

ORIGINAL

Legal Department

J. Phillip Carver
Senior Attorney

BellSouth Telecommunications, Inc.
150 South Monroe Street
Room 400
Tallahassee, Florida 32301
(404) 335-0710

December 11, 2003

RECEIVED - FPSC
03 DEC 11 PM 4:44
COMMISSION
CLERK

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 are an original and fifteen copies of BellSouth Telecommunications, Inc.'s Motion for Clarification and Modification, which we ask that you file in the captioned docket.

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.

RECEIVED & FILED

FPSC-BUREAU OF RECORDS

Sincerely,

J. Phillip Carver (JA)

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

AUS _____
CAF _____
CMP _____
COM 5 _____
CTR _____
ECR _____
GCL _____
OPC _____
MMS _____
SEC 1 _____
OTH _____

DOCUMENT NUMBER-DATE

12903 DEC 11 8

FPSC-COMMISSION CLERK

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 Hand Delivery (*), First Class U.S. Mail and Electronic Mail this 11th day of December, 2003 to the following:

Beth Keating, Staff Counsel
Adam Teitzman, 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
bkeating@psc.state.fl.us
ateitzma@psc.state.fl.us

FPSC Staff By E-Mail Only:
amaurey@psc.state.fl.us
bgardner@psc.state.fl.us
bcasey@psc.state.fl.us
cbulecza@psc.state.fl.us
david.dowds@psc.state.fl.us
jrojas@psc.state.fl.us
jschindl@psc.state.fl.us
jebrown@psc.state.fl.us
lking@psc.state.fl.us
mbrinkle@psc.state.fl.us
plee@psc.state.fl.us
pwickery@psc.state.fl.us
plester@psc.state.fl.us
sasimmon@psc.state.fl.us
sbbrown@psc.state.fl.us
scater@psc.state.fl.us
tbrown@psc.state.fl.us
vmckay@psc.state.fl.us
zring@psc.state.fl.us

Joseph A. McGlothlin
Vicki Gordon Kaufman (+)
Timothy Perry
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
Attys. for Network Telephone Corp.
Attys. for BlueStar
Attys. For Covad (+)
jmcglothlin@mac-law.com
vkaufman@mac-law.com
tperry@mac-law.com

Richard A. Chapkis (+)
Terry Scobie
Verizon Florida, Inc.
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
Richard.chapkis@verizon.com
terry.scobie@verizon.com

Paul Turner
Supra Telecommunications & Info.
Systems, Inc.
2620 S.W. 27th Avenue
Miami, FL 33133
Tel. No. (305) 476-4247
Fax. No. (305) 476-4282
pturner@stis.com

Susan S. Masterton (+)
Sprint Comm. Co. LLP
1313 Blair Stone Road (32301)
P.O. Box 2214
MC: FLTLHO0107
Tallahassee, FL 32316-2214
Tel. No. (850) 847-0244
Fax. No. (850) 878-0777
Susan.masterton@mail.sprint.com

Sprint-Florida, Incorporated
Mr. F. B. (Ben) Poag
P.O. Box 2214 (MC FLTLHO0107)
Tallahassee, FL 32316-2214
Tel. No. (850) 599-1027
Fax. No. (407) 814-5700
Ben.Poag@mail.sprint.com

William H. Weber, Senior Counsel
Gene Watkins
Covad Communications
1230 Peachtree Street, N.E.
19th Floor
Atlanta, Georgia 30309
Tel. No. (404) 942-3494
Fax. No. (404) 942-3495
wweber@covad.com
gwatkins@covad.com

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

Verizon Florida, Inc.
Ms. Michelle A. Robinson
%Mr. David Christian
106 East College Avenue
Suite 810
Tallahassee, FL 32301-7704
Tel. No. (813) 483-2526
Fax. No. (813) 223-4888
Michelle.Robinson@verizon.com
David.Christian@verizon.com

Ms. Lisa A. Riley
Virginia C. Tate
1200 Peachtree Street, N.E.
Suite 8066
Atlanta, GA 30309-3523
Tel. No. (404) 810-7812
Fax. No. (404) 877-7646
lriley@att.com
vctate@att.com

Florida Digital Network, Inc.
Matthew Feil, Esq.
390 North Orange Avenue
Suite 2000
Orlando, FL 32801
Tel. No. (407) 835-0460
Fax. No. (407) 835-0309
mfeil@floridadigital.net

Catherine K. Ronis, Esq.
Daniel McCuaig, Esq. (+)
Jonathan J. Frankel, Esq.
Wilmer, Cutler & Pickering
2445 M Street, N.W.
Washington, DC 20037-1420
Tel. No. (202) 663-6000
Fax. No. (202) 663-6363
catherine.ronis@wilmer.com
daniel.mccuaig@wilmer.com

Jonathan Audu
c/o Ann Shelfer
Supra Telecommunications and
Information Systems, Inc.
1311 Executive Center Drive
Koger Center - Ellis Building
Suite 200
Tallahassee, FL 32301-5027
Tel. No. (850) 402-0510
Fax. No. (850) 402-0522
ashelfer@stis.com
jonathan.audu@stis.com

Mickey Henry
AT&T
1200 Peachtree Street, N.E.
Suite 8100
Atlanta, Georgia 30309-3523
Tel. No. (404) 810-2078
michaeljhenry@att.com

Mellony Michaux (by e-mail only)
AT&T
mmichaux@att.com

Roger Fredrickson (by e-mail only)
AT&T
rfrederickson@att.com

Tracy W. Hatch, Esq. (+)
AT&T Communications of the
Southern States, LLC
101 North Monroe Street, Ste. 700
Tallahassee, FL 32301
Tel. No. (850) 425-6360
Fax No. (850) 425-6361
thatch@att.com

Floyd Self
Messer, Caparello & 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
Co-counsel for AT&T
fself@lawfla.com

Scott A. Kassman
FDN Communications
390 North Orange Avenue
Suite 2000
Orlando, FL 32801
Tel No. (407) 447-6636
Fax No. (407) 447-4839
www.fdn.com

Donna Canzano McNulty, Esquire
MCI WorldCom
1203 Governor Square Blvd., Ste. 201
Tallahassee, Florida 32301



J. Phillip Carver (KA)

(+) Signed Protective Agreement

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition of Competitive)	
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: December 11, 2003

**BELLSOUTH TELECOMMUNICATIONS, INC.'S
MOTION FOR CLARIFICATION AND MODIFICATION**

BellSouth Telecommunications, Inc. ("BellSouth"), hereby files its Motion for Clarification and Modification of Order No. PSC-03-1358-FOF-TP, and states as grounds in support thereof the following:

BellSouth hereby respectfully requests that the Commission clarify its Order in two respects, as described in more detail below. In each instance, BellSouth believes that it understands the intent of the Commission, but requests that the Commission confirm that BellSouth's reading of the Order is correct. BellSouth also requests a slight modification to the Order, which is also explained below.

ISSUE 6A

The Commission addressed Issue 6A in Section VI (Standardized Power Increments) of the Order. As stated in the Order, BellSouth proposed that a 225-amp feed be used to provide power from BellSouth's main power board to the CLEC's BDFB. In part, BellSouth took this position because the connections to the main power board are standardized, and the use of a feed of any other size would, therefore, cause BellSouth to incur additional costs. Nevertheless, the Commission ordered that "DC

Power of 70 amps or greater may be provisioned directly from the ILEC main power board.” (Order, p. 28).

This ruling creates a situation in which CLECs may “custom order” feeds to connect to BellSouth’s power board in amperages that are not standard. In other words, BellSouth may be required to make custom arrangements to accommodate requests by these CLECs. If this occurs, BellSouth will obviously be required to incur additional costs to meet these customized requests. BellSouth understands the ruling of the Commission to be that BellSouth must provide power from the main power board in these “non-standard” increments, but that BellSouth will be allowed to recoup the costs of doing so. Thus, BellSouth would be allowed to charge (through ICB pricing) the higher costs that are necessarily required to provide these custom power arrangements. BellSouth requests that the Commission confirm that this is the case.

Finally, since a request for power in a non-standard power increment can only be accommodated by a customized arrangement, providing this arrangement cannot be done within the provisioning intervals that would normally apply. In other words, BellSouth can only meet the intervals that typically apply by utilizing standardized arrangements to obtain certain efficiencies. Thus, BellSouth also requests that the Commission confirm that the interval for providing power from the main power board in non-standard increments (i.e., anything other than 225 amps) should be negotiated by the ILEC and the CLEC.

ISSUE 6B

The Commission dealt with Issue 6B in Section VII of the Order (ILECs Per Ampere Rate). The Commission ordered that the ILEC’s per ampere rate for DC power

provided to a CLEC's collocation space "shall be based on amps used, not fused." (Order, p. 40). The Order further provides that the CLEC per amp use shall be determined by the amount of power that the particular CLEC requests, in other words, a sort of honor system. The Commission also ruled that the CLEC shall be allowed, at its option, to order a power feed that is capable of delivering a higher DC power level, "but to fuse this power feed so as to allow a power level less than the feed's maximum to be drawn by the CLEC; the CLEC must specify the power level it wishes to be able to draw." (Id.). Thus, the CLEC would be allowed to order cabling that has greater capacity than it plans to use at a given point in time, but it would specify its needs at that point, and the cabling would be fused to allow no more power to be drawn than the CLEC has requested.

BellSouth requests clarification on two points regarding the above-stated decision. First, the Order does not appear to require an ILEC to build infrastructure in a particular central office to meet the forecasted needs of the CLEC. In other words, if a CLEC orders power feeds sufficient to carry 100 amps, but states that it only intends to use 50 amps at that time, the ILEC is not required to do whatever is necessary (including making necessary augments), to provide that CLEC with 100 amps of power upon an immediate future demand. Instead, if the CLEC requests at some future time that the power it uses be increased to the maximum amount of the feed, any necessary augments would be made at that time. Of course, making these augments could, in the normal course of business take (in some instances) more than a year to complete. Again, BellSouth interprets the Commission's Order in this way, because any other

interpretation would require the ILECs to build infrastructure in advance that it would not be compensated for in the per-amp-used rate paid by the CLEC.

Second, the Order states that CLECs should be billed on number of per amps used. However, the amount of amperage used would appear to be determined by 1) the amount requested, and 2) the capacity of the fuses placed on the power feed ordered by the CLEC. Thus, in the example set forth above, the CLEC would request 50 amps of power, and the (perhaps larger) power feed would be fused to allow 50 amps to be drawn. Thus, the capacity of the fuse on the power feed would appear to be a means to "police" the request of the CLEC to make sure that it is actually using the amount of power that it ordered. There are two difficulties with this approach. 1) fuses are typically placed by vendors with whom the CLECs contract. Therefore, BellSouth has no way of knowing whether the protection device actually has the capacity represented by the CLEC. In other words, if the CLEC stated that it intended to use 50 amps of power, there would be no way for BellSouth to know that the power feed was actually fused so that more than 50 amps could not be drawn. 2) Fuses generally do not allow for the power drawn to be precisely limited. In other words, if, for example, a 50 amp fuse is utilized, the CLEC could likely draw 60 to 65 amps from the power feed on a fairly regular basis without causing a failure of the protection device.

Given these two factors, BellSouth believes that there is a need for an independent method for the ILECs to monitor the usage of the CLECs. Therefore, BellSouth requests that the Commission modify its Order slightly to provide that ILECs shall be allowed to audit at any time the amount of power that is actually being used by CLECs, either through the use of metering devices or otherwise. Again, the use of a

fuse to "police" the CLEC's power usage is an imprecise mechanism, and this additional relief requested by BellSouth is, therefore, necessary.

WHEREFORE, BellSouth respectfully requests that the subject Order be clarified as set forth above, and that it be modified to allow the CLECs' actual power usage to be audited by the ILECs as described above.

Respectfully submitted this 11th day of December, 2003.

BELLSOUTH TELECOMMUNICATIONS, INC.

Nancy B. White

NANCY B. WHITE (KA)
JAMES MEZA III
c/o Nancy H. Sims
150 So. Monroe Street, Suite 400
Tallahassee, FL 32301
(305) 347-5558

R. Douglas Lackey

R. DOUGLAS LACKEY (KA)
J PHILLIP CARVER
Suite 4300
675 W. Peachtree St., NE
Atlanta, GA 30375
(404) 335-0710

517023