

ORIGINAL



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June 30, 2003

**BY HAND DELIVERY**

Ms. Blanca Bayó, Director  
The Commission Clerk and Administrative Services  
Room 110, Easley Building  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, Florida 32399-0850

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Re: Docket Nos. 981834-TP and 990321-TP

Dear Ms. Bayó:

Enclosed for filing an original and fifteen copies of the Prehearing Statement of AT&T Communications of the Southern States, LLC, TCG South Florida, Inc. and DIECA Communication, Inc. d/b/a Covad Communications Company ("Joint CLECs") in the above-referenced docket.

Please acknowledge receipt of this letter by stamping the extra copy of this letter "filed" and returning to the runner making this filing. Thank you for your assistance.

Sincerely yours,

Tracy W. Hatch

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TWH/las  
Enclosure  
cc: Parties of Record

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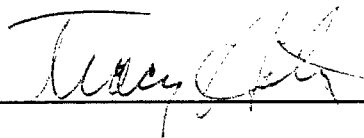
**CERTIFICATE OF SERVICE  
DOCKET NOS. 981834 & 990321**

I HEREBY CERTIFY that a copy of the foregoing has been furnished via

U.S. Mail this 30th day of June, 2003, to the following parties of record:

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Florida Digital Network, Inc. Matthew Feil, Esq. 390 North Orange Ave., Suite 2000 Orlando, FL 32801 Phone: (407) 835-0460 Fax: (407) 835-0309 Email: <a href="mailto:mfeil@floridadigital.net">mfeil@floridadigital.net</a>	Hopping Law Firm Richard Melson P.O. Box 6526 Tallahassee, FL 32314 Phone: 850-222-7500 Fax: 224-8551
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Tracy W. Hatch

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

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

In re: Petition of ACI Corp. d/b/a Accelerated Connections, Inc. for generic investigation to ensure that BellSouth Telecommunications, Inc., Sprint-Florida, Incorporated, and GTE Florida Incorporated comply with obligation to provide alternative local exchange carriers with flexible, timely, and cost-efficient physical collocation. DOCKET NO. 990321-TP  
FILED: June 30, 2003

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**PREHEARING STATEMENT (ISSUES NOS. 1-8)**  
**OF AT&T COMMUNICATIONS OF THE SOUTHERN STATES, LLC; TCG**  
**SOUTH FLORIDA, INC; AND DIECA COMMUNICATIONS, INC., d/b/a**  
**COVAD COMMUNICATIONS COMPANY**

AT&T Communications of the Southern States, LLC; TCG South Florida, Inc.; and Dieca Communications, Inc. d/b/a Covad Communications Company, (hereinafter "Joint CLECs") pursuant to Order No. PSC-02-1513-PCO-TP issued on November 4, 2002, submit the following Prehearing Statement in the above-captioned docket.

**(A)/(B) Witnesses, Subject Matter Issue(s), and Exhibit(s)**

The Joint CLECs intend to sponsor the testimony of the following witnesses:

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Witnesses:

1. Jeff King (AT&T)

Testimony Filed

(Direct and Surrebuttal)

Issues:

1-8

King Exhibits:

N/A

**(C) Joint CLEC's Basic Position**

Collocation of CLEC facilities in ILEC central offices is an essential prerequisite to facilities-based entry into the local market. It is absolutely critical that collocation be provided on a timely, efficient and economic basis. The Commission should adopt the practices, terms and conditions described below by the Joint CLECs regarding the recurring and non-recurring charges for collocation space, cancellation of collocation space, space reservation and reclamation, transfer of collocation space, copper entrance facilities, and the provision of electric power to collocation space. The Joint CLEC's positions are the most appropriate in fulfilling the Commission's mandate to foster competition in the local exchange market.

**(D)(E) and (F) Questions of Fact, Law and Policy**

**ISSUE 1A: When should an ALEC be required to remit payment for non-recurring charges for collocation space?**

WITNESS: Jeff King

JOINT CLEC POSITION: There are generally 3 categories of non-recurring charges associated with collocation space: (1) Application Fee, (2) Space Preparation - Firm Order Processing and (3) Other.

- (1) The non-recurring Application Fee should be billed within a 30-day billing cycle of the date which the ILEC notifies the CLEC of space availability.
- (2) The non-recurring charge for processing the firm order for collocation space preparation is billed

within a 30-day billing cycle of the date which the ILEC confirms the CLEC's Firm Order for collocation.

- (3) The non-recurring charges for Other (e.g., Cable Installation, Cross-Connects, etc) are billed within a 30-day billing cycle of the date that the CLEC has accepted the requested collocation UNE (i.e., the date the CLEC has tested and interconnected its facilities to the ILEC).

**ISSUE 1B: When should billing of monthly recurring charges begin?**

WITNESS: Jeff King

JOINT CLEC POSITION: Once the CLEC accepts the collocation space (i.e., cage acceptance) from the ILEC, the ILEC should bill the CLEC within a thirty (30) day billing cycle for the floor space. The remaining monthly recurring charges should be billed within a thirty (30) day billing cycle after the CLEC installs its equipment, tests and interconnects its equipment to the ILEC interoffice facilities and is provided power.

**ISSUE 1C: What cancellation charges should apply if an ALEC cancels its request for collocation space?**

WITNESS: Jeff King

JOINT CLEC POSITION: There should not be a cancellation charge (i.e., a separate fee for cancellation) imposed on the CLEC when collocation space is cancelled. If the CLEC cancels its request for collocation space within 20 days after the application has been submitted to the ILEC, the application fees should be fully refundable to the CLEC. If a collocation request is cancelled before the preparation of the space is complete, the CLEC should be entitled to a return of the portion of the amounts already paid attributable to the work that will not be done as a result of the cancellation. To the extent that the collocation is not complete, the ILEC still will recoup its costs for the work performed as well as the benefit of the preparation of the space already accomplished.

**ISSUE 2A: Should a CLEC be required to justify its space reservation needs to the ILEC when an ILEC is forced to consider a building addition to accommodate future space requirements?**

WITNESS: Jeff King

JOINT CLEC POSITION: If an ILEC desires to reclaim unused space from a CLEC, the ILEC should be required to notify the CLEC in possession of the space in writing, sufficient to enable the CLEC to make a reasonable judgment as to the necessity for the reclamation. The CLEC should be allowed the opportunity to verify the ILEC's need through a site survey or other reasonable means. After the ILEC has demonstrated an immediate need for space reclamation, a CLEC should then be required to show that it has need of the space within a reasonable amount of time.

**ISSUE 2B: Under what conditions should an ILEC be allowed to reclaim unused collocation space?**

WITNESS: Jeff King

JOINT CLEC POSITION: The condition that would allow an ILEC to reclaim unused collocation space is when the ILEC has determined that their central office floor space is completely exhausted, has demonstrated an immediate need for the deployment of equipment necessary to provide service for its local customers, and the CLEC has no demonstrated need for the space.

**ISSUE 2C: What obligations, if any, should be placed on the CLEC that contracted for the space?**

WITNESS: Jeff King

JOINT CLEC POSITION: 1) If the CLEC has future plans for their collocation space and provides written notification as such to the ILEC, then the ILEC has no authority to reclaim their collocation space. 2) If the CLEC has no future plans for the designated collocation space and provides

written documentation to the ILEC as such, then the ILEC should be allowed to reclaim the unused collocation space.

**ISSUE 2D: What obligations, if any, should be placed on the ILEC?**

WITNESS: Jeff King

JOINT CLEC POSITION: The ILEC must send formal written notification to the CLEC requesting reclamation of space. If the CLEC has no future plans for the collocation space, the ILEC can reclaim the space. Once the collocation space has been reclaimed, the ILEC must stop all monthly recurring billing charges to the CLEC and send formal notification to the CLEC of the stopped bill date.

**ISSUE 3: Should a CLEC have the option to transfer accepted collocation space to another CLEC? If so, what are the responsibilities of the ILEC and CLECs?**

WITNESS: Jeff King

JOINT CLEC POSITION: Yes. If a CLEC has accepted collocation space from an ILEC, and at that time, its requirements for collocation have changed, the CLEC should be allowed to transfer over this space to another CLEC that has expressed an interest. The contracted CLEC should submit an application for a collocation records change to the ILEC for said collocation space. The collocation provisioning intervals should not apply as the space has already been completed. Therefore, the CLEC should be granted immediate access to the designated collocation space.

**ISSUE 4: Should the ILEC be required to provide copper entrance facilities within the context of a collocation inside the central office?**

WITNESS: Jeff King



**JOINT CLEC POSITION:** Yes. Copper technology, including copper entrance facilities, is still an integral part of the telecommunications industry. The ILECs still use copper technology within their networks to provide both basic and advanced services such as the ongoing deployment of DSL technology. A CLEC should be allowed the same opportunity to use copper plant within the context of a collocation inside the central office.

**ISSUE 5:** Should an ILEC be required to offer, at a minimum, power in standardized increments? If so, what should the standardized power increments be?

**WITNESS:** Jeff King

**JOINT CLEC POSITION:** Power, as defined for purpose of charges "per amp", should be offered in one (1) amp increments. ILECs should be required to provision power in fuse size increments of 5, 10, 15, 20, 25, 30, 40, 50, 60, 70, 80, 90, 100, 120, 150, 180, 200, 225 amps, and above as available from the market. Fuse sizes of 70 amps or greater should be provisioned from the ILEC power distribution board if requested by the CLEC.

**ISSUE 6A:** Should an ILEC's per ampere (amp) rate for the provisioning of DC power to a CLEC's collocation space apply to amps used or fused capacity?

**WITNESS:** Jeff King

**JOINT CLEC POSITION:** The ILEC's "per ampere" power rate should be based on the CLEC's actual usage.

**ISSUE 6B:** If power is charged on a per-amp-used basis or on a fused capacity basis, how should the charge be calculated and applied?

**WITNESS:** Jeff King

**JOINT CLEC POSITION:** Following cost-causation pricing principles and since the ILEC incurs its expense from its power supplier based on actual usage then the ILEC (as a secondary supplier of power) should charge its customers (i.e., CLECs) based on the actual amperage used by the CLEC's installed equipment." Any deviation, or attempt to charge on a "per fused" basis, introduces opportunities for significant over recovery of the ILEC's true cost.

There are two ways recommended, in priority order, to capture actual CLEC power usage: (1) metering and (2) using the List 1 Drain of installed equipment as provided by the equipment vendors adjusted downward appropriately to prevent over-recovery in the range of 50-67%.

The Joint CLECs believe the Commission should order the use of the adjusted List 1 Drain specifications as a suitable proxy for actual usage when determining collocation power charges if meters or measuring facilities are unavailable or not economically feasible at the PDB or BDFB, such as with virtual collocation.

**ISSUE 6C: When should an ILEC be allowed to begin billing a CLEC for power?**

**WITNESS:** Jeff King

**JOINT CLEC POSITION:** As also discussed in Issue 1B, a CLEC should be billed for power once power is being provided and used by the CLEC. Once equipment has been installed and activated by the CLEC the ILEC (or certified 3<sup>rd</sup> party representative) will perform a collocation site survey and record the metered power. Unless future augments occur to a collocation site metering surveys could occur quarterly.

**ISSUE 7: Should a CLEC have the option of an AC power feed to its collocation space?**

**WITNESS:** Jeff King

**JOINT CLEC POSITION:** Yes, a CLEC should have the option of an AC power feed to its collocation space. This is essential to enable CLECs to place AC powered equipment in their collocation space. In addition, CLECs can also convert AC power to DC power if needed. Such conversion may also be more economical for a CLEC than purchasing DC power from the ILEC.

**ISSUE 8:** What are the responsibilities of the ILEC, if any, when a CLEC requests collocation space at a remote terminal where space is not available or space is nearing exhaustion?

**WITNESS:** Jeff King

**JOINT CLEC POSITION:** The ILEC should be responsible for notifying the CLEC community via its form of communications such as website postings or Carrier Notification Letters, of the remote terminal sites that are exhausted. For these sites pre-determined to be exhausted, the ILEC owes to the CLEC community, a plan of action as to when new construction of a remote terminal will be completed. If the ILEC has other plans in which to relieve the exhausted conditions of the remote terminal, again, the ILEC needs to provide notification to the CLEC's of those plans with time lines and dates of anticipated completion.

**(G) Stipulated Issues**

No issues have been stipulated at this time.

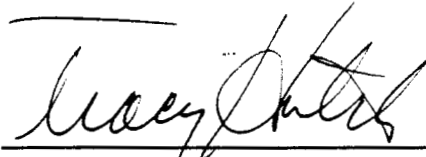
**(H) Pending Motions**

The Joint CLECs do not have any pending motions at this time.

**(I) Other Requirements**

There are no requirements, of which the Joint CLECs are aware or that cannot be complied with.

RESPECTFULLY SUBMITTED this 30th day of June, 2003.



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