8 disputed issues; 1) the length of time that ILECs and
9 ALECs may reserve space, 2) whether ALECs can be
10 charge for reserved space and 3) whether an ALEC
11 should be required to construct a cage for reserved
12 space.

13

14 **Q. What do the other parties in this proceeding feel is**
15 **an appropriate reservation time period?**

16

17 A. Sprint has proposed a one year space reservation time
18 period (Hunsucker Direct, page lines 5 and 23),
19 BellSouth has proposed two years (Milner, page 26,
20 line 1), MCI has proposed two years (Martinez, page
21 14, line 17), GTE proposes no time period - just an
22 amount of space that can be justified based on a
23 "documented, funded business plan" (Ries, page 13,
24 line 18), Intermedia proposes a three year planning
25 horizon, based on forecasted growth (Strow, page 10,

1 line 6), while other parties state that there should
2 be no reservation time period or have remained silent.

3

4 **Q. Why is one year versus two years an appropriate time**
5 **period?**

6

7 A. The objective of a reservation time period is to allow
8 all LECs the ability to reserve space for forecasted
9 growth. Given the nascency of local competition
10 (especially for residential customers) and the
11 deployment of advanced services, it is very difficult,
12 if not impossible, to project growth/demand beyond a
13 twelve month window. While LECs may employ a longer
14 planning period, that is exactly what that period is -
15 a planning period. Generally, true funding
16 commitments are not made for two to three year time
17 periods and, if they are, they are subject to change
18 in the out-years as market plans change. Sprint
19 believes that a one year window is a much more certain
20 period of time than two or three years as proposed by
21 other parties in this proceeding.

22

23 Regardless of the time period selected, any ILEC space
24 reservation must be based on forecasted growth by type
25 of equipment. This is the only way to ensure that

1 ILECs are not gaming the process by reserving more
2 space than they can reasonably be expected to use. In
3 addition, the longer the time period, the more
4 uncertainty as to the forecast, and the more likely
5 for a dispute to arise. A one year space reservation
6 time period should be adopted.

7

8 Q. GTE (Ries, page 13, line 18) proposes that space
9 should be reserved if it is supported by a
10 "documented, funded business plan". Do you agree with
11 this approach?

12

13 A. No. I'm not sure what GTE means by a "documented,
14 funded business plan". Obviously, every LEC puts
15 together business plans for planning purposes to
16 anticipate the needs of the market in future periods.
17 However, it is naïve to believe that every funded
18 business plan is implemented and completed 100% of the
19 time, especially, if the plan is a multi-year project.
20 Any company consistently reviews their business plans
21 and makes necessary adjustments to respond to market
22 conditions. This can have a dramatic impact on the
23 amount of space that may be available for future
24 growth. Again, as discussed above, a one year space
25 reservation time period provides for much more

1 certainty than a multi-year business plan. Sprint
2 believes that adoption of a one year time period
3 supported by a forecast provides much more certainty
4 and checks and balances on ILEC behavior.

5

6 **Q. GTE (Ries, page 13, line 20) also proposes that ALECs**
7 **should be charged for space reserved. Do you agree**
8 **with this proposal?**

9

10 **A.** No. The FCC has codified in their rules a costing
11 methodology that is based on incremental costs. The
12 question that needs to be asked in regard to space
13 reservation is whether the ILEC incurs any additional
14 incremental costs for allowing an ALEC to reserve
15 space. The answer is no. Whether the space is vacant
16 or reserved by an ALEC, the ILEC's costs for floor
17 space, heating and cooling, etc., do not change
18 (absent perhaps some cost of administering a
19 reservation system).

20

21 **Q. What has Sprint proposed relative to charging an ALEC**
22 **for reserved space?**

23

24 **A.** Sprint has proposed that ALECs should not be charged
25 simply for reserving space. However, Sprint proposed

1 that, in the event that requests for collocation space
2 exceed available space, an ALEC shall be required to
3 relinquish the reserved space or begin paying the
4 appropriate collocation charges for the reserved
5 space. This will help to ensure that the ALEC
6 reserving space needs the reserved space. In
7 addition, Sprint proposes that, if the ALEC chooses to
8 begin paying the collocation charges, that they should
9 have six months to occupy the space or the ILEC shall
10 have the right to reclaim the space to satisfy
11 outstanding requests for space. This also ensures that
12 ALECs are not warehousing space unnecessarily,
13 consistent with FCC Rule 51.323(f) (6).

14

15 **Q. GTE (Ries, page 13, line 23) proposes that an ALEC**
16 **should be required to construct a cage as a condition**
17 **of space reservation. Is this reasonable?**

18

19 **A. Absolutely not, cage construction is an activity that**
20 **should occur based on the ALEC's needs, not based on**
21 **an ILEC requirement. Clearly GTE is aware of the FCC**
22 **rules regarding alternative forms of collocation,**
23 **including cageless collocation (FCC Rule**
24 **51.323(k) (2)). Simply put, ILECs are obligated to**
25 **make cageless collocation available. A requirement to**

1 always construct a cage as a condition of space
2 reservation precludes ALECs from reserving space for
3 cageless collocation and places them at a competitive
4 disadvantage. This proposal should be dismissed as
5 unnecessary, anti-competitive and inconsistent with
6 FCC rules.

7

8 **Issue 11 - Relocation of Administrative Office Space**

9

10 **Q. What has Sprint proposed for relocation of**
11 **administrative space?**

12

13 **A. Sprint has proposed there should be a general**
14 **requirement placed on ILECs to relocate administrative**
15 **(non-essential) employees to make space available for**
16 **physical collocation at an ILEC's premises. Sprint**
17 **has also proposed that ILECs should only be able to**
18 **recover the costs of the relocation based on an**
19 **apportionment of the relocation cost as a percentage**
20 **of the total square footage relocation cost.**

21

22 **Q. What position does BellSouth and GTE take relative to**
23 **the development of generic parameters for the use of**
24 **administrative office space?**

25

1 A. Both BellSouth (Milner, page 33, line 10) and GTE
2 (Ries, page 14, line 18) state that generic parameters
3 should not be developed as each central
4 office/premises is different and has its own unique
5 set of circumstances.

6

7 Q. Do you agree with BellSouth and GTE?

8

9

10 A. No. I agree that each ILEC central office/premises is
11 different, however, this, in no way, impedes the
12 development of generic parameters for the use of
13 administrative office space in ILEC central offices.
14 Perhaps, the real issue here is one of semantics, in
15 the use of the term "parameter", when the term
16 "guideline" may be more appropriate. There should be
17 an overriding guideline that requires ILECs to
18 relocate nonessential personnel in favor of making
19 space available for collocation. Space in central
20 offices/premises is critical to the success of ALECs
21 in their ability to compete with ILECs. If space is
22 currently housing nonessential or administrative
23 personnel, then there should be a general requirement
24 to make such space available for physical collocation.
25 This is an extremely important public policy issue

1 that will facilitate development of facilities-based
2 competition.

3

4 **Q. Do you agree with BellSouth that the ILECs should be**
5 **required to have space available for essential**
6 **employees, i.e., breakrooms, restrooms, etc.?**

7

8 **A. Yes. Obviously these types of facilities are required**
9 **as a quality of life working condition and in fact,**
10 **may be required by labor contracts. The issue is not**
11 **whether these types of facilities should be on the**
12 **premises, but how large should these facilities be.**
13 **Some of these locations may have been constructed to**
14 **accommodate many more employees than are currently**
15 **located and/or essential to the premises. In this**
16 **case, these facilities may be much larger than**
17 **required and should be reduced in size to make space**
18 **available.**

19

20 **Issue 17 - Cost Recovery**

21

22 **Q. Do you agree with GTE's witness Ries definition of**
23 **fill factors?**

24

1 A. Yes. Mr. Ries correctly states on page 20, line 20
2 that a fill factor is an "average usage level over the
3 life of the investment." The key word in this
4 definition is usage. A fill factor spreads the cost
5 of the facility over the average usage or utilization
6 of the facility. In other words, it assigns spare
7 capacity over the actual utilization of the facility.

8

9 Q. Do you agree with GTE's methodology used for the
10 development of the fill factor for allocation of
11 collocation costs?

12

13 A. No. GTE's allocation methodology is not consistent
14 with the use of fill factors that have historically
15 been used and approved by state commissions relative
16 to unbundled network elements and in many other cost
17 study applications.

18

19 Perhaps the concept of fill factors is best explained
20 by an example; Let's assume that an ILEC places a 3200
21 pair cable that costs \$10,000 with an average
22 utilization of 50%. Thus, the fill factor in this
23 case is 50% which means that 1600 pair of the 3200
24 pair are actually used to provide revenue producing
25 services. If 100% of the pairs were utilized, the per

1 unit cost would be \$10,000 divided by 3200 or \$3.125
2 per pair. However, given a fill factor of 50%, the
3 actual per unit cost would be \$10,000 divided by 1600
4 or \$6.25 per pair.

5
6 Now, let's assume that the ILEC usage of the actual
7 pairs utilized (1600) is 1500, then the ILEC would
8 bear a cost of \$9,375 (1500 pairs * \$6.25) while the
9 ALEC who is utilizing 100 pairs would bear a cost of
10 \$625 (100 pairs * 6.25) which is 1/16th or 6.25%. This
11 is the methodology that has long been used by the
12 industry and most recently in the development of
13 unbundled network element costing/pricing, i.e., a
14 methodology that utilizes the actual usage of the
15 facility as the allocator.

16
17 GTE's proposal using number of collocators or actual
18 users of the facility renders a totally different
19 result that places an inappropriate burden on ALECs.
20 In the above example, GTE would assume (this is a
21 hypothetical, the actual number will vary by
22 office/facility) that there are four ALEC users of the
23 facility and one ILEC user of the facility. Relative
24 to the above example, GTE would bear only 1/5 or 20%
25 of the \$10,000 facility cost while placing 80% of the

1 costs on ALECs provided that their assumption of four
2 ALECs bears out in actuality. In fact, in GTE's
3 methodology, if there are more collocators than
4 forecasted for a particular premises, they would over-
5 recover the costs.

6
7 GTE's methodology is truly anti-competitive as it
8 places a disproportionate share of the costs of
9 collocation on ALECs. GTE's description of fill
10 factor is accurate but they fail to use the factor
11 appropriately in that they do not use the actual
12 utilization of the facility in their calculations.
13 This is a key component of any allocation methodology
14 based on fill factors. Allocation of costs based on
15 square footage, as proposed by Sprint, does consider
16 the actual utilization of the facility and is
17 appropriate for use in the allocation of collocation
18 costs.

19

20 **Q. Does BellSouth propose the use of collocators as an**
21 **appropriate allocator of collocation costs?**

22

23 **A.** Yes, BellSouth proposes the development of several new
24 security rate elements for the recovery of collocation
25 costs. Specifically, Mr. Hendrix on page 10,

1 beginning on line 23, proposed a Security System rate
2 element that is designed to recover the costs of
3 installing a card reader system. He proposes that the
4 appropriate cost recovery allocation be based on the
5 number of collocators.

6

7 **Q. Does Sprint agree with an allocation based on number**
8 **of collocators?**

9

10 A. No. As discussed above, Sprint believes that this
11 places an inappropriate burden on ALECs. Sprint
12 agrees that installation of a card reader system
13 benefits both ALECs and ILECs alike. As I discussed
14 in my direct testimony, security costs are incurred to
15 protect the equipment located on the premises. In
16 this case, the ILEC may have 90% of the value of the
17 total equipment placed on premises, yet, BellSouth
18 proposes to incur a relatively minor portion of these
19 costs. Sprint believes that a relative value
20 allocation methodology is far superior and an
21 appropriate method for allocation of security costs.
22 Given the propriety of the price paid for relative
23 equipment to equipment vendors, Sprint believes that
24 an allocation based on relative square footage is

1 appropriate and fairly reflects the value of the
2 equipment located on the ILEC premises.

3

4 **Q. Does this conclude your testimony?**

5

6 **A. Yes, it does.**

1 **BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**2 **SUPPLEMENTAL REBUTTAL TESTIMONY**3 **OF**4 **MICHAEL R. HUNSUCKER**

5

6

7 **Q. Please state your name and business address.**

8

9 A. My name is Michael R. Hunsucker. I am employed by
10 Sprint/United Management Company as Director-Regulatory
11 Policy. My business address is 4220 Shawnee Mission
12 Parkway, Fairway, Kansas, 66205.

13

14 **Q. Are you the same Michael R. Hunsucker that presented**
15 **direct testimony and rebuttal testimony in this case?**

16

17 A. Yes, I am.

18

19 **Q. What is the purpose of your testimony?**

20

21 A. The purpose of my testimony is to present rebuttal
22 testimony on the revisions to the direct testimony of
23 Mr. John W. Ries on behalf of GTE Florida, Incorporated.
24 Specifically, I will address issues related to GTE's
25 proposal to file a tariff for costs associated with site

14875-99

1 modification, HVAC and power modification, and security
2 and electrical requirements.

3

4 **Q. Does Sprint generally agree with tariffing of**
5 **collocation charges?**

6

7 **A. Yes, in the direct testimony of Melissa Cloz, on behalf**
8 **of Sprint (page 22, lines 7-17), she proposes the**
9 **tariffing of collocation charges. Tariffing of**
10 **collocation charges results in benefits to both the ALEC**
11 **and the ILEC in terms of efficiency and certainty.**

12

13 **Q. What does GTE propose relative to the development of a**
14 **tariffed rate for space preparation costs?**

15

16 **A. Mr. Ries, on page 19, lines 3-9 states that "The rate**
17 **will be based upon information from past collocation**
18 **activity. The relevant types of costs associated with**
19 **collocation arrangements over a period of time will be**
20 **summed and then divided by the total number of**
21 **collocations over that same period of time. Some of**
22 **these would have had these costs associated with them**
23 **and some would not. The resulting rate will be one that**
24 **can be applied to every collocation request in the**
25 **future."**

1 Q. What general observations do you have regarding their
2 proposed cost development and subsequent tariffed rate?

3

4 A. First, GTE references "relevant types of costs" would be
5 developed based on history without any explanation of
6 what these "relevant" costs are. It is impossible to
7 determine whether these costs are "relevant" without
8 first knowing what the costs are. Sprint can make no
9 concrete determination of the appropriateness of these
10 costs absent a cost showing containing sufficient detail
11 to make such determination.

12

13 Secondly, GTE appears to be using the number of
14 collocators as the basis for the determination and
15 subsequent allocation of these costs to ALECs. In GTE's
16 proposed methodology, it appears that none of these
17 costs will be allocated to GTE. Again, without having
18 sufficient information to understand the costs GTE will
19 include in the numerator, there is a potential that
20 these space preparation charges could be beneficial to
21 both the ALEC and GTE but GTE proposes to recover 100%
22 of the costs from ALECs only. Also, as discussed in my
23 original rebuttal testimony, this does not appropriately
24 allocate the costs between ILECs and ALECs as specified
25 in the FCC's first Report & Order in Docket No. 98-147.

1 In fact, GTE recognizes that these costs are not
2 dependent on the number of collocators. Mr. Ries states
3 on page, 18, lines 14-16, that "Many of the fixed costs
4 associated with collocation space preparation do not
5 depend on the number of competitors that ultimately
6 occupies the space...". If these costs are not dependent
7 on the number of competitors, then why should these
8 costs be developed and allocated based on the number of
9 competitors.

10
11 Lastly, Mr. Ries states that the resulting rate will be
12 applied to all collocation requests, regardless of
13 whether costs are actually incurred at a particular
14 location. The fundamental issue here is whether GTE
15 should be allowed to arbitrarily increase the cost of
16 all collocations in all locations without actually
17 incurring the costs associated with the space
18 preparation. Again, having not seen the GTE tariff and
19 supporting cost study, it is impossible to determine the
20 relative impact that such a pricing policy could have on
21 the development of local competition.

22
23 **Q. Does this conclude your testimony?**

24
25 **A. Yes, it does.**

1 BY MS. MASTERTON:

2 Q Mr. Hunsucker, have you prepared a brief summary
3 of your testimony?

4 A Yes.

5 Q Please give that summary now.

6 A Good morning. My name is Michael R. Hunsucker,
7 and I am here today testifying on behalf of Sprint-Florida,
8 an ILEC, as well as Sprint Communications LP, an ALEC within
9 the State of Florida.

10 Not only does Sprint operate in Florida as an
11 ILEC and an ALEC, but we also operate as an interexchange
12 carrier and a wireless provider. Because of our diverse
13 business interests, Sprint is forced to internally debate
14 issues such as collocation and attempt to strike an
15 appropriate balance between its varied business units.

16 Sprint believes that our positions in this docket
17 strike that appropriate balance and afford all ALECs the
18 opportunity to compete while not placing unreasonable
19 burdens upon ILECs, as well.

20 What we are presenting -- in this particular case
21 we have two witnesses, myself, and I will address most of
22 the policy issues concerning collocation. We also have the
23 testimony of Melissa Closz to deal with some of the
24 operational and provisioning issues.

25 The Telecom Act laid the groundwork for

1 collocation by requiring all ILECs to provide both physical
2 and virtual collocation. The FCC subsequently adopted
3 national rules that serve as guidelines that states must
4 follow in adopting additional rules. The FCC was very
5 specific that the states can adopt additional rules, but
6 these rules cannot conflict with either the Act or the FCC's
7 national rules.

8 The FCC also deferred certain issues that are the
9 subject of this case, things like provisioning intervals as
10 well as cost recovery mechanisms by stating that the states
11 were in the best positions to determine the appropriate
12 guidelines on those issues.

13 While I address a lot of the different policy
14 issues, there is probably four, I think, key policy issues
15 that we need to focus on. The first of those is the
16 definition of premises, what constitutes an ILEC premise
17 upon which collocation can occur. The FCC in their orders
18 defined it in very broad terms. But one thing that they did
19 say was at or upon the ILEC premises or under the control of
20 the ILEC. And I think we have to keep that in mind when we
21 look at points where collocation can occur. It infers that
22 there is ownership by the ILEC of the premise upon which
23 that occurs.

24 The second issue that Sprint believes the state
25 should look at is relocation of administrative office

1 personnel. I listened to the testimony of Mr. Milner, and
2 he asserts there are certain common areas within their
3 buildings, such as training rooms, break rooms, so forth and
4 so on that are quality of life working conditions for their
5 CO techs. Sprint does not disagree with that.

6 But there are also shared site facilities where
7 ILECs may have marketing personnel, sales personnel,
8 external affairs, other type of non-CO essential personnel
9 located in those areas, on those premises. And we believe
10 that those areas should be made available for collocation.

11 In addition, the break rooms, training rooms,
12 things of that nature, if those are sufficiently large for
13 the number of people that are there, then likewise some of
14 those areas could be made available for collocation.

15 The third issue is space reservation policy.
16 Sprint believes there needs to be a space reservation policy
17 and it is a key to planning not only for the ILEC, but also
18 for the ALEC as they move into certain markets and try to
19 compete with the ILECs. Sprint has asserted a 12-month
20 reservation time period.

21 We believe whatever time period is ultimately
22 adopted has to reflect some certainty in the planning on
23 behalf of the ILEC and the ALEC. We believe 12 months is a
24 much more certain period of time to forecast your needs than
25 potentially 24 months, 36 months, or based on some funded

1 business plan that could go for a longer period of time. So
2 we have got to ensure that there is a certainty that that
3 space is going to be used when we allow space to be
4 reserved.

5 Likewise, we do not believe that or the FCC rules
6 allow us to create or institute certain provisions to
7 prevent warehousing. And warehousing is what I would define
8 as the reservation of space with no intended use. A party
9 would just be warehousing that space. And we have put forth
10 in our policy that if there are sufficient collocation
11 requests for space in an office and space is being reserved,
12 that there should be a six-month right to occupy that space
13 before an ILEC could come in and basically reclaim that
14 space to provision that space to other ALECs who have
15 requests pending with us as an ILEC.

16 The last issue, and probably the most important
17 is cost recovery methodology. First off, Sprint asserts
18 there should be no double recovery of costs. If there are
19 costs that are already included in the recurring rates for
20 collocation, those same costs should not be recovered in a
21 nonrecurring manner through nonrecurring charges. And any
22 cost recovery methodology has to recognize benefits to both
23 the ILEC and the ALEC.

24 If there are benefits to be derived from
25 incurring the cost on the ILEC, the ILEC should pay an

1 appropriate percentage. And we believe on most of the costs
2 to be incurred that square footage is the appropriate way to
3 allocate that, not number of collocators, as some other
4 parties have put forth in this proceeding.

5 That's all I have.

6 MS. MASTERTON: Mr. Chairman, the witness is now
7 tendered for cross examination.

8 COMMISSIONER DEASON: You're Mr. Edenfield, is
9 that right?

10 MR. EDENFIELD: Yes, sir, Commissioner Deason.

11 CROSS EXAMINATION

12 BY MR. EDENFIELD:

13 Q Good morning, Mr. Hunsucker. My name is Kip
14 Edenfield, and I'm here on behalf of BellSouth today to ask
15 you some questions. Before we get started, I want to ask
16 you, do you have a copy of the FCC's collocation rules and a
17 copy of the Advanced Services Order, the first report and
18 order in front of you?

19 I have copies if you do not, and I was give the
20 Commission and --

21 A Yes. The first report and order that was
22 released March 31st, 1999.

23 Q Yes, sir.

24 A And I also have a copy of the collocation, the
25 full set of collocation rules.

1 Q Great. In your summary, Mr. Hunsucker, you
2 reference that Sprint has a number of hats, and today you
3 are wearing the ILEC and ALEC hat, is that correct?

4 A That is correct.

5 Q You are the director of regulatory policy for
6 Sprint?

7 A Yes.

8 Q And that is for the local markets?

9 A I would say that the majority of what I do is
10 work with our local division. But also as part of that, as
11 part of my job responsibilities I have to coordinate and
12 ensure that the policies that we promote are agreed to by
13 all the divisions of Sprint.

14 Q So the ALEC division, the IXC division, and other
15 Sprint divisions would have some input into the policies for
16 Sprint as an ILEC?

17 A They would have some development into the
18 policies of Sprint as Sprint. We don't have ILEC policies
19 and ALEC policies, we have Sprint policies.

20 Q And each separate division would have some input
21 in developing whatever the overall policy will be?

22 A Yes.

23 Q Now, you are located in Kansas?

24 A Yes.

25 Q Is this your first time appearing before the

1 Florida Commission?

2 A No, it's not.

3 Q And as part of your job responsibilities you are
4 to develop policy that would be for the State of Florida?

5 A It would be before any state.

6 Q Throughout the country?

7 A Throughout the country.

8 Q Okay. I just have a few questions for you, and
9 they generally will revolve around the term premises.
10 Basically in this whole proceeding there are a couple of
11 terms that have been used here throughout, one of them is
12 off-premise collocation and the other is adjacent
13 collocation. Do you recognize a distinction between those
14 two?

15 A Yes, we do.

16 Q What is your definition of off-premise
17 collocation?

18 A Off-premise collocation is collocation that
19 occurs -- or to me it is not collocation, it is location of
20 an ALEC equipment at a premise that is not under the
21 ownership of the ILEC, not controlled by the ILEC. And the
22 FCC was very specific in their rules to deal with under the
23 control of the ILEC.

24 Q Is it your position that off-premise collocation
25 should not really be an issue in this case, that that is

1 more of an interconnection type issue?

2 A Yes, it is. Off-premise collocation is not
3 collocation. Again, the FCC by definition defines
4 collocation as at or upon a LEC premise.

5 Q So if you are going to have collocation outside
6 of a LEC premise, you are talking really adjacent
7 collocation?

8 A Repeat the question, I'm sorry.

9 Q You've got basically three types of collocation
10 here. You've got caged and cageless physical collocation,
11 you have got virtual collocation, and you have now got
12 adjacent collocation. Adjacent collocation, does it have a
13 requirement that it be on the ILEC premises?

14 A Yes, I believe -- let me look just to be sure.
15 But, yes, in our definition, and we believe according to the
16 FCC that it does require it to occur at the incumbent LEC
17 premise.

18 Q So you are not allowed to have adjacent
19 collocation outside of the ALEC -- I'm sorry, the ILEC
20 premise?

21 A Again, we don't believe that is collocation.
22 That is interconnection.

23 Q And when you talk about adjacent collocation,
24 you're talking about in those situations where you have a
25 legitimate exhaust situation?

1 A Yes. The FCC says where space is legitimately
2 exhausted in a particular premises.

3 Q Okay. So outside of a legitimate exhaust
4 situation, an ALEC would not be entitled to adjacent
5 collocation?

6 A They would not be entitled to it under the rules,
7 although that is something that I am certain Sprint, the
8 ILEC, would be willing to discuss with an ALEC.

9 Q So in those situations where you are not in an
10 exhaust situation, the ILEC is only obligated to provide
11 collocation on its premises, do you agree with that?

12 A Yes.

13 Q And premises is defined in FCC Rule 51.5?

14 A Yes, that's correct.

15 Q Do you agree that there are a couple of aspects
16 to premises and how it is defined by the FCC, one of those
17 is that the building or structure must house network
18 facilities?

19 A The exact definition says, it refers to an
20 incumbent LEC's CO and serving wire centers owned or leased
21 by an incumbent LEC that houses network facilities.

22 Q Okay. So as a prerequisite to a building or
23 structure being a premises as defined by the FCC, it would
24 have to house network facilities, do you agree with that?

25 A Let me make sure I understand. Can you repeat

1 your question, I want to be real clear how you phrased it.

2 Q I will do my best. Before a building or
3 structure qualifies as a premises under the FCC definition,
4 that building or structure must house network facilities
5 according to this definition?

6 A The premise must house -- and they also use in
7 adjacent collocation upon the premises, so I think that
8 confers upon the property that contains the premise that
9 houses the network facilities, I guess, is the best way to
10 say it.

11 Q If I understand what you are saying, you are
12 agreeing that it has to house network facilities for it to
13 be a premises as defined by the FCC?

14 A Yes.

15 Q And it also has to be owned or leased by the ILEC
16 before it is a premises under the FCC rules?

17 A That is the definition, yes.

18 Q You have proposed a scenario where you have a
19 building that houses network facilities and then across the
20 street there is an administrative building. Are you
21 suggesting that if that administrative building does not
22 house network facilities that the ILEC should still have to
23 allow collocation in that building?

24 A I think that would be covered under the
25 definition of adjacent collocation.

1 Q So in the example you had in your testimony, if
2 the ILEC premise that is housing the network facilities is
3 not at exhaust, you would not feel like you are entitled to
4 go to the administrative building across the street?

5 A Yes, that is true. I mean, if there is space
6 available within the current facility, then that needs to be
7 utilized first. Then upon legitimate exhaust then the
8 adjacent collocation could be a building on contiguous
9 property, and I don't think we look at separation by a
10 street or an alley as necessarily breaking that contiguous
11 property. Our concern is more when someone wants to go
12 collocate five miles away from the switching center where we
13 only have administrative personnel, that we don't believe
14 that is covered as adjacent collocation.

15 Q In other words, if BellSouth, for instance, were
16 to own some property out in the middle of the Everglades, an
17 ALEC couldn't come in there and say I want adjacent location
18 here if there were no network facilities on that premise?

19 A That is correct.

20 Q You had also had some discussion in your
21 testimony about administrative space in physical collocation
22 exhaust situations?

23 A Yes.

24 Q How do you define administrative or nonessential
25 personnel?

1 A I think we define non-administrative personnel as
2 their work not directly related to the CO switching function
3 that is provided in that location.

4 Q Would you consider people who were there to
5 repair equipment if they were stationed there to be
6 essential or nonessential?

7 A If they were there to work on that equipment, we
8 would consider those people to be essential.

9 Q If the Commission were to require ILECs to
10 relocate administrative personnel or nonessential personnel,
11 do you agree that the ALEC who was causing that relocation
12 should be required to bear the cost of the relocation?

13 A Yes, we agree that the ALEC should bear the cost
14 of that relocation.

15 Q In Issue 20 in your testimony, you talk about
16 forecasting collocation demand, and you talk about a
17 three-year forecast?

18 A Yes.

19 Q Is that something that the ALEC is supposed to
20 provide to the ILEC, or is that something that the ILEC is
21 supposed to develop on its own?

22 A Well, we believe that two things can occur there.
23 First off, it is going to be very difficult if we are trying
24 to forecast demand on behalf of the ALECs to know which
25 ALECs are going to come in over the next subsequent period

1 of time. So it is very difficult to forecast that demand.
2 But in the event that we do have customers currently
3 collocated in that office, we believe we should as part of
4 the normal planning, I think our agreements require that
5 they have to provide facility forecasts to us for a
6 three-year period on an annual basis, that this just simply
7 be part of that planning process, as well, so that we can
8 plan for their expansions because they are there. But we
9 will use our best efforts then to estimate the additional
10 space of other ALECs that may come in subsequent to that.

11 Q Would you be opposed to a shorter forecasting
12 period than three years?

13 A No, I don't think we would be opposed to a
14 shorter forecasting period, but I believe that is -- in what
15 we generally put in your contracts for facilities, I think
16 three years is what we have generally put in those
17 contracts.

18 Q It is not Sprint's intention to require the ILECs
19 to using these forecasts to lease or construct additional
20 space in an exhaust situation?

21 A We think that those would assist in the
22 construction of that space, but obviously if a CLEC today
23 said that they have -- or an ALEC has 50 square feet and in
24 part of this forecast they tell us they need 1,000 square
25 feet in the next 12 months, we are probably going to sit

1 down with them as part of the on-going discussions to try to
2 reconcile why they need that 1,000, and see if there is
3 really justification for that additional amount of space.

4 Q You would agree, I assume, that there is no
5 requirement on an ILEC to lease or construct additional
6 space even in exhaust situations?

7 A No, there is no requirement to have to construct
8 additional space, this only applies in the event that an
9 ILEC decides to modify or construct the building.

10 Q And it is not Sprint's intention to somehow turn
11 the forecasting into something that is going to require
12 additional building or leasing?

13 A No, that is correct.

14 MR. EDENFIELD: Okay. Thank you.

15 CROSS EXAMINATION

16 BY MS. CASWELL:

17 Q Good morning, Mr. Hunsucker. I'm Kim Caswell
18 with GTE. I understand you have recommended a space
19 reservation policy of 12 months, but at the same time you
20 have stated in an interrogatory response that LECs certainly
21 employ longer planning periods at least in some cases. And
22 if that is true that ILECs, and potentially ALECs, too, do
23 plan more than one year ahead of time, at least in some
24 cases, then isn't it unreasonable to recommend a 12-month
25 space reservation policy?

1 A No, I don't believe it is unreasonable. As I
2 responded to that, that is exactly what it is, it's a plan.
3 And, you know, typically we sit down and we develop plans
4 for multiple years. I don't know whether it is two years or
5 three years or four years, but we have those plans. But
6 those plans do not become funded and they are subject to
7 change at any time.

8 As new technology is developed and rolled out,
9 then those plans are changed. And those could significantly
10 impact the amount of space we need to reserve. But for 12
11 months, we are committed normally to a 12-month window and
12 that's why we believe 12 months is more appropriate.

13 Q Would you recognize that other ILECs and other
14 ALECs may use different planning periods?

15 A I'm not sure that planning periods has anything
16 to do with it. Again, we are responding -- what we are
17 saying is come up with a period that is reasonably certain
18 that the ILEC or the ALEC is going to use that space. That
19 is not based on some planning period, that is based on a
20 reasonable use of that space.

21 Q Okay. And if an ILEC or an ALEC could show with
22 certainty that it needed that space, for example, by
23 submitted a funded and documented plan, shouldn't they be
24 able to reserve space for longer than a year?

25 A Well, I have difficulty knowing what a funded

1 documented plan is. But, no, I don't think they should be
2 able to do it for more than a year. I mean, you could say
3 you have got a funded documented plan for five years, and
4 then that precludes ALECs from getting space. You've got to
5 put some reason on that time period that you can reserve
6 that space so that ALECs have the opportunity as well to use
7 it.

8 Q So you don't believe that there is any instance
9 in which a company should be able to reserve space for
10 longer than a year?

11 A That is correct.

12 Q At Page 14, Line 19 of your direct testimony you
13 state that this Commission must set space reservation
14 guidelines more specific than the FCC's in order to ensure
15 that ALECs are able to acquire collocation in a timely
16 manner. But space reservation criteria don't affect
17 collocation provisioning intervals, do they?

18 A They would only affect provisioning intervals in
19 the event that all the space is reserved and someone can't
20 then get subsequent space and be able to provision
21 collocation.

22 Q I'm still not sure I understand how the
23 provisioning interval, say 90 days on a caged arrangement,
24 why would your reservation of space affect that 90-day
25 provisioning period?

1 A As far as the -- is your question just the
2 absolute provisioning interval of 90 days?

3 Q Right.

4 A I don't believe that space reservation would
5 impact that provisioning interval.

6 Q Okay. I would like to talk a little bit about
7 relocation of administrative personnel and your
8 recommendations in that regard. I want you to assume with
9 me that GTE has a 12 floor building in the middle of Tampa,
10 and the first floor houses GTE's central office facilities,
11 the second and third floors are operators. If space is
12 exhausted for physical collocation on the first floor, do
13 you believe GTE should be required to relocate its operator
14 services to another building to provide additional
15 collocation space on the second floor?

16 A If there is not additional space within that
17 building, then we believe that GTE should relocate those
18 personnel provided there are, you know, there is space for
19 them to relocate that personnel. And, again, that would be
20 paid for by the ALEC based on the amount of space that they
21 have requested.

22 Q And would you agree that it is not always
23 feasible to relocate only part of a work group?

24 A There is a potential possibility it is not
25 feasible to relocate part of a work group.

1 Q And if GTE had to relocate all of its operator
2 services work group in that case, your recommendation is
3 that the ILEC pay for most of those costs, isn't it?

4 A My recommendation is that the ALEC would pay for
5 that based on a square footage.

6 Q And the practical result of that recommendation
7 is that the ILEC would have to pick up most of the cost of
8 relocating that work group, isn't it?

9 A Yes. But there is an assumption here that there
10 is no space on the other nine floors, as well, where you may
11 have a smaller work group of two, or three, or four people
12 that could be relocated to make space available.

13 Q And I think earlier you mentioned that one
14 limitation on GTE's obligation to move those personnel would
15 be that there was space somewhere else available for them.
16 So if GTE could prove that it doesn't have room for this
17 whole work group somewhere else in the immediate area, would
18 that be a reason not to relocate those personnel?

19 A I don't know that immediate area necessarily has
20 anything to do with it. I mean, if there is some location
21 that is not in the immediate area that they could be
22 relocated to, then that would be a possibility, as well.

23 Q But would you agree that there is some sort of
24 reasonableness constraint on the obligation to move the
25 personnel even under your recommendation?

1 A There is potential for there to be some
2 constraint, yes.

3 Q Okay. And I think you have also proposed that
4 when the ILEC takes steps to make space available, it should
5 notify the Commission and the ALECs. What exactly does take
6 steps to make space available mean in practical terms?

7 A Well, it could be relocation of personnel, it
8 could be construction of a new floor on a building, it could
9 be construction -- just any construction adding onto the
10 building. Anything that would make space available.

11 Q And when would the ILEC need to issue that
12 notification?

13 A I don't remember if I recommended a specific --

14 Q I don't think that you did.

15 A -- time line. But, you know, the FCC requires
16 that for a full site that we notify within ten days of it
17 becoming full. I would say that a similar parameter here
18 would be reasonable, that within ten days of that space
19 becoming available a notification should occur. And that
20 is, I believe, exactly what I have in the wait list
21 procedures that I have proposed in the last issue.

22 MS. CASWELL: Okay. That's all I have. Thank
23 you, Mr. Hunsucker.

24 CROSS EXAMINATION

25 BY MR. MELSON:

1 Q Mr. Hunsucker, Rick Melson asking a couple of
2 questions on behalf of Rhythms Links this morning. Could
3 you turn to Page 29 of your direct testimony, please?

4 A Okay.

5 Q If I understand the question and answer at the
6 top of the page, essentially you are saying that after a
7 waiver has been granted in an office because of lack of
8 space, essentially as soon as the ILEC knows that it is
9 going to add space, or take other steps to make space
10 available that they should notify the Commission and the
11 interested ALECs and sort of keep parties apprised of that
12 progress, is that a fair summary?

13 A That is a fair summary, yes.

14 Q Do you agree with -- did you hear Mr. Hendrix
15 yesterday testify that there should be no requirement to
16 advise ALECs any longer than 60 days in advance of the
17 availability of the space?

18 A Yes, I do remember that.

19 Q And I take it your position is if Sprint knew of
20 space availability longer than 60 days in advance you
21 believe it is appropriate to notify the parties when you
22 know?

23 A Yes, absolutely.

24 Q Could you -- I believe BellSouth handed out to
25 you a copy of the Code of Federal Regulations, Part 51.

1 Could you turn to Page -- it is numbered 32 at the bottom of
2 the page.

3 A I don't have their exact document, could you
4 refer me to a specific rule.

5 Q Yes, I'm sorry. Rule 51.321.

6 A Okay.

7 Q All right. And would you agree -- would you read
8 to yourself, I guess, subpart or Paragraph A of 51.321 just
9 for a moment.

10 A Okay.

11 Q And that essentially says an incumbent LEC shall
12 provide any technically feasible method of obtaining
13 interconnection or access to UNEs at a particular point upon
14 request, fairly straightforward?

15 A Yes.

16 Q Now, would you turn to Paragraph D, and read that
17 to yourself just a moment.

18 A Okay.

19 Q And that says essentially if a LEC denies a
20 particular method of obtaining interconnection or access to
21 UNEs, it has to prove to the state commission that that
22 method is not technically feasible?

23 A That is correct.

24 Q I would like to ask just one question about what
25 you and BellSouth discussed as being off-site

1 interconnection. Without trying to put a label on that as
2 to whether that is, quote, collocation or, quote, on or off
3 somebody's premises, if access to UNES has been provided,
4 for example, by GTE, if GTE has provided access to UNES via
5 extending copper facilities to an off-site location, would
6 you read that to be a form of access to UNES under this
7 rule?

8 A Yes, I would read that as a form of access to
9 UNES. And, in fact, in the first report and order in 96-98
10 the FCC addressed that specific example. And the issue was
11 that that was not collocation, it was access to UNES, and a
12 responsibility to provide that connection from the ILEC
13 facilities to the ALEC facilities was 100 percent
14 responsibility of the ALEC.

15 Q And to the extent those types of, that type of
16 access to UNE has been provided with copper facilities, then
17 would you agree that there is essentially a presumption that
18 the use of copper facilities in that type of a context is
19 technically feasible?

20 A Yes, I would agree that that interconnection via
21 copper is technically feasible.

22 MR. MELSON: Thank you.

23 MR. HATCH: No questions.

24 MR. GOODPASTOR: No questions.

25 MS. KAUFMAN: No questions.

1 MR. SAPPERSTEIN: No questions.

2 CROSS EXAMINATION

3 BY MR. BUECHELE:

4 Q I'm Mark Buechele on behalf of Supra. I just
5 wanted to touch base with you on allocation of charges. Is
6 it a fair statement that power charges to a collocator
7 primarily consist of batteries, rectifiers to those
8 batteries from the AC to DC, and in some circumstances an
9 upgrade to the backup generator?

10 A It includes AC power, DC power, and batteries,
11 yes.

12 Q And when an ILEC makes those upgrades, they
13 generally become part of the facility there, the batteries
14 get connected up to the battery string, any upgrades to the
15 generator are shared by the ALEC, and the rectifiers feed
16 the same batteries?

17 A That sounds reasonable. But I'm not an engineer,
18 so I don't know how that actually takes place.

19 Q Do you think that those power chargers should be
20 part of recurring charges or nonrecurring charges?

21 A I think we have both recurring and nonrecurring
22 charges for things like AC power and DC power. Some of
23 those nonrecurring charges recover the labor of the
24 installation. But there are recurring charges that actually
25 cover, I believe, the batteries themselves. So there is a

1 combination of the two, but I think for the most part the
2 batteries are considered to be part of the recurring charge.

3 Q Okay. So is it a fair statement that the
4 physical hardware like batteries, rectifiers, and any
5 upgrade to the generator, those physical items should be
6 part of recurring charges and not part of nonrecurring
7 charges?

8 A Well, I think what you have to look at, you have
9 to determine is that piece of equipment something that would
10 be provided under what I would call a normal situation or to
11 provision that. And if it is, then we would propose it be
12 recovered through recurring charges. If you are asking for
13 something above and beyond or different than what we
14 normally provision, then potentially that could be a
15 nonrecurring charge.

16 Q So, in general, then, power charges should be --
17 with the exception of labor, should be recurring charges as
18 opposed to nonrecurring charges?

19 A To the extent that you are coming to get it from
20 us under our tariff or under an agreement, I think we have
21 those in recurring charges.

22 MR. BUCHELE: Thank you.

23 COMMISSIONER DEASON: Staff.

24 MS. KEATING: Staff has no questions.

25 COMMISSIONER DEASON: Commissioners. Redirect.

1 MS. MASTERTON: We have no redirect.

2 COMMISSIONER DEASON: Exhibits.

3 MS. MASTERTON: Sprint has none.

4 COMMISSIONER DEASON: Thank you, Mr. Hunsucker,
5 you may be excused. We are going to take a lunch recess.
6 But before we break, I want all parties to make an
7 assessment of their anticipated time requirements to
8 conclude this hearing. And when we go back on the record
9 after the lunch recess we will take a general assessment as
10 to where we are. We will take a lunches of recess until
11 1:00 o'clock.

12 (Lunch recess.)

13 COMMISSIONER DEASON: Call the hearing back to
14 order.

15 Before we take the next witness, I would like to
16 take just a moment and see if we can make some determination
17 of the time requirements. BellSouth.

18 MS. WHITE: BellSouth and GTE believe that
19 together we would require about 30 to 45 minutes per
20 witness.

21 COMMISSIONER DEASON: And given that there are
22 eight witnesses, that would be 4 to 6 hours.

23 MS. WHITE: Yes.

24 COMMISSIONER DEASON: Sprint.

25 MS. MASTERTON: We have little or no time. I

1 mean, we aren't planning on taking much time for the rest of
2 them.

3 COMMISSIONER DEASON: Okay. Mr. Melson.

4 MR. MELSON: I have probably got two minutes
5 worth of questions for one witness. Essentially nothing.

6 MR. HATCH: Virtually nothing, Commissioner.

7 MR. GOODPASTOR: No further cross.

8 MS. KAUFMAN: I have no further cross for the
9 remaining witnesses.

10 MR. SAPPERSTEIN: I have no further cross.

11 MR. KERKORIAN: MGC will have no further cross.

12 COMMISSIONER DEASON: Mr. Buechele.

13 MR. BUECHELE: We probably have 10 or 15 minutes
14 of cross.

15 COMMISSIONER DEASON: Staff.

16 MS. KEATING: Probably about five minutes for one
17 witness.

18 COMMISSIONER DEASON: Well, I wish I could make a
19 definitive decision. With that it is conceivable we could
20 conclude this evening. But then at the same time it doesn't
21 look real promising. I'm going to put folks on the spot. I
22 saw that Ms. White was shaking her head.

23 It's your opinion we will not be able to finish
24 at a reasonable hour?

25 MS. WHITE: Well, I mean the 30 to 45 minutes

1 that I said for GTE and BellSouth, I mean, that doesn't
2 include putting the witness on the stand and doing the
3 summaries. And, again, that was based on if the witnesses
4 answer the question, you know, in a reasonable manner and
5 don't go off. So there are a lot of assumptions in the 30
6 to 45 minutes.

7 COMMISSIONER DEASON: Well, I think that we
8 probably need to work on the assumption that we need to get
9 as much done today as possible, but that we are probably
10 looking at another day. And I can't tell you when that day
11 would be. That would have to come from the Chairman's
12 office. So if you've got some -- if your witnesses have
13 some special considerations as to the necessity of being on
14 today, or whether they would just as soon be excused and
15 look forward to another day, you need to make those
16 assessments and let me know either now or a little bit later
17 at the next break. And then we can try to make
18 accommodations as far as changing order of witnesses, if
19 necessary, or excusing witnesses, if necessary. Okay.

20 Sprint, you may call your next witness.

21 MS. MASTERTON: Ms. Closz, have you previously
22 been sworn in this docket?

23 THE WITNESS: Yes, I have.

24 Thereupon,

25 MELISSA L. CLOSZ

1 was called as a witness on the behalf of Sprint-Florida
2 Incorporated and, having been duly sworn, testified as
3 follows:

4 DIRECT EXAMINATION

5 BY MS. MASTERTON:

6 Q Please state your name and your employer for the
7 record?

8 A My name is Melissa Cloz, and my employer is
9 Sprint.

10 Q Did you submit direct and rebuttal testimony in
11 this docket?

12 A Yes, I did.

13 Q Are there any changes or corrections to your
14 direct testimony?

15 A No, there are not.

16 Q If I should ask you today the questions contained
17 in your testimony would be the answers be the same?

18 A Yes, they would.

19 Q Are there any changes or corrections to your
20 rebuttal testimony?

21 A Yes, I have one minor correction in my rebuttal.
22 This is on Page 2, Line 4. And this is in the reference to
23 the issues to be addressed. I also addressed Issue 16,
24 which is not listed there, so that should read Issues 1, 5,
25 6, 8, 9, 15 and 16.

1 Q With this correction, if I should ask you today
2 the questions contained in your testimony, would the answers
3 be the same?

4 A Yes, they would.

5 MS. MASTERTON: Commissioners, at this time I
6 would move the prefiled direct and rebuttal testimony of
7 Melissa Cloz be inserted into the record as though read.

8 COMMISSIONER DEASON: Without objection, it shall
9 be so inserted.

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1 **BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

2 **DIRECT TESTIMONY**

3 **OF**

4 **MELISSA L. CLOSZ**

5
6 **Q. Please state your name and business address.**

7
8 **A. My name is Melissa L. Closz. My business address is 555**
9 **Lake Border Drive, Apopka, Florida 32703.**

10
11 **Q. By whom are you employed and in what capacity?**

12
13 **A. I am employed by Sprint as Director-Local**
14 **Market Development.**

15
16 **Q. Please describe your educational background and work**
17 **experience.**

18
19 **A. I have a Master of Business Administration degree from**
20 **Georgia State University in Atlanta, Georgia and a Bachelor**
21 **of Business Administration degree from Texas Christian**
22 **University in Fort Worth, Texas. I have been employed by**
23 **Sprint for over eight years and have been in my current**
24 **position since February, 1997. I began my telecommunications**
25 **career in 1983 when I joined AT&T Long Lines progressing**

1 through various sales and sales management positions. In
2 1989, I joined Sprint's Long Distance Division as Group
3 Manager, Market Management and Customer Support in Sprint's
4 Intermediaries Marketing Group. In this capacity, I was
5 responsible for optimizing revenue growth from products and
6 promotions targeting association member benefit programs,
7 sales agents and resellers. I owned and operated a consumer
8 marketing franchise in 1991 and 1992 before accepting the
9 General Manager position for Sprint's Florida unit of United
10 Telephone Long Distance ("UTLD"). In this role, I directed
11 marketing and sales, operational support and customer service
12 for this long distance resale operation. In Sprint's Local
13 Telecommunications Division, in 1993, I was charged with
14 establishing the Sales and Technical Support organization for
15 Carrier and Enhanced Service Markets. My team interfaced
16 with interexchange carriers, wireless companies and
17 competitive access providers. After leading the business
18 plan development for Sprint Metropolitan Networks, Inc.
19 ("SMNI", now a part of Sprint Communications Company Limited
20 Partnership), I became General Manager in 1995. In this
21 capacity, I directed the business deployment effort for
22 Sprint's first alternative local exchange company ("ALEC")
23 operation, including its network infrastructure, marketing
24 and product plans, sales management and all aspects of
25 operational and customer support.

1 Q. What are your present responsibilities?

2

3 A. My present responsibilities include representation of Sprint
4 in interconnection negotiations with BellSouth
5 Telecommunications, Inc. ("BellSouth"). In addition, I am
6 responsible for coordinating Sprint's entry into the local
7 markets within BellSouth states. I also interface with the
8 BellSouth account team supporting Sprint to communicate
9 service and operational issues and requirements.

10

11 Q. Have you testified previously before state regulatory
12 commissions?

13

14 A. Yes, I have testified before state regulatory commissions in
15 Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi,
16 New York, North Carolina, South Carolina and Tennessee.

17

18 Q. What is the purpose of your testimony in this proceeding?

19

20 A. The purpose of my testimony is to provide input to the
21 Florida Public Service Commission ("FPSC") that is relevant
22 to its consideration of the collocation issues identified in
23 Dockets 98-1834-TP & 990321-TP. Specifically, I will address
24 issues 1,2,5,6,8,9,12,13,14,15, 16 and 18. Michael Hunsucker
25 is also presenting testimony on behalf of Sprint and will be

1 addressing Sprint's overall policy positions in this
2 proceeding as well as the remaining identified issues.

3

4

ISSUE 1

5

6 When should an ILEC be required to respond to a complete and
7 correct application for collocation and what information
8 should be included in that response?

9

10 **Q. What responses should the ILEC provide upon receipt of a**
11 **complete and correct application for collocation?**

12

13 **A.** There are two specific responses that the ILEC should
14 provide. The first tells the collocation applicant whether
15 or not there is space available to accommodate their request.
16 The second response gives the applicant a price quote and
17 provides technical information relevant to the collocation
18 arrangement requested.

19

20 **Q. When should the ILEC be required to notify the applicant**
21 **whether or not space is available to accommodate their**
22 **request?**

23

24 **A.** An ILEC should respond within ten (10) calendar days of
25 receipt of an application for collocation to inform the

1 requesting carrier whether space is available or not. This
2 is consistent with paragraph 55 of the FCC's First Report and
3 Order in Docket 98-147, "We view ten days as a reasonable
4 time period within which to inform a new entrant whether its
5 collocation application is accepted or denied." This timely
6 response is critical to enabling new entrants to quickly
7 reassess collocation deployment plans such that impacts to
8 the new entrants' marketing plans are minimized.

9
10 **Q. What information should be included with the ILEC's response**
11 **to inform the requesting carrier whether or not space is**
12 **available?**

13
14 **A. The ILEC's response should indicate whether or not space is**
15 **available to accommodate the collocation request. If space**
16 **is not available, the ILEC is required, pursuant to FCC Rule**
17 **51.321 (f), to "submit to the state commission, subject to**
18 **any protective order as the state commission may deem**
19 **necessary, detailed floor plans or diagrams of any premises**
20 **where the incumbent LEC claims that physical collocation is**
21 **not practical because of space limitations." The ILEC should**
22 **also submit this information to the collocation applicant**
23 **along with this initial response.**

24

1 Q. When should additional response information be provided and
2 what should be included in that response?

3

4 A. A two-step process for providing additional information
5 should apply depending on whether collocation prices are
6 tariffed or covered by the ALEC's interconnection agreement
7 or whether they must be developed on a Individual Case Basis
8 (ICB). To the extent that collocation price elements are
9 tariffed or covered by the ALEC's interconnection agreement,
10 the ILEC should provide price quotes to requesting
11 collocators within fifteen (15) calendar days of receipt of
12 a complete and correct collocation application. The price
13 quote should include an itemized description of the
14 applicable recurring and non-recurring costs associated with
15 the collocation configuration.

16

17 If collocation price elements, including space preparation
18 costs, are not tariffed or covered by the ALEC's
19 interconnection agreement and are instead quoted on an
20 "ICB", the ILEC should provide price quotes to requesting
21 collocators within 30 calendar days from receipt of a
22 complete and correct collocation application.

23

24 In addition, the ILEC should provide all equipment lay-out,
25 cabling, power, and engineering information that is relevant

1 to the requested collocation within thirty (30) calendar days
2 from receipt of a complete and correct collocation
3 application. This will enable the requesting carrier to
4 fully evaluate the collocation deployment parameters and make
5 decisions regarding moving forward with a firm order.

6 ISSUE 2

7
8 If the information included in the ILEC's initial response is
9 not sufficient to complete a firm order, when should the ILEC
10 provide such information or should an alternative procedure
11 be implemented?

12
13 **Q. What does sprint believe are the key concerns that issue**
14 **2 seeks to address?**

15
16 **A.** Sprint's understanding is that this issue seeks to address
17 whether "traditional" collocation application processes
18 provide an opportunity for ALECs to move to the "firm order"
19 stage more quickly than current timeframes will allow, or
20 whether an alternative procedure should be implemented that
21 would permit ALECs to more quickly enter the firm order stage
22 of the collocation deployment process. Sprint's current
23 collocation application process provides for ALEC submission
24 of the collocation application, a "space or no space"
25 response within ten (10) calendar days of that submission,

1 and price quotes within fifteen (15) calendar days of
2 submission where collocation prices are tariffed or covered
3 by the ALEC's interconnection agreement and within thirty
4 (30) calendar days of submission when ICB pricing is
5 required. Technical information including floor plan, power
6 and engineering information relevant to the requested
7 collocation would also be provided within the thirty (30) day
8 interval. ALEC submission of a firm order for collocation
9 space, according to this process, would follow receipt of the
10 price quote and technical information.

11

12 **Q. To address the specific question raised by issue 2, would the**
13 **information included in the ILEC's initial response be**
14 **sufficient to complete a firm order?**

15

16 **A.** From an ILEC standpoint, if there is space available to
17 accommodate the collocation requested, the ILEC has the
18 information that is needed to proceed with a firm order. The
19 question of whether the information provided in the initial
20 "space or no space" response is adequate to proceed is really
21 dependent upon the ALEC's willingness to accept the
22 provisioning configuration of the ILEC without having
23 detailed cost or provisioning information. For example, an
24 ALEC may determine that it is willing to move forward
25 immediately upon being advised that there is space available

1 and may be willing to accept the uncertainty of not having
2 final price quote and provisioning information. Other ALECs
3 may wish to have a firm price quote and specific equipment
4 layout and engineering information before they are willing to
5 proceed.

6

7 **Q. Should an alternative procedure be implemented that would**
8 **enable ALECs to place firm orders after being advised only**
9 **that space is available?**

10

11 **A.** Sprint is supportive of a procedure that would allow ALECs
12 to proceed with a firm order once they have been advised that
13 space is available to accommodate their collocation request.
14 Standard ILEC practices for collocation application
15 cancellation or modification would also apply.

16

17

18

ISSUE 5

19

20 **What terms and conditions should apply to converting virtual**
21 **collocation to physical collocation?**

22

23 **Q. Are there different types of conversions from virtual**
24 **collocation to physical collocation that an ALEC might**
25 **request?**

1

2 A. Yes. ALECs might request conversion from virtual collocation
3 to either physical caged or physical cageless collocation.
4 Each type of conversion would require substantially different
5 handling by the ILEC and as such, the terms and conditions
6 for these conversions should be differentiated accordingly.

7

8 **Q. What terms and conditions should apply to converting virtual**
9 **collocation to cageless physical collocation?**

10

11 A. When requesting a conversion from virtual collocation to
12 cageless physical collocation, the ALEC should be required to
13 submit an application to the ILEC for cageless physical
14 collocation. The application should specifically state that
15 the request is for conversion of existing space. If the
16 request is for a "like for like" conversion, meaning that no
17 changes to the collocation configuration are being requested,
18 the conversion to physical cageless collocation will only
19 involve ILEC administrative changes , billing changes and
20 engineering record updates. Accordingly, the application fee
21 should reflect only the work directly involved in reviewing
22 the conversion request and will likely be substantially less
23 than standard collocation application fees. In these
24 instances the ILEC should provide the ALEC with a record
25 change notification within 30 calendar days of receipt of a

1 complete and correct application for conversion to physical
2 cageless collocation. However, if the virtual collocation
3 that the ALEC is requesting be converted is less than a full
4 bay, the ILEC may choose to remove it to another bay, in which
5 case the provisions for conversions necessitating changes to
6 the collocation arrangement discussed below will apply.

7

8 **Q. Are there any special requirements that the commission should**
9 **place on ILECs relative to conversions from virtual**
10 **collocation to cageless physical collocation?**

11

12 A. Yes. If no changes are required the Commission should
13 specifically require that ILECs provision such changes as
14 "conversions", meaning that the collocators's existing space
15 would be utilized to accommodate the "new" cageless physical
16 collocation arrangement. Without such a provision, ILECs
17 could potentially require collocators to relinquish their
18 existing virtual collocation space and reapply for cageless.
19 If this were the case, collocators could be forced to choose
20 between keeping their virtual collocation or foregoing
21 collocation altogether if the central office at issue has
22 reached space exhaustion or there are other competitors on
23 the waiting list to obtain collocation at that office.
24 Requiring ILECs to convert existing virtual collocation to
25 cageless collocation upon request will ensure that ALECs may

1 choose from the collocation options that are now available
2 pursuant to the FCC's collocation Order in Docket No. 98-147.

3

4 **Q. What terms and conditions should apply in the conversion from**
5 **virtual collocation to physical cageless collocation if the**
6 **ALEC has requested changes in the collocation arrangement?**

7

8 A. If there are changes requested, the ILEC's standard
9 provisioning terms, conditions and intervals for physical
10 cageless collocation should be followed. This process
11 appropriately reflects the additional review that must take
12 place in assessing the changes requested and their potential
13 impact on the existing configuration. For example, an ILEC
14 may not be able to accommodate a requested change that
15 involves expanding the current configuration in the existing
16 space and the collocater's equipment may need to be moved in
17 order to satisfy the request. The cageless physical
18 collocation processes would appropriately address such a
19 review.

20

21 **Q. What terms and conditions should apply to converting virtual**
22 **collocation to caged physical collocation?**

23

24 A. Requests for conversion from virtual collocation to caged
25 physical collocation should be handled according to the

1 terms, conditions and intervals associated with the ILEC's
2 standard physical collocation processes. Clearly, this sort
3 of modification involves additional space and construction
4 considerations, and must be differentiated from a simple
5 conversion from virtual collocation to cageless physical
6 collocation.

7
8 ISSUE 6

9
10 **What are the appropriate response and implementation**
11 **intervals for ALEC requests for changes to existing**
12 **collocation space?**

13
14 **Q. WHAT TYPES OF CHANGES TO EXISTING COLLOCATION SPACE MIGHT**
15 **ALECs request?**

16
17 **A.** Collocation space changes will likely involve the addition of
18 equipment to the collocation arrangement and/or changing the
19 existing equipment. Equipment additions or changes to the
20 existing configuration are typically referred to as
21 "augmentations" to existing collocation arrangements.

22
23 **Q. Will the type of change requested make a difference in the**
24 **ILEC's response and implementation intervals for changes?**

25

1 A. Yes. For example, simple change-outs of a particular type of
2 equipment may not necessitate any changes on the part of the
3 ILEC other than record updates. Other changes may impact the
4 power or other infrastructure requirements such as air
5 conditioning or cabling and may even require expansion of
6 existing cages.

7

8 **Q. Given the varied nature of change requests, what are the**
9 **appropriate response and implementation intervals for ALEC**
10 **requests for changes to existing collocation space?**

11

12 A. When the change requested requires no physical work on the
13 part of the ILEC other than record updates, ALECs should only
14 be required to advise the ILEC of the changes that will be
15 made. The ILEC should respond to the ALEC with a
16 notification that the ILEC's records have been updated to
17 reflect the change. This response should be provided within
18 fifteen (15) calendar days of receipt of the ALEC's change
19 notification.

20

21 Provisioning intervals when changes are required should be
22 reflective of the actual work involved, but should not exceed
23 30 calendar days from receipt of the ALEC's request for a
24 change. Longer intervals are warranted only in cases where
25 ILEC infrastructure improvements and/or upgrades requiring

1 additional time are required but in these cases the interval
2 should not exceed 90 calendar days from receipt of the change
3 request.

4

5

ISSUE 8

6

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

9

10 **Q. Should the interval for cageless physical collocation**
11 **provisioning be different than the interval for caged**
12 **physical collocation?**

13

14 **A. Yes.** A reduced interval appropriately reflects that the time
15 required to construct cages is not needed for the
16 provisioning of cageless arrangements. Logically, the
17 interval should be reflective of the actual work required.

18

19 **Q. What is the appropriate provisioning interval for cageless**
20 **physical collocation?**

21

22 **A.** The appropriate interval for the provisioning of cageless
23 physical collocation is 60 calendar days. The interval
24 starts when the ILEC has received a complete and correct firm
25 order from the requesting carrier and ends when the ILEC

1 notifies the collocator that the space is ready to be
2 accepted.

3

4

ISSUE 9

5

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

10

11 Q. In the context of this issue, what is meant by an

12 "intermediate point of interconnection"?

13

14 A. Sprint's understanding of this issue is that the "intermediate
15 point of interconnection" being referenced is a Point of
16 Termination Bay, or POT bay. This is essentially a piece of
17 equipment designed to serve as a connecting point for the
18 facilities of the ILEC and ALEC collocators.

19

20 Q. What is the appropriate demarcation point between ilec and
21 ALEC facilities when the ALEC's equipment is connected
22 directly to the ILEC's network without an intermediate point
23 of interconnection?

24

1 A. The ALEC collocation site is the appropriate demarcation
2 point. This serves as the point at which the ALEC and ILEC
3 facilities meet and serves as the point for which maintenance
4 and provisioning responsibilities are split with each party
5 assuming accountability on its side of the demarcation point.

6

7 **Q. Should the ALEC have the option to utilize an intermediate**
8 **point of interconnection, such as a pot bay?**

9

10 A. Yes. The ALEC should have the option to use or not use an
11 intermediate point of interconnection, such as a POT bay as
12 an intermediate point of interconnection. If an intermediate
13 point of interconnecton is used, the demarcation point would
14 be at the intermediate frame which would be located, at the
15 ALEC's option, either inside or outside of the ALEC's
16 collocation space.

17

18

ISSUE 12

19 **What types of equipment are the ILECs obligated to allow in a**
20 **physical collocation arrangement?**

21

22 **Q. Do the FCC rules address ILECs' obligations regarding the**
23 **types of equipment that must be allowed in a physical**
24 **collocation arrangement?**

25

1 A. Yes. As stated in Michael Hunsucker's testimony, FCC Rule
2 51.323 (b) delineates the obligations of ILECs with respect
3 to the use of equipment in physical collocation arrangements.
4 This Rule specifies that an ILEC "shall permit the
5 collocation of any type of equipment used for interconnection
6 or access to unbundled network elements." Such equipment
7 includes, but is not limited to, transmission equipment,
8 optical terminating equipment and multiplexers, equipment
9 collocated to terminate basic transmission facilities,
10 digital subscriber line access multiplexers ("DSLAMs"),
11 routers, asynchronous transfer mode multiplexers ("ATMs") and
12 remote switching modules.

13

14 **Q. Are there any limitations in the FCC rules regarding the**
15 **ILEC's obligations to allow collocation of equipment?**

16

17 A. The only limitation is stated in FCC Rule 51.323 (c), which
18 states that ILECs are not required to "permit collocation of
19 equipment used solely for switching or solely to provide
20 enhanced services".

21

22 **Q. What is the importance of the wide range of equipment allowed**
23 **for collocation by these FCC rules to sprint?**

24

1 A. Sprint is in the process of deploying advanced services such
2 as its revolutionary ION service, which will bring Sprint's
3 long-haul ATM network all the way to a customer's premises
4 and will accommodate the entirety of a customer's
5 communications needs, including voice, data and Internet
6 access, through a single broadband connection. Collocation
7 will serve as a critical component of the network
8 infrastructure required to provision broadband services to
9 customer's premises.

10 The FCC Rules, requiring ILECs to permit a broad range of
11 telecommunications equipment deployment within collocation
12 arrangements, provide flexibility to ALECs seeking to provide
13 advanced telecommunications services. Equipment such as
14 routers, DSLAMs, packet switches, remote switching modules
15 and asynchronous transfer mode multiplexers will all play
16 critical roles in enabling ALECs to establish and control
17 their network infrastructures in order to extend the reach of
18 competitive broadband services to consumers.

19
20 In addition, the "including but not limited to" language in
21 the FCC Rules with respect to the types of equipment
22 permitted appropriately recognizes the evolving nature of
23 equipment technologies and should provide for the deployment
24 of future generations of equipment needed for advanced
25 telecommunications services.

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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?

Q. WHAT IS SPRINT'S UNDERSTANDING OF THE ALEC concerns being addressed by issue 13?

A. It appears that this issue is being raised to address the desire of ALECs to move forward with the provisioning of collocation arrangements at the earliest possible date. The concern is the amount of time that elapses between the submission of a collocation request and the provision of a price quote and then the additional time involved for the ALEC to respond to the quote provided. The assumption is that provisioning may be expedited by condensing the

1 application steps and moving directly to the firm order stage
2 of the process.

3

4 Q. Should the ILEC be required to provide price quotes to an alec
5 prior to receiving a firm order for space in the central
6 office (CO)?

7

8 A. The ILEC should accept a firm order at anytime in the process
9 after receiving an application and determining that space is
10 available. Put another way, the ALEC should be permitted to
11 submit a firm order to the ILEC for collocation space after
12 it receives notification from the ILEC that space is
13 available to accommodate the request. This notification
14 should occur within ten (10) calendar days of the ILEC's
15 receipt of a complete and correct application.

16 Notwithstanding the ability of the ALEC to submit the firm
17 order, the ILEC should provide its price quote to the ALEC
18 within fifteen (15) calendar days if the rates are
19 established by tariff or the ALEC's interconnection
20 agreement, or 30 days if ICB rates need to be developed.

21

22 If collocation prices, however, are not tariffed, additional
23 uncertainty regarding the costs exist for both ALECs and
24 ILECs since quotes may include components developed on an
25 Individual Case Basis. In these cases, using standard

1 collocation application procedures, the ALEC may decide that
2 it is necessary for the ILEC to provide price quotes prior to
3 the ALEC's placement of a firm order. Such price quotes
4 should be provided within thirty (30) calendar days of
5 receipt of the collocation application.

6
7 **Q. Does sprint support the filing of tariffs for collocation by**
8 **ILECS?**

9
10 **A. Yes.** Sprint believes that the ILEC's prices should be
11 contained in a tariff and should also be made available on
12 the Internet so that ALECs can retrieve the information and
13 have a good estimate of the ILEC's actual collocation
14 charges. Tariffing of these prices benefits ALECs in terms
15 of providing additional certainty regarding costs and
16 benefits ILECs in terms of reducing the burden of producing
17 ICB pricing for every collocation request.

18
19 **ISSUE 14**

20
21 **Should an ALEC have the option to participate in the**
22 **development of the ILEC'S price quote, and if so, what time**
23 **frames should apply?**

24

1 Q. What concerns might exist that would cause an alec to want to
2 be involved in the development of the ILEC's price quote for
3 collocation space provisioning?
4

5 A. The most likely concern of ALECs would be that the total cost
6 to provision the space is perceived to be higher than
7 appropriate. Sprint's assumption would be that the ALEC may
8 believe that they could provide suggestions or alternatives
9 that would serve to reduce the provisioning costs. Another
10 concern might be that there is insufficient documentation of
11 the costs available to gain a complete understanding of the
12 price quote in instances where the price quoted exceeds what
13 was expected for a particular collocation.
14

15 Q. Given these concerns, should an ALEC have the option to
16 participate in the development of the ILEC's price quote?
17

18 A. Yes, but only to the extent of providing specific requests or
19 development parameters along with the collocation request.
20 For example, the requesting collocator may wish to suggest
21 efficient provisioning configurations or cost-effective
22 equipment manufacturers or installation providers. Sprint
23 believes that upon request, the ALEC should be provided cost
24 support data sufficient to provide an empirical breakdown of
25 the costs involved. However, Sprint believes that further

1 involvement by ALECs in the actual price quote development
2 would be cumbersome and would seriously impede the ILEC's
3 ability to provide timely price quote responses. ALECs
4 should be permitted to request that a particular price quote
5 be re-worked, but in these situations, the ILEC's standard
6 interval for providing the quote should apply since the
7 underlying inputs would need to be examined and alternatives
8 explored.

9
10 **Q. Would a requirement to tariff collocation pricing address**
11 **ALEC concerns regarding excessive price quotes?**

12
13 **A. Yes.** Sprint believes that ILEC tariffing of collocation
14 prices would not only expedite the price quote process, but
15 would give ALECs much greater certainty with respect to
16 anticipated collocation costs.

17
18 **ISSUE 15**

19 **Should an ALEC be permitted to hire an ILEC certified**
20 **contractor to perform space preparation, racking and cabling,**
21 **and power work?**
22
23

1 Q. Do the FCC's rules address the obligation of ILECs to permit
2 ALECs to use certified or approved contractors to perform
3 space preparation, racking and cabling, and power work?
4

5 A. Yes. FCC Rule 323(j) states, "An incumbent LEC shall permit a
6 collocating telecommunications carrier to subcontract the
7 construction of physical collocation arrangements with
8 contractors approved by the incumbent LEC, provided, however,
9 that the incumbent LEC shall not unreasonably withhold
10 approval of contractors. Approval by an incumbent LEC shall
11 be based on the same criteria it uses in approving
12 contractors for its own purposes."
13

14 Q. Should the ILEC be permitted to require contractors to be
15 "certified" before they are permitted to perform work for
16 ALEC's?
17

18 A. Consistent with the FCC's Rule, a requirement that contractors
19 be "certified" by an ILEC is acceptable only if such
20 certification process is the same process that the ILEC uses
21 for approving contractors for its own purposes. However, in
22 no instance should ILEC certification process requirements or
23 constraints unduly delay collocation work completion.
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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?

Q. For what reasons should the provisioning intervals be extended automatically?

A. Sprint's perspective is that there are no reasons that should provide the ILEC with an opportunity to unilaterally extend collocation provisioning intervals. Rather, Sprint believes that an open dialogue regarding collocation provisioning scenarios will in most cases lead to mutual agreement between the parties regarding the appropriate provisioning interval. In such instances where the ILEC and the requesting collocator are unable to reach agreement, the ILEC may seek an extension from the Commission. As stated in the Commission's Proposed Agency Action regarding extensions of time, the applicant carrier should have an opportunity to respond to the ILEC's request, and the Commission should rule upon the ILEC's request as a procedural matter at an Agenda Conference.

1

2 Q. For what reasons may the ILEC appropriately seek an extension
3 of the provisioning intervals from either the requesting
4 collocator or the FPSC?

5

6 A. Major infrastructure upgrades and other factors beyond the
7 control of the ILEC are appropriate reasons for the ILEC to
8 seek an extension of the provisioning intervals from either
9 the requesting collocator or the FPSC. Examples include power
10 plant upgrades, vendor shipments beyond the ILEC's control
11 and other acts of God.

12

13

ISSUE 18

14

15 If insufficient space is available to satisfy the collocation
16 request, should the ILEC be required to advise the ALEC as to
17 what space is available?

18

19 Q. Do the FCC's rules address the obligation of ILECs to provide
20 information regarding space available in central offices?

21

22 A. Yes. FCC Rule 51.321 (h) states as follows:

23 "Upon request, an incumbent LEC must submit to the requesting
24 carrier within ten days of the submission of the request a
25 report indicating the incumbent LEC's available collocation

1 space in a particular LEC premises. This report must specify
2 the amount of collocation space available at each requested
3 premises, the number of collocators, and any modifications in
4 the use of the space since the last report. This report must
5 also include measures that the incumbent LEC is taking to
6 make additional space available for collocation. The
7 incumbent LEC must maintain a publicly available document,
8 posted for viewing on the incumbent LEC's publicly available
9 Internet site, indicating all premises that are full, and
10 must update such a document within ten days of the date at
11 which a premises runs out of physical collocation space."

12

13 **Q. Should the ILEC be further required to advise the ALEC as to**
14 **what space is available if insufficient space is available to**
15 **satisfy the requested collocation application?**

16

17 **A. Yes, A dialogue should be created between the ILEC and the**
18 **ALEC to explore options that are specifically relevant to**
19 **that ALEC's request. For example, if an ALEC applicant**
20 **requests 100 square feet of space and 96 square feet is**
21 **available, then a discussion should ensue regarding the**
22 **acceptability to the ALEC of the reduced amount of space**
23 **within the established time frames for responding to an**
24 **application for collocation.**

25

1 Q. In addition to the ILEC advising the ALEC on the amount of
2 space available, should additional information be required if
3 an ILEC contends that sufficient space is not available?
4

5 A. Yes. If there is insufficient space in a particular
6 office, the ALEC has the right to tour the entire premises
7 consistent with the FCC rules. If the ALEC requests to tour
8 the premises, the ILEC should be required to provide the ALEC
9 with detailed Engineering Floor plans, prior to the tour.
10 The detailed Engineering Floor plans should contain detailed
11 information sufficient to allow the ALEC to review and make
12 its determination on the lack of available space. In
13 addition, this information should be provided to the state
14 commission concomitant with the closing of an office by the
15 ILEC along with supporting information used by the ILEC to
16 justify the closing of an office.
17

18 Q. Does this conclude your testimony?
19

20 A. Yes, it does.
21
22
23
24

1 **BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**2 **REBUTTAL TESTIMONY**3 **OF**4 **MELISSA L. CLOSZ**5
6 **Q. Please state your name and business address.**7
8 **A. My name is Melissa L. Closz. My business address is 555**
9 **Lake Border Drive, Apopka, Florida 32703.**10
11 **Q. By whom are you employed and in what capacity?**12
13 **A. I am employed by Sprint as Director-Local**
14 **Market Development.**15
16 **Q. Are you the same Melissa L. Closz that previously caused**
17 **Direct Testimony to be filed in this docket?**18
19 **A. Yes, I am.**20
21 **Q. What is the purpose of your testimony?**22
23 **A. The purpose of my testimony is to provide rebuttal testimony**
24 **that is relevant to the Commission's consideration of the**
25 **collocation issues identified in Dockets 98-1834-TP & 990321-**

1 TP. Specifically, I will provide rebuttal testimony for
2 BellSouth witnesses Jerry Hendrix and Keith Milner, GTE
3 witness John Ries, Intermedia witness Julia Strow, and
4 e.spire witness Jim Falvey, regarding Issues 1, 5, 6, 8, 9, ^{15 and 16} ~~and 15~~
5 which were addressed in my direct testimony in this
6 proceeding. Michael Hunsucker is also presenting rebuttal
7 testimony on behalf of Sprint and will be addressing overall
8 Sprint policy positions as well as the remaining identified
9 issues.

10
11 ISSUE 1

12
13 When should an ILEC be required to respond to a complete and
14 correct application for collocation and what information
15 should be included in that response?

16
17 Q. On page 5, lines 15-18 of BellSouth witness Jerry Hendrix's
18 direct testimony, Mr. Hendrix states, "...BellSouth will
19 inform an ALEC within fifteen (15) calendar days of receipt
20 of an application whether its application for collocation is
21 accepted or denied as a result of space availability." Does
22 Sprint believe that this is the appropriate response interval
23 when the ILEC receives a complete and correct application for
24 collocation?

25

1 A. No. As stated on page 4, lines 24-25, through page 5, lines
2 1-5 of my direct testimony, Sprint believes that the ILEC
3 should respond within ten (10) calendar days to inform the
4 requesting carrier whether space is available or not. This
5 is consistent with the time frame supported by the FCC in its
6 First Report and Order in Docket 98-147. Sprint supports the
7 FCC's conclusion that ten days is "a reasonable time period
8 within which to inform a new entrant whether its collocation
9 application is accepted or denied."

10

11 Q. On page 6, lines 22-23 of his testimony GTE witness John
12 Ries states, "...GTE will inform the ALEC within 15 calendar
13 days when space is available...". Does Sprint support this
14 15-day response interval?

15

16 A. No. As stated above, Sprint believes that the ILEC should
17 respond within ten (10) calendar days to inform the
18 requesting carrier whether space is available or not.
19 Although Mr. Ries further states on page 7, lines 17-20,
20 that adoption of a 15-day interval, as was adopted in
21 California, "... is administratively easier for the ILECs
22 (and I believe, the ALECs) to maintain a consistent set of
23 rules across the states...", Sprint believes that adopting
24 national guidelines, as set forth by the FCC, provides the

1 greatest ability for ILECs and ALECs to obtain operational
2 consistency and efficiency.

3

4 **Q. Mr. Hendrix indicates on page 5, lines 15-20, that BellSouth**
5 **will inform the ALEC "whether its application for**
6 **collocation is accepted or denied as a result of space**
7 **availability," as well as "advise the applicant within that**
8 **time frame whether the application is considered bona**
9 **fide...". Is there any additional information that should**
10 **be provided with this initial response?**

11

12 **A. Yes. As stated in my direct testimony, page 5, lines 15-23,**
13 **if space is not available, the ILEC should also provide the**
14 **ALEC with detailed floor plans of the premises where space**
15 **was requested. This information should be provided to the**
16 **collocation applicant along with this initial response.**

17

18

ISSUE 5

19

20 **What terms and conditions should apply to converting virtual**
21 **collocation to physical collocation?**

22

23 **Q. Mr. Hendrix's testimony, page 8, lines 4-6, says that the**
24 **terms and conditions that are applied to the assessment and**
25 **provisioning of physical collocation should apply for**

1 **converting virtual to physical collocation. Does Sprint**
2 **agree?**

3

4 A. No. As stated in my direct testimony, pages 10-13, Sprint
5 believes that there are different types of conversions that
6 may be requested and different terms and conditions should
7 apply consistent with the type of conversion requested.

8

9 Specifically, when no changes are requested and a simple
10 conversion from virtual to cageless physical collocation is
11 requested, the ILEC should accommodate such a request within
12 30 calendar days, and a reduced application fee reflecting
13 only the work directly involved in reviewing the conversion
14 request should be applied. The only exception to this would
15 be when the virtual collocation that the ALEC is requesting
16 be converted is less than a full bay. In this scenario, the
17 ILEC may, at its option, choose to move the collocation
18 arrangement to another bay, in which case the standard
19 physical cageless collocation terms, conditions and intervals
20 would apply.

21

22 If the ALEC has requested changes in the collocation
23 arrangement when requesting a conversion from virtual
24 collocation to physical cageless collocation, the ILEC's

1 standard provisioning terms, conditions and intervals for
2 physical cageless collocation should apply.

3
4 **Q. Intermedia witness Julia Strow, on page 5, lines 4-7,**
5 **states that ILECs should not make any charge to ALECs for**
6 **conversion of existing virtual collocation arrangements.**

7 **Does Sprint agree?**

8
9 **A. No.** As stated on page 10, lines 20-23 of my direct
10 testimony, in cases where a conversion from virtual
11 collocation to cageless physical collocation is requested,
12 and no changes to the configuration are required, Sprint
13 believes that the application fee assessed to the ALEC
14 should reflect only the work directly involved in reviewing
15 the conversion request and will likely be substantially less
16 than standard collocation application fees. Because work is
17 performed by the ILEC in reviewing the conversion request, a
18 fee reflecting the work done is appropriately assessed on
19 the requesting ALEC.

20
21 **ISSUE 6**

22
23 **What are the appropriate response and implementation**
24 **intervals for ALEC requests for changes to existing**
25 **collocation space?**

1 Q. BellSouth witness Jerry Hendrix's testimony, page 10, lines
2 12-18, states that ILEC's should be allowed 30 days to
3 respond to requests for changes to existing space, and that
4 such changes should be implemented within 60 calendar days
5 under normal conditions. Does Sprint agree with these
6 intervals?

7

8 A. No. As stated in my direct testimony, page 13 lines 14-24
9 through page 15, line 3, Sprint believes that different
10 types of change requests warrant different response
11 intervals from ILECs. Specifically, when changes are
12 requested that require no physical work on the part of the
13 ILEC other than record updates, ALECs should only be
14 required to advise the ILEC of the changes that will be
15 made, and the ILEC should notify the ALEC that its records
16 have been updated to reflect the change within fifteen (15)
17 calendar days of receipt of the ALEC's change notification.

18

19 When changes requiring ILEC work are involved, the interval
20 should be reflective of the actual work involved, but should
21 not exceed thirty (30) calendar days from receipt of the
22 ALEC's request for a change. Longer intervals are warranted
23 only in cases where ILEC infrastructure improvements and/or
24 upgrades requiring additional time are required, but in these

1 cases the interval should not exceed ninety (90) calendar
2 days from receipt of the change request.

3
4 ISSUE 8

5
6 **What is the appropriate provisioning interval for cageless**
7 **physical collocation?**

8
9 **Q. On page 14, lines 15-21 of his testimony, BellSouth's Jerry**
10 **Hendrix describes BellSouth's position that the provisioning**
11 **interval for cageless physical collocation should be the**
12 **same as caged physical collocation. GTE witness John Ries,**
13 **on page 12, lines 23-24, also supports having the same**
14 **provisioning interval for both cageless physical collocation**
15 **and caged collocation. Does Sprint agree?**

16
17 **A. No. As stated in my direct testimony, page 15, lines 22-23,**
18 **Sprint believes that the appropriate provisioning interval**
19 **for cageless physical collocation is sixty (60) calendar**
20 **days. Sprint's ILEC work processes for provisioning**
21 **cageless physical collocation are essentially the same as**
22 **its internal work processes for provisioning virtual**
23 **collocation and accordingly, Sprint believes that the**
24 **provisioning intervals for virtual collocation and cageless**
25 **physical collocation should be the same.**

ISSUE 9

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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?

Q. BellSouth witness Keith Milner, on page 24, lines 11-14 of his testimony states, "For 2-wire and 4-wire connections to BellSouth's network, the demarcation point shall be a common block on the BellSouth designated conventional distributing frame." Does Sprint agree?

A. No. As stated on page 17, lines 1-5 of my direct testimony, Sprint believes that the ALEC collocation site is the appropriate demarcation point. In this scenario, the ALEC collocation site serves as the point at which the ALEC and ILEC facilities meet. It is also the point for which maintenance and provisioning responsibilities are split with each party assuming accountability on its side of the demarcation point. This arrangement provides cost-effective and operationally efficient interconnection for both ALECs and ILECs since provisioning and maintenance activities are focused at the collocation site. In contrast, when a demarcation point is designated at an

1 intermediate frame located at a distance from the
2 collocation space, additional ALEC cabling would be
3 required. Additional work activities and coordination
4 between ALEC and ILEC technicians would also be required
5 when provisioning and maintaining services at this
6 additional piece of equipment.

7

8 Q. Mr. Milner also states on page 24, lines 22-24 of his
9 testimony, "At the ALEC's option, a Point of Termination
10 (POT) bay or frame may be placed in the collocation space,
11 but this POT bay will not serve as the demarcation point."
12 Does Sprint agree with this position?

13

14 A. No. As stated in my direct testimony, page 17, lines 7-16,
15 Sprint believes that ALECs should have the option to use or
16 not use an intermediate point of interconnection such as a
17 POT bay. If an intermediate point of interconnection is
18 used, the demarcation point should be at the intermediate
19 frame which would be located, at the ALEC's option, either
20 inside or outside of the ALEC's collocation space.

21

22

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ISSUE 15

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2
3 Should an ALEC be permitted to hire an ILEC certified
4 contractor to perform space preparation, racking and cabling,
5 and power work?
6

7 Q. On page 17, lines 9-19, GTE witness John Ries asserts
8 that ALECs should not be permitted to hire an ILEC-
9 certified contractor to perform space preparation,
10 racking and cabling, and power work. Does Sprint agree
11 with this position?
12

13 A. No. As stated in my direct testimony, page 25, lines 1-
14 12, Sprint supports the position articulated in FCC Rule
15 323 (j) which states, "An incumbent LEC shall permit a
16 collocating telecommunications carrier to subcontract the
17 construction of physical collocation arrangements with
18 contractors approved by the incumbent LEC, provided,
19 however, that the incumbent LEC shall not unreasonably
20 withhold approval of contractors. Approval by an
21 incumbent LEC shall be based on the same criteria it uses
22 in approving contractors for its own purposes."
23

1 Q. Intermedia witness Julia Strow states, "ILECs should not be
2 allowed to require use of their own certified vendors."
3 Does Sprint agree?

4

5 A. No. As stated above, Sprint agrees with the provision of
6 FCC Rule 323 (j) that allows ILECs to permit subcontracting
7 for the construction of physical collocation with
8 contractors that are approved by the incumbent ILEC. Sprint
9 emphasizes, however, that this rule also states that such
10 approval should not be unnecessarily withheld, and should be
11 based on the same criteria that the ILEC uses for its own
12 purposes. Application of these principles in the approval
13 of ALEC subcontractors will insure that ALECs have access to
14 these resources on the same terms that the ILEC applies to
15 itself.

16

17 Q. e.spire witness James Falvey, on page 12, lines 4-5 of his
18 direct testimony, states, "The choice of which contractor
19 will work on the ALEC's collocated space should be the
20 ALEC's alone." Does Sprint agree?

21

22 A. No. As stated above, Sprint believes that it is appropriate
23 for the ILEC to require the use of approved contractors as
24 outlined in the FCC's Rules. Sprint further believes that
25 it is the responsibility of the ILEC to work diligently to

1 provide adequate contractor approval such that ALECs are not
2 unnecessarily delayed in their collocation deployment
3 efforts. As stated in my direct testimony, page 25, lines
4 21-23, "...in no instance should ILEC certification process
5 requirements or constraints unduly delay collocation work
6 completion."

7
8 Issue 16

9
10 For what reason, if any, should the provisioning intervals
11 be extended without the need for an agreement by the applicant
12 ALEC or filing by the ILEC of a request for an extension of
13 time?

14
15 Q. BellSouth witness Keith Milner states, page 35, lines
16 16-19, "several mitigating factors that are outside
17 BellSouth's control, such as permitting intervals,
18 local building code interpretation, and unique
19 construction requirements, affect the provision
20 interval and are properly excluded from BellSouth's
21 provisioning interval." This response to Issue 16
22 indicates that the exclusions should be allowed
23 without the need for an agreement by the applicant
24 ALEC or filing by the ILEC of a request for an

1 extension of time. Does Sprint agree with these
2 exclusions?

3

4 A. No. As stated in my direct testimony, page 26, lines
5 12-17, Sprint believes that there are no reasons that
6 should allow the ILEC to unilaterally extend
7 collocation provisioning intervals. Should the
8 "mitigating factors" that Mr. Milner referenced result
9 in a situation where the ILEC is unable to meet the
10 designated provisioning interval, the ILEC should
11 discuss the situation with the requesting collocator
12 and attempt to negotiate an extension to accommodate
13 whatever difficulty has been encountered. Sprint's
14 experience is that in the vast majority of situations,
15 this will result in a satisfactory solution for both
16 parties. If the parties are unable to reach
17 agreement, the ILEC may seek an extension from the
18 Commission pursuant to the Commission's Proposed
19 Agency Action ("PAA") guidelines.

20

21 Q. As stated by Mr. Milner, and as reflected in
22 BellSouth's standard practices documented in its
23 Collocation Handbook, BellSouth automatically excludes
24 the time needed for obtaining permits from the

1 collocation provisioning interval. Does Sprint agree
2 with this practice?

3

4 A. No. BellSouth's standard practice is to "stop the
5 clock" when requests for building permits are issued
6 and then to "restart the clock" when the requested
7 building permit is received. This means that
8 BellSouth automatically extends the provisioning
9 interval for collocation for whatever time is needed
10 to obtain required permits. Sprint believes that this
11 is inappropriate and effectively eliminates the ILEC's
12 incentive to provision collocation space in the most
13 expeditious manner possible. Sprint believes that
14 permitting can and should be accommodated within
15 standard collocation provisioning intervals in most
16 situations, and this is the Sprint ILEC practice. The
17 ILEC should apply its best effort to obtain permits in
18 a timely fashion. In those situations where permit
19 receipt becomes a factor in achieving the committed
20 provisioning interval, the ILEC should first attempt
21 to negotiate an extension with the requesting ALEC.
22 If the parties are unable to agree, the ILEC may seek
23 an extension from the Commission per the PAA
24 guidelines as referenced above.

25

1 Q. Does this conclude your testimony?

2

3 A. Yes, it does.

4

5

6

1 BY MS. MASTERTON:

2 Q Ms. Cloz, have you prepared a brief summary of
3 your testimony?

4 A Yes, I have.

5 Q Please give that summary now.

6 A Thank you. Good afternoon. The purpose of my
7 testimony is to provide input to the Commission that is
8 relevant to its consideration of the collocation issues
9 identified in this docket. Specifically, my testimony
10 addresses Issues 1, 2, 5, 6, 8, 9, 12 through 16, and 18.

11 As Michael Hunsucker has testified, Sprint
12 operates as an ILEC, an ALEC, an interexchange carrier, and
13 a wireless provider in Florida. Because of these varied
14 interests, Sprint has had to analyze and arrive at balanced
15 positions that support the procompetitive goals of the
16 Telecommunications Act.

17 As a provider of collocation in Florida, Sprint
18 must ensure that its procompetitive positions are not
19 unreasonable for its ILEC operations. As a purchaser of
20 collocation, Sprint keenly recognizes the importance of
21 collocation policies and practices that are supportive of
22 the procompetitive goals of the Act.

23 In general, my testimony advocates response and
24 provisioning intervals that Sprint believes are reasonable
25 from the perspective of both ALECs and ILECs, while still

1 considering the scope and complexity of the work that needs
2 to be done. These positions support collocation conversion
3 and change intervals that are specific to the modifications
4 requested and, again, reflective of the work that needs to
5 be done. Sprint's positions focus on creating a cooperative
6 attitude between the ILEC and the requesting ALEC, with an
7 eye toward reaching mutual agreement on whatever the issue
8 might be whenever possible.

9 There are two specific issues being considered in
10 this docket that I would like to touch on briefly. The
11 first is Issue 9, which deals with the appropriate
12 demarcation point when an ALEC's equipment is connected
13 directly to an ILEC's network without an intermediate point
14 of interconnection. Sprint believes that the ALEC's
15 collocation site is the appropriate demarcation point, and
16 that the ALEC should designate what equipment should be used
17 as the specific connection point. That equipment may be
18 what is referred to as a point of termination bay, or POT
19 bay, if that is the customer's designation.

20 The second issue I would like to address is Issue
21 16, which explores whether there are any reasons for which
22 provisioning intervals should be extended without agreement
23 by the applicant ALEC or the Commission. Sprint believes
24 that there are no reasons for which the ILEC should be able
25 to automatically and unilaterally extend the collocation

1 provisioning intervals. Rather, Sprint believes that an
2 open dialogue regarding collocation provisioning scenarios
3 will in most cases lead to mutual agreement between the
4 parties regarding the appropriate provisioning intervals.

5 Sprint does not believe that it is appropriate to
6 stop the provisioning clock when permits associated with the
7 collocation requested are required. Sprint believes that
8 the vast majority of permit requests can be accommodated
9 within the established intervals.

10 For those exceptional situations where they
11 cannot, the ILEC should discuss the situation with the
12 requesting collocator and attempt to negotiate an
13 appropriate extension of the provisioning interval. Sprint
14 believes that this will in most cases result in a
15 satisfactory solution.

16 And if the ALEC and ILEC are unable to reach
17 agreement, the ILEC may seek an extension of the
18 provisioning interval pursuant to the Commission's PAA
19 guidelines. This approach effectively accommodates truly
20 exceptional situations, and as a result there is no need to
21 automatically stop the provisioning clock solely for the
22 permitting process.

23 In conclusion, my testimony advocates positions
24 that Sprint believes balance the various interests in this
25 proceeding, and Sprint respectfully urges the Commission to

1 adopt these positions relative to collocation.

2 MS. MASTERTON: Mr. Chairman, I now tender this
3 witness for cross-examination.

4 COMMISSIONER DEASON: Mr. Edenfield.

5 MR. EDENFIELD: Thank you, Commissioner Deason.

6 CROSS EXAMINATION

7 BY MR. EDENFIELD:

8 Q Good afternoon, Ms. Closz.

9 A Good afternoon.

10 Q My name is Kip Edenfield, and I represent
11 BellSouth. I'm going to have a few questions for you today.

12 The same with Mr. Hunsucker, which hat are you
13 wearing today for Sprint?

14 A I am wearing the Sprint hat.

15 Q Are you wearing an ALEC hat, an ILEC hat, or some
16 combination of all?

17 A Yes.

18 Q Since 1995, you have been in what would
19 traditionally be called the ALEC side of the house?

20 A Approximately, yes.

21 Q So since before the Telecommunications Act was
22 passed, your primary focus has been negotiating
23 interconnection agreements with BellSouth and trying to get
24 Sprint into the local markets?

25 A Yes, primarily.

1 Q Would that be just in Florida or for a number of
2 states?

3 A For the entire nine state BellSouth region.

4 Q Let's talk about the first issue here in your
5 testimony, which is the response intervals to a collocation
6 application?

7 A Okay.

8 Q As I understand Sprint's testimony, there is a
9 two-tier response, and the initial response is in ten days
10 and that should include an indication as to whether space is
11 available along with whatever technical diagrams are
12 required, if we are claiming there is no space available?

13 A That is correct.

14 Q And then the second tier will be if there is a
15 tariff, in 15 days providing price quotes; if there is no
16 tariff, 30 days for price quotes, and 30 days to provide
17 information on equipment layout, cabling, power, and
18 engineering?

19 A Yes, that's correct.

20 Q Okay. Let's talk about the initial ten-day
21 response interval. You cite the FCC's first report and
22 order Paragraph 55 as the basis for saying that a ten-day
23 interval is appropriate, is that correct?

24 A I do cite it, and I believe my testimony states
25 that Sprint agrees with the Commission's assessment that

1 they believe that that is a reasonable time period within
2 which to respond.

3 Q I'm sorry. When you say the Commission, you're
4 referring to the FCC?

5 A Yes.

6 Q You will agree with me that the FCC did not
7 mandate a ten-day time period?

8 A No, they did not mandate it. They did, though,
9 as it is stated in that paragraph reference, that they view
10 that ten days as a reasonable time period to respond, and
11 Sprint agrees with that.

12 Q Okay. And you would agree that the FCC in that
13 order encouraged the state commissions to develop time
14 parameters for all of collocation?

15 A Yes, they did urge the states to adopt specific
16 provisions.

17 Q And you are familiar with the Florida Public
18 Service Commission's collocation guidelines?

19 A Yes.

20 Q And are you aware that those guidelines set forth
21 a 15-day initial interval to provide the response as to
22 whether space is available?

23 A I am. I'm also aware that they included that as
24 an issue in this proceeding for all parties to comment on.

25 Q Did Sprint protest the Commission's guidelines?

1 A No, we did not. One thing we did know is that
2 this was an issue that would be addressed in this
3 proceeding.

4 Q Excuse me, I'm still trying to get over the
5 remnants of the flu. You also talk about in that initial
6 ten-day period that BellSouth should be required to provide
7 detailed diagrams in the event we are claiming a space
8 exhaust, is that correct?

9 A Right.

10 Q And you are basing that on Rule 51.321,
11 Subparagraph F, if I understand your testimony correctly?

12 A Yes, sir. You are referencing Page 5, where I'm
13 speaking about the information that should be provided?

14 Q Correct.

15 A Yes.

16 Q It's in your direct on Page 5, and I think you
17 talk about it again in your rebuttal on Page 4?

18 A Right.

19 Q The rule that you have cited, does that talk
20 about incumbent LECs providing that information to the state
21 commissions as opposed to providing them to the ALECs?

22 A It does. But the question that was asked, or the
23 issue that was available for us to provide input on asked
24 what information we believed that should be provided, and
25 this is part of that information.

1 Q And I assume you are also aware since you are
2 familiar with the Florida Public Service Commission's
3 collocation guidelines, that they have set out a specific
4 methodology for providing that information in the event that
5 an ILEC claims an exhaust situation?

6 A Yes, I am aware of that.

7 Q And I assume you did not protest that portion of
8 their order, either?

9 A No, we did not.

10 Q Okay. Let's talk about converting virtual
11 collocation to physical collocation. As I understand it,
12 there is three different scenarios for a conversion of
13 virtual to physical. One would be what is called a
14 conversion in-place; in other words, you are converting your
15 virtual collocation to a cageless physical collocation
16 without making any changes whatsoever. Would that be one of
17 the scenarios that you would discuss?

18 A Yes.

19 Q And then you've got another scenario where you go
20 from a virtual collocation situation to a cageless physical
21 collocation that requires some modification, maybe moving
22 because of you want to have a full rack as opposed to a
23 partial rack. And then the third scenario is a virtual
24 collocation to caged physical collocation?

25 A That is correct.

1 Q Can you think of any other types of conversion
2 from virtual to physical except for those three categories?

3 A Not specifically, no. I think those are three
4 categories that capture probably the majority of the
5 requests.

6 Q I'm going to refer to the conversion of virtual
7 to cageless physical without having to do anything as
8 conversion in-place, if that's okay?

9 A Okay.

10 Q Do you agree that if an ALEC asks BellSouth to do
11 a conversion in-place that they should be required to submit
12 an application?

13 A No. I believe my position in my testimony is
14 that if it is a conversion in-place, and this was
15 specifically referenced in the interrogatory response, that
16 if there are no changes to that arrangement, then the ALEC
17 should simply need to send a letter to the ILEC advising
18 them of their request for the change.

19 Q Okay. Let me --

20 A And there should not be an application involved.

21 Q I'm sorry. Excuse me, I didn't mean to interrupt
22 you.

23 A That's okay.

24 Q If you would look on your direct testimony at
25 Page 10, beginning on Line 11. Tell me when you are there,

1 please.

2 A Yes, I'm there.

3 Q Do you not say in your testimony that the ALEC
4 should be required to submit an application to the ILEC for
5 cageless physical collocation?

6 A Yes, it does state that. But in the
7 interrogatory response we clarified this because it could be
8 a conversion to cageless where there are no changes, or it
9 could be a conversion to cageless where there are changes.
10 And we felt that those two different scenarios really
11 mandated different types of correspondence with the ILEC.

12 Q Which interrogatory are you referring to, Ms.
13 Closz?

14 A Sprint's response to staff's first set of
15 interrogatories. This was filed on December 27th. If you
16 would reference Request Number 5, and it is shown as Item 5.
17 And, I'm sorry, I don't have a page number on that.

18 Q Has Sprint in Florida -- since you are wearing a
19 number of hats, has Sprint in Florida been involved in any
20 conversions in-place as an ILEC?

21 A I'm not aware if we have or have not. I believe
22 that we have, but I don't have specific details or knowledge
23 of that.

24 Q If I were to ask you any questions concerning the
25 number of collocation arrangements that Sprint has in

1 Florida, or the number of applications received, would you
2 have that information?

3 A No, I don't.

4 Q Who would be the person at Sprint to have that
5 information?

6 A I would imagine if you are speaking specifically
7 in Florida, someone in our Florida operation.

8 Q Now, it's also as I understand your testimony
9 that when you refer to a conversion in-place, it is your
10 understanding that only administrative changes, billing
11 changes, and engineering record updates will be required for
12 that?

13 A Yes, that is correct.

14 Q Will you agree that if a conversion in-place
15 actually requires more expenses than those that you believe
16 are involved that the ILEC should be able to recover those
17 expenses?

18 A If there were changes involved, yes. I think
19 conversion in-place by the nature of the description means
20 that there are no changes involved. So we would not
21 anticipate that there would be any costs associated with
22 that.

23 Q Now, you also have proposed an implementation on
24 a conversion in-place for 30 days, if I understand your
25 testimony?

1 A I believe that we have said -- let me
2 double-check that.

3 Q I say implementation, I'm referring to a
4 provisioning interval of 30 days?

5 A Yes. And essentially it is not necessarily a
6 provisioning scenario, but the ILEC would notify the
7 requesting ALEC that the records has been changed to update
8 the collocation to a cageless arrangement.

9 Q And I assume, again, that if in BellSouth's
10 experience that there is more work involved than just the
11 administrative issues that you had mentioned, the billing
12 and the engineering updates, that you would agree that it
13 could be possible that 30 days, or more than 30 days would
14 be required to provision that change?

15 A I'm not sure I really follow the comparison,
16 because if you are saying -- what my testimony references is
17 when no charges are being made to that collocation
18 arrangement. So I don't know what else -- if there are no
19 changes to be made, they are not made, then there is no cost
20 associated with that. If there is a change requested, that
21 is a different procedure that we have recommended be
22 followed.

23 Q Now, is it your position that when you have a
24 conversion in-place that the ALEC requesting the conversion
25 should have priority over other ALECs that are maybe in line

1 for space in the office?

2 A Meaning that there is no space available in the
3 office and others have requested space? I'm not sure I
4 understand your example.

5 Q Let's assume that Sprint has a virtual
6 collocation situation in a BellSouth central office. That
7 there are a number of folks in line, a number of other ALECs
8 in line for a physical -- whether it be cageless physical
9 collocation, and they are on a waiting list. Should Sprint,
10 when it puts in its application to convert from virtual to
11 cageless physical, should it have priority in time over
12 other ALECs that may already be in line for a cageless
13 physical collocation arrangement?

14 A I think that is reasonable providing, again, that
15 there are no changes made to the arrangement. They are
16 already in the office, they already have the space
17 provisioned, everything is ready to go, I think that is
18 reasonable, yes.

19 Q What about if a change is going to be required,
20 if it's not just a conversion in-place, there is some change
21 that is going to be required?

22 A It will depend on what the change is and whether
23 it requires movement of the space or what have you. It
24 would have to be evaluated on an individual case basis.

25 Q What if it does require movement? In other

1 words, your conversion -- you want to go from virtual to
2 either a cageless or caged physical collocation, what if it
3 is going to require some work? Do you still think that
4 Sprint should have priority over other ALECs that may be in
5 line?

6 A You know, we have not addressed that specifically
7 that I am aware of. If you ask my opinion, I think that it
8 makes sense that you would at that point get in line behind
9 the other requesting ALECs. If you have to move, if you
10 have to make changes, then it's a different configuration
11 that you are requesting.

12 Q Looking at Issue Number 6, we talk about the
13 appropriate intervals for ALECs requesting changes to
14 existing collocation spaces. Will you agree that if any of
15 the following are required then a 90-day implementation
16 interval is appropriate, and those are the following:
17 Material/equipment ordering required, there is going to be a
18 significant amount of equipment ordering that will be
19 required; HVAC or power upgrades, or additions to the floor
20 space, racks, or bays. That under any of those conditions
21 that the interval should be 90 days?

22 A No, I wouldn't agree that it should be
23 automatically 90 days. My testimony has stated that it will
24 depend on the change that is requested. And even in the
25 types of changes that you mentioned, there could very well

1 be different intervals that could be applied to those
2 scenarios.

3 Q Do you know whether Sprint considers there to be
4 ordinary and extraordinary collocation conditions?

5 A Yes.

6 Q What would be an extraordinary collocation
7 condition to Sprint?

8 A I believe it would be -- infrastructure upgrades
9 of a major nature would be one example.

10 Q How about the other two examples I gave with
11 additions to floor space, racks, or bays, would that be
12 considered to be an extraordinary situation to Sprint?

13 A No, I don't believe so.

14 Q How about if you have to order a significant
15 amount of equipment to go into the bays to effectuate the
16 collocation?

17 A I don't think that you could unilaterally or
18 entirely say that that would fall into that category. It
19 may be something that could be ordered with a very short
20 turnaround, so, no.

21 Q In those situations where Sprint has run across
22 extraordinary collocation situations, what does Sprint
23 believe the appropriate provisioning interval to be?

24 A Those would be addressed specifically, related to
25 the situation at hand with the requesting ALEC, and Sprint

1 would talk with the ALEC to try to negotiate an appropriate
2 provisioning interval given the circumstances.

3 Q So I take it you just would apply a kind of air
4 of reasonableness to all of this?

5 A Certainly.

6 Q So there would be situations in your mind where
7 an ILEC may be justified in exceeding what I would call the
8 standard provisioning interval?

9 A I think there are those situations. And I think,
10 again, in my testimony I have stressed that I think those
11 are things that need to be worked out between the ILEC and
12 the ALEC. And given extraordinary circumstances, usually a
13 mutually satisfactory situation or interval can be reached.

14 Q You have heard us talk a lot about the permitting
15 process. Are you familiar with any experiences that Sprint
16 has had with permitting authorities in Florida?

17 A Not specific experiences, no.

18 Q Do you believe that the permitting process once
19 an application is submitted by the ILEC is to a large extent
20 out of the ILEC's control?

21 A It is to an extent. I think that it is a process
22 that can be managed, though.

23 Q How would you propose that?

24 A Sprint relies on its contractors and vendors, and
25 in some instances perhaps its own employees to get the

1 permits that are necessary. And as I stated in my
2 testimony, Sprint believes that in the vast majority of
3 situations the permits can be handled within the primarily
4 established provisioning intervals.

5 Q Do you agree that there will be instances where
6 something happens that is out of the control in the
7 permitting process that will extend or require an extension
8 of the provisioning interval?

9 A I agree that that can happen. But, again, I
10 believe that Sprint's position on that is pretty clear. We
11 think that those are extraordinary and exceptional
12 situations that should be addressed individually with the
13 requesting ALEC. And that in those circumstances in the
14 vast majority of situations the parties will be able to
15 agree on a satisfactory interval.

16 Q And do you know whether Sprint has any particular
17 experience with the permitting authorities in South Florida?

18 A I would say as far as Sprint's ILEC, probably
19 not. Because as you know, that is BellSouth's ILEC
20 territory.

21 Q Are you aware of whether there are any parts of
22 Sprint's what I call ILEC territory that are governed by the
23 South Florida Building Code?

24 A Again, I don't know exactly what you are defining
25 as South Florida, so I can't say specifically.

1 Q I'm sorry, I was specifically referring to the
2 South Florida Building Code itself. Whether any parts of
3 Sprint's ILEC territory are covered by that, if you know?

4 A I don't know that there are. But, again, I don't
5 know that that makes any difference in my response. Again,
6 we believe that the vast majority of permitting situations
7 can be handled within the established provisioning
8 intervals. If there are exceptions, Sprint believes that
9 those should be dealt with as exceptions.

10 Q Okay. Let's talk about the appropriate
11 provisioning interval for cageless physical collocation for
12 a minute. As I understand your testimony, you believe that
13 cageless physical collocation is somewhat analogous to
14 virtual collocation and would suggest a 60-day provisioning
15 interval?

16 A Yes, that's correct.

17 Q Is that because it is analogous to virtual
18 collocation more so than caged physical collocation?

19 A It is because the work processes involved in
20 provisioning virtual are essentially the same as for
21 provisioning cageless physical collocation.

22 Q Okay. Will you agree that neither the FCC nor
23 the Florida Public Service Commission have established
24 provisioning intervals for cageless physical collocation?

25 A Yes. I believe that is one of the issues that

1 the Commission has directed us to address here today.

2 Q Do you have a copy of the Advanced Services
3 Order, the March 31st, 1999, FCC order, first report and
4 order?

5 A Yes, I do.

6 Q If you would, turn with me to Page 11, and I'm
7 going to look at Footnote 27.

8 And, Ms. Closz, if you will just let me know when
9 you get there. No rush.

10 A And, I'm sorry, you said Footnote 27?

11 Q Yes, ma'am. Footnote 27 on Page 11.

12 A All right.

13 Q In Footnote 27, do you agree that the FCC has
14 kind of laid out -- I don't want to say simplistically, but
15 it has kind of given a basic definition of physical
16 collocation, or what a physical collocation arrangement is?
17 And it goes on for a virtual collocation arrangement, as
18 well.

19 A I don't know that that was the purpose of this
20 footnote, but it does briefly describe what a physical
21 collocation arrangement is.

22 Q Okay. All right. The next questions I'm going
23 to ask you are dealing with a cageless physical collocation.
24 In a cageless physical collocation situation, does the ALEC
25 lease space at a LEC's premise for its equipment?

1 A Yes.

2 Q In a cageless physical collocation situation,
3 does the ALEC have physical access to this space to install,
4 maintain, and repair its equipment?

5 A Yes, it does.

6 Q Okay. Now, in a cageless physical collocation
7 situation. And, again, obviously I'm going down to where it
8 talks about virtual collocation.

9 A Okay.

10 Q In a cageless physical collocation situation, is
11 the ALEC designating equipment to be placed at the ILEC's
12 premises?

13 A And, I'm sorry, were you speaking of virtual?

14 Q Ma'am?

15 A Were you speaking of virtual collocation?

16 Q No, no. I'm speaking of cageless physical
17 collocation. In those situations, are you designating
18 equipment to be placed at the ILEC's premises?

19 A Yes.

20 Q Okay. In a cageless physical collocation
21 arrangement, does the ALEC have physical access to the
22 incumbent's premises?

23 A Yes, the ALEC does.

24 Q Okay. So that differentiates it from a virtual
25 collocation arrangement?

1 A That is one differentiation, yes.

2 Q Now, in a cageless physical collocation
3 situation, is the equipment that the ALEC is putting in
4 there under the physical control of the ILEC?

5 A Well, I don't know how you would define physical
6 control. It is the property of the ALEC and they have the
7 responsibility for the maintenance of that equipment. It is
8 on the ILEC's premise. I'm not sure exactly how you would
9 define that term, but those would be parameters that would
10 apply to it.

11 Q Certainly the ALEC is responsible for the
12 installation, maintenance, and repairing of its equipment in
13 a cageless physical collocation arrangement?

14 A Yes, that is true.

15 Q And that also would differentiate it from a
16 virtual collocation arrangement?

17 A Yes.

18 Q Now, other than the construction of a cage or the
19 lack of construction of a cage, what other difference is
20 there in a cageless versus a caged physical collocation
21 arrangement?

22 A I think that is the primary difference.

23 Q Okay. So is it your position that the not having
24 of a cage -- that is terrible grammar, I'm sorry. That not
25 having a cage will reduce the caged physical collocation

1 interval by 30 days?

2 A Yes. And put another way, I would say that the
3 construction of the cage does involve additional work steps,
4 so it does necessitate additional work time beyond what is
5 traditionally used to provision either virtual collocation
6 or cageless physical collocation.

7 Q Is it your testimony here today that it takes --
8 by constructing a cage it adds 30 days onto the provisioning
9 interval for a cageless physical collocation arrangement?

10 A My testimony today is that Sprint believes that
11 the appropriate provisioning interval for cageless physical
12 is 60 days, for caged physical is 90 days. That cage
13 construction may take a shorter period of time, may take a
14 longer period of time. That is an appropriate interval to
15 accommodate the construction of the cage.

16 Q If the Florida Public Service Commission were to
17 determine that cageless physical collocation is more akin to
18 caged physical collocation, would you agree that in that
19 instance the caged physical collocation implementation
20 periods would be more appropriate?

21 A I don't know exactly how to answer your question.
22 I'm not going to comment on the appropriateness of it. I
23 think if that is what the Commission rules, then that will
24 be the interval that will be established. Sprint believes
25 that it is very doable and reasonable to accommodate

1 cageless physical collocation provisioning within 60
2 calendar days.

3 Q Will you agree with me that in a virtual
4 collocation situation that in the vast majority of cases
5 that the equipment that is being used is transmission
6 equipment?

7 A Again, I guess it would depend on what you define
8 as transmission equipment. There is equipment involved in
9 provisioning of a virtual collocation arrangement, yes.

10 Q Will you agree -- and I guess the distinction I'm
11 making will be between transmission equipment and switching
12 equipment. Would you agree that in virtual collocation
13 situations you are generally dealing with transmission
14 equipment as opposed to switching equipment?

15 A I would think that is probably true. I would
16 think switching equipment would require probably more space
17 than is typically included in a virtual, but I think it
18 could be either. I don't think there are any requirements
19 that it be differentiated as such.

20 Q How about the opposite of that, in a caged and
21 cageless physical collocation situation, would you agree
22 that in the vast majority of times you are basically dealing
23 with switching type equipment as opposed to transmission
24 equipment?

25 A No, I wouldn't. I don't think that you can lump

1 them one way or the other that way.

2 Q Do you agree that there is a grounding
3 differential between switching equipment and transmission
4 equipment?

5 A I'm not an engineer, I can't answer that, I'm
6 sorry.

7 Q So if I were to ask you about equipment size
8 differentials or power utilization differentials, would you
9 not know that, either?

10 A No, I would not.

11 Q Let's talk about space preparation, racking,
12 cabling, and power work by certified vendors for a second.
13 This would be Issue 15. Would you agree with me that --
14 well, I guess before I do that let me give you a chance to
15 get to where I'm going. Look at FCC Rule 51.323, Sub J.
16 And for the record, on this handout I made a little bit
17 earlier to the Commission, that would be on Page 34 in the
18 left-hand column, a little more than halfway down.

19 A You know, I'm sorry, I do not have a copy of that
20 with me. Could you provide that for reference, please?

21 Q Mr. Hunsucker ran off with the copy?

22 A I guess he did.

23 Q I apologize.

24 A I'm sorry, could you repeat the reference,
25 please.

1 Q Yes, ma'am. FCC Rule 51.323, Sub J. If you look
2 on Page 34, it's on the left-hand column a little more than
3 halfway down.

4 A Okay.

5 Q Will you agree with me that this particular rule
6 applies to the construction of the ALEC's physical
7 collocation arrangements and not the entire ILEC premises?

8 A From a quick read of it here, I believe it
9 applies to the physical collocation arrangement, so it would
10 be all of the things involved in provisioning that
11 arrangement.

12 Q The particular ALEC's arrangement?

13 A Yes.

14 Q Are you aware of any rule either from the FCC or
15 the Florida Public Service Commission that requires ILECs to
16 have ALEC certified vendors perform work outside of the
17 ALEC's collocation space?

18 A No, not a requirement to.

19 Q With your hat of Sprint the ILEC, do you think it
20 is prudent to allow ALECs to be able to work in what you
21 have heard through the last couple of days as common areas,
22 those areas that could affect either the ILEC's equipment or
23 multiple ALECs' equipment? Do you think there should be
24 basically one person who is in charge of that to coordinate
25 it for everyone?

1 A Well, I would first say I wear the Sprint hat; it
2 is not specifically an ILEC or an ALEC hat. But in my
3 Sprint hat, I would say that there are probably certain
4 things that an ALEC may need to do associated with their
5 collocation provisioning, such as pulling cable, that would
6 be appropriate for them to do with an ILEC-approved
7 contractor.

8 Q How about things that could affect the entire
9 power supply to the whole premise?

10 A Infrastructure specific that are serving multiple
11 ILECs, or that are basically serving the entire building, or
12 something like that, I think that is something that the ILEC
13 can and should do.

14 Q Okay. So you would agree that at least to some
15 extent, and not for everything, but to some extent there
16 needs to be what I would call a steward of the building,
17 somebody needs to be in charge?

18 A Well, I think there is regardless of who does the
19 contracting, and I think that it is reasonable to apply
20 reason, and you do have to look at the specific requests.

21 Q Do you think that the ILEC should be the steward
22 of its own building?

23 A I think it has to be, yes.

24 Q We may have touched on this a little bit earlier,
25 but part of the testimony dealt with the unilateral

1 extension of provisioning intervals?

2 A Yes.

3 Q Now, when you say never in your testimony, I
4 assume you mean never unilaterally and not never extend it?

5 A I'm not sure. Could you repeat the question?

6 Q Sure. In your testimony here, let me -- it's
7 Issue 16, and it talks about -- I'm on Page 26 of your
8 testimony, your direct testimony.

9 A Yes.

10 Q And you're talking about that there are really no
11 reasons to unilaterally extend collocation provisioning
12 intervals?

13 A Yes.

14 Q I assume your no reasons refer to the unilateral
15 extension of them and not that they should never be extended
16 for any reason even with notice?

17 A Yes, that is correct. What we mean there is that
18 there should always be a discussion of an interval if the
19 ILEC believes there is a need for an extension, and that it
20 should not be a unilateral act on the part of the ILEC to
21 extend an interval.

22 Q And, again, we touched on this a little bit
23 earlier, but I assume you would agree that there are certain
24 circumstances which could legitimately require the extension
25 of the set interval?

1 A Yes, I would agree with that.

2 MR. EDENFIELD: I have nothing further. Thank
3 you.

4 CROSS EXAMINATION

5 BY MS. CASWELL:

6 Q Ms. Closz, I just have a few questions. Would it
7 be fair to say that Sprint generally supports tariffing of
8 collocation charges?

9 A Yes.

10 Q I believe you stated previously that ten days
11 would be your recommended response interval for space
12 availability answer on the ILECs part?

13 A Yes, the response as to whether there was space
14 available or not, yes.

15 Q But if GTE were to provide that response along
16 with a price quote in 15 days, would that be acceptable to
17 you?

18 A I believe we do endorse the ten-day calendar
19 interval for the response on that. That is what Sprint's
20 preference is.

21 Q I'm not sure I understood that question. I
22 understand that your space availability response, you are
23 recommending for ten days, but are you saying that you favor
24 a two-tier system where you get a ten-day response on space
25 and then you get some other interval for response on price?

1 A Yes.

2 Q And what would those two intervals add up to?

3 A The two would be a total of 30 calendar days from
4 the application response.

5 Q Okay. So I can assume that a 15-day response
6 covering both of those items would be okay with you,
7 correct?

8 A No. Sprint support ten days for a space or no
9 space advisory.

10 Q Okay. And does Sprint plan to file a tariff for
11 cageless collocation?

12 A Sprint has a tariff in Florida, and I'm not sure
13 whether that includes cageless. At this point, I don't
14 believe that it does.

15 Q Okay. Do you agree that it will sometimes be
16 necessary to move a virtually collocated arrangement when an
17 ALEC requests converting to a cageless arrangement?

18 A Yes. In part of my testimony I stated that if
19 the virtual collocation arrangement comprises less than a
20 full bay of equipment, there may be instances where the ILEC
21 chooses to relocate that equipment.

22 Q Were you here yesterday for Mr. Hendrix'
23 testimony?

24 A Yes, I was.

25 Q I believe that he testified in response to a

1 staff question that cage construction typically occurs at
2 the same time other site preparation tasks are occurring.
3 Would that also be Sprint's experience?

4 A I think that it is partially done in parallel
5 with other tasks, but there are additional tasks that are
6 associated with the construction of a cage.

7 Q And what would those additional tasks be?

8 A There are a number of things. They may deal with
9 construction drawings for the cage itself, there may be
10 additional materials that need to be ordered and delivered,
11 there is the actual construction of the cage itself.

12 Q So are you saying that those things cannot occur
13 at the same time that other tasks are ongoing?

14 A No, I believe that I said that some of those may
15 be able to be accomplished in parallel with the other tasks,
16 but in the timelines in Sprint experience it does take
17 additional time to provision the cage.

18 Q How much additional time?

19 A Our interval recommendation is that it would take
20 90 calendar days from the time of the application in total.

21 Q But you are not saying that in every case it
22 takes 30 more days to provision caged collocation, are you?

23 A That is an approximation based on our experience
24 that that is approximately the amount of time that would be
25 needed.

1 MS. CASWELL: Okay, thank you.

2 CROSS EXAMINATION

3 BY MR. MELSON:

4 Q Ms. Closz, Rick Melson. Mr. Edenfield asked most
5 of my questions. I've just got one. Sprint is not asking
6 BellSouth or GTE to do anything for ALECs that Sprint itself
7 is not willing to do for ALECs, is that correct?

8 A That is correct.

9 COMMISSIONER DEASON: Mr. Hatch.

10 MR. HATCH: No questions.

11 MR. GOODPASTOR: No questions.

12 MS. KAUFMAN: I have no questions.

13 CROSS EXAMINATION

14 BY MR. BUECHELE:

15 Q Hello. Mark Buechele on behalf of Supra. Let me
16 just make sure I understand. Is it Sprint's position that
17 there should be tariffed rates for cageless collocation, or
18 all collocation, together with the ALEC having the option of
19 hiring a certified contractor to do some of the work?

20 A Yes.

21 Q Now, the dividing line for where the certified
22 contractor, or the ALEC can hire the certified contractor,
23 should that be where if the equipment only services the ALEC
24 then they should be entitled to hire the certified
25 contractor for that work?

1 A You know, I don't know that we have decided an
2 exact dividing line on that. Again, I think it depends on
3 what the requirement is and what the situation is in that
4 particular central office. So, I don't know that I can give
5 you a specific dividing line.

6 Q Okay. And you did mention before that you think
7 that if the specific equipment is going to service multiple
8 people, for example, like the ILEC as well as maybe other
9 ALECs, then that should be handled by the ILEC?

10 A I think there are certain things in upgrading or
11 in improving a central office that really benefit anyone
12 that might have anything located in that office, and in
13 those situations I think it makes sense that the ILEC would
14 perform that work.

15 Q And in those circumstances, if it is going to be
16 shared by all, should the ILEC charge the full cost of those
17 upgrades to the ALEC, or should it be on a recurring charge
18 basis?

19 A You know, I apologize, I'm not a cost witness and
20 did not address costing issues in my testimony.

21 Q Okay. And one other thing just on the
22 distinction between cageless collocation and the caged
23 collocation. Some ILECs require in the caged collocation
24 the actual placement of walls, so that would account for the
25 30-day period more as opposed to an actual cage?

1 A I'm not sure I understand the question. Is the
2 actual materials involved in constructing the cage part of
3 the reason why it takes additional time?

4 Q Yes.

5 A Yes, it could be.

6 Q In the cageless collocation environment, have you
7 seen any reason for delays as a result of permitting?

8 A Not to my knowledge.

9 Q So you are not aware of the fact that Sprint has
10 to pull building permits to put overhead lighting in
11 cageless collocation?

12 A I don't have knowledge of exactly what scenarios
13 require permits, so I don't know that I can answer that
14 directly.

15 Q And certainly a six-month delay in getting a
16 building permit for an overhead light would be unreasonable,
17 wouldn't it?

18 A It seems like a long time, but I can't address
19 whatever the specific situation might have been.

20 MR. BUECHELE: Thank you.

21 COMMISSIONER DEASON: Staff.

22 MS. KEATING: Just one question.

23 CROSS EXAMINATION

24 BY MS. KEATING:

25 Q In your discussion with Ms. Caswell, I believe,

1 you indicated that Sprint advocates a two-tier response
2 system; ten days for responding to space and 30 days for
3 pricing. In your direct testimony, though, at Page 6 you
4 indicated that if the collocation cost elements are tariffed
5 that Sprint could do a 15-day response?

6 A Yes, that is correct.

7 Q So is the 30 days that you referred to in your
8 response to Ms. Caswell, does that assume that the costs are
9 not tariffed?

10 A Yes, it does. It assumes some individual case
11 basis pricing. And at that time the ILEC would also provide
12 detailed engineering drawings or whatever other provisioning
13 information applied to that collocation arrangement.

14 Q So if collocation costs were tariffed, you do
15 believe that Sprint would be able to provide 15-day
16 response?

17 A Yes, for those specific items that were clearly
18 delineated in the application and that you could reference
19 to the tariff, yes, for those things.

20 MS. KEATING: Thank you.

21 COMMISSIONER CLARK: You know what, that has just
22 confused me. I thought you said ten days to respond that
23 you have space.

24 THE WITNESS: Right.

25 COMMISSIONER CLARK: And you want to maintain

1 that as opposed to going to a 15-day to do space and price.

2 THE WITNESS: Right.

3 COMMISSIONER CLARK: So you would have ten days
4 and you tell them there is space, and then 15 days to tell
5 them price.

6 THE WITNESS: Right. Those items that are
7 tariffed are in the interconnection agreement.

8 COMMISSIONER CLARK: So then it is 30 days if it
9 is not in the tariff agreement for a total of 40 days.

10 THE WITNESS: No. 30 days total from the time of
11 the application. 30 calendar days.

12 COMMISSIONER CLARK: Okay.

13 COMMISSIONER JACOBS: I had a brief question. If
14 I understand your proposal, for the ILECs to basically have
15 open quotes --

16 THE WITNESS: Have what, I'm sorry?

17 COMMISSIONER JACOBS: Quotes available on space
18 that is presently available. How would that work? Is it
19 going to be possible for them to have a quote without
20 knowledge of the equipment that is going to be put there?

21 THE WITNESS: And, I'm sorry, I'm not sure --
22 possible for them to have --

23 COMMISSIONER JACOBS: Are they going to be able
24 to have a full quote without knowledge of the equipment that
25 is actually going to be put in the space that is available?

1 THE WITNESS: Well, I think that the quote is
2 predicated on knowing what is going to go into the
3 arrangement.

4 COMMISSIONER JACOBS: Okay. So you would give
5 them basically a spec form.

6 THE WITNESS: Yes. Essentially along with the
7 application, the ALEC would include information about the
8 equipment that they would want to put in the collocation
9 arrangement.

10 COMMISSIONER JACOBS: Okay. I got the impression
11 that there would not have been -- that that would not have
12 been transmitted to the ILEC prior to their giving the
13 quotes. You are saying that they would have gotten that.

14 THE WITNESS: It would be. Yes, that is part of
15 the application process.

16 COMMISSIONER JACOBS: Okay.

17 COMMISSIONER DEASON: Redirect.

18 MS. MASTERTON: I just have one question.

19 REDIRECT EXAMINATION

20 BY MS. MASTERTON:

21 Q Ms. Closz, is it your position that ALECs who
22 originally accepted virtual collocation because caged
23 physical collocation was not available and are now
24 requesting conversion to cageless physical pursuant to the
25 March 1999 FCC collocation order, should not have to

1 relinquish their priority for space to new ALECs?

2 A Yes.

3 MS. MASTERTON: Thank you.

4 COMMISSIONER DEASON: Thank you. You may be
5 excused. We are going to take a ten-minute recess. But
6 before we do, I'm going to ask for the remaining witnesses,
7 if there needs to be any special accommodations to let me
8 know when we go back on the record at the conclusion of the
9 break.

10 We are going to take a ten-minute recess.

11 (Brief recess.)

12 (Transcript continues in sequence with Volume 5.)

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1 STATE OF FLORIDA)
2 COUNTY OF LEON)

CERTIFICATE OF REPORTER

3 I, JANE FAUROT, RPR, Chief, FPSC Bureau of
4 Reporting FPSC Commission Reporter,


5 DO HEREBY CERTIFY that the hearing in Docket
6 No. 991834-TP and 990321-TP was heard by the Florida
Public Service Commission at the time and place herein
stated; it is further

7 CERTIFIED that I stenographically reported
8 the said proceedings; that the same has been
9 transcribed by me; and that this transcript, Volume
10 4, pages 504 through 679, constitutes a true
transcription of my notes of said proceedings
and the insertion of the prescribed prefilled
testimony of the witnesses.

11 DATED this 18th day of January, 2000.

12

13



JANE FAUROT, RPR
FPSC Division of Records & Reporting
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