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January 21, 2003

Ms. Blanca S. Bayó, Director
Division of the Commission Clerk
& Administrative Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

ORIGINAL

Re: Docket Nos. 981834-TP & 990321-TP Rebuttal Testimony of
Edward Fox and Jimmy R. Davis

Dear Ms. Bayó:

Enclosed for filing is the original and fifteen (15) copies of the Rebuttal Testimony
of:

1. Edward Fox - 00637-03
2. Jimmy R. Davis - 00638-03

Copies of this have been served pursuant to the attached Certificate of Service.

Please acknowledge receipt and filing of the above by stamping the duplicate copy of this
letter and returning the same to this writer.

Thank you for your assistance in this matter.

Sincerely,

Susan S. Masterton

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CAE	_____
CMP	_____
CTM	_____
CTR	_____
ECR	_____
GCL	_____
OPC	_____
MMS	_____
SEC	_____
OTH	_____

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orig + 5

**CERTIFICATE OF SERVICE
DOCKET NO. 981834-TP & 990321-TP**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served by U.S. Mail or Hand Delivery* this 21st day of January, 2003 to the following:

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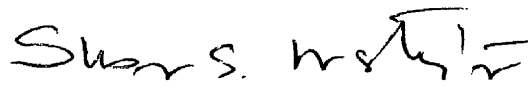
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Susan S. Masterton

1 **BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

2 **REBUTTAL TESTIMONY OF**

3 **Edward Fox**

4
5 **Q. Please state your name, your position with Sprint, and your business address.**

6
7 A. My name is Edward Fox. I am currently employed as Senior Manager – Regulatory
8 Policy for Sprint Corporation. My business address is 6360 Sprint Parkway, Overland
9 Park, Kansas 66251.

10
11 **Q. Are you the same Edward Fox who previously filed direct testimony in this case?**

12
13 A. Yes.

14
15 **Q. What is the purpose of your rebuttal testimony?**

16
17 A. I am responding to the direct testimony of AT&T witness Jeffrey A. King in a number of
18 key areas. Specifically, my testimony deals with Mr. King's comments regarding technical
19 and policy issues.

20
21 **ISSUE 2A. SHOULD AN ALEC BE REQUIRED TO JUSTIFY ITS SPACE**
22 **RESERVATION NEEDS TO THE ILEC WHEN AN ILEC IS FORCED TO**
23 **CONSIDER A BUILDING ADDITION TO ACCOMMODATE FUTURE SPACE**
24 **REQUIREMENTS?**

1 **Q. AT&T witness King, p. 6 lines 7-18 of his Direct Testimony, states that the ALEC**
2 **should be allowed the opportunity to verify the ILEC's need of the space. Does the**
3 **ILEC need to justify its space reclamation need to the ALECs?**

4
5 **A. No.** Sprint believes that space justification must be made to the Commission. Sprint
6 believes that it is preferable for the ILEC and any affected ALECs to negotiate between the
7 parties for reclamation of available space. If no agreement can be reached, then the matter
8 should be submitted to the Commission for a decision. If the office is closed to additional
9 collocators or there is an anticipated closing, the ILEC would be following the waiver
10 procedures as described in Orders Nos. PSC-99-1744-PAA-TP and PSC-99-2393-FOF-TP.

11
12

13 **ISSUE 2B. UNDER WHAT CONDITIONS SHOULD AN ILEC BE ALLOWED TO**
14 **RECLAIM UNUSED COLLOCATION SPACE?**

15

16 **Q. Mr. King, on page 6 lines 21-23 of his Direct Testimony, suggests that the only time**
17 **that space may be reclaimed is when the CO space is completely exhausted and there**
18 **is an immediate need for deployment of equipment. Should an ILEC be restricted to**
19 **reclaiming space only when the building is completely exhausted and there is an**
20 **immediate need to provide service?**

21 **A. No.** Building additions and renovations require a long planning and construction cycle,
22 which may range from 12 to 24 months before space may be used. An ILEC should be
23 allowed to reclaim unused collocation space when it has been demonstrated to the PUC
24 that space is currently exhausted or is expected to be exhausted in the near future. If space
25 reclamation is limited only to immediate needs, it compromises planning and reduces

1 negotiation options between parties to an urgent status which tends to limit reasonable
2 resolution. This is not a tenable situation for good decision making.

3

4 **ISSUE 2C. WHAT OBLIGATIONS, IF ANY, SHOULD BE PLACED ON THE ALEC**
5 **THAT CONTRACTED FOR THE SPACE?**

6

7 **Q. AT&T's King on page 7, lines 5-7 of his Direct Testimony, states that the ALEC may**
8 **unilaterally decide if their space is efficiently used. Should the ALEC unilaterally**
9 **decide if they should keep unused space?**

10

11 A. No. Sprint believes that each party must justify their space requirements to the
12 Commission if mutual agreement cannot first be reached by the parties. An ILEC is not
13 allowed to house obsolete unused equipment when declaring a building full. Accordingly,
14 an ALEC should not use its collocation space to house obsolete unused equipment either.
15 Florida's Generic Collocation Order DOCKET NO. 990321-TP ORDER NO. PSC-00-
16 0941-FOF-TP ISSUED: May 11, 2000 established 18 months as the proper time for space
17 reservation. If the ALEC has not used its forecasted space within the allowable 18 month
18 period it should be considered available for reclamation. Mr. Gray of BellSouth describes
19 the obligations that the ILEC has to manage its space, i.e. first-in-first out, provide
20 reasonable space allocations, p. 15, 20 – 23, and taking CLEC requirements into account
21 when planning a building addition, p. 17, 21-24. The Fourth Report & Order 98-147 ¶92
22 states the "ILEC must act as a neutral property owner and manager... in assigning
23 physical collocation space."

24

1 **ISSUE 2D. WHAT OBLIGATIONS, IF ANY, SHOULD BE PLACED ON THE ILEC?**

2

3 **Q. Mr. King, on page 7, lines 5-7 and 14-15, of his Direct Testimony, implies that any**
4 **future plans for space use are sufficient for an ALEC to retain its space. Should there**
5 **be a limit on the amount of time for future plans that an ALEC expects to use space?**

6

7 **A. Yes.** Sprint believes that 18 months is appropriate for future use of a functional collocation
8 arrangement and is consistent with the Commission's May 2000 ruling. Sprint believes that
9 six months is appropriate for implementation of functional equipment, i.e. that which is
10 connected to a UNE or interconnected with the ILEC.

11

12 **ISSUE 3. SHOULD AN ALEC HAVE THE OPTION TO TRANSFER ACCEPTED**
13 **COLLOCATION SPACE TO ANOTHER ALEC? IF SO, WHAT ARE THE**
14 **RESPONSIBILITIES OF THE ILEC AND ALECS?**

15 **Q. Mr. King, beginning on page 6, lines 21-23 of his Direct Testimony, states that an**
16 **ALEC should be allowed to transfer accepted collocation space to another ALEC**
17 **whenever its requirements for collocation have changed. Does Sprint agree?**

18

19 **A. No.**

20

21 **Q. Are all space transfer situations the same?**

22

23 **A. No.** Sprint distinguishes between situations where a company buys all or substantially all
24 the assets of another company from situations where two requesting carriers simply

1 transfer space from one to another. BellSouth's witness Mr. Gray, on page 20-24 of his
2 Direct Testimony, described the former scenario in his direct testimony. Sprint generally
3 agrees with this type of transfer of space and the concomitant responsibilities of each party
4 as described by Mr. Gray.

5

6 **Q. Should the ALECs be able to transfer collocation space without ILEC involvement?**

7

8 A. No. In situations where transfer of asset ownership has not occurred as described above,
9 an ALEC is obligated to return the space to the ILEC as described in my direct testimony.

10

11 **ISSUE 4. SHOULD THE ILEC BE REQUIRED TO PROVIDE COPPER ENTRANCE**
12 **FACILITIES WITHIN THE CONTEXT OF A COLLOCATION INSIDE THE**
13 **CENTRAL OFFICE?**

14

15 **Q. Mr. King, on page 8, lines 8 – 13 of his Direct Testimony, states that an ILEC should**
16 **be required to allow ALECs use copper entrance facilities for their collocation**
17 **arrangements? Do you agree?**

18

19 A. No. Both the FCC and the Florida Commission have made rulings on the limited use of
20 copper entrance facilities by collocators as mentioned in my Direct Testimony. The
21 primary considerations are the inefficient use of duct space in the entrance facility and the
22 extra space required on the MDF. AT&T's position ignores the fact that space is often at
23 a premium in central offices and copper takes more space. The ILEC would use fiber if
24 space is tight and ALECs should have to use fiber as well. ILECs are responsible for the

1 management of the central office and should make the decision on whether copper
2 entrance facilities may be used by an ALEC.

3

4 **ISSUE 8. WHAT ARE THE RESPONSIBILITIES OF THE ILEC, IF ANY, WHEN**
5 **AN ALEC REQUESTS COLLOCATION SPACE AT A REMOTE TERMINAL**
6 **WHERE SPACE IS NOT AVAILABLE OR SPACE IS NEARING EXHAUSTION?**

7

8 **Q. Mr. King, beginning on page 11, line 21 through page 12 line 5 of his Direct**
9 **Testimony, describes what he believes to be an ILEC's responsibilities when**
10 **collocation space at a remote terminal is not available. Does an ILEC have an**
11 **obligation for public notification when a premises cannot accommodate physical**
12 **collocation?**

13

14 A. Yes. 47CFR 51.321(h) states, "The incumbent LEC must maintain a publicly available
15 document, posted for viewing on the incumbent LEC's publicly available Internet site,
16 indicating all premises that are full, and must update such a document within ten days of
17 the date at which a premises runs out of physical collocation space." Sprint fully expects
18 to comply with these FCC rules.

19

20 **Q. Is an ILEC required to proactively inventory space?**

21

22 A. No. The above cited rule does not require an ILEC to proactively inventory all of its
23 premises to determine space availability. This would be burdensome and untenable with

1 thousands of network locations involved. Once it is known by an ILEC that a location is
2 full, it is obligated to post that information on the Internet site within 10 days.

3

4 **Q. Is an ILEC required to make public notification of its plan of action for additional**
5 **space, either in a Central Office or in a Remote Terminal?**

6

7 A. No. Sprint will make space information available to an ALEC upon request and for a
8 fee. 47CFR 51.321(h) contemplates this situation. "Upon request, an incumbent LEC
9 must submit to the requesting carrier within ten days of the submission of the request a
10 report describing in detail the space that is available for collocation in a particular
11 incumbent LEC premises. This report must specify the amount of collocation space
12 available at each requested premises, the number of collocators, and any modifications
13 in the use of the space since the last report. This report must also include measures
14 that the incumbent LEC is taking to make additional space available for collocation."

15

16 **Q. Is an ILEC required to make public notification of an expected date of space**
17 **availability?**

18

19 A. Yes. Florida's Generic Collocation Order DOCKET NO. 990321-TP ORDER NO.
20 PSC-00-0941-FOF-TP ISSUED: May 11, 2000 describes ILEC responsibilities when
21 space becomes available. If an ILEC knows of space availability, that information is to
22 be posted on the Internet within 60 days of availability. If this information is not
23 available within 60 days, it must be posted as soon as possible.

24

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

2

3 A. Yes.