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December 17, 2003

Mrs. Blanca S. Bayó
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Florida Public Service Commission
2540 Shumard Oak Boulevard
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Re: Docket Nos. 981834-TP and 990321-TP (Generic Collocation)

Dear Ms. Bayó:

Enclosed are an original and fifteen copies of Verizon Florida Inc.'s Response to Motions for Reconsideration, which we ask that you file in the captioned docket. Also included is a diskette containing the response in Word format.

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,

Daniel McCuaig

cc: All Parties of Record
Charles Schubart

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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

VERIZON FLORIDA INC.'S RESPONSE TO MOTIONS FOR RECONSIDERATION

Pursuant to Rule 25-22.060 of the Florida Administrative Code, Verizon Florida Inc. ("Verizon") hereby files its response to the motions for reconsideration filed in this docket on December 11, 2003, by Sprint-Florida, Incorporated and Sprint Communications Company Limited Partnership ("Sprint"), BellSouth Telecommunications, Inc. ("BellSouth"), DIECA Communications, Inc. d/b/a Covad Communications Company ("Covad"), and Florida Digital Network, Inc. d/b/a FDN Communications ("FDN").

INTRODUCTION

The Commission should grant Sprint's motion, which requests that (i) the Commission reconsider its decision forbidding ILECs from charging application fees in certain cases and (ii) a CLEC seeking to use AC power for non-testing purposes be required to demonstrate that its use of AC power will not impact the ILEC's equipment or operations. As Sprint explains, its requests are consistent with the Commission's prior rulings and the record in this proceeding. Likewise, BellSouth's requests for

clarification and modification of the Commission's power decisions are appropriate and should be granted.

With respect to Covad's motion, Verizon does not oppose Covad's request for a power plant infrastructure NRC rate "option," but explains that the unprecedented power billing "option" Covad seeks would be more difficult and more costly to implement than Covad implies, and, in any event, would have to be addressed in a separate cost proceeding.

Finally, the Commission should deny FDN's reconsideration motion, which attempts to undercut the reasonable restrictions on CLEC-to-CLEC transfers of collocation space set forth in the Order. As Verizon explains, the Commission's restrictions are necessary to allow ILECs to manage their collocation space and to ensure that all carriers have equal access to that space. The Commission also should reject FDN's power billing "clarification" request as inappropriate because, contrary to FDN's claim, Verizon does not charge CLECs for redundancy.

ARGUMENT

I. VERIZON AGREES WITH SPRINT'S POSITION REGARDING APPLICATION FEES AND THE USE OF OUTSIDE VENDORS (ISSUE 1A).

Like Verizon,[1] Sprint challenges the Commission's decision allowing ILECs to charge an application fee only after (i) the ILEC notifies the CLEC that space is available at a particular central office, and (ii) the CLEC decides to proceed with the collocation arrangement.[2] As Verizon explained, this outcome would prevent ILECs from recovering costs incurred on the CLECs' behalf and would provide improper

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[1] Verizon Florida Inc.'s Motion for Clarification and Partial Reconsideration, at 2-3 (Dec. 11, 2003) ("Verizon Reconsideration Motion").

[2] Sprint's Motion for Clarification and Reconsideration of Order Nos. PSC-03-1358-FOF-TP, at 2-4 (Dec. 11, 2003) ("Sprint Reconsideration Motion").

incentives to CLECs.[3] Moreover, as Sprint makes clear, this outcome would be flatly inconsistent with the Commission's earlier decision in this docket, where it expressly rejected the proposal that "the ILEC [be required] to return any application charges collected by the ILEC to the applicant carrier within 15 days of application if the ILEC denies collocation to the applicant."[4] Instead, "the ILEC must be allowed to recover the costs incurred during its initial processing of the application and review of the central office," as this Commission previously found.[5] Thus, Verizon joins Sprint in asking the Commission to reaffirm this prior holding.

Sprint also seeks clarification that, while ILECs are not *required* to allow CLECs to use certified vendors to perform provisioning work outside of the collocation arrangement, they also are not *forbidden* from doing so.[6] Verizon supports Sprint's position, which is consistent with the Commission's intent on the issue.

As set forth in its motion for reconsideration, Verizon further requests that it be allowed to require that (i) the application fee be submitted with the application and (ii) the CLEC pay a deposit of 50 percent of the nonrecurring construction costs Verizon will incur to provision the CLEC's requested arrangement before Verizon begins work.[7]

II. FDN MISUNDERSTANDS THE PURPOSE OF THE COMMISSION'S REQUIREMENTS FOR TRANSFERRING COLLOCATION SPACE FROM ONE CLEC TO ANOTHER (ISSUE 3).

FDN challenges two of the four restrictions the Commission placed on CLEC-to-CLEC transfers of collocation space: (i) that the central office not be at or near space

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3 Verizon Reconsideration Motion, at 2-3.

4 Order No. PSC-99-1744-PAA-TP, at 8 (Sept. 7, 1999).

5 *Id.* at 9.

6 Sprint Reconsideration Motion, at 4-5.

7 *See* Verizon Reconsideration Motion, at 3-5.

exhaust; and (ii) that the space be transferred in conjunction with the sale of in-place collocation equipment.[8]

FDN asserts that if the transfer of collocation space is in conjunction with the transfer of all or substantially all of a CLEC's holdings in a particular market, then the transfer should be allowed even if the central office is near or at space exhaust.[9] According to FDN, a transfer under those circumstances should be permitted because it is highly unlikely that two CLECs would engage in a large-scale transfer just to evade the first-come, first-served rule, which FDN claims is the reason behind the space exhaust limitation.[10]

FDN misses the point. Regardless of whether the transacting CLECs intend to evade the first-come, first-served requirement, the CLEC on top of the central office's collocation space waiting list should not be displaced by any other CLEC. The Commission therefore should affirm its holding that collocation space in central offices at or near space exhaust may not be transferred directly from one CLEC to another.

FDN also claims that CLECs should be permitted to transfer collocation space even if it is not in conjunction with the sale of in-place collocation equipment.[11] According to FDN, if a CLEC is transferring substantially all of its assets in a particular market to another CLEC, it should not be required to cull out unused collocation space from that sale.

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8 Motion for Reconsideration and/or Clarification of Florida Digital Network, Inc. d/b/a FDN Communications, at ¶¶ 2, 4, 7-9 (Dec. 11, 2003) ("FDN Reconsideration Motion").

9 *Id.* at ¶ 2.

10 *Id.*

11 *Id.* at ¶ 8.

FDN's arguments are unpersuasive. Collocation space that is not being used and is no longer desired by the CLEC that ordered it should be returned to the ILEC's inventory. Unused collocation space is not a CLEC asset to be sold to the highest bidder. Nor is it plausible that requiring CLECs to return fallow collocation space to the ILEC's inventory would kill any potential CLEC acquisition.

III. VERIZON DOES NOT OPPOSE THE PARTIES' REQUESTS THAT THE COMMISSION CLARIFY ITS RULING ON DC POWER (ISSUES 6A AND 6B).

BellSouth, Covad, and FDN all seek clarification or reconsideration of aspects of the Commission's decisions regarding DC power billing. Verizon addresses these parties' positions in turn.

BellSouth

BellSouth makes three requests: (i) that it be allowed to recover its costs of fulfilling "customized" power board fusing requests; (ii) that the Commission clarify that the ILECs are expected to ensure sufficient power infrastructure exists to satisfy only the CLECs' current orders, not their potential eventual orders; and (iii) that BellSouth be permitted to audit the CLECs' power usage.[12] Verizon does not oppose any of these requests, but wishes to clarify that it does not intend to change its current fusing policy to the one described in BellSouth's motion.[13]

BellSouth's request for permission to charge for non-225 amp large feeds on an individual cost basis in order to recover its costs of accommodating those feeds is plainly appropriate. If BellSouth's power boards are standardized with all 225 amp over current protection devices, it obviously will incur additional costs to customize its power

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[12] *See* BellSouth Telecommunications, Inc.'s Motion for Clarification and Modification (Dec. 11, 2003) ("BellSouth Reconsideration Motion").

[13] *See id.* at 4.

boards to accept feeds of other sizes.[14] Those costs should be recovered from the CLEC causing them.

BellSouth also requests clarification that the ILECs are required to provide sufficient power infrastructure only to satisfy the CLECs' current orders, regardless of whether the CLECs' power cables could support larger loads and fuses. BellSouth's request for clarification is clearly consistent with the Commission's Order, which found that CLECs will pay MRCs only for "the amount of power that the CLEC requests it be allowed to draw at a given time."[15] Thus, the Order contemplates that the ILEC may build only so much infrastructure as necessary to supply that order; otherwise, the ILEC would have to build additional infrastructure on the CLECs' behalf for which it would receive no compensation. BellSouth's request for clarification should therefore be granted.

Finally, BellSouth requests the right to verify the CLECs' actual power usage.[16] Verizon's tariff already contains just such a provision,[17] which is necessary when billing based on ordered load rather than on fuse size. Verizon therefore supports this BellSouth request. Verizon does not, however, have any intention of fusing the CLECs' power feeds at the same level as their ordered loads, as BellSouth implies it will.[18] Verizon intends to continue fusing each power feed at up to 250% of the load ordered

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[14] This is not a concern for Verizon because Verizon's power boards are designed to accommodate circuit breakers of various sizes. But, as Verizon explained in its cost testimony, BellSouth and Verizon are different companies with different equipment, different procedures, and different costs, and BellSouth should not be forbidden from recovering *its* costs simply because Verizon does something differently.

[15] Order No. PSC-03-1358-FOF-TP, at 40 (Nov. 26, 2003).

[16] *See* BellSouth Reconsideration Motion, at 4-5.

[17] Verizon Florida Inc., Facilities for Interstate Access Tariff, § 19.4.2(C).

[18] *See* BellSouth Reconsideration Motion, at 4.

for that feed in order to allow for redundancy and appropriate current flow in battery distress situations.

Covad

Covad requests that each CLEC be given the choice of paying for ILEC power plant infrastructure investments through an NRC or MRCs.[19] Although Verizon does not oppose charging CLECs for power plant equipment investment and installation via an NRC, Covad misrepresents or fails to address several critical points. First, neither the "option" nor the NRC cost recovery mechanism itself would be as straightforward or inexpensive as Covad suggests. Second, developing an NRC rate structure for power plant infrastructure would require a separate cost proceeding, because all cost testimony has already been filed in this proceeding and no witness has addressed Covad's proposal. Third, Covad fundamentally misrepresents the nature and development of MRCs.[20]

As far as Verizon can tell, no state commission has ever allowed a CLEC to choose whether to pay an NRC or an MRC for a facility. Part of the reason such "options" are disfavored is because they are necessarily administratively complex and can lead to under recovery of ILEC costs. To effectuate Covad's proposal, Verizon would have to make expensive changes to its existing accounting and billing systems,[21] among other things. If the Commission were to grant Covad's reconsideration motion, Verizon should be permitted to recover these costs.

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[19] *See* DIECA Communications, Inc. D/B/A Covad Communications Company's Motion for Reconsideration of a Portion of Order No. PSC-03-1358-FOF-TP (Dec. 11, 2003) ("Covad Reconsideration Motion").

[20] *See id.* at 4-6.

[21] *See* Surrebuttal Testimony of Charles Bailey and Barbara K. Ellis, at 5-9 (Sept. 26, 2003) ("Bailey & Ellis Surrebuttal") (explaining how expensive accounting and billing system changes are to implement).

Moreover, contrary to Covad's apparent belief, payment for power plant materials and installation on an NRC basis would not allow for the "one and done" payment of all costs associated with power plant infrastructure. In addition to AC utility costs, the CLECs would have to pay for certain carrying costs associated with power plant infrastructure (i.e., maintenance and repair costs and taxes) on an ongoing basis. And since power plant components do not last forever, the Commission would have to figure out how to handle costs associated with replacing those components.[22] None of these questions has been addressed in the cost testimony filed in this proceeding.

Finally, Covad misunderstands the nature and development of MRCs. According to Covad, recurring charges should cease once they add up to the initial cost of the installed infrastructure.[23] As Verizon has explained, however, such an argument is premised on a fundamental misunderstanding of the nature of MRCs:

> First, a recurring charge spreads the costs of a particular asset over the life of the asset. Thus, the asset is not paid off until it is retired, at which time a new asset would be built. Second, recurring charges recover ongoing maintenance costs, taxes, and the like — costs that continue over the life of the assert.[24]

Thus, ILECs are not "over compensated" by continuing to charge power MRCs "in perpetuity," as Covad claims,[25] but rather are fairly compensated for the initial, carrying, and replacement costs of the power plant for as long as the CLEC has use of the plant. The CLECs therefore are not be entitled to any DC power charge credits.

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22 Addressing replacement costs alone would be an administrative nightmare. If Covad pays an NRC for 20 amps of power, does that mean that Covad's name gets branded on 10% of one rectifier and 40% of one battery, and that it has to contribute like percentages of the replacement costs of those facilities when they have to be replaced?

23 *See* Covad Reconsideration Motion, at 4-6.

24 Bailey & Ellis Surrebuttal, at 29.

25 Covad Reconsideration Motion, at 5 (emphasis omitted).

FDN

FDN requests that the Commission clarify that its Order "does not permit billing recurring [power] charges for dual feed redundancy."[26] FDN clearly is rehashing the argument from its post-hearing brief that Verizon double-bills CLECs for DC power by charging for the power ordered over both the "A" feed and the "B" feed.[27] As Mr. Bailey explained at the hearing, Verizon bills CLECs only for the power they order and permits fusing at 250% of those orders to allow for redundancy.[28] Indeed, what FDN's own post-hearing brief actually makes clear is that FDN *double-orders* power from Verizon (and, appropriately, is billed for the power it orders). Because no ILEC bills any CLEC for "redundant" power feeds, FDN's requested clarification is inappropriate.

To use FDN's example from its post-hearing brief, if a CLEC collocated in a Verizon central office needs to power a piece of equipment that load-shares and draws 40 amps of power, it should order 20 amps of power on its "A" feed and 20 amps of power on its "B" feed, with each feed fused at 50 amps (and thus sized to carry 50 amps if necessary).[29] Such an order submitted to Verizon is the equivalent of ordering 40 amps of total power from BellSouth. The CLEC should *not* order 40 amps of power on its "A" feed and 40 amps of power on its "B" feed, with each feed fused at 100 amps. That would be the equivalent of ordering *80* amps of total power from BellSouth — twice as much power as the CLEC needs.

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[26] FDN Reconsideration Motion, at ¶ 12.

[27] *See* Post-Hearing Brief of Florida Digital Network, Inc. d/b/a FDN Communications, at 10-13 (Sept. 9, 2003).

[28] *See* 8/12/03 Tr., at 510-12 (Bailey). Verizon alone allows CLECs extra flexibility in their power engineering by letting them order power feed-by-feed rather than in aggregate.

[29] *See generally id.* at 509-15 (Bailey).

This clarification should finally put to rest FDN's concern that Verizon double-bills CLECs for DC power and should render moot FDN's reconsideration request.

IV. THE COMMISSION SHOULD GRANT SPRINT'S REQUEST THAT THE CLECS BE REQUIRED TO DEMONSTRATE THAT THEIR REQUESTED AC FEEDS WILL NOT INTERFERE WITH THE ILEC'S EQUIPMENT (ISSUE 7).

Sprint requests that a CLEC seeking to use AC power for non-testing purposes be required to demonstrate that its use of AC power will not endanger the ILEC's equipment or operations.[30] As Sprint properly notes, such a condition is amply supported (and unchallenged) in the record, and indeed was the lynchpin of Commissioner Davidson's hypothetical proposal to the ILECs on this matter.[31] Verizon therefore supports Sprint's request.

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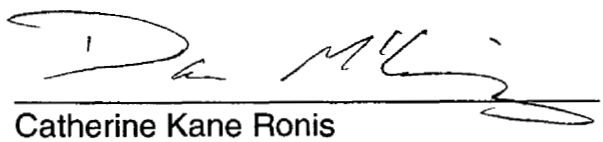
30 Sprint Reconsideration Motion, at 5-6.

31 *See id.* (citing hearing transcript). Specifically, Commissioner Davidson asked Verizon witness Bailey, "[W]ould Verizon have any objection to the CLEC converting [AC] power to [DC] power *assuming for this hypothetical that such conversion would not negatively impact Verizon's equipment or operations*?" 8/12/03 Tr., at 550 (Davidson) (emphasis added). Sprint is correct that this condition could go beyond compliance with applicable building and electric codes.

CONCLUSION

For the foregoing reasons, the Commission should grant Sprint's and BellSouth's reconsideration motions, with the additional clarifications set forth above, should carefully consider all of the consequences of granting Covad's motion, and should deny FDN's motion.

Respectfully submitted,



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Dated: December 17, 2003

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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 FedEx or regular U.S. Mail this 17th day of December, 2003 to the following.

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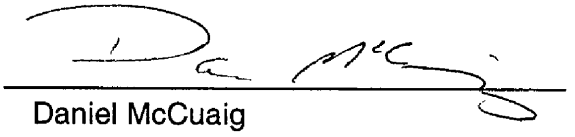

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