

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for permanent  
waiver of physical collocation  
requirements in Lake Mary  
Central Office by BellSouth  
Telecommunications, Inc.

DOCKET NO. 010940-TL  
ORDER NO. PSC-01-2088-FOF-TL  
ISSUED: October 19, 2001

The following Commissioners participated in the disposition of  
this matter:

E. LEON JACOBS, JR., Chairman  
J. TERRY DEASON  
LILA A. JABER  
BRAULIO L. BAEZ  
MICHAEL A. PALECKI

ORDER GRANTING PERMANENT WAIVER OF PHYSICAL COLLOCATION  
REQUIREMENTS IN THE LAKE MARY CENTRAL OFFICE

BY THE COMMISSION:

CASE BACKGROUND

On September 7, 1999, we issued Proposed Agency Action (PAA) Order No. PSC-99-1744-PAA-TP, which established procedures by which incumbent local exchange companies (ILECs) would process alternative local exchange companies' (ALECs) requests for collocation and also established procedures for demonstrating space depletion for physical collocation in ILEC central offices. On September 28, 1999, BellSouth Telecommunications, Inc. (BellSouth) filed a Protest/Request for Clarification of Proposed Agency Action. That same day, Rhythms Links, Inc. (Rhythms) filed a Motion to Conform Order to Commission Decision or, in the Alternative, Petition on Proposed Agency Action. Because motions for clarification/conformity are not contemplated by the PAA process, the motions were treated as protests to the PAA Order. On December 7, 1999, we issued Order No. PSC-99-2393-FOF-TP, the Final Order Approving Stipulated Modifications to Collocation Guidelines, Amendatory Order, and Consummating Order. These Orders established the procedures by which an ILEC could request a waiver of the

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physical collocation requirements from this Commission. In establishing these procedures, we set forth our belief that the handling of collocation waiver requests would be expedited, and the number and scope of collocation disputes might be limited because our expectations would be defined.

Pursuant to Order Nos. PSC-99-1744-PAA-TP and PSC-99-2393-FOF-TP, BellSouth filed its Petition for Temporary Waiver of Physical Collocation Requirements in the Lake Mary Central Office on March 15, 2000. In Order PSC-00-1181-FOF-TL, this Commission granted BellSouth's temporary waiver until December 31, 2001.

On July 3, 2001, BellSouth filed its Notice of Intent to Request Permanent Waiver of Physical Collocation Requirements in the Lake Mary Central Office. Subsequently, BellSouth timely filed its Petition for Permanent Waiver of Physical Collocation on July 23, 2001. BellSouth seeks a permanent waiver on the grounds that it is unable to meet physical collocation requests due to the lack of available space in the central office, coupled with BellSouth's inability to construct a building addition. No responses to BellSouth's Petition were filed.

#### DISCUSSION

This issue before us is to determine whether BellSouth should be granted a permanent waiver of its physical collocation requirements for the Lake Mary central office. BellSouth states in its Notice of Intent that it is currently unable to provide collocation in the Lake Mary Central office due to lack of space. BellSouth states that the space limitations it faces are the result of the space used for existing BellSouth equipment, and space reserved for additional BellSouth equipment essential to the effective service of its customers.

BellSouth states that it used the following procedure to identify space currently available for physical collocation in the Lake Mary central office:

1. BellSouth determined the total square footage within the facility;

2. BellSouth determined the unavailable space (i.e., restrooms, hallways, stairs, etc.);

3. BellSouth determined assigned space currently occupied by the BellSouth switch, transmission, power and other equipment, as well as necessary administrative space;

4. BellSouth determined the space reserved for future defined uses necessary to adequately serve BellSouth customers, including consideration given to BellSouth's future switch growth plans;

5. BellSouth identified any unusable space (such as basements subject to flooding); and

6. BellSouth determined available collocation space by subtracting Items 2-5 from item 1.

BellSouth reports that the Lake Mary central office contains 5,194 gross square feet. There are 4,076.5 square feet occupied by BellSouth's equipment. There are 50 square feet of administrative space. BellSouth considers administrative space as any space not directly supporting the installation and repair of both telephone equipment and customer service. Examples include storerooms, lounges, shipping-receiving rooms and training areas. BellSouth reports that there are 387 square feet of unavailable space in this central office. Unavailable space is defined as space assigned to building functions as required by code or national design standards. Further, BellSouth reports that there are 222 square feet assigned to physical collocators in this office.

BellSouth reports that it has 458.5 square feet reserved for its own future use. There are 281.5 square feet reserved for the growth of its switching equipment, 84 square feet reserved for the growth of its circuit equipment, and 93 square feet reserved for the growth of its frame equipment. We note that currently there is less space available in the Lake Mary central office than was available when this Commission granted BellSouth's request for a temporary waiver. See Order No. PSC-00-1181-FOF-TL at p.5. We find that the 458.5 square feet BellSouth is reserving for its switch, circuit, and frame equipment growth is reasonable.

We note that BellSouth's proposed building addition was scheduled for completion by the end of the second quarter of 2001. See Order No. PSC-00-1181-FOF-TL at p.5. However, BellSouth states that further review of the existing structure and soil conditions concluded that the building cannot be reasonably expanded. BellSouth states that Universal Engineering Sciences conducted the geotechnical exploration at the Lake Mary central office. Based on the exploration, Parsons Infrastructure and Technology group stated the following:

The conclusion reached by Universal Engineering Sciences in their May 1, 2000 geotechnical exploration report indicate not only potential sinkhole activity but also significant ancient sinkhole collapse on the property. Twelve borings were taken around the existing central office ranging in depth from 20 feet to 205 feet with no suitable soil materials encountered to support building foundations.

Consequently, we believe that BellSouth should not be required to construct the building addition previously proposed in its Request for Temporary Waiver of Physical Collocation due to technical infeasibility. Therefore, we find that BellSouth shall be permanently relieved of its obligation to provide physical collocation at the current Lake Mary central office. BellSouth states that it is searching for a replacement site for the Lake Mary central office.

#### CONCLUSION

This Commission finds that BellSouth's request for permanent waiver of physical collocation requirements in the current Lake Mary central office shall be granted.

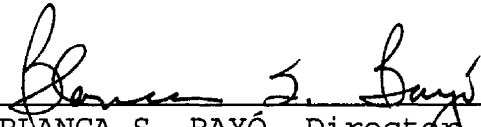
Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that BellSouth Telecommunications, Inc.'s request for Permanent Waiver of Physical Collocation Requirements in the Lake Mary central office shall be granted. It is further

ORDERED that this docket shall be closed.

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By ORDER of the Florida Public Service Commission this 19th  
day of October, 2001.

  
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BLANCA S. BAYÓ, Director  
Division of the Commission Clerk  
and Administrative Services

( S E A L )

JAE

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

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

Any party adversely affected by the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) judicial review by the Florida Supreme Court in the case of an electric, gas or

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telephone utility or the First District Court of Appeal in the case of a water and/or wastewater utility by filing a notice of appeal with the Director, Division of the Commission Clerk and Administrative Services and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.