6

State of Florida

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0850

-M-E-M-O-R-A-N-D-U-M-

DATE: DECEMBER 3, 1998

TO: DIRECTOR, DIVISION OF RECORDS AND REPORTING (BAYÓ)

FROM: DIVISION OF COMMUNICATIONS (STAVANJA, FAVORS)
DIVISION OF LEGAL SERVICES (B. KEATING)

RE: DOCKET NO. 980800-TP - PETITION FOR EMERGENCY RELIEF BY SUPRA TELECOMMUNICATIONS & INFORMATION SYSTEMS AGAINST BELLSOUTH TELECOMMUNICATIONS, INC., CONCERNING COLLOCATION AND INTERCONNECTION AGREEMENTS.

AGENDA: 12/15/98 - REGULAR AGENDA - POST-HEARING DECISION - PARTICIPATION IS LIMITED TO COMMISSIONERS AND STAFF

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: PLEASE PLACE ON AGENDA IMMEDIATELY AFTER MOTION FOR RECONSIDERATION OF ORDER NO. PSC-98-1417-PCO-TP

FILE NAME AND LOCATION: S:\PSC\CMU\WP\980800.RCM

TABLE OF CONTENTS

LIST OF ACRONYMS USED IN RECOMMENDATION ..... - 4 -

EXECUTIVE SUMMARY ..... - 5 -

CASE BACKGROUND ..... - 8 -

ISSUE 1: Is BellSouth required to provide physical collocation in the North Dade Golden Glades and West Palm Beach Gardens central offices pursuant to the Collocation Agreement between BellSouth and Supra? ..... - 9 -

ISSUE 2: What factors should be considered in determining if there is adequate space for Supra in the North Dade Golden Glades and West Palm Beach Gardens central offices? ..... - 12 -

ISSUE 3: Is there sufficient space to permit physical collocation for Supra in the North Dade Golden Glades and West Palm Beach Gardens central offices? ..... - 20 -

ISSUE 3(A): If so, should Supra's request for physical collocation in the North Dade Golden Glad

ISSUE 3(B): If not, what obligation, if any, does BellSouth have under the Collocation Agreement to make space available at these two central offices to permit physical collocation by Supra? - 38 -

ISSUE 3(C): If there is an obligation to make space available to Supra, how should the costs be allocated? ..... - 40 -

ISSUE 4: In what time frame is BellSouth required to provide physical collocation to Supra pursuant to the Collocation Agreement? ..... - 42 -

ISSUE 5: Pursuant to the Collocation Agreement, what telecommunications equipment can and what

telecommunications equipment cannot be physically collocated by Supra in BellSouth's central offices? ..... - **46** -

ISSUE 6: Should this docket be closed? ..... - **56** -

LIST OF ACRONYMS USED IN RECOMMENDATION

AIN	Advanced Intelligence Network
ALEC	Alternative Local Exchange Carrier
BR	Brief of Evidence
BST	BellSouth Telecommunications, Inc
CO	Central Office
EXH	Exhibit
FCC	Federal Communications Commission
GGCO	Golden Glades Central Office
HVAC	Heating/Ventilation/Air Conditioning
ILEC	Incumbent Local Exchange Carrier
IXC	Interexchange Carrier
MCI	MCI Metro Access Transmission Services, Inc. & MCI Telecommunications Corporation
SCP	Signal Control Point
STP	Signaling Transfer Point
TA96/ACT	Telecommunications Act of 1996
TCAP	Transaction Capability Application Part
TR	Transcript
UNE	Unbundled Network Element

EXECUTIVE SUMMARY

Issue 1 addresses whether or not BellSouth is required to provide physical collocation in the North Dade Golden Glades and West Palm Beach Gardens central offices pursuant to the Collocation Agreement between BellSouth and Supra. Staff is recommending that the Commission find that BellSouth is required to fill a request by Supra for physical collocation in accordance with the terms and conditions of the agreement, but it must do so only if sufficient space exists in the requested central office.

Issue 2 addresses what factors should be considered in determining if there is adequate space for Supra in the North Dade Golden Glades and West Palm Beach Gardens central offices. Staff is recommending that the Commission should consider the following factors:

a) The existing building configuration and the process BellSouth uses to evaluate the facility for space availability;

b) Usage of existing space, including administrative space;

c) Space that has been reserved for future use; and

d) Applicable building codes and local regulations.

Issue 3 addresses whether or not there is sufficient space to permit physical collocation for Supra in the North Dade Golden Glades and West Palm Beach Gardens central offices. Staff is recommending that the Commission find that there is sufficient space to permit physical collocation for Supra in the North Dade Golden Glades and West Palm Beach Gardens central offices.

Issue 3(A) addresses whether or not Supra's request for physical collocation in the North Dade Golden Glades and West Palm Beach Gardens central offices should be granted. If the Commission approves staff's recommendation in Issue 3, then staff is recommending that the Commission grant Supra's request for 200 square feet for physical collocation in the North Dade Golden Glades and West Palm Beach Gardens central offices. Also, staff is recommending that the Commission order BST to allocate space for the POT bays and other infrastructure equipment necessary for Supra to interconnect with BST's network.

Issue 3(B) addresses what obligation, if any, BellSouth has

under the Collocation Agreement to make space available at the North Dade Golden Glades and West Palm Beach Gardens central offices to permit physical collocation by Supra if the Commission determines that no space exists. If the Commission approves staff's recommendations in Issues 3 and 3(a), staff is recommending that the Commission need not make a determination on Issue 3(b). If however, the Commission denies staff's recommendations on Issues 3 and 3(a), the Commission should find that pursuant to the agreement BST is not required to alter or add on to the physical structure of the central office where no space currently exists.

Issue 3(c) addresses how costs should be allocated if the Commission determines that BellSouth has an obligation to make space available to Supra. If the Commission approves staff's recommendations in Issues 3 and 3(a), then staff is recommending that the Commission need not make a determination on Issue 3(c). If however, the Commission denies staff's recommendations in Issues 3, 3(a)and 3(b), staff is recommending that the Commission find that the agreement does not address the allocation of costs to make space available for collocation.

Issue 4 addresses in what time frame BellSouth is required to provide physical collocation to Supra pursuant to the Collocation Agreement. Staff is recommending that the Commission find that the agreement does not specify a particular time frame for providing physical collocation, but requires a negotiated availability date. Since the parties cannot agree on a date, staff recommends that the Commission order BST to complete physical collocation within three months of Supra's application, unless BST can demonstrate to the Commission why it is technically infeasible to do so.

Issue 5 addresses what telecommunications equipment can and what telecommunications equipment cannot be physically collocated by Supra in BellSouth's central offices, pursuant to the Collocation Agreement. Staff is recommending that the Commission should not require BellSouth to allow the installation of the Ascend TNT equipment or the Cisco Systems equipment known as remote access concentrators. This equipment, however, may be the type of equipment that the FCC is contemplating that competing carriers should be allowed to physically collocate as part of its Memorandum Opinion and Order and Notice of Proposed Rulemaking in FCC 98-188. If the FCC rules that this type of equipment may be collocated, then Supra should be permitted to collocate such equipment at that time in accordance with the parties' agreement.

Issue 6 addresses whether or not this docket should be closed.

Staff is recommending that this docket should be closed after the time for filing an appeal has run.

CASE BACKGROUND

On June 30, 1998, Supra Telecommunications & Information Systems (Supra) filed a Petition for Emergency Relief against BellSouth Telecommunications, Inc. (BellSouth). By its Petition, Supra asks that the Commission require BellSouth to permit Supra to physically collocate in BellSouth's North Dade Golden Glades and West Palm Beach Gardens central offices. On July 20, 1998, BellSouth filed its Answer and Response to Supra's Petition. The Commission conducted an administrative hearing regarding this matter on October 21, 1998.

Subsequent to Supra's Complaint, on August 7, 1998, BellSouth filed Petitions seeking waivers of the requirements of the Telecommunications Act of 1996 (Act), Section 251(c)(6), and paragraphs 602-607 of the Federal Communications Commission's First Report and Order (96-325) to provide physical collocation. By its Petitions, BellSouth claims that it can no longer provide physical collocation in its West Palm Beach Gardens and North Dade Golden Glades central offices because it no longer has sufficient space.

By Order No. PSC-98-1417-PCO-TP, issued October 22, 1998, the Commission determined that Supra should have first priority in the North Dade Golden Glades and West Palm Beach Gardens central offices for purposes of pursuing its complaint in this Docket. The Commission reasoned that Supra should have priority in this specific instance, because Supra filed its Complaint after BellSouth denied Supra physical collocation in these offices, well before BellSouth filed petitions for waivers for these offices, and before any other ALEC complained or otherwise brought this matter to the Commission's attention. Order at p. 10.

On October 21, 1998, the Commission held a hearing in which it received testimony concerning space availability and interpretation of BellSouth's obligations under its collocation agreement with Supra. This is staff's recommendation construing the parties' collocation agreement with respect to the provisioning of space for physical collocation, the time frame for providing collocation, and the types of telecommunications equipment which can be collocated in BellSouth's central offices.

ISSUE 1: Is BellSouth required to provide physical collocation in the North Dade Golden Glades and West Palm Beach Gardens central offices pursuant to the Collocation Agreement between BellSouth and Supra?

RECOMMENDATION: Yes. Staff recommends that the Commission find that BST is required to fill a request by Supra for physical collocation in accordance with the terms and conditions of the agreement, but it must do so only if sufficient space exists in the requested central office.(STAVANJA)

POSITION OF THE PARTIES

SUPRA: Yes. BellSouth is required to provide physical collocation space to Supra in the North Dade Golden Glades and West Palm Beach Gardens central offices because of the Collocation Agreement between BellSouth and Supra and requirements of law as stated in the Telecommunications Act of 1996 and the Code of Federal Regulations.

BELLSOUTH:

No. The BellSouth-Supra Collocation Agreement requires BellSouth to provide physical collocation only in those offices where BellSouth has space available.

STAFF ANALYSIS:

The issue before the Commission is whether or not the negotiated agreement for collocation requires BellSouth (BST) to provide physical collocation when requested by Supra. Supra witness Ramos states that pursuant to the parties' Collocation Agreement and applicable laws, BST is required to provide space to Supra for physical collocation. (TR 40)

BST witness Thierry states that there is no provision in the collocation agreement that requires BST to fulfill every request for collocation by Supra. (TR 247) The collocation agreement between BST and Supra provides:

> WHEREAS, Interconnector wishes the right to occupy the BellSouth Central Office(s) delineated herein for the purpose of interconnection to BellSouth's facilities; and
>
> WHEREAS, BellSouth has space available in its Central

> Office(s) which Interconnector desires to utilize; and
>
> WHEREAS, BellSouth is willing to make such space available to Interconnector with its Central Office(s) subject to all terms and conditions of this agreement;(EXH 25)

BST witness Thierry states that this provision is in the introductory section of the agreement and that the agreement specifically contemplates space being available. (TR 247) The agreement further states in Section I.E., Scope of the Agreement:

> A collocation space will be provided to Interconnector at each Central Office identified at Exhibit B attached hereto, which Exhibit shall be updated from time to time as additional Central Offices are made subject to the terms of this Agreement. (EXH 25)

Although this provision in the agreement requires BST to provide space for collocation to any and all Central Offices listed on Attachment B if requested by Supra, there are no Central Offices listed on Attachment B. Therefore, it appears that BST did not commit specific space, or reserve specific space in any Central Office for Supra at the time the parties negotiated the agreement. Further, staff believes that Section X.V.I. Nonexclusivity, is clear on assignment of space. This section states:

> Interconnector understands that this Agreement is not exclusive and that BellSouth may enter into similar agreements with other parties. Assignment of space pursuant to all such agreements shall be determined by space availability and made on a first come, first served basis.

Staff would note that although Supra witness Ramos states that the Collocation Agreement requires BST to provide physical collocation, (TR 40) witness Ramos did not reference any clause in the agreement to that effect.

Conclusion

Staff believes that the agreement requires BST to fill a request for physical collocation by Supra in accordance with the terms and conditions set forth in the agreement, if space is available. Therefore, staff recommends that the Commission find that BST is required to fill a request by Supra for physical collocation in accordance with the terms and conditions of the

agreement, but it must do so only if sufficient space exists in the requested central office. The Commission will determine the existence of sufficient space in both central offices in Issue 3.

ISSUE 2: What factors should be considered in determining if there is adequate space for Supra in the North Dade Golden Glades and West Palm Beach Gardens central offices?

RECOMMENDATION: The Commission should consider the following factors to determine whether there is adequate space for Supra in the North Dade Golden Glades and West Palm Beach Gardens central offices:

a) The existing building configuration and the process BellSouth uses to evaluate the facility for space availability;

b) Usage of existing space, including administrative space;

c) Space that has been reserved for future use; and

d) Applicable building codes and local regulations.

(Favors)

POSITIONS OF THE PARTIES

SUPRA: The Commission should consider the following factors in determining if there is adequate space for Supra in BellSouth's central offices:

a) The proper amount of administrative space to be utilized by BellSouth for its own purposes;

b) The appropriate amount of space for BellSouth to reserve for its own future use; and

c) Whether BellSouth has utilized a design for the central offices that maximizes the opportunity for physical collocation by other telecommunications service providers such as Supra.

BELLSOUTH:

Factors such as the existing building configuration; space usage and forecasted demand; building code regulations and local regulations all affect space allocation and availability for physical collocation.

STAFF ANALYSIS: This issue is intended to determine the

appropriate factors that should be used to determine whether space is available to allow physical collocation in the North Dade Golden Glades and West Palm Beach Gardens central offices. This section will separately address each of the factors that staff believes should be used to determine if space is available for physical collocation. This Issue does not address whether these factors were appropriately applied to these central offices. That topic will be discussed in Issue 3.

a. EXISTING BUILDING CONFIGURATION AND THE PROCESS USED TO EVALUATE THE FACILITY FOR SPACE AVAILABILITY

BellSouth witness Bloomer states that evaluation of the existing building configuration includes consideration of the location of doors, hallways, stairs, lounges, air handling, the building outline and the physical capacity of the structure. (TR 456)

Witness Bloomer also identifies the process BellSouth used to evaluate these central offices for space availability:

1.) Determine the gross building space.

2.) Subtract unavailable space (air handling rooms, pump rooms, transformer and cable vaults, restrooms, stair towers, janitor closets, main corridors, vestibules, and light shafts).

3.) Subtract occupied space (space occupied by equipment such as switches, transmission, frame and power equipment).

4.) Subtract space reserved for future equipment growth.

5.) Subtract vacant space/unusable space (space unusable due to configuration problems, lack of exits, less than 100 square feet, etc.).

6.) The net space possibly available for collocation is then determined. (TR 457-458)

Supra witness Nilson states:

> While most of this procedure is fairly self-explanatory, the determination whether collocation space is available is made at the last step. All possible future needs of

> BellSouth, for an unspecified time in the future, are subtracted before the first square foot is allocated for collocation. (TR 134)

Conclusion

Staff believes that consideration of the existing building configuration provides a good initial reference point in the process of determining whether there is space available in these central offices for physical collocation.

Staff also believes that the process BST used to evaluate the facility for space availability is reasonable. Supra disagrees with the fact that BellSouth removes space that it has reserved for its own future use before it allocates space for physical collocation. (Nilson TR 134) However, the FCC states in its First Report and Order:

> Incumbent LECs are allowed to retain a limited amount of floor space for defined future uses. Allowing competitive entrants to claim space that incumbent LECS had specifically planned to use could prevent incumbent LECs from serving their customers effectively. (FCC 96-325, ¶604)

Therefore, BellSouth is allowed to remove space that it has reserved for its future use prior to allocating space for physical collocation. Staff would note, however, that the amount of space reserved for future use must be evaluated for its reasonableness.

b. USAGE OF EXISTING SPACE, INCLUDING ADMINISTRATIVE SPACE

It is Supra's position that the Commission should consider whether BellSouth has utilized a design for its central offices that maximizes the opportunity for physical collocation by other telecommunications service providers such as Supra. Supra witness Graham states that BellSouth is utilizing outdated arrangements of computer work stations. He states that BellSouth could install computer work stations that are set up to monitor numerous switches, as opposed to having a separate work station for almost every switch. (TR 217)

Witness Graham states that BellSouth has supply cabinets, file cabinets and piles of various equipment and supplies scattered throughout these central offices in a disorganized fashion. (TR 218) Witness Graham further states that BellSouth was utilizing

several areas of space as "staging" areas for current projects being done by vendors. He further suggests that this equipment could be stored in a truck outside the central office. (TR 219)

BellSouth witness Bloomer contends that equipment relocations are made to consolidate service areas and maximize space usage. (TR 473) Witness Bloomer also states that he has evaluated the equipment layout in both the West Palm Beach Gardens and North Dade Golden Glades central offices and believes that the equipment is laid out efficiently. (EXH 8, pp. 24-25)

Supra states that the amount of administrative space utilized by BellSouth for its own purposes should be considered a factor. (TR 43) BellSouth witness Bloomer defines administrative space as:

> Administrative space is any space NOT directly supporting the installation or repair of both telephone equipment and customer service. Examples of this space are storerooms, lounges, shipping-receiving rooms, and training areas. These rooms are necessary for code, life safety, or contractual reasons. Administrative space can also be regular office space used by work groups performing company functions outside of the equipment support described above. (TR 458)

Witness Ramos testified that BellSouth has cleverly duplicated the administrative work space so as to crowd the central office. He also believes that BellSouth has installed unnecessary desks in various locations of the central office. (TR 46) Witness Nilson believes that BellSouth is using administrative space designs that are inefficient and outdated and is effectively "warehousing" space for its own future use. (TR 137-138)

Conclusion

Supra contends that BellSouth has desks, supply cabinets, and equipment scattered throughout these central offices in a disorganized fashion. Staff agrees that the administrative space in both central offices is used inefficiently.

Supra also contends that BellSouth could install computer workstations that are set up to monitor numerous switches instead of having a separate workstation for each switch. Staff agrees with Supra that this technology is available as explained by witness Graham. (TR 217) The evidence of record, however, does not

show whether this is a viable option for BellSouth, or what effect it may have on BellSouth's operations. Staff would suggest that BellSouth investigate this technology as a possible way to improve efficiency of space and operations.

c. SPACE RESERVED FOR FUTURE USE

Supra contests the amount of space that BellSouth should be allowed to reserve for its own future use. BellSouth witness Bloomer indicates that there are 4,035 square feet and 3,197 square feet of space reserved for BellSouth's future use in the North Dade Golden Glades and West Palm Beach Gardens central offices, respectively. (TR 476)

Witness Bloomer states that BellSouth reserves space for forecasted needs of equipment growth for the next two years. (TR 457) Witness Milner states that BellSouth also allows for the provision of collocation equipment and terminations for the next two years' forecast. (TR 537) In contrast, Supra witness Nilson states that BellSouth is attempting to reserve space for the next five years' growth. (TR 126)

Witness Nilson questions the amount of space that BellSouth is reserving for its own future use based on waivers for physical collocation filed with the FCC in 1993 for these same two central offices. He states that in 1993 BellSouth requested permission from the FCC to reserve 2,100 square feet and 1,000 square feet of space in the West Palm Beach Gardens and North Dade Golden Glades central offices, respectively. (TR 115) He states that now BellSouth is reserving 3,544 square feet and 4,796 square feet of space in the West Palm Beach Gardens and North Dade Golden Glades central offices, respectively. As a result of this, he believes that the reliability of BellSouth's growth figures is called into question. (TR 119-120) Staff would note that Supra believes that there is more space available in these central offices than BellSouth has indicated. This is the reason that Supra witness Nilson lists a larger amount of space reserved for future use in these two central offices than BellSouth witness Bloomer.

BellSouth witness Bloomer counters by stating:

> It is only expected that the numbers have changed. Equipment forecasts and the proposed space allocations derived from these forecasts are snapshots in time. This means that the forecast is good only until the next forecast is completed. (TR 469)

Conclusion

Staff believes that space reserved for future use should be a factor in determining whether space is available for physical collocation in the North Dade Golden Glades and West Palm Beach Gardens central offices. The FCC addressed this issue in its First Report and Order by stating:

> Incumbent LECs are allowed to retain a limited amount of floor space for defined future uses. Allowing competitive entrants to claim space that incumbent LECs had specifically planned to use could prevent incumbent LECs from serving their customers effectively. Incumbent LECs may not, however, reserve space for future use on terms more favorable than those that apply to other telecommunications carriers seeking to hold collocation space for their own future use. (FCC 96-325 ¶604)

Staff realizes that Supra's argument is not whether BellSouth should be allowed to reserve space for future use, but the amount of space held for future use. BellSouth states that it reserves space for two years of forecasted equipment growth, and that it allows collocators to do the same. Staff believes that this policy is reasonable. Supra asserts that BellSouth is reserving space in these central offices for five years or more. (TR 126) There is evidence in the record that indicates that BellSouth has space available in these central offices for its equipment growth beyond two years. Staff will address this further in Issue 3.

Supra makes note of the fact that there has been an increase in reserved space in these two central offices since BellSouth filed its waivers from the physical collocation requirement with the FCC in 1993. Staff believes that due to equipment additions and removals, advancements in technology and other factors, an increase in space in these central offices can occur over time.

d. BUILDING CODE AND LOCAL REGULATIONS

BellSouth contends that building codes and local regulations are factors that should be considered when determining if space is available in a central office for physical collocation. Witness Milner names the National Fire Protection Act and the Southern Building Code as codes that BellSouth must adhere to. (TR 529)

At issue is the requirement of fire rated walls. Concerning the North Dade Golden Glades and the West Palm Beach Gardens central offices, BellSouth witness Bloomer states that the local building officials take the position that collocation is a leased multi-tenant occupancy requiring a full fire-rated wall from floor to ceiling, served by a fire-rated corridor to the two exit doors. (TR 463, 466) Witness Bloomer asserts that this type of construction is impossible because the wall must cross through all the overhead racking, duct, and conduit runs. (TR 463)

Supra witness Nilson noted that he saw a collocator operational in the West Palm Beach Gardens central office, and areas being prepared in both central offices for collocators. (TR 140) Witness Nilson also states that Supra has requested physical collocation in an unenclosed space, and therefore fire-rated walls should not be necessary. (TR 143) Staff would note that the collocation areas that witness Nilson refers to are virtual collocation spaces, not physical collocation spaces.

Conclusion

Staff believes that BellSouth must adhere to all building codes and local regulations and that these codes must be considered as factors when determining whether space is available for physical collocation.

Staff does not believe that the Commission needs to make a decision concerning the requirement of the fire-rated wall. The local building code official is the final authority on the interpretation of building codes and issuance of construction permits. BellSouth has obtained an opinion on this requirement from the Southern Building Code Congress International to assist in its efforts to have local building code officials review their interpretation of this code. (EXH 9, p.11) Staff encourages Supra to either join BellSouth in its efforts, or obtain the names of the building code officials in these jurisdictions and begin its own efforts to have this building code interpreted differently.

The collocation arrangements that witness Nilson referred to were virtual collocation arrangements. (TR 170) Staff would note that in a virtual collocation arrangement, BellSouth maintains and repairs the collocation equipment. (EXH 17) Witness Bloomer states that in a virtual collocation arrangement, BellSouth controls the floor space and the frame itself; therefore, the virtual collocator is not a tenant and fire-rated walls are not required. (EXH 8, p.43) Staff believes that because the virtual collocator does not

control the floor space, local building code officials may not consider virtual collocators as tenants.

Staff does not believe, however, that the requirement of a fire-rated wall should preclude BellSouth from providing physical collocation in these two central offices. The evidence of record shows that BellSouth has provided physical collocation in its Miami Grande central office which included fire-rated walls. (EXH 8, p. 82) Therefore, this type of construction is possible.

Summary

In summary, staff believes that the factors listed above are reasonable in determining whether there is space available for Supra in the North Dade Golden Glades and West Palm Beach Gardens central offices. Staff will apply these factors to evaluate whether suitable space exists in these two central offices in Issue 3.

ISSUE 3: Is there sufficient space to permit physical collocation for Supra in the North Dade Golden Glades and West Palm Beach Gardens central offices?

RECOMMENDATION: Yes. Staff recommends that the Commission find that there is sufficient space to permit physical collocation for Supra in the North Dade Golden Glades and West Palm Beach Gardens central offices. (STAVANJA, FAVORS)

POSITION OF THE PARTIES

SUPRA: Yes. There is sufficient space to permit physical collocation for Supra in the North Dade Golden Glades and West Palm Beach Gardens central offices.

BELLSOUTH:

No. There is insufficient space at these offices for physical collocation.

STAFF ANALYSIS: Supra has requested physical collocation in the North Dade Golden Glades and West Palm Beach Gardens central offices (COs). BST denied Supra's applications for physical collocation in both central offices on the basis that no space was available in either office. BST obtained waivers, which were filed in 1993, for physical collocation from the FCC for both of these central offices. These waivers were granted prior to the passage of the Telecommunications Act of 1996 (the Act). The Act requires Incumbent Local Exchange Carriers (ILECs) to provide collocation. The ILEC is relieved of this duty only when a State commission determines that space is unavailable or technically infeasible to provide. Specifically, Section 251(c)(6) states:

> Collocation.-The duty to provide, on rates, terms, and conditions that are just, reasonable, and nondiscriminatory, for physical collocation of equipment necessary for interconnection or access to unbundled network elements at the premises of the local exchange carrier, except that the carrier may provide for virtual collocation if the local exchange carrier demonstrates to the State commission that physical collocation is not practical for technical reasons or because of space limitations.

Therefore, the Commission must determine whether or not there is sufficient space in both the North Dade Golden Glades and West Palm

Beach Gardens central offices.

Issue 2 addressed the factors that should be considered in determining whether space is available and suitable for collocation. Staff will discuss each factor in the analysis of space availability for physical collocation in each central office. In addition to diagrams of the floor layout for each office, the record contains video tapes made when members of Supra, BST and staff participated in walk-throughs of both central offices. (EXH 19)

North Dade Golden Glades CO

Supra identified separate areas in the Golden Glades Central Office (GGCO) that it believes are areas suitable for physical collocation. All but two areas identified by Supra are being reserved by BST for future use. The other two areas have been designated as administrative space by BST. (EXH 14) Staff would note that Supra did not provide an explanation why each of these areas are suitable for collocation. However, Supra did identify, rank by choice, and discuss certain areas that it does believe are suitable. (EXH 14) The following discussion consists of staff's review of each space evaluated under the factors identified in Issue 2.

a. EXISTING BUILDING CONFIGURATION AND THE PROCESS USED TO EVALUATE THE FACILITY

BST witness Bloomer provides a summary of the GGCO:

> The Golden Glades facility is a first and partial second-floor facility built on an irregular shaped site in northern Dade County. The building contains 26,225 gross square feet. It is a major switching center with a large interoffice trunking presence. (TR 461)

Supra questions the amount of gross space in the GGCO. Supra contends that BST has provided Supra with different figures. Supra states that it received gross square footage numbers from Production of Document responses ranging from 23,115 square feet to 27,968 square feet. (TR 490-491; EXHs 16, 17, 32) Witness Bloomer states that he did not know who made the square footage calculations when BST requested the FCC collocation waiver, or the number found on the space report form used in that application for the waiver. (TR 492)

Witness Bloomer's testimony is that there are 26,225 square feet in the GGCO and that is the amount of space that he calculated. (TR 461, 495) Although it is odd that BST has provided various numbers, staff believes that it is appropriate to rely on witness Bloomer's calculation. Staff believes this is appropriate because the number he provided in his testimony (26,225) is the amount of space that he calculated and supports in this proceeding.

Witness Bloomer broke down the gross space into categories and provided space assessments for each category. These space allocation assessments are shown in Table 3-1. (TR 461-42, 476)

Table 3-1: BST Space Allocation Assessment for the Golden Glades Central Office (square feet)

Gross Space	Unavailable	Available	Occupied	Reserved	Unusable
26,225	2,812	23,443	18,989	4,035	389

BST witness Rubin provided testimony supporting the reservation of space in the GGCO. Witness Rubin's evaluation resulted in 3,596 square feet of reserved space. (TR 363) This differs from BST witness Bloomer's calculation of 4,035 square feet. Witness Rubin states that his calculation is only for the actual equipment and the space in front and behind the equipment. Witness Rubin added further that his number does not include space for the aisles that must be added as equipment is installed. (EXH 7, pp. 64-65)

b. USE OF EXISTING SPACE INCLUDING ADMINISTRATIVE SPACE

Witness Bloomer identifies 1,710 square feet of administrative space in the GGCO. Witness Bloomer states that administrative space falls under the category of occupied space and consists of shipping, receiving, training, lounge, and a restoration center work area in the GGCO. (TR 461) Witness Bloomer asserts that administrative space is "any space NOT directly supporting the installation or repair of both telephone equipment and customer service." (TR 458) Staff would note that the administrative space provided in the GGCO is nearly three times that of the West Palm Beach Gardens central office. (TR 463-464)

The GGCO contains an area designated as administrative space that BST has labeled as a work/restoration center. The room consists of 341 square feet and contains 6 desks. (EXH 8, p. 63) This space was used by BST during Hurricane Andrew, and BST claims

that this room is used by those that work in the building to prepare work reports. Witness Bloomer states that there are three major uses for this area. Witness Bloomer states that this area would be used in a natural disaster, a catastrophic service failure, or if there was a disaster in the building itself. (EXH 8, p. 63) Witness Bloomer adds that this room will soon become a Property Inventory Control system (PICs) receiving center, which currently is operated just outside of this room. (EXH 8, p.62) Witness Rubin states that the work/restoration center is now being utilized as a circuit pack storage area. (TR 414)

Supra witness Nilson states that this room is suitable for collocation. Witness Nilson explains that this room is already surrounded by walls and could be used for collocation. Witness Nilson was not certain if the walls were considered fire rated or not. (TR 205) Witness Nilson adds that between the first and second walk-throughs, BST changed the purpose of the room, and Supra assumes that the original use of this room as administrative space is no longer as important as the purpose for which BST's witnesses have indicated that it is currently being used. (TR 205)

Another room designated as administrative, is a room used by BST as a computer training room. This room contains 93 square feet and a desk with a computer.

c. BUILDING CODE AND LOCAL REGULATIONS

As discussed in Issue 2, there are building codes at the national, state, and local levels. (Bloomer TR 459) BST Witness Bloomer states that the local building authority for the GGCO, Miami Dade, takes the position that collocation "is a leased multi-tenant occupancy requiring a full fire rated wall from floor to ceiling served by a fire rated corridor to the two exit doors." (TR 463)

Supra asserts that it has requested open space, not enclosed space for physical collocation in the GGCO. (Nilson TR 142) Supra witness Nilson questions why BST is insisting that fire rated walls are necessary, when BST has already granted Supra an existing collocation space without fire walls in another central office. (TR 139) Witness Nilson states that BST offered Supra an existing collocation space that is caged with chain link fencing in the Miami Palmetto central office. Witness Nilson adds that the Miami Palmetto office is also located in Dade County. (TR 139)

Staff is concerned about why BST allows caged collocation in one central office and fire wall construction in another, when both

are in the same county. However, the evidence in this proceeding is inconclusive on whether a building permit request in either of these two central offices for non-fire wall collocation would be denied. BST witness Mayes states that an application for a permit for non-fire wall collocation would be the proper way to proceed at this point. Witness Mayes believes that BST should approach the local code enforcement officials if the application for non-fire wall collocation is rejected by the local code officials. (EXH 9, pp. 22-23)

As discussed in Issue 2, staff believes that the Commission need not consider whether or not fire rated walls are a factor in determining space. If the Commission finds that space exists, staff believes the Commission should grant such space to Supra. If the local building authorities determine that fire wall construction is required, Supra should decide if collocation is financially reasonable.

4. SPACE RESERVED FOR FUTURE USE

BST claims that there are 4,035 square feet of space that are reserved for future use. BST witness Bloomer states that this space is being held for currently forecasted equipment that will be shipped to the GGCO through the year 2000. (TR 462) Witness Bloomer categorized the reserved space as follows:

Category	**Description**	**Square Feet**
Switch	space for expansion of the local and tandem and operator services switches, the Signal Transfer Point (STP), and Signal Control Point machines.	1,8775.5
Transmission	space for expansion of virtual collocation, and the circuit digital cross connect frame.	1,576.5
Frame		None
Power	space for expansion of the power plant/House Service Panel	142
Administrative		None
Other	new Air Handling room	439

Supra witness Nilson disagrees with BST witness Bloomer's calculation of reserved space. Witness Nilson asserts that BST witness Bloomer did not take into consideration the unused space in the power room. Witness Nilson estimates that there are 1,200 square feet available for power expansion in that room. Supra witness Nilson estimates that there is a total of 5,235 square feet "available" in the GGCO. (TR 139) BST witness Rubin contends that this area in the power room is designated as a hazardous material storage area. (TR 412)

As mentioned above, Supra has identified several areas suitable for collocation in the GGCO that BST has reserved for future use. Supra witness Nilson states that there are a few areas that Supra chooses over the others. (EXH 14) For Supra's first choice, witness Nilson points to an area consisting of 970 square feet that BST has reserved for future transmission equipment. (TR 157) Witness Nilson states that this area provides access to both the isolated and integrated grounding planes. Witness Nilson explains that this area would allow Supra to install both its switching and transmission equipment in one physically isolated region. Staff would note that switching equipment is located in an isolated grounding plane, and transmission equipment is located in an integrated grounding plane. (Bloomer TR 460) Witness Nilson adds that this area is close to the main distribution frame, where unbundled loops are provisioned. (TR 200) Witness Nilson also notes that this area is near the corner of the central office, and therefore, if construction of fire walls is necessary, this area is suited for such construction. (TR 162-163, 200)

BST witness Rubin states that this area was being reserved for a new digital cross-connect system with a capacity of 2,048 DS1s. Witness Rubin explains that half of the DS1 capacity is currently to be installed by December 31, 1998, with the remainder to be installed during the first quarter of 1999. (TR 404-405) Witness Rubin adds that each digital cross-connect addition will also require four DSX1 cross-connect bays, or eight total bays in this area. (TR 405) Witness Rubin asserts that the area designated by Supra includes the fire exit aisle, where no equipment can be placed. (TR 406)

For Supra's second choice, witness Nilson points to two areas. First, there is a space consisting of 795 square feet reserved for tandem switch and operator switch growth. Witness Nilson contends that BST is attempting to reserve space for six to seven years for the tandem switch, and 25 years worth of space for the operator services switch. Witness Nilson states that since the time period

is so long, it would be reasonable for BST to permit collocation in this area. (TR 201) During the walk-through, witness Nilson identified a piece of switching equipment that was no longer in service. Witness Nilson states that 25 frames of the switch were removed from service, but BST informed him that the switch would not be removed for approximately six months. (TR 136) Witness Nilson asserts that the floor space occupied by this equipment is more area than Supra has requested for physical collocation. (TR 136) The second area consists of 337 square feet of future space for virtual collocation. Witness Nilson states that this area was chosen because it is suitable for collocation of transmission equipment and had been identified by BST as one of the available virtual collocation spaces in the GGCO. (TR 201)

BST witness Rubin admits that it is true that there is 25 years' worth of space for the 03T tandem switch in the space plan he prepared. However, witness Rubin states that his plan lists two aisles for growth of the 03T. Witness Rubin asserts that in this case, BST is only reserving one aisle for growth. (TR 407) Staff would note that under cross examination, witness Rubin stated that one aisle would not, therefore, equal 12.5 years of growth, but only six and a half years. (TR 444) Witness Rubin explains that the 25 years of space for growth may have been based on the addition of one frame per year as opposed to two frames per year. (TR 444)

Supra's third choice for space consists of space on both the first and second floors. Supra witness Nilson states that the space on the first floor could supply the integrated grounding plane for the transmission equipment, and the space on the second floor could supply the isolated grounding plane necessary for the switching equipment. (TR 202) The space on the first floor is the same space (i.e., space for virtual collocation) as listed in Supra's second choice. The space on the second floor is space that BST is reserving for growth of its DSO local switch. Witness Nilson states that BST is reserving future growth space for the DSO switch for four to five years. Witness Nilson adds that the time period could be extended by the upgrades that are already in progress. (TR 202)

BST witness Rubin states that there is not enough contiguous space in the reserved area on the second floor to accommodate physical collocation. (TR 416) Witness Rubin asserts that the DSO switch is growing at a rate of six frames per year. (TR 416) Witness Rubin also states that there are some empty spaces in the body of the DSO switch, and in two years BST will begin utilizing the space. (TR 416)

Conclusion

BST's filing for an FCC waiver for physical collocation in the GGCO was made in 1993. In that filing, BST informed the FCC that there was 1,000 square feet of reserved space. (EXH 28) In this proceeding, BST claims there are 4,035 square feet of reserved space. Staff would note that no BST witness was able to justify why there was an increase in reserved space. Based on the evidence in the record, none of the BST witnesses in this proceeding have knowledge of how the measurements of the GGCO were made for the FCC filing, or who made them.

BST states that more space is necessary to provide physical collocation than the amount of space requested by Supra. BST witness Ream states that, in addition to the fire walls, BST would have to create a common space. This common space would be for the placement of point-of-termination bays. (TR 446) In addition, witness Ream states that separate walkways must be constructed so that the collocator can access its collocation space. BST witness Bloomer states that the collocation floor space necessary must also accommodate "POTS bays, DC power bays, "and other termination bay requirements needed to support the collocator's request." (TR 479) Staff would note that the separate egress corridors appear to be an internal BST policy, not a requirement of local building authorities. Witness Ream reasons:

> The collocator has to have a separate entrance to get into his space separate from our equipment areas. They just can't walk down our aisle at 3:00 a.m. in the morning...amongst our equipment when it's an unmanned office to get to their area. So it forces us to set up aisles for them... So that's why it requires much more space than the initial 200-foot requirement. (TR 447)

Staff understands BST's desire to keep unauthorized personnel from wandering around its central offices. However, staff would note that BST does provide security escorts for collocators. Therefore, staff believes that the lack of space to build caged or walled-off aisles should not be a reason for denying physical collocation.

In conclusion, staff believes there is adequate space to permit physical collocation in the GGCO. Staff notes that it appears space held for future use for more than two years may be unreasonable. Further, staff believes that once BST determines that space will exhaust within three years, then BST should begin planning construction to the building or make other plans for

relief. Staff believes that this will be further addressed in the collocation waiver dockets.

Staff believes that BST has two areas that it is reserving for excessively long periods of time. The first space is the 987 square feet for the O3T and O4T tandem switches and the STP (Supra's second choice). BST states that 393 square feet is just for the equipment, with the remainder for required aisles. (Rubin TR 363-364) As discussed above, this area is being reserved to meet six years of growth requirements.

The second area is the 162 square feet of space held for the DSO switch on the second floor (part of Supra's third choice). (Rubin TR 364) As stated above, this area is being reserved for four to five years of growth requirements. Staff reviewed the forecasts provided by BST for the GGCO. (EXH 11) The forecast for analog lines served by the DSO switch shows very little growth through the year 2000. In addition, the forecast shows that there currently is excess capacity for analog lines; therefore, staff believes that no additional equipment needs to be installed that would consume space. (EXH 11)

Staff would mention that the space reserved for the DSO is not a square, or nearly square area. The space consists of a long narrow row. However, staff would note that there is also space reserved for a O1T switch bordering the space for the DSO switch. Staff believes that the amount of space needed by Supra in this grounding plane could be provided by using space reserved for both the DSO and the O1T switches. Staff believes that BST can replace the amount of space taken from the O1T by using the remaining space designated for the DSO. Although the area for the DSO is less than the 200 square feet of space requested by Supra, staff believes that this space could be used by Supra if the Commission determines that space in two separate areas can be used by one ALEC to satisfy its request for collocation. However, the record is unclear on whether or not Supra's idea of placing switching equipment on one floor and transmission equipment on the other is technically feasible. However, staff believes that BST should bear the burden of proving to the Commission if this is not possible.

Staff also believes that the administrative space used by BST as its work/restoration area is suitable for collocation. Staff believes this area could meet the needs of both BST and Supra. This area consists of 341 square feet, which is more than the 200 square feet requested by Supra. Supra requests that if there is any additional space available, that the Commission grant 200 additional square feet of space for future use. (TR 122) In the

event no other space around that area could be used as a common area, staff believes that the additional space could be used to set up the point-of-termination bay (POT). This area already has walls, so staff believes little construction to the walls would be required if the walls are not already fire rated. Second, this area is very close to an existing building exit. Therefore, little work would need to be done to build aisles to and from the collocation spot. In addition, staff believes that the administrative duties that were performed in that room could easily be done in the computer training room on the second floor.

Staff believes the three areas identified above could be made available for collocation. It is important that the Commission understand that staff is deeply concerned and very cautious about recommending space that is reserved for future equipment growth. Staff believes that since BST is the carrier of last resort, it is imperative that BST have sufficient equipment capacity to meet demand. Staff emphasizes, however, that based on the evidence, it was unable to determine whether the total amount of space reserved by BST for its future equipment growth is an appropriate amount. Staff notes that these concerns will be further addressed in the collocation waiver dockets.

Staff has not recommended to the Commission specific areas or rooms in which the Commission should require BST to allow Supra to physically collocate, because staff believes that BST should make that determination. Nevertheless, staff emphasizes that BST should be required to allow Supra to physically collocate as set forth herein.

West Palm Beach Gardens Central Office

Supra only identified two areas in this office where they would prefer to have physical collocation. (EXH 14) Both areas are places that BellSouth has reserved for its own future use. Supra also mentioned other possible areas in which they believed space could be made available for physical collocation. These areas will be discussed below.

a. EXISTING BUILDING CONFIGURATION AND THE PROCESS USED TO EVALUATE THE FACILITY

BellSouth witness Bloomer states:

> The West Palm Beach Gardens central office facility is a single floor facility built on a

> rectangular shaped site in southern Palm Beach County. The building contains 20,314 gross square feet. It is a major switching center with a large inter office trunking presence. (TR 464)

Witness Bloomer further states:

> There are 2264 square feet of unavailable space. This is composed of non assignable area including entrance lobbies, main corridors, hall spaces, inside stairways, fire towers, all toilet rooms, and all space necessary for building operations. (TR 464)

b. USE OF EXISTING SPACE INCLUDING ADMINISTRATIVE SPACE

Witness Bloomer identifies 644 square feet of administrative space consisting of shipping/receiving/training room/lounge. (TR 463-464) In reference to the shipping/receiving room, Supra witness Graham states:

> The West Palm Beach Gardens central office has an extremely large supply room with a very high ceiling that could easily be redesigned and reorganized to accommodate all of the supply storage needs of this central office. This reorganization and redesign would free up a significant amount of space in many areas of the central office. (TR 219)

BellSouth witness Ream identifies this area as an uncrating and storage room. (TR 397)

Supra witness Nilson believes that this is an area possible for physical collocation. Witness Nilson states that the area already has walls in place and that it would be quite easy to add fire rated walls around the remainder of that area. (TR 168)

c. BUILDING CODE AND LOCAL REGULATIONS

In reference to building codes and local regulations governing the West Palm Beach Gardens central office, witness Bloomer states:

> Palm Beach County and Palm Beach Gardens take the position that collocation is a leased

> multi-tenant occupancy requiring a full fire rated wall from floor to ceiling served by a fire rated corridor to the two exit doors. (TR 466)

d. SPACE RESERVED FOR FUTURE USE

There are several areas in the West Palm Beach Gardens central office where BellSouth has reserved space for future use. Each of these areas will be discussed below.

BellSouth witness Ream states:

> 246 square feet are reserved in the power area. A new 48 volt battery string is being added next year. After this addition, the remaining space will only support one more 48 volt battery string. These additions are planned by BellSouth's power vendor to make sure that the office has sufficient reserves in case of a commercial power failure. (TR 372)

Supra points out that they received a document entitled West Palm Beach Gardens Central Office, Second Floor Planning Meeting(EXH 17), and that this document shows that the space reserved for growth of this equipment is not projected to exhaust until year-end 2003. (TR 429)

Witness Ream states:

> 68 square feet are reserved for miscellaneous toll equipment that does not have to be placed next to each other or in close proximity to existing toll equipment. This area is too small for collocation for reasons that Mr. Bloomer discusses in his testimony. (TR 372)

Staff agrees. Supra has requested 200 square feet of space for physical collocation.

Witness Ream states:

> 143 square feet are reserved for fiber optic frame growth. This amount of space is also too small for collocation. This area is too small for collocation for reasons that Mr.

Bloomer discusses in his rebuttal testimony. (TR 372)

Staff does not believe that this is area is suitable for Supra's physical collocation needs, because it is less than the amount that Supra has requested.

There are 403 square feet reserved for Signal Transfer Point (STP) and Signal Control Point (SCP) growth. (Ream TR 373) Supra notes that the West Palm Beach Gardens Central Office, Second Floor Planning Meeting document shows that space available for the growth of this equipment is not projected to exhaust until the year-end 2003 for the STP and year-end 2000 for the SCP.

There are 686 square feet reserved for growth of the toll switch and the DSX1. (Ream TR 373) Witness Ream notes that a virtual collocator is located in the middle of the space, thus dividing it into two parts, one part for the DSX1 and the other area occupied by the Central Office Supervisor. (TR 373) Witness Ream states that BellSouth has recently placed two bays for the DSX1 lineup. (TR 389) This is an area that Supra has identified as a possibility for physical collocation. (EXH 14) Supra notes that the West Palm Beach Gardens Central Office, Second Floor Planning Meeting document shows that the space available for this piece of equipment is projected to exhaust at year end 2000. (TR 429) Staff believes that since the growth of this equipment is projected to exhaust this space by year-end 2000, this area is not suitable for physical collocation.

There are 329 square feet that have been reserved for the TOPS DMS switch which is used for Operator Services. (Ream TR 373) Witness Ream states that this is the TOPS host for the whole state of Florida. (TR 381) Witness Nilson believes that based on forecasting information that Supra received, there is sufficient capacity on this switch, and that this area could be made available for collocation. (TR 166) Supra notes that the West Palm Beach Gardens Central Office, Second Floor Planning Meeting document shows that the space available for growth of this equipment is not projected to exhaust until year-end 2003. (TR 428) Witness Ream states that the fire rated walls required for physical collocation would block the air return for the office. The witness asserts that, consequently, there is not enough room available for physical collocation. (TR 382)

Witness Ream states that 526 square feet have been reserved for the local DMS switch. (TR 373) Supra notes that the West Palm Beach Gardens Central Office, Second Floor Planning Meeting

document shows that the space available for the growth of this switch is not projected to exhaust until year-end 2002. (TR 429)

Witness Ream states that 712 square feet have been reserved for tandem switch growth. (TR 371) This is an area that Supra has identified as a possibility for physical collocation. (EXH 14) Witness Nilson states that there have been three lineups worth of equipment reserved in this area, and based on the growth rate of this equipment, this space equates to six years' growth. (TR 167) Supra notes that the West Palm Beach Gardens Central Office, Second Floor Planning Meeting document shows that the space available for the growth of this tandem switch is not projected to exhaust until year-end 2003. (TR 428)

Supra witness Nilson makes mention of an area where there are three workstations are installed along a wall. Witness Nilson states that he was told that the workstation in the middle was a duplicate, and this area should be considered for physical collocation. (TR 167)

Witness Nilson also notes that there is a large area that holds equipment and administrative workspace. He states that this area appears to be used inefficiently and should be considered for physical collocation. (TR 168) BellSouth witness Ream responds that this is a new equipment staging area. (TR 397)

The evidence of record shows that space is available for growth of BellSouth equipment beyond two years. Supra made note that this is contrary to BellSouth's Property Management and Physical Collocation Guidelines which provide:

> BellSouth is not required to relocate its own equipment or personnel within a facility in order to accommodate physical collocation. However, BellSouth is required to offer any space reserved for growth outside of a two year period. If at this point there is absolutely no space available, an exemption must be filed with the State, and the collocator may choose to enter into a virtual expanded interconnection service. (TR. 429-430)

BellSouth witness Ream states that the equipment that BellSouth expects to place in this central office in the next two years will not leave enough space for physical collocation. (TR 431-432) Staff would note that while this may be an accurate statement, BellSouth is still the beneficiary of an additional two to three years' worth

of space to accommodate its own equipment growth.

Staff also believes that BellSouth has a planned addition scheduled for this building. Witnesses Bloomer and Ream did not know whether funding for the addition was approved. (TR 424-425, 471) However, witness Cruit, when speaking about the approval for the building expansion, stated:

> Approval, I don't know. When we start spending the money, I guess you could assume it is approved. . . .
>
> We're going to do it, because it is a must do requirement. We are not going to allow customer service to suffer, and we have to have building space to put customer service. (EXH 12, p.60)

Conclusion

In conclusion, staff believes there is adequate space to permit physical collocation in the West Palm Beach Gardens central office. The evidence of record shows that BellSouth has space available in this central office to accommodate up to five years of growth for some of its equipment. Staff also believes that an addition is scheduled for this central office, and that BellSouth will not exhaust all of the available space prior to the completion of this addition.

Staff believes that the administrative space used by BST as its uncrating area and its equipment staging area are suitable for collocation. The uncrating room contains 454 square feet. (EXH 31) As BellSouth witness Ream explains states:

> Vendors ship in equipment. If it's raining outside, they need to be able to get it inside and uncrate it. It's not necessarily to be stored there, but they need to uncrate it. There is some storage of plug -ins in this area. (TR 397)

BellSouth has not identified this room as an area in which its equipment will grow. The room is used for uncrating of equipment prior to being installed on the central office floor and for some storage. As witness Nilson noted, there are already walls around this area which will aid in meeting the fire rated wall

requirement. Staff would also note that this area is currently accessed by two doors, one leading to the central office floor and the other leading outside. These two doors make this location easily accessible and provide exits for any personnel who would need to access the collocation area. Granting Supra 200 square feet in this room, along with any additional space that would be required for termination bays (if no other area is suitable for termination bays) will still leave space for BellSouth to uncrate equipment.

The equipment staging area is directly adjacent to the uncrating room. BST has not identified this as an area in which its equipment will grow. This area is used for staging of equipment and associated parts prior to being installed on the central office floor. (TR 397-398)

Staff believes that the functions of these two areas can be performed in an area smaller than BST currently uses, and that some of this space can be granted t Supra for physical collocation.

Staff has not recommended to the Commission specific areas or rooms in which the Commission should require BST to allow Supra to physically collocate, because staff believes that BST should make that determination. Nevertheless, staff emphasizes that BST should be required to allow Supra to physically collocate as set forth herein.

ISSUE 3(A): If so, should Supra's request for physical collocation in the North Dade Golden Glades and West Palm Beach Gardens central offices be granted?

RECOMMENDATION: If the Commission approves staff's recommendation in Issue 3, then staff recommends that the Commission grant Supra's request for 200 square feet for physical collocation in the North Dade Golden Glades and West Palm Beach Gardens central offices. Also, staff recommends that the Commission order BST to allocate space for the POT bays and other infrastructure equipment necessary for Supra to interconnect with BST's network. (STAVANJA)

POSITION OF THE PARTIES

SUPRA: Yes. Supra filed its Complaint when its request for physical collocation was denied. Any other telecommunications carrier that was rejected physical collocation had the same opportunity to file a complaint.

BELLSOUTH:

(a) No.

STAFF ANALYSIS:

By Order No. PSC-98-1417-PCO-TP, issued October 22, 1998, the Commission determined that Supra should have first priority in the North Dade Golden Glades and West Palm Beach Gardens central offices for purposes of pursuing its complaint in this Docket. The Commission reasoned that Supra should have priority in this specific instance, because Supra filed its Complaint after BellSouth denied Supra physical collocation in these offices, well before BellSouth filed petitions for waivers for these offices, and before any other ALEC complained or otherwise brought this matter to the Commission's attention.

Based on the discussion and analysis in Issue 3, staff recommends the Commission grant 200 square feet of space for collocation of Supra's equipment in the North Dade Golden Glades Central Office. In addition, staff recommends that the Commission order BST to allocate space for the POT bays and other infrastructure equipment necessary for Supra to interconnect with BST's network.

Based on the discussion and analysis in Issue 3, staff also recommends the Commission grant 200 square feet of space for physical collocation of Supra's equipment in the West Palm Beach

Gardens central office. In addition, staff recommends that the Commission order BST to allocate space for the POT bays and other infrastructure equipment necessary for Supra to interconnect with BST's network.

Staff has not recommended to the Commission specific areas or rooms in which the Commission should require BST to allow Supra to physically collocate, because staff believes that BST should make that determination. Nevertheless, staff emphasizes that BST should be required to allow Supra to physically collocate as set forth herein.

ISSUE 3(B): If not, what obligation, if any, does BellSouth have under the Collocation Agreement to make space available at these two central offices to permit physical collocation by Supra?

RECOMMENDATION: If the Commission approves staff's recommendations in Issues 3 and 3(a), staff recommends that the Commission need not make a determination on Issue 3(b). If however, the Commission denies staff's recommendations on Issues 3 and 3(a), the Commission should find that pursuant to the agreement BST is not required to alter or add on to the physical structure of the central office where no space currently exists.(STAVANJA)

POSITION OF THE PARTIES

SUPRA: BellSouth has the obligation to consider a request for physical and virtual collocation in making its decisions regarding whether to expand its central office facilities. If the Commission determines there is insufficient space to permit Supra to have 200 square feet in these central offices, it is apparent that BellSouth has dangerously limited its own space reserve to serve its own customers as well and the Commission should order BellSouth to process an immediate proposal for expansion.

BELLSOUTH:

None. When space is not available for physical collocation, BellSouth is required to offer virtual collocation to an ALEC.

STAFF ANALYSIS: Supra witness Nilson asserts that there is sufficient space in both central offices for Supra's requests for physical collocation. Witness Nilson states, therefore, that the Commission should determine how the parties should share space that is reserved for future use. (TR 121-122)

BST witness Thierry asserts that BST is not obligated to renovate or add to a central office to fulfill a request for collocation by Supra. (TR 248) Witness Thierry states that the agreement contemplates renovations and upgrades to currently available space only (see Issue 3(c)). Witness Thierry maintains that the agreement is in compliance with the FCC's First Report and Order which states:

> We further conclude that LECs should not be required to lease or construct additional space to provide physical collocation to interconnectors when existing space has been exhausted. (EXH 1; FCC 96-325, ¶585)

Conclusion

Staff would note that there is not a single clause in the agreement that requires BST to make space available for collocation where none exists in its central offices. Staff does not interpret "making space available" to include construction of common areas or aisles specifically for collocator use (see Issue 3(c)). Staff believes "making space available" is when the actual physical structure of the building is altered or added onto when no space exists within the current design and construction of the building. Staff does not believe that BST is required to rearrange equipment currently in use to make space available. However, staff does believe that space reserved for one type of equipment can and should be exchanged with other reserved space in order to make an area suitable for collocation.

Nevertheless, staff has recommended in Issues 3 and 3(a) that BST be required to allow Supra to physically collocate in its West Palm Beach Gardens and North Dade Golden Glades central offices. Thus, staff recommends that the Commission need not make a determination on this Issue. If however, the Commission denies staff's recommendations on Issues 3 and 3(a), the Commission should find that pursuant to the agreement BST is not required to alter or add on to the physical structure of the central office where no space currently exists.

ISSUE 3(C): If there is an obligation to make space available to Supra, how should the costs be allocated?

RECOMMENDATION: If the Commission approves staff's recommendations in Issues 3 and 3(a), staff recommends that the Commission need not make a determination on Issue 3(c). If however, the Commission denies staff's recommendations in Issues 3 and 3(a), staff recommends that the Commission find that the agreement does not address the allocation of costs to make space available for collocation. (STAVANJA)

POSITION OF THE PARTIES

SUPRA: Any costs associated with BellSouth's efforts to make space available should be allocated as is already provided for pursuant to Supra's Collocation Agreement with BellSouth.

BELLSOUTH:

There is no obligation to make space available for Supra.

STAFF ANALYSIS: If the Commission approves staff's recommendation in Issue 3(b), then this Issue is moot. Staff believes the agreement does provide how costs for space preparation are to be allocated. Section IV.F., Space Preparation, of the agreement provides how the costs will be determined and allocated. This section states:

> BellSouth shall pro rate the costs of any renovation or upgrade to Central Office space or support mechanisms which is required to accommodate physical collocation. Interconnector's pro rated share will be calculated by multiplying such cost by a percentage equal to the amount of square footage occupied by Interconnector divided by the total Central Office square footage receiving renovation or upgrade. For this section, support mechanisms provided by BellSouth may include, but be limited to heating/ventilation/air conditioning (HVAC) equipment, HVAC, duct work, cable support structure, fire wall(s), mechanical upgrade, asbestos abatement, ground plane addition, or separate ingress/egress construction. Such renovation or upgrade will be evaluated and the charges assessed on a per Central Office basis. (EXH 25)

Although the agreement provides for the allocation of space

preparation costs, staff does not believe that this provision applies to making space available. Staff does not interpret "making space available" to include construction of common areas or aisles specifically for collocators use. Staff believes "making space available" is when the actual physical structure of the building is altered or added onto when no space exists within the current design and construction of the building.

BST witness Thierry states that pursuant to the agreement, BST is under no obligation to provide space for collocation if no space is available. Witness Thierry concludes therefore, that the question of cost allocation is not relevant. (TR 250)

Conclusion

In Issue 3(a), staff has recommended that the Commission require BST to allow Supra to physically collocate in its West Palm Beach Gardens and North Dade Golden Glades central offices. Thus, it is not necessary for the Commission to determine how to allocate costs for an addition or alteration to the current physical structure of the central offices. If however, the Commission denies staff's recommendations in Issues 3 and 3(a), staff recommends that the Commission find that the agreement does not address the allocation of costs to make space available for collocation.

ISSUE 4: In what time frame is BellSouth required to provide physical collocation to Supra pursuant to the Collocation Agreement?

RECOMMENDATION: Staff recommends that the Commission find that the agreement does not specify a particular time frame for providing physical collocation, but requires a negotiated availability date. Since the parties cannot agree on a date, staff recommends that the Commission order BST to complete physical collocation within three months of Supra's application, unless BST can demonstrate to the Commission why it is technically infeasible to do so. (STAVANJA)

POSITION OF THE PARTIES

SUPRA: Pursuant to the Collocation Agreement and Order No. PSC-98-0595-PCO-TP, issued April 27, 1998, the maximum time period in which BellSouth is required to provide Supra physical collocation is three months.

BELLSOUTH:

The Commission set a three month guideline for the provision of physical collocation in an arbitration proceeding between BellSouth and AT&T and MCI. BellSouth has attempted to negotiate time periods on a per request basis as indicated by the Commission.

STAFF ANALYSIS:

Supra states that during joint interconnection planning meetings with BST, BST informed Supra that it would take six to eight months to install the first switch for Supra. (TR 132) Supra witness Nilson contends that Supra cannot conduct its business with these uncertain time frames over which it has no control. (TR 132) Supra requests that the Commission determine that three months is a reasonable time frame, as it has previously done in the MCI/BST arbitration. (TR 132)

BST witness Thierry states that BST individually negotiates the time interval for each specific collocation request. (TR 250) Witness Thierry states that BST uses best efforts to complete collocation installations "as soon as possible and, when feasible, within the three month interval prescribed in the Florida Commission's Order." (TR 251) Supra witness Ramos states that BST has not demonstrated to Supra why BST cannot meet the three month

time frame to provide physical collocation per the Commission's Order for the MCI/BST arbitration proceeding. (TR 54) In that Order, the Commission held:

> Upon consideration, we conclude that maximum time periods for the establishment of physical collocation of three months and virtual collocation of two months are reasonable for ordinary conditions. If MCI and BellSouth cannot agree to the required time for a particular collocation request, BellSouth must demonstrate why additional time is necessary. (Order PSC-96-1579-FOF-TP; TR 53-54)

BST witness Thierry states that BST believes it is operating within the parameters of the guidelines set forth by the Commission by negotiating the time periods necessary to fulfill each request for physical collocation. (TR 251) Staff would note that after the issuance of the Commission's Order, BST requested clarification of the three month time frame to complete physical collocation. The Commission responded by stating:

> The purpose of the three month time frame is to serve as a guideline of what we consider reasonable. We find that our Order is clear as to our intent that the parties to a request for collocation would attempt to resolve any problems with that time frame on a case by case basis, and would only come to us if they were unable to resolve their problems. (EXH 1; Order PSC-98-0595-PCO-TP)

The Supra/BST collocation agreement provides in Section IV.F. that:

> BellSouth will make reasonable efforts to provide for occupancy of the collocation space on the negotiated date and will advise Interconnector of delays. (EXH 25)

Witness Ramos states that BST claims that it cannot complete the network infrastructure work for a collocation in three months. (TR 74) Witness Ramos further states that BST has not demonstrated to Supra why it cannot meet the three month time frame. (TR 54) Witness Ramos contends that BST's contractors perform network construction work for BST in two to four weeks, yet cannot provide physical collocation in three months.(TR 74)

Supra argues that it should be permitted to select the contractor and participate in the process of acquiring the building permit. (Ramos TR 37) Supra states that it would be willing to

relieve BST of its duty to apply for the building permit, by taking full responsibility for applying and meeting the requirements necessary to acquire the building permit. (TR 78-79)

BST witness Mayes lists the stages of collocation projects to include the: design phase, permit phase, demolition phase, construction phase, infrastructure engineering phase, and infrastructure installation phase. (TR 504) Witness Mayes states that it is the contractor who obtains the building permit. Witness Mayes explains that BST's involvement is limited to checking with the contractor on a weekly basis for a status report. (EXH 9) Witness Mayes asserts that the permitting process is beyond the control of BST and should be excluded from the provisioning time frame. (TR 503)

Supra witness Ramos states that if Supra can use a contractor of its choice that is approved by BST, and can participate in the building permit process with the contractor, then Supra is more than willing to relieve BST of the three month time line. (EXH 13 pp 24-25) Staff is concerned that ALECs are not closely involved with the permitting process. Staff believes that an ALEC should be permitted to join BST and/or the contractor in all face-to-face interaction with the local building authorities regarding the application for the construction permit. Staff believes that this level of interaction would allow the ALEC to answer any questions or provide any information required by the local building authorities in an expedient manner.

Conclusion

Staff believes the contract is silent on time frames for providing physical collocation. The agreement does say, however, that the parties are to negotiate a completion date. Supra states that BST's estimate of 6 to 8 months is excessive and that BST has not demonstrated why Supra's request requires such a lengthy period of time. Staff agrees. BST has not demonstrated why any of Supra's applications for physical collocation require 6 to 8 months to complete. However, BST did provide a late filed deposition exhibit (EXH 13) that tracks when permits are filed and when they are received. The range in days runs from as little as 22 days to as much as 106 days. In addition, BST did not provide any information on the duration of the actual construction phase for physical collocation.

This Commission determined in Docket No. 960846-TP, by Order PSC-96-1579-FOF-TP, that three months was a reasonable time frame for the provision of physical collocation. Staff believes that it

should not take three months just to perform the construction work. Since Supra and BST were unable to negotiate a mutually agreeable time frame, staff recommends that the Commission order BST to provide physical collocation to Supra in three months, unless BST can demonstrate to this Commission why it technically is not possible to do so.

In addition, staff believes that an ALEC that requests physical collocation with an ILEC should be involved with the permitting process. The ALEC should not be left in the dark or consulted after time is lost when problems arise or requests for additional information by building officials are made during the processing of the application for the building permit. Staff would note that the collocation agreement is silent on the process for obtaining the building permit, but it does state that only contractors approved by BST may be used. Therefore, staff also suggests that the Commission encourage BST to provide any information on contractors and permitting that would allow Supra to become involved in the process for obtaining the building permit.

ISSUE 5: Pursuant to the Collocation Agreement, what telecommunications equipment can and what telecommunications equipment cannot be physically collocated by Supra in BellSouth's central offices?

RECOMMENDATION: The Commission should not require BellSouth to allow the installation of the Ascend TNT equipment or the Cisco Systems equipment known as remote access concentrators. This equipment, however, may be the type of equipment that the FCC is contemplating that competing carriers should be allowed to physically collocate as part of its Memorandum Opinion and Order and Notice of Proposed Rulemaking in FCC 98-188. If the FCC rules that this type of equipment may be collocated,, then Supra should be permitted to collocate such equipment at that time in accordance with the parties' agreement. (Favors)

POSITIONS OF PARTIES

SUPRA: BellSouth has no legal right to limit the types of equipment that Supra can collocate in BellSouth's central offices in any physical collocation arrangement as Supra is an ALEC providing local exchange telecommunications services.

BELLSOUTH:

The BellSouth-Supra Collocation Agreement allows Supra to place only equipment authorized by BellSouth and by Federal or State regulators. BellSouth permits the placement of equipment in physical collocation arrangements where such equipment is used for providing telecommunications services.

STAFF ANALYSIS: Although this issue is to address the types of equipment that Supra can and cannot physically collocate in BellSouth's central offices, the parties only discussed equipment that is in dispute. Further, neither party provided an exhaustive list of all the equipment that could be placed in a central office. Therefore, staff will only address the disputed equipment. The two pieces of equipment being contested are: the Ascend TNT equipment, and the Cisco Systems equipment, both referred to as remote access concentrators.

Staff would note that both parties make references to the FCC's recently issued Memorandum Opinion and Order and Notice of Proposed Rulemaking, FCC 98-188. Therefore, staff will discuss the

purpose of this docket so that any references can be taken in the appropriate context.

In addressing the purpose of this order, the FCC stated:

> This item is issued in response to six petitions suggesting action we should take to speed the deployment by wireline carriers of advanced services. Although the parties filing these petitions seek relief pursuant to section 706 of the 1996 Act, our authority to take action lies in the heart of the Communications Act of 1934 (the Act), in sections 201, 202, 251 and 271. For purposes of this item, we use the term "advanced services" to mean wireline, broadband telecommunications services, such as services that rely on digital subscriber line technology (commonly referred to as xDSL) and packet-switched technology. (FCC 98-188, ¶3)
>
> This item consists of a Memorandum Opinion and Order (Order) and a Notice of Proposed Rulemaking (NPRM). After clarifying in the Order our views on the applicability of existing statutory requirements in sections 251 and 271 to advanced services, we seek comment on a wide variety of issues associated with the provision of advanced services in a competitive manner by both incumbent local exchange carriers (LECs) and new entrants. (FCC 98-188, ¶4)

One issue that the FCC intends to address as part of this Memorandum Opinion and Order is equipment. The FCC states:

> In addition, we seek to facilitate the ability of competing carriers to offer advanced services on an equal footing with incumbent carriers and their affiliates. In particular, to provide advanced services, new entrants may need to collocate equipment on an incumbent LEC premises for interconnection and access to unbundled network elements, such as loops. (FCC 98-188, ¶14)

Section III. Paragraph A of the Collocation Agreement between BellSouth and Supra states in part:

> Nature of Use: BellSouth shall permit Interconnector to place, maintain and operate in the Collocation Space any equipment that Interconnector is authorized by BellSouth and by Federal or State regulators to place, maintain and operate in collocation space and that is used by Interconnector to provide services which Interconnector has the legal authority to provide. (TR 55-56)

BellSouth's reason for denying physical collocation of the Ascend TNT equipment and the Cisco equipment is that it only provides enhanced services, and BellSouth is not required to provide for the collocation of equipment that can only provide enhanced services. (Milner TR 531) Witness Milner further cites FCC 98-188 ¶132 in which the FCC states "we tentatively conclude that we should continue to decline to require collocation of equipment used to provide enhanced services." (TR 533)

Supra witness Ramos believes that the FCC only included this restriction to discourage pure enhanced service providers from collocating equipment in central offices. (TR 90)

Witness Ramos further cites 47 CFR Section 51.100(b) that reads:

> A telecommunications carrier that has interconnected or gained access under sections 251(a)(1),251(c)(2), or 251(c)(3) of the Act, may offer information services through the same arrangement, so long as it is offering telecommunications services through the same arrangement as well.

Witness Ramos believes that this section provides the basis for Supra's argument that it should be able to collocate whatever equipment it wants. (TR 89) Witness Ramos states that BellSouth assumes that this section must be read so narrowly as to mean that each item of equipment placed in the central office must physically be able to perform basic telecommunications services before BellSouth is obligated to allow collocation of that particular piece of equipment. (TR 59)

Witness Nilson states that BellSouth should not prohibit this equipment because it is in the same arrangement as the equipment that Supra will utilize to provide basic telecommunications service. (TR 122-123)

BellSouth witness Milner does state, however, that if the equipment serves both telecommunications and enhanced services or information services, and the CLEC is using it for both purposes, it may be collocated. (EXH 11, p. 67)

Supra contends that the Ascend TNT equipment provides both basic telecommunications services and enhanced services. Witness Ramos states that the Ascend TNT will enable concentration of both voice and data. (TR 60) Witness Nilson states that the Ascend TNT is a remote switch that will be used in Supra's network for efficiency and optimization of trunks for voice, data, and advanced services. (TR 122)

The Cisco equipment is used for transmitting data traffic to data networks. (Nilson TR 183) Witness Nilson states that it "mounts modems that are interconnected, and the data streams from those modems can then be directed to specific pieces of equipment or data networks that they need to be connected to." (TR 183) Supra witness Graham states that remote access concentrators are used for billing provisioning, voice mail, and alarm monitoring. (EXH 15, p. 22) However, when asked if these were basic telecommunications services, witness Graham stated that these were enhanced services. (EXH 15, p. 22)

Witness Milner argues that the Ascend TNT and the Cisco equipment are functionally the same types of equipment, called remote access concentrators, and BellSouth will not allow these to be collocated. (EXH 11, p. 81)

Supra's argument for the collocation of this equipment seems to be threefold. First, Supra believes that it can install whatever equipment it needs to conduct business, as long as Supra is providing basic telecommunications service. Second, Supra states that the Ascend TNT equipment is capable of providing both basic telecommunications and enhanced services. Third, Supra believes that BellSouth is not providing physical collocation to Supra at parity with BellSouth's affiliates. Staff will address all three parts of this argument.

Supra witness Ramos cites FCC 98-188, ¶ 129, which reads in

part:

> We tentatively conclude that incumbent LECs should not be permitted to impede competing carriers from offering advanced services by imposing unnecessary restrictions on the type of equipment that competing carriers may collocate. (TR 105)

Staff believes, however, that this paragraph refers to equipment that may have switching functionality. The FCC states:

> With respect to switching equipment, however, the Commission recognized that "modern technology has tended to blur the line between switching equipment and multiplexing equipment." A current trend in manufacturing appears to be to integrate multiple functions into telecommunications equipment. This trend has benefited service providers and their customers by reducing costs, promoting efficient network design, and expanding the range of possible service offerings. As a consequence of this integration, certain facilities that competing carriers need to collocate to provide advanced services efficiently may also perform switching functions. Because incumbent LECs are currently not required by our rules to permit collocation of switching equipment, competing providers argue that incumbent LECs may delay competitive entry by contesting, on a case-by-case basis, the functionality of a particular piece of equipment (which may perform switching functions in addition to its other functions) and whether it may be collocated. (FCC 98-188, ¶128)

This argument is not applicable to the equipment that Supra wants to collocate. In fact, BellSouth currently allows the placement of switching equipment in physical collocation arrangements. (Thierry TR 252) BellSouth is refusing to collocate this equipment on the basis that it can only be used to provide enhanced services. (Milner TR 531)

Staff does not believe that BST is required to allow Supra to install whatever equipment it deems necessary to conduct business.

The FCC has been clear on this point. The FCC stated:

> We did not require the LECs to permit collocation of enhanced services equipment because such equipment was not necessary to foster competition in the provision of basic transmission services. We also did not require LECs to allow for the collocation of switches. (FCC 96-325, ¶576)

They further stated:

> We do not find, however, that section 251(c)(6) requires collocation of equipment used to provide enhanced services, contrary to the arguments of the Association of Telemessaging Services International. We also decline to require incumbent LECs to allow collocation of equipment without restriction. (FCC 96-325, ¶581)

The Cisco equipment is used to transmit data traffic to data networks. (Nilson TR 183) Staff does not believe that the evidence of record supports the Cisco equipment as being capable of providing anything other than enhanced services. Therefore, staff recommends that the Commission not require the physical collocation of the Cisco equipment.

The FCC reaffirmed this position in its recently issued Memorandum Opinion and Order and Notice of Proposed Rulemaking by stating:

> We further seek comment on whether carriers should be permitted to collocate other equipment on LEC premises. We tentatively conclude that we should continue to decline to require collocation of equipment used to provide enhanced services. (FCC 98-188, ¶132)

While Supra might argue that these statements were intended for enhanced service providers, the "carriers" referred to in the above citation are telecommunications carriers such as Supra. Clearly, BST is not required to allow Supra to install whatever equipment it deems necessary to conduct business.

In further support of Supra's argument of being able to physically collocate this equipment, witness Ramos cites 47 CFR

51.100(b), which reads:

> A telecommunications carrier that has interconnected or gained access under sections 251(a)(1), or 251(c)(2), or 251(c)(3) of the Act, may offer information services through the same arrangement, so long as it is offering telecommunications services through the same arrangement as well.

The FCC does not, however, require incumbent LECs to allow physical collocation of this type of equipment, as cited previously in FCC 96-325 paragraphs 576 and 581. BellSouth witness Milner states that BellSouth has made a business decision not to allow for the collocation of this type of equipment. (EXH 11, p.72)

Based on the evidence of record, staff believes that Supra can physically collocate equipment to provide information services only if BST allows Supra to do so. In this particular case, BellSouth does not. Staff believes that based on this argument, Supra should not be allowed to physically collocate the Ascend TNT or the Cisco equipment.

Supra's second argument is that the Ascend TNT equipment should be allowed because it provides both basic telecommunications and enhanced services. Witness Nilson states that the Ascend TNT can switch calls in combination with the SS7 gateway, but he does not know whether it provides dial tone. (TR 172) Witness Nilson believes the Ascend TNT, in conjunction with the SS7 gateway, can store digits that a customer dials, translate the digits to be routed and connect the call to an outgoing trunk. (TR 172-173) Witness Nilson, however, did not know the number of customer lines that can be connected to the Ascend TNT. (TR 173) Witness Nilson states that the Ascend TNT generates call detail records for billing. (TR 207) Witness Nilson states that the Ascend TNT has the capability of switching both data and voice conversations, and that Supra will be using it to switch both. (TR 181-182) However, witness Nilson states that "[t]he predominant purpose that this piece of equipment was designed for is to off load the public switch telephone network from congestion." (TR 207)

Witness Nilson states that the Ascend TNT performs some of the same functions that BellSouth's Class 5 switches perform, such as supporting Transaction Capability Application Part (TCAP) and Advanced Intelligence Network (AIN) advanced services and routing voice, fax and data. (TR 208) Supra, however, is not planning to install this equipment in all of the offices in which it applied

for physical collocation. Witness Nilson believes that Supra plans to place this equipment in five or seven offices. (EXH 14, p. 14) Supra has applied for physical collocation in twenty-three offices. (Ramos TR 83) When asked if the Commission were to decide that there was space in the North Dade Golden Glades and West Palm Beach Gardens central offices, if he would want to place the Ascend TNT and/or the Cisco remote access concentrator, Witness Nilson replied "I would, but we would factor into consideration how much space was made available to us and give priority to our switching needs." (EXH 14, pp. 14-15)

Staff does not believe that the evidence of record is clear enough to show that the Ascend TNT provides basic telecommunications service. On this basis, staff recommends that the Commission not require BST to collocate the Ascend TNT equipment.

Supra witness Graham cites FCC 98-188, paragraph 163 to support the collocation of this equipment.

> To facilitate competition in the local loop, we tentatively conclude that there should be uniform national standards for attachment of electronic equipment (such as modems and multiplexers) at the central office end of a loop by incumbent LECs and new entrants. The requirements would apply to both incumbent LEC and new entrant equipment. The requirements would serve the same role, for the attachment of equipment to the central office end of a loop, as do the Part 68- Connection or Terminal Equipment to the Telephone Network - rules for the attachment of customer premises equipment. Currently, each incumbent LEC sets its own requirements for central office equipment, and each has its own processes for certifying equipment before it can be connected to loop plant. This increases new entrants' cost and time to market. A simple set of national requirements would reduce new entrants' costs, speed their time to market, and reduce confusion. We seek comment on the content of these requirements. We also seek comment on whether central office equipment complying with these requirements should be certified, and if so, how. (TR 223)

The Ascend TNT and the Cisco equipment are both modem based. (Nilson TR 171, 183) These two pieces of equipment could be the types of equipment that the FCC refers to in paragraph 163 of FCC 98-188. At some point in the future the FCC may, by way of its recently issued Memorandum Opinion and Order and Notice of Proposed Rulemaking, FCC 98-188, require the collocation of this type of equipment. As of now, however, staff believes that BellSouth is not required to allow for the collocation of this equipment for Supra.

Supra further contends that BellSouth's subsidiaries provide enhanced services and Internet services that complement BellSouth's local exchange telecommunications services from BellSouth's central offices. (BR 32) BellSouth witness Milner states that under Open Network Architecture, BellSouth does provide enhanced services from its central offices. (EXH 11, p. 76) Witness Ramos believes that based on that fact, BellSouth is not providing physical collocation to Supra at parity with BellSouth's affiliates. (TR 93) Witness Ramos further states that paragraph 11 of FCC CC Docket NO. 95-20 is:

> ...very, very clear on this issue. It states that whatever collocation agreement or arrangement a Bell operating company or an ILEC has reached with its affiliate, it must, it must [sic] allow that kind of arrangement to be given or provided to other service providers. (TR 95)

However, when asked to show where in the paragraph this is written, witness Ramos stated that it is implied in the following:

> The ONA phase was intended to broaden a BOC's unbundling obligations beyond those required in the first phase. ONA plans explain how a BOC will unbundle and make available to unaffiliated ESPs network services in addition to those the BOC uses to provide its own enhanced services offerings. (TR 97)

Staff does not agree with witness Ramos' interpretation of FCC CC Docket NO. 95-20 ¶11. Staff believes that paragraph 11 refers to Bell Operating Companies providing access to additional unbundled network elements and not for the placement of additional types of equipment.

BellSouth states that:

> The FCC rules, however permit Bell Operating Company ("BOC") enhanced service operations to be in BellSouth's central offices as long as BellSouth complies with the FCC's Open Network Architecture("ONA") rules and Computer III nonstructural safeguards, including charging enhanced service operations for tariffed services as though they are physically located outside of the central office. (BR 36)

There is no evidence of record that provides the terms of the agreement that BellSouth has with its affiliates or that proves BellSouth is not compliant with the above stated rules. Supra has not offered any evidence to support its argument. It simply have stated an opinion. Staff recommends, therefore, that the Commission not make a determination on this point raised by Supra.

Conclusion

Staff recommends that the Commission not require BST to allow Supra to physically collocate the Ascend TNT equipment or the Cisco equipment in BellSouth's central offices. Staff believes that the FCC has made it clear in FCC 96-325 and has reaffirmed in FCC 98-188 that incumbent LECs are not required to allow collocation of equipment that only provides enhanced services. Staff does not believe that Supra has shown that the Ascend TNT equipment is capable of providing both basic and enhanced telecommunications services. BellSouth has chosen not to allow for the physical collocation of this equipment, and staff believes that BellSouth has the right to do so.

Staff also does not believe that Supra has presented any evidence which shows that BellSouth has violated any rules of providing physical collocation to its affiliates.

ISSUE 6: Should this docket be closed?

RECOMMENDATION: The docket should be closed after the time for filing an appeal has run.

STAFF ANALYSIS: The docket should be closed 32 days after issuance of the order, to allow the time for filing an appeal to run.