

98-147

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of

Deployment of Wireline Services Offering
Advanced Telecommunications Services

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REPLY COMMENTS OF AT&T CORP.

AT&T Corp. ("AT&T") submits these reply comments in support of the petition for partial reconsideration and/or clarification filed by Sprint Corporation ("Sprint") on June 1, 1999. In these reply comments, AT&T addresses two of the issues raised by Sprint in its petition.

In its petition, Sprint pointed out that BellSouth had taken the position in a Florida proceeding that the Commission's *Advanced Services First Report and Order*¹ does not require adjacent space collocation because such space would not be located at its "premises." In its opposition comments, though, BellSouth states that it has now "implemented the requirements of the *Order* including allowing CLECs to construct adjacent structures in which to collocate."² BellSouth further states that its contrary position in Florida was taken prior to the effective date of the Commission's new

¹ Deployment of Wireline Services Offering Advanced Telecommunications Capability, First Report and Order, CC Docket No. 98-147, FCC 99-48 (rel. Mar. 31, 1999) ("*Advanced Services First Report and Order*").

² BellSouth at 1.

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collocation rules.³ Ordinarily, such explanation by BellSouth might obviate the need for Commission clarification, especially when the language of the Commission’s rule is straightforward, as it is here, *i.e.*, “the incumbent LEC must permit the new entrant to construct or otherwise procure such an adjacent structure.”⁴ However, Ameritech asserts that the position that BellSouth has now repudiated “is correct.”⁵ In light of Ameritech’s insistence on flouting the Commission’s ruling, the Commission should clarify that incumbent LECs must provide requesting carriers with adjacent space collocation on property that is adjacent to incumbent LEC premises when space inside incumbent LEC premises is exhausted.

Sprint also demonstrated that incumbent ILECs were insisting that CLEC equipment be separated from ILEC equipment through “the construction of walls or similar structures.”⁶ In their oppositions, Ameritech and BellSouth contend that the Commission’s rules permit incumbent LECs to “assign” space within their central offices, and force the new entrant to demonstrate that such assigned space has increased its collocation costs or delayed its entry before permitting the CLEC to collocate elsewhere.⁷ These positions are flatly contrary to Commission Rule 51.323(k)(2). This rule requires incumbent LECs to give CLECs the option of collocating in any unused space and prohibits an incumbent LEC from requiring competitors to collocate in a room

³ Id. at 4 (emphasis added).

⁴ *Advanced Services First Report and Order* at ¶ 44.

⁵ Ameritech at 2.

⁶ Petition at 6.

⁷ Ameritech at 5-6 (CLECs must use “designated collocation areas” unless such a requirement would increase costs, result in delays, or cause space exhaustion); BellSouth at 8 (BellSouth interprets the rule to permit incumbent LECs to establish reasonable space assignments).

or isolated space separate from the incumbent's own equipment:

[A]n incumbent LEC must give competitors the option of collocating equipment in any unused space within the incumbent's premises, and may not require competitors to collocate in a room or isolated space separate from the incumbent's own equipment.

47 C.F.R. § 51.323(k)(2) (emphasis added).

Most competitors may indeed choose to collocate in the shared space designated by the incumbent LEC, because through such collocation the CLEC may reduce the number of barriers thrown up by the incumbent. However, under the Commission's rules, it is the CLECs' choice to do so. By asserting that incumbent LECs have the right to consign requesting carriers to such separate space, Ameritech and BellSouth have established their intent to violate the plain language of the Commission's rules, as well as the need for the clarification Sprint requests.

Respectfully submitted,

AT&T CORP.

By Stephen C. Garavito

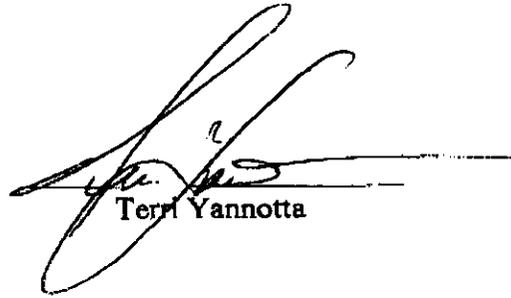
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Dated: July 27, 1999

CERTIFICATE OF SERVICE

I, Terri Yannotta, do hereby certify that on this 27th day of July, 1999, a copy of the foregoing "Reply Comments of AT&T Corp." was served by U.S. first-class mail, postage prepaid to the parties listed on the attached service list.



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July 27, 1999

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