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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Bell Atlantic

June 15, 2000

Ex Parte

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: CC Docket No. 98-147, In the Matter of Deployment of Wireline Services Offering Advanced Telecommunications Services, Sprint Petition for Reconsideration

Dear Ms. Salas:

Please find attached a letter I sent to Ms. Dorothy Attwood of Chairman Kennard's office today, to be entered in the above mentioned proceeding.

Please contact me if you have any questions.

Sincerely,

Dee May

Attachment

cc: D. Attwood
R. Beynon
K. Dixon
J. Goldstein
W. Kehoe
J. Patterson
S. Whitesell

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List A B C D E

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June 15, 2000

Ms. Dorothy Attwood
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: CC Docket No. 98-147: In the Matter of Deployment of Wireline Services Offering Advanced Telecommunications Services, Sprint Petition for Reconsideration

Dear Ms Attwood:

As a follow-up to our discussion on June 1 regarding the above proceeding, Bell Atlantic would like to provide additional information regarding key issues that we discussed.

In its opposition to Sprint's petition for reconsideration of the Advanced Services Order, Bell Atlantic demonstrated that the Commission should adhere to its decision to allow the state regulatory commissions to judge the reasonableness of collocation provisioning intervals. There is no need for the Commission to intervene unless a state commission fails to act. If the Commission decides that it should establish a default interval where a state commission refuses to deal with the issue, the interval should be sufficient to allow a local exchange carrier to meet that standard at least 95 percent of the time. For this purpose, we recommend that the Commission adopt the 76 business day interval approved by the New York State Public Service Commission.

There is no evidence that the state commissions have refused to resolve the reasonableness of collocation intervals when the issue has been presented to them. Any carrier can ask a state commission to review collocation intervals during the tariff approval process or in arbitration of interconnection agreements. Many states commissions have actively examined collocation intervals and, as in New York, have prescribed reasonable intervals. The system is working and does not require a federal default standard.

Nonetheless, if the Commission decides to prescribe a default interval, it should require a party to seek resolution of this issue in the first instance with the state commission. Where the state commission has resolved the issue, that decision should not be superceded by a federal standard. The Commission should apply a default interval only where a state has refused to act despite a specific request to do so.

Sprint has requested that the Commission prescribe a 90 calendar day interval, with a 180 calendar day interval if previously-conditioned floor space is not available. However, neither Sprint nor any other party provided information to demonstrate that these intervals are practical.

A number of factors will prevent an incumbent local exchange carrier from being able to meet an unduly short interval, despite is best efforts. These include;

- *Vendor-related issues*. Carriers depend on outside vendors to perform much of the site conditioning and installation work. Due to surging growth in the telecommunications industry and increasing volumes of collocation requests, it is becoming increasingly difficult to obtain vendor support. For example, during a recent six-month period in Pennsylvania and Delaware, vendors turned down over 170 Bell Atlantic jobs due to manpower constraints.

- *Job-specific variables*. Each collocation arrangement requires different levels of site preparation and other associated work. These can include asbestos removal; floor reinforcements; movement of employees, break areas, or offices to free up space; power plant upgrades, and heating/ventilation/air conditioning adjustments. For example, one Bell Atlantic central office recently went through its fourth renovation in which an entire floor was assigned to collocation. Preparation of this space required removal of Bell Atlantic employees and equipment, asbestos removal, and various changes to infrastructure. Major jobs such as this make it difficult to meet the normal collocation interval.

- *Equipment and parts availability*. As volumes of collocation arrangements dramatically increase, the limited availability of certain equipment and parts makes timely completion difficult. Bell Atlantic has faced periodic shortages of fiber and equipment bays that disrupt the normal collocation implementation schedule.

An arbitrarily short standard would be damaging to both the incumbent local exchange carriers and to carriers seeking collocation. The incumbent carrier could be viewed as refusing to comply with the Commission's order if it failed to meet the prescribed interval a significant proportion of the time. For parties seeking collocation, uncertainty about when a collocation order would be completed would hinder their ability to order equipment and to plan the growth of their networks. For these reasons, a realistic interval that an incumbent local exchange carrier can meet on a consistent basis is better than a shorter interval that can only be met part of the time. The Commission's goal should be an interval that a diligent carrier can meet at least 95 percent of the time.

The New York commission thoroughly investigated this issue and adopted a 76 business day interval for cageless collocation. When the Commission granted Bell Atlantic Section 271 authority to offer long distance services in New York, it found that Bell Atlantic's collocation practices, including its implementation interval for physical collocation, were consistent with the Commission's Advanced Services Order. ***See*** In the Matter of Application by Bell Atlantic New York for Authorization Under Section 271 of the Communications Act To Provide In-Region, InterLATA Service in the State of New York, CC Docket No. 99-295, Memorandum Opinion And Order, rel. Dec. 22, 1999, ¶¶ 74-75 & n.157. The Commission imposed a 95 percent performance metric for this interval as a condition of long distance approval.

The prescribed New York interval represents an achievable standard. Although Bell Atlantic has faced dramatic growth in collocation applications, currently running at twice the level of last year, it has been able to meet the 95 percent performance standard. If the Commission adopted a shorter interval as a federal requirement, it would inevitably result in a lower percentage of on-time completion and a higher level of dissatisfied customers.

The Commission should also encourage carriers seeking collocation to provide forecasts when they plan to submit a large volume of orders. Such forecasts enable the local exchange carrier to balance its workload and provide better performance. For instance, one competitive local exchange carrier in the Northeast has worked with Bell Atlantic to schedule its collocation requests over time, and across the region. As a result, Bell Atlantic was able to complete 481 of the carrier's 482 collocation requests on time. Another carrier submitted 45 collocation requests in one day, meaning that all of them would have been due on the same day. Since it would have been physically impossible for the carrier to have accepted all of the arrangements if they were completed on the same day, Bell Atlantic negotiated staggered due dates. Bell Atlantic actually completed 42 of the 45 applications before the expected dates.

These examples highlight the fact that negotiation of due dates for high volumes of applications can produce positive results for both parties through agreement on firm, but realistic, completion dates. Additionally, negotiations can be concluded and completion dates can be assigned very early in the process. Without the ability to negotiate, such surges in demand would adversely affect all applicants and put pressure on vendors that could adversely affect the quality of the final product. Such negotiations should be required whenever a collocator submits a large volume of orders, defined as 20 or more in a single week.

The Commission should give great weight to Bell Atlantic's record in processing a large volume of collocation orders under tight implementation intervals. In the last 16 months, Bell Atlantic has completed over 7,000 collocation applications, and at the current rate will complete 10,000 in a two year period. Bell Atlantic has met its collocation metrics despite unprecedented growth and strains on available resources, both internal and external. The Commission should not adopt a more stringent collocation interval than has been achievable in New York.

Sincerely,

Lee May

cc: R. Beynon
K. Dixon
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