

MICHAEL P. GOGGIN
General Attorney

BellSouth Telecommunications, Inc.
150 South Monroe Street
Room 400
Tallahassee, Florida 32301
(305) 347-5561

ORIGINAL

RECEIVED-FPSC
00 JUN -7 PM 4:33
RECORDS AND REPORTING

June 7, 2000

Mrs. Blanca S. Bayó
Director, Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Re: Docket Nos. 981834-TP and 990321-TP (Generic Collocation)

Dear Ms. Bayó:

Enclosed please find the original and fifteen copies of BellSouth Telecommunications, Inc.'s Response to Sprint's Motion for Reconsideration and for Clarification, which we ask that you file in the above-referenced matter.

A copy of this letter is enclosed. Please mark it to indicate that the original was filed and return the copy to me. Copies have been served to the parties shown on the attached Certificate of Service.

Sincerely,

Michael P. Goggin

Michael P. Goggin

(JL)

- APP _____
- CAF _____
- CAI _____
- CCM 3 _____
- CTR _____
- ECR _____
- LEG 2 _____
- OPC _____
- PAI _____
- RGO _____
- SEC I _____
- SER _____
- OTH _____

cc: All Parties of Record
Marshall M. Criser III
R. Douglas Lackey
Nancy B. White

M
FLORIDA PUBLIC SERVICE COMMISSION
DIVISION OF RECORDS

DOCUMENT NUMBER-DATE

06939 JUN-78

FPSC-RECORDS/REPORTING

CERTIFICATE OF SERVICE
Docket No. 981834-TP and 990321-TP

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via

U. S. Mail this 7th day of June, 2000 to the following:

Beth Keating
Staff Counsel
Florida Public Service
Commission
Division of Legal Services
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850
Tel. No. (850) 413-6212
Fax. No. (850) 413-6250

Joseph A. McGlothlin
Vicki Gordon Kaufman *
McWhirter, Reeves, McGlothlin,
Davidson, Decker, Kaufman, Arnold,
& Steen, P.A.
117 South Gadsden Street
Tallahassee, FL 32301
Tel. No. (850) 222-2525
Fax. No. (850) 222-5606
Attys. For FCCA
Atty. for BlueStar

Marsha Rule
101 North Monroe Street
Suite 700
Tallahassee, FL 32301
Tel. No. (850) 425-6364
Fax. No. (850) 425-6343
Atty. for AT&T

Richard D. Melson
Hopping Green Sams & Smith, P.A.
Post Office 6526
123 South Calhoun Street
Tallahassee, FL 32314
Tel. No. (850) 222-7500
Fax. No. (850) 224-8551
Atty. For MCI & ACI

Dulaney L. O'Roark
MCI Telecommunications Corporation
6 Concourse Parkway
Suite 600
Atlanta, GA 30328
Tel. No. (770) 284-5498
Fax. No. (770) 284-5488

Floyd Self
Norman H. Horton, Jr.
Messer, Capareello & Self
Post Office Drawer 1876
215 South Monroe Street
Suite 701
Tallahassee, FL 32302-1876
Tel. No. (850) 222-0720
Fax. No. (850) 224-4359
Attys. for WorldCom

Terry Monroe
Vice President, State Affairs
Competitive Telecomm. Assoc.
1900 M Street, N.W.
Suite 800
Washington, D.C. 20036
Tel. No. (202) 296-6650
Fax. No. (202) 296-7585

Susan Huther
Rick Heapter
MGC Communications, Inc.
3301 Worth Buffalo Drive
Las Vegas, Nevada 89129
Tel. No. (702) 310-4272
Fax. No. (702) 310-5689

Charlie Pellegrini
Patrick K. Wiggins
Wiggins & Villacorta, P.A.
2145 Delta Boulevard
Suite 200
Tallahassee, FL 32303
Tel. No. (850) 385-6007
Fax. No. (850) 385-6008
Attys. for Intermedia

Jeremy Marcus
Kristin Smith
Blumenfeld & Cohen
1625 Massachusetts Ave., N.W.
Suite 300
Washington, D.C. 20036
Tel. No. (202) 955-6300
Fax. No. (202) 955-6460

Kimberly Caswell
GTE Service Corporation
One Tampa City Center
201 North Franklin Street (33602)
Post Office Box 110, FLTC0007
Tampa, Florida 33601-0110
Tel. No. (813) 483-2606
Fax. No. (813) 204-8870

Peter M. Dunbar, Esq.
Barbara D. Auger, Esq.
Pennington, Moore, Wilkinson &
Dunbar, P.A.
Post Office Box 10095
Tallahassee, Florida 32302
Tel. No. (850) 222-3533
Fax. No. (850) 222-2126

Carolyn Marek
Vice President of Regulatory Affairs
Southeast Region
Time Warner Communications
233 Bramerton Court
Franklin, Tennessee 37069
Tel. No. (615) 376-6404
Fax. No. (615) 376-6405
Represented by Pennington Law Firm

Mark Buechele
Supra Telecommunications &
Information Systems, Inc.
2620 S.W. 27th Avenue
Miami, FL 33133
Tel. No. (305) 476-4236
Fax. No. (305) 443-6638

Donna Canzano McNulty, Esq.
MCI WorldCom
325 John Knox Road
Suite 105
Tallahassee, FL 32303
Tel. No. (850) 422-1254
Fax. No. (850) 422-2586

Michael A. Gross
VP Reg. Affairs & Reg. Counsel
Florida Cable Telecomm. Assoc.
310 North Monroe Street
Tallahassee, FL 32301
Tel. No. (850) 681-1990
Fax. No. (850) 681-9676

ACI Corp.
7337 S. Revere Parkway
Englewood, CO 80112
Tel. No. (303) 476-4200
Fax. No. (303) 476-4201

Florida Public Telecomm. Assoc.
Angela Green, General Counsel
125 South Gadsden Street
#200
Tallahassee, FL 32301-1525
Tel. No. (850) 222-5050
Fax. No. (850) 222-1355

Intermedia Communications, Inc.
Scott Sapperstein
3625 Queen Palm Drive
Tampa, FL 33619-1309
Tel. No. (813) 621-0011
Fax. No. (813) 829-4923
Represented by Wiggins Law Firm

TCG South Florida
c/o Rutledge Law Firm
Kenneth Hoffman
P.O. Box 551
Tallahassee, FL 32302-0551
Tel. No. (850) 681-6788
Fax. No. (850) 681-6515

Time Warner AxS of FL, L.P.
2301 Lucien Way
Suite 300
Maitland, FL 32751
Represented by Pennington Law Firm

Laura L. Gallagher
Laura L. Gallagher, P.A.
101 E. College Avenue
Suite 302
Tallahassee, FL 32301
Tel. No. (850) 224-2211
Fax. No. (850) 561-3611
Represents MediaOne

James P. Campbell
MediaOne
7800 Belfort Parkway
Suite 250
Jacksonville, FL 32256
Tel. No. (904) 619-5686
Fax. No. (904) 619-3629

Charles J. Beck
Deputy Public Counsel
Office of the Public Counsel
111 West Madison Street
Room 812
Tallahassee, FL 32399-1400

Susan S. Masterton
Charles J. Rehwinkel
Sprint Comm. Co. LLP
P.O. Box 2214
MC: FLTLHO0107
Tallahassee, FL 32316-2214

Accelerated Connections, Inc.
7337 South Revere Parkway
Englewood, CO 33414
Tel: 303-476-4200

GTE Florida Incorporated
Ms. Beverly Y. Menard
% Ms. Margo B. Hammar
106 East College Avenue, Suite 810
Tallahassee, FL 32301-7704
Tel: 813-483-2526
Fax: 813-223-4888

Hopping Law Firm
Gabriel E. Nieto
P.O. Box 6526
Tallahassee, FL 32314
Tel: 850-222-7500
Fax: 850-224-8551
Represents ACI Corp.

Pennington Law Firm
Peter M. Dunbar/Marc W. Dunbar
P.O. Box 10095
Tallahassee, FL 32302
Tel: 850-222-3533
Fax: 850-222-2126
Represents Time Warner

Sprint-Florida, Incorporated
Mr. F. B. (Ben) Poag
P.O. Box 2214 (MC FLTLHO0107)
Tallahassee, FL 32316-2214
Tel: 850-599-1027
Fax: 407-814-5700

Beth Keating
Staff Counsel
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850
Tel. No. (850) 413-6199
Fax. No. (850) 413-6250

Jeffrey Blumenfeld
Elise Kiely
1625 Massachusetts Avenue, N.W.
Suite 300
Washington, D.C. 20036

Christopher V. Goodpastor, Esq.
Covad Communications Company
9600 Great Hills Trail
Suite 150 W
Austin, Texas 78759
Tel. No. (512) 502-1713
Fax. No. (419) 818-5568

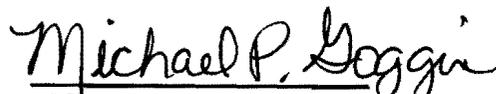
Betty Willis
ALLTEL Comm. Svcs. Inc.
One Allied Drive
Little Rock, AR 72203-2177

J. Jeffry Wahlen
Ausley & McMullen
P.O. Box 391
Tallahassee, FL 32302

Marilyn H. Ash, Esq.
MGC Communications, Inc.
3301 N. Buffalo Drive
Las Vegas, NV 89129
Tel.: 702-310-8641
Fax: 702-310-5689

Norton Cutler
General Counsel
BlueStar Networks
401 Church Street
24th Floor
Nashville, Tennessee 37210
Tel. No. (615) 346-3848
Fax. No. (615) 346-3875

Rodney L. Joyce
Shook, Hardy & Bacon, L.L.P.
600 14th Street, N.W.
Suite 800
Washington, D.C. 20005-2004
Tel. No. (202) 639-5602
Fax. No. (202) 783-4211
Counsel for Network Access Solutions
rjoyce@shb.com


Michael P. Goggin
(24)

ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

Carriers for Commission Action)	Docket No. 981834-TP
To Support Local Competition)	
In BellSouth's Service Territory)	
In re: Petition of ACI Corp. d/b/a)	
Accelerated Connections, Inc. for)	Docket No. 990321-TP
Generic Investigation into Terms and)	
Conditions of Physical Collocation)	
_____)	Filed: June 7, 2000

**BELLSOUTH TELECOMMUNICATIONS, INC.'s
 RESPONSE TO SPRINT's MOTION FOR RECONSIDERATION
 AND FOR CLARIFICATION**

BellSouth Telecommunications, Inc. ("BellSouth"), hereby responds to Sprint's Motion for Reconsideration and for Clarification of Order No. PSC-00-0941-FOF-TP ("Motion") filed May 26, 2000. With the exception of the Commission's ruling on the "first-come, first-served" rule, Sprint's motion for reconsideration should be denied.

In its Motion, Sprint tacitly admits that the standard for reconsideration, that the Commission committed an error of law, or overlooked or failed to consider evidence, likely has not been met with respect to the issues raised by Sprint. Indeed, Sprint suggests that the Commission should "be flexible" in applying the standard because of the "long-term effects" of the Commission's order in these dockets. Order No. PSC-00-0941-FOF-TP (the "Order"). BellSouth contends that, for all but one of the issues raised in its Motion, Sprint has failed to demonstrate that reconsideration is warranted.

DOCUMENT NUMBER-DATE

06939 JUN-78

FPSC-RECORDS/REPORTING

A. SECTION XVIII PARTIAL COLLOCATION SPACE

Sprint takes issue with the Commission's determination on page 94 of the Order that ALECs are entitled to demand a central office tour only when they are denied collocation space. Motion at 3-5. Sprint contends that ALECs also should be entitled to demand tours when they receive space, but not as much as they want. *Id.*

In support of this portion of its Motion, Sprint claims that the Commission overlooked certain ALEC testimony and did not interpret the FCC's Advanced Services Order correctly. The testimony, in which ALEC witnesses speculated that not requiring tours on demand, in cases where ALECs were offered collocation, but not as much space as they wanted, would create bad incentives. Yet, in its Order, the Commission specifically weighed the testimony of the witnesses identified by Sprint as having been overlooked against the testimony of ILEC witnesses and others. Moreover, the Commission conformed its Order to the plain language of the Advanced Services Order. Order at 88-94. In short, Sprint has failed to identify any relevant evidence the Commission has overlooked or ignored with respect to this issue, nor has it demonstrated that the Commission's reading of the FCC's Advanced Services Order on this subject is erroneous. Accordingly, Sprint's request for reconsideration with regard to this portion of the Commission's Order should be denied.

B. SECTION II, ILEC RESPONSE TO COLLOCATION APPLICATION.

Sprint also seeks reconsideration of the Commission's order with respect to the portion of the Order regarding the response period for collocation applications. In particular, Sprint believes that the Commission failed to take into account that an ALEC might apply for collocation in remote sites as well as central offices when it ruled that the ILEC should have additional time to reply if the ALEC submits 10 or more applications within a 10 day period. Motion at 5-6; Order at 2-15.

Sprint does not, however, specifically identify any testimony that it contends the Commission ignored or overlooked. Instead, Sprint merely claims that allowing ILECs additional time to respond when they are deluged with multiple, simultaneous collocation applications from the same ALEC would delay the deployment of advanced services. Motion at 6. In fact, one of the primary reasons Sprint gives for opposing the portion of the Order permitting additional time to respond to multiple, simultaneous applications is that "multiple requests from a single ALEC to collocate at multiple remote sites are common within the 10-day time frame defined in the Commission's Order." *Id.* This is precisely why this portion of the Commission's Order is justified.

Sprint has failed to demonstrate any relevant evidence that was overlooked or any error of law with respect to this portion of the Commission's Order. Accordingly, Sprint's Motion with respect to this issue, should be denied.

C. SECTION XXI FIRST-COME, FIRST-SERVED

In addition, Sprint seeks reconsideration of the Commission's holding that, in situations where collocation is denied due to the lack of available space, the ALEC should be placed on the waiting list in the order determined by the denial date, rather than the application date. Motion at 7-8. For the reasons stated in BellSouth's motion for reconsideration of the Order, BellSouth agrees that the Commission should reconsider this portion of its Order as inconsistent with the FCC's rule. See, BellSouth Telecommunications, Inc.'s Motion for Reconsideration and Clarification at 12-13 (Filed May 26, 2000).

D. SECTION XII EQUIPMENT

Sprint requests clarification of the portion of the Commission's Order which states that "[the Commission] shall require ILECs to allow the types of equipment in a physical collocation arrangement that are consistent with FCC rules and orders." Motion at 9-10; Order at 65.¹ Instead of this language, Sprint would like the Commission to eliminate the reference to FCC rules and, instead, draw up a list of equipment that ILECs would be required to allow, notwithstanding any FCC requirement to the contrary. Motion at 10.

The Commission has previously held in this docket that a party may not properly file a motion for "clarification" of a Commission order. Order No. PSC-

¹ Sprint also asks for clarification of the portion of the Commission's order regarding demarcation points. Order at 51; Motion at 9. Sprint asks that the Commission clarify that POT bays are permissible demarcation points. Motion at 9. BellSouth does not believe that Sprint's has demonstrated that reconsideration of this portion of the Commission's Order would be justified. Nevertheless, the Commission's Order clearly allows ALECs and ILECs to agree to demarc at points other than the default demarcation point specified in the Order, including POT bays and network access points. Order at 51. Accordingly, BellSouth does not believe a direct response to this portion of Sprint's Motion is required.

99-2393-FOF-TP (Dec. 7, 1999). Accordingly, this request must be considered a request to reconsider this portion of the Order. In any event, what Sprint has requested is not a “clarification,” but a reversal. The Commission specifically considered the approach Sprint now suggests, and expressly rejected it: “it would not be possible, or desirable, to draw up an exhaustive list of equipment that could be collocated.” Order at 64. Now Sprint requests a “clarification” that would require the Commission to adopt the very approach it squarely rejected.

Sprint does not attempt to suggest that the Commission overlooked or ignored and relevant evidence, or erroneously interpreted some applicable law. Not surprisingly, Sprint also does not suggest that reconsideration of this portion of the Commission’s order would be warranted. Sprint merely suggests that the Commission change its mind. Sprint has clearly failed to demonstrate that reconsideration of this portion of the Commission’s Order is justified.

E. SECTION XIII PRICE QUOTES.

Sprint also takes issue with the portion of the Commission’s Order requiring ILECs to provide a price quote with sufficient detail for an ALEC to submit a firm order. Motion at 10-11; Order at 67-68. Sprint contends that the Commission should mandate that the price quote provided be only an estimate, and that the ILEC should be required to perform a “true up” to reflect the actual costs when the collocation space is completed. Motion at 11. Again, Sprint can find no basis in the record for suggesting that this portion of the Commission’s Order must be reconsidered, so Sprint suggests that the Commission amend its Order to include such mandates by way of “clarification.”

The Commission observed that there are valid arguments that would support the development of a standard pricing system, where firm, final prices could be given at the outset, rendering a true-up unnecessary, but declined to determine “whether or not a specific platform or process is appropriate at this time.” Order at 68. Sprint would have the Commission reverse this considered decision to eliminate the possibility of such a pricing system at the outset. Sprint, again, cites no evidence that was overlooked or ignored, nor does it argue that the Commission committed any error of law. Accordingly, Sprint’s request for reconsideration of this portion of the Commission’s order is unjustified.

For the reasons stated above, Sprint’s Motion should be partially granted and partially denied. The Commission should grant reconsideration with respect to the “first-come, first-served” rule. All other portions of the Sprint’s Motion should be denied. In addition, because Sprint has failed to demonstrate that reconsideration would be warranted, its separate request for oral argument on its Motion also should be denied.

Respectfully submitted this 7th day of June, 2000.

BELLSOUTH TELECOMMUNICATIONS, INC.



NANCY B. WHITE (22)

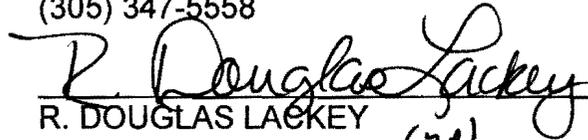
MICHAEL P. GOGGIN

c/o Nancy Sims

150 South Monroe Street, Suite 400

Tallahassee, Florida 32301

(305) 347-5558



R. DOUGLAS LACKEY

675 W. Peachtree Street (22)

Suite 4300

Atlanta, Georgia 30375

(404) 335-0747

215096