

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554

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OCT 11 2000

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of

Deployment of Wireline Services Offering  
Advanced Telecommunications Capability

CC Docket No. 98-147

**VERIZON<sup>1</sup> PETITION FOR CONDITIONAL WAIVER**

On October 10, 2000, Verizon filed for a petition for reconsideration of the "default" 90-calendar day collocation requirement in the Order on Reconsideration (rel. Aug 10, 2000). That petition (a copy of which is appended here as Attachment B) provided detailed evidence why the 90-day interval cannot be met on a consistent basis and why that requirement is not in the public interest. While the Reconsideration Petition is pending, Verizon respectfully requests a conditional waiver suspending the 30-day effective date of the 90-day interval state tariff filing and default provisions of paragraph 36 of the Order on Reconsideration.

In particular, until the Commission acts on the Reconsideration Petition, in those states where Verizon has filed a tariff or otherwise put into effect a collocation interval that matches the interval currently approved by the New York Public Utilities Commission,<sup>2</sup> Verizon should not be required to implement the default 90-day requirement through state

<sup>1</sup> The Verizon telephone companies ("Verizon") are the affiliated local telephone companies of Verizon Communications Inc. These companies are listed in Attachment A.

<sup>2</sup> In some states, that interval would be offered through a standard amendment to interconnection agreements.

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filings. The proposed waiver would allow the Commission an opportunity to review the evidence presented in the Reconsideration Petition without imposing on state regulators in Verizon service areas a default interval that the Commission itself may reconsider.

The relief sought here is quite limited. It does not remove the obligation that Verizon establish a default federal interval where there is no state interval – it only modifies that requirement so that Verizon may rely on an alternative interval already reviewed and accepted by the Commission. It would still keep in place a strict requirement that intervals be in place in all states. Moreover, the alternative would only be allowed for a limited period of time – during the pendency of the Reconsideration Petition.

#### **The 90-Day Interval Is Too Stringent**

In the Reconsideration Petition, Verizon explained why a strict 90-calendar day interval cannot be met on a consistent basis and therefore benefits no one. Even for those collocation requests that do not require special construction, the 90-day interval cannot be met on a consistent basis. Such intervals normally take at least 76 business days to complete. There is no wasted time in this schedule. During this time, Verizon must (1) process the application and perform a site survey to determine if the application can be accommodated; (2) respond to the collocator and receive its acceptance; (3) issue a request to vendors for bids to provide engineering, material/equipment purchase and installation; (4) select a vendor and award the bid; (5) wait for the vendor to order and receive delivery of materials and perform the installation work (6) review the work and schedule an acceptance meeting with the collocator; and (7) update the operating support systems. *See* Petition for Reconsideration at 4-5 and Declaration of Karen Maguire (Attachment B to the Reconsideration Petition). Verizon has the most experience in the industry in providing

collocation, and it has had to improve its processes just to keep up with the exponential growth in demand for collocation. Verizon's data show that it would not be able to meet the 90-calendar day interval with the degree of consistency demanded by the Commission and the collocators, despite its best efforts.

For those collocation requests that do require special construction, the necessary intervals can be significantly longer. Space conditioning involves both minor and major office construction including a site survey, design, obtaining necessary local permits, delivery of materials and actual construction. *See* Declaration of Ralph W. Carey (Attachment C to the Reconsideration Petition) at ¶¶ 4-16. In many instances the need for asbestos abatement adds additional tasks that are required by law. *Id.* at ¶ 17-18. All of these activities must be completed before construction of the infrastructure normally required to meet a collocator's requirements. Clearly, it is unrealistic to expect the local exchange carriers to provision collocation for unconditioned space in only 90 calendar days.

States that have already established collocation intervals have recognized that more than 90 days is necessary to prepare collocation for conditioned space and that additional time is needed for conditioning and for special circumstances. *See* Sample Collocation Provisioning Intervals, (Attachment D to the Reconsideration Petition). In particular, the New York Public Service Commission has authorized a standard collocation provisioning interval of 76 business days (equivalent to approximately 105 calendar days) from the receipt of a completed application. This time can be extended based on demand that exceeds forecasts, unusual spikes in demand, delays by requesting carriers or vendors, major construction obstacles, special applicant requirements or raw space conversions. *See*

Verizon New York PSC Tariff 914, § 5.5.1; *see also* Attachment C to this filing, which summarizes the New York interval requirements.

**A Waiver is in the Public Interest**

While Verizon anticipates that the Commission will amend its requirements after evaluation of the Reconsideration Petition, in the meantime a waiver is in the public interest.

Under the proposed waiver, Verizon would not escape the requirement to establish a collocation interval in each state. Rather, the Commission would accept, as a temporary alternative, the interval currently accepted in New York State. The Commission has already reviewed that interval and found it to be consistent with the requirements of section 251. *See Application by Bell Atlantic New York for Authorization Under Section 271 of the Communications Act*, 15 FCC Rcd 3953, ¶ 74 (1999) (“*New York Long Distance Order*”).

The alternative -- requiring Verizon to implement an interval that it candidly acknowledges it cannot meet -- does not serve the public interest. Many states are in the midst of their own evaluations of collocation intervals. These states may view the imposition of an FCC-mandated 90-day interval default filing as federal preemption of this issue. While Verizon does not interpret the *Reconsideration Order* as having such a preemptive effect, the practical effect of the requirement may be to cut off state evaluations that the Commission sought to encourage.

Regardless, without a waiver, paragraph 36 of the *Reconsideration Order* would require Verizon to file changes to its state tariffs (where there has not been formal state action) to conform to the 90-day requirement. This filing would be on top of any collocation interval filing that Verizon may have in an existing tariff or pending before an individual state. Moreover, Verizon would then have to supplement that filing with an

additional filing, explaining why the 90-day filing (which it would have just filed) is unreasonable and should be supplanted with a more extended period that recognizes the varied exigent circumstances that may occur in fulfilling a collocation request. Such a progression of filings is not only burdensome and confusing, it may impair a state's ability to reasonably evaluate what an appropriate interval should be. Indeed, the Florida Public Service Commission has already advised the Commission that it "should exercise caution and not attempt to be too prescriptive" in setting collocation standards. Comments of the Florida Public Service Commission In Response To Second Further Notice of Proposed Rulemaking at 3 (filed Oct. 3, 2000). Approving this waiver would allow Verizon to make a single filing (or in some cases rely on pending filings) and give states more time to evaluate whether the New York model is appropriate for their state. By relying on New York's intervals, a waiver would also give states a model of how one state has addressed in detail the issues associated with setting an interval.

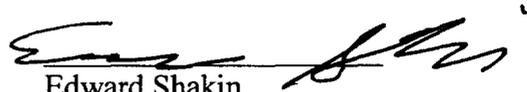
Even competing local exchange carriers would benefit from this waiver. In the *New York Long Distance Order*, the Commission found that the market was open to competition and that, along with compliance with other market opening activities, its collocation offerings "made competitive entry possible." See *New York Long Distance Order*, ¶¶ 427, 73-75; see also *Application of GTE Corporation Transferor and Bell Atlantic Corporation Transferee*, CC Dkt. No. 98-184, Memorandum Opinion and Order, ¶ 281 (rel. June 16, 2000) (adopting the New York performance measures including collocation intervals to ensure an open local market). For the same reasons, application of the New York intervals in other states will ensure that competitors will be able to enter freely enter the local market in those states.

Conversely, it would not serve the business interests of competing carriers to force incumbents to a standard they cannot meet. Competing carriers have sought certainty for their own planning. Allowing an attainable standard meets that need. Moreover, in many instances Verizon has creatively built or converted new space to fulfill collocation requests where central office space is at a premium. *See* Carey Declaration at ¶ 20. Such creativity would be forestalled under a strict 90-day interval, thereby limiting the amount of physical collocation space available.

### **Conclusion**

Pending its decision on Verizon's Reconsideration Petition, the Commission should expeditiously adopt an order suspending the 30-day effective date of the filing and default requirements of paragraph 36 in those states where Verizon has offered collocation intervals consistent with those currently accepted in New York State.

Respectfully submitted,



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October 11, 2000

VERIZON PETITION FOR CONDITIONAL WAIVER

ATTACHMENT A

VERIZON TELEPHONE COMPANIES

THE VERIZON TELEPHONE COMPANIES

The Verizon telephone companies are the local exchange carriers affiliated with Verizon Communications Inc. These are:

Contel of Minnesota, Inc. d/b/a Verizon Minnesota  
Contel of the South, Inc. d/b/a Verizon Mid-States  
GTE Alaska Incorporated d/b/a Verizon Alaska  
GTE Arkansas Incorporated d/b/a Verizon Arkansas  
GTE Midwest Incorporated d/b/a Verizon Midwest  
GTE Southwest Incorporated d/b/a Verizon Southwest  
The Micronesian Telecommunications Corporation  
Verizon California Inc.  
Verizon Delaware Inc.  
Verizon Florida Inc.  
Verizon Hawaii Inc.  
Verizon Maryland Inc.  
Verizon New England Inc.  
Verizon New Jersey Inc.  
Verizon New York Inc.  
Verizon North Inc.  
Verizon Northwest Inc.  
Verizon Pennsylvania Inc.  
Verizon South Inc.  
Verizon Virginia Inc.  
Verizon Washington, DC Inc.  
Verizon West Coast Inc.  
Verizon West Virginia Inc.

VERIZON PETITION FOR CONDITIONAL WAIVER

ATTACHMENT B

VERIZON PETITION FOR RECONSIDERATION

COPY

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In the Matter of	)	
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	)	
And	)	
	)	
Implementation of the Local Competition Provisions of the	)	CC Docket No. 96-98
	)	
Telecommunications Act of 1996	)	
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VERIZON PETITION FOR RECONSIDERATION

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October 10, 2000

## TABLE OF CONTENTS

I.	Introduction and Summary	1
II.	The 90 Day Collocation Provisioning Interval Cannot Be Met On A Consistent Basis.	2
III.	The Commission's Collocation Provisioning Interval Should Not Apply Unless There Is No Interval In A State Tariff, SGAT Or Interconnection Agreement.	14
IV.	Conclusion	15
	A. List of the Verizon Telephone Companies	
	B. Declaration of Karen A. Maguire	
	C. Declaration of Ralph W. Carey	
	D. Analysis of the State Commission Intervals	

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In the Matter of

Deployment of Wireline Services Offering  
Advanced Telecommunications Capability

and

Implementation of the Local Competition  
Provisions of the  
Telecommunications Act of 1996

CC Docket No. 98-147

CC Docket No. 96-98

**VERIZON<sup>1</sup> PETITION FOR RECONSIDERATION**

**I. Introduction and Summary**

The Commission should reconsider the "default" 90-day collocation provisioning interval that it adopted in the *Order on Reconsideration*.<sup>2</sup> In its place, the Commission should adopt a default interval based on the intervals established by the New York state commission, which the Commission approved in granting Verizon section 271 long distance authority in that state. And the Commission should confirm that the default

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<sup>1</sup> The Verizon telephone companies ("Verizon") are the affiliated local telephone companies of Verizon Communications Corp. These companies are listed in Attachment A.

<sup>2</sup> *Deployment of Wireline Services Offering Advanced Telecommunications Capability*, CC Docket No. 98-147, Order on Reconsideration and Second Further Notice of

interval adopted here does not apply in any instance where there is an interval in a state tariff that is effective or pending approval, in a statement of generally available terms and conditions, or in an interconnection agreement. The reasons for this are straightforward.

The evidence in this petition demonstrates that the local exchange carriers cannot consistently meet a 90-calendar day target. In Verizon's experience, it cannot be met in as many as half of the applications, despite a carrier's best efforts. Not surprisingly, no state has adopted intervals for all collocation applications as short as the 90-day standard. Also, unlike the Commission's fixed interval, the intervals in the states allow additional time for special construction. An unrealistic interval will harm collocators as well as local exchange carriers, because the collocators will not have a basis for coordinating their own construction activities with the expected delivery date. The relief requested herein would prevent the Commission from overriding the judgment of the state commissions that are still considering the issue while providing a more reasonable default standard that has promoted competitive entry.

## **II. The 90 Day Collocation Provisioning Interval Cannot Be Met On A Consistent Basis.**

In the *Order on Reconsideration*, the Commission adopted a "default" rule requiring an incumbent local exchange carrier to provide collocation within 90 calendar days, if (and only if) a different interval has not been set by a state commission or by agreement between the parties to interconnection agreements. *See Order on*

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Proposed Rulemaking, FCC 00-297 (released August 10, 2000) ("*Order on Reconsideration*").

*Reconsideration*, ¶¶ 22, 27-29. This default interval, which is shorter than the intervals adopted by state commissions that have exhaustively reviewed what is and is not feasible in their states, is measured starting from the date an incumbent receives a complete collocation application to the date that the space is ready for occupancy by the collocator. *See id.*

The Commission should reconsider this decision and adopt default intervals that are no shorter than those adopted by the New York State commission, which the Commission has already found reasonable in its review of Verizon's section 271 application. *See 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*, 15 FCC Rcd 3953, ¶¶ 74-75 (1999) ("*New York Order*"). While the New York intervals can be as short as 76 business days, Verizon has been able to meet them, and the existence of these intervals has served the interests of the collocators. An unrealistic interval that the local exchange carrier is unlikely to meet gives the collocator no reliable basis for ordering its equipment, scheduling installation with vendors, coordinating its other construction activities, or planning its marketing activities in the area. In contrast, the intervals adopted in New York not only provide for timely provisioning of collocation that meets the expressed needs of the collocators, but they provide the collocators with a high degree of confidence that the collocation arrangements will actually be available by the scheduled date. The same cannot be said of the Commission's blanket 90 calendar day interval.

An analysis of the work that must be performed in order to complete collocation arrangements demonstrates that a 90-day interval cannot be met on a consistent basis. Moreover, this is not based on speculation or supposition, but instead is based on Verizon's extensive and successful experience providing collocation for competitors. Indeed, Verizon's incumbent local exchange carriers have the most experience in the industry in providing collocation, having provided over 13,000 collocation arrangements to date, with almost 4,000 more under construction. The demand for collocation has doubled every year for the last few years and shows no sign of abating. This has required Verizon to improve its methods and procedures just to avoid falling behind. In addition, Verizon is subject to all of the state commission orders in the states cited by the Commission, and knows first-hand how difficult it is to meet those intervals, all of which are longer than the Commission's 90-day standard.

Attachment B (Declaration of Karen Maguire) demonstrates why the Commission's 90-day interval cannot be met even where central office space is already conditioned for collocation. Such collocation arrangements normally take at least 76 business days, or approximately 105 calendar days, to complete. There is no wasted time in this schedule. During this time, Verizon must; (1) process the application and perform a site survey to determine if the application can be accommodated; (2) respond to the collocator and receive its acceptance; (3) issue a request to vendors for bids to provide engineering, material/equipment purchase and installation; (4) select a vendor and award the bid; (5) wait for the vendor to order and receive delivery of materials and perform the installation work (by far the longest part of the schedule – ordinarily about 46 business

days); (6) review the work and schedule an acceptance meeting with the collocator; and (7) update the operating support systems.

The biggest constraint on shortening the process is external – the time it takes to order and receive materials from manufacturers, and the time it takes for vendors to complete the installation work. This is key because of the critical role that these manufacturers and vendors play in completing collocation arrangements. Verizon is not a manufacturer and depends on outside sources for all of the materials it needs to provide the infrastructure for collocation. Likewise, although Verizon performs some installation work itself, it depends primarily on outside vendors for installation and construction activities. In both cases, Verizon competes with other telecommunications carriers, including the collocators themselves, for outside resources that are in short supply due to the relentless demand for construction of telecommunications infrastructure. For instance, during a recent six-month period in Pennsylvania and Delaware, vendors turned down over 170 jobs that Verizon put out for bid due to manpower constraints. With the intense amount of construction in the telecommunications industry, the incumbent local exchange carriers cannot obtain quicker performance from suppliers and vendors.

Attachment C (Declaration of Ralph Carey) explains why more time is necessary when space must be conditioned, asbestos must be removed, or special construction activities are necessary. The state commissions that have set their own collocation intervals have recognized the need for additional time in such circumstances. For example, New York allows 15 additional business days for special construction. In addition, the state commissions have recognized that the local exchange carrier's ability to

perform such construction activities quickly depends on the ability to order materials and place bids with contractors in advance. Accordingly, the state commissions allow significantly longer intervals if the collocators do not provide a forecast or if they submit a significant volume of orders at the same time.

The need for special construction activities has become increasingly common as the demands for more collocation space require reconfiguration or expansion of central office space. In other words, the fact that there already is so much existing collocation -- in some case as many as 20 existing collocators in a single office -- means that extra work is needed to build or convert other space in order to accommodate additional collocators. For example, Verizon has often had to convert administrative space, employee lounge areas, and even restrooms to central office space. Such conversions require complete demolition of existing walls, ceilings, lighting and electrical fixtures and construction of supporting infrastructure for the power, cabling, and facilities needed to provide a central office environment.

In addition, Verizon has engaged in a major central office construction program to meet collocators' requests. Prior to 1998, Verizon did not anticipate that it would have to make any significant additions to its central office buildings. There were only 5 building additions in 1998 and 11 in 1999. Yet, over the next two years, Verizon plans to build approximately 200 building additions in Verizon's eastern region alone, as a direct result of the need to accommodate collocation. In short, Verizon is working furiously to accommodate additional collocation, both by conditioning additional space in existing central offices and constructing additions to others, but the work necessary to do so

simply takes longer than providing collocation in an office where there already is conditioned space available.

Given these facts, it is simply not realistic to expect the incumbent local exchange carriers to meet a 90-day collocation interval with the degree of consistency that the Commission and the collocators would expect. Verizon is already subject to the intervals mandated by the state commissions in all of the states listed in the *Order on Reconsideration*. Despite the unrelenting pace of collocation orders, Verizon has been able to meet those intervals with an average of 95 percent on-time performance or better.<sup>3</sup> However, the same data show that a 90-day interval cannot be met with any degree of consistency.

In addition, none of the state commission orders cited in the *Order on Reconsideration* supports the Commission's conclusion that a 90-day interval is reasonable. *See* Attachment D (providing an analysis of the state commission intervals). Unlike the default interval in the order here, which is measured from the date the application is filed with the incumbent, the intervals in the state orders typically start on the date that the collocator responds to the incumbent local exchange carrier's acceptance of the application. During this time, the local exchange carrier must process the application, perform a site survey, develop a price quote, issue an acceptance to the collocator, and wait for the collocator's response. This process can take from 15 to 30

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<sup>3</sup> The Commission found that Verizon was subject to a 95 percent on-time performance standard in the New York 271 order. *See New York Order*, ¶ 75. Verizon's recent performance was negatively impacted by the August work stoppage, which also may affect collocation orders for several months as pending orders are completed.

days, and sometimes more, depending on how quickly the collocator responds and submits any required deposit. Also, all of the state commission orders allow substantially more than 90 days for providing collocation in unconditioned space. Consequently, the state commission intervals do not provide any evidence that the 90-day interval is either reasonable or achievable.

For instance, the Commission points to the interval adopted by the Texas commission, stating that it can be as short as 55 calendar days where the collocator agrees to install its own bays or racks. *See Order on Reconsideration*, ¶ 17. However, as the Commission notes, this interval only runs from the date that the collocator accepts the incumbent local exchange carrier's price quote. The interval for the incumbent local exchange carrier to produce a price quote can be from anywhere from 10 to 30 business days, depending on how many applications the collocator submits in a given week, and the collocator's acceptance can take additional time, up to a maximum of 65 business days. Consequently, even where the collocator installs its own equipment, the 55-day interval for this type of collocation request can routinely be 75 days (if the incumbent and the collocator each take only 15 days to provide and accept a price quote) and can be much longer depending on how long the collocator takes to respond. When the incumbent local exchange carrier installs the bays, the interval can be as long as 180 calendar days. And if the request is for more than 50 Amp service or for unconditioned space, the total intervals run to as much as 250 days. Intervals also can be extended when there are above-average increases in demand for collocation. As a result, the intervals

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adopted in Texas provide no support for the Commission's conclusion that carriers should be able to provide all types of physical collocation within 90 calendar days from submission of an application.

Similarly, the Commission pointed to US West, which has agreed to provide collocation within 45 calendar days when space and power are available. *See Order on Reconsideration*, ¶ 18. However, as indicated in US West's web site, <http://www.uswest.com/wholesale/notification/collo/cb-vol1-isu4.html>, this interval is only applicable to cageless collocation arrangements under negotiated agreements, and it runs from the date that the collocator submits a deposit, which does not occur until US West first processes the application and develops a price quote. In addition, the qualifiers US West places on this minimum interval are significant. US West defines "power availability" as a battery distribution fuse bay within 80 feet with reserved termination capacity, and "space availability" as vacant space that is already collocation-qualified and that requires no equipment or circuit moves. Except in these narrow circumstances, the standard collocation interval for US West is 90 calendar days *after* the collocator submits its deposit, or approximately 120 calendar days from submission of an application. In addition, if the power plant must be upgraded, the interval from the date of the deposit can be as long as 240 days. Once again, the Commission has cited an example that only serves to prove that a 90-day interval cannot be met on all applications.

In the *Order on Reconsideration*, the Commission recognizes that, with these two exceptions, the minimum collocation intervals in all of the other states are substantially longer than 90 days. *See Order on Reconsideration*, ¶¶ 18-19, citing New York (105

calendar days) Florida (90 calendar days from receipt of deposit), Pennsylvania (over 35 days for price quote and deposit plus 90 calendar days). The order fails to recognize that the maximum collocation intervals in these states are substantially greater when space is unconditioned, when forecasts are not submitted, or when special construction is necessary. As a result, none of these state decisions provides any support for the Commission's finding that the carriers can meet every type of collocation request in 90 days.

While the *Order on Reconsideration* allows a local exchange carrier to ask the state commission for longer intervals in specific circumstances where the carrier is not capable of meeting the 90-day standard (*See, Order on Reconsideration* ¶¶ 33, 37), setting intervals on a case-by-case basis is not a practical solution. The 90-day interval is so short that exceptions will be required for as many as half of the applications. Neither the states nor the local exchange carriers have the resources to deal with such a large amount of exemption petitions within 90 calendar days, and the time necessary to do so in each case would only add to the delay and uncertainty about when the arrangement can or should be completed. For this reason, the states that have established collocation intervals have incorporated exceptions to the standard interval for certain circumstances, such as special construction, asbestos removal, and large volumes of orders, that normally will require additional provisioning time.

The Commission's decision to adopt a collocation interval that is significantly shorter than the range of intervals in every state that has addressed the issue cannot be justified on the basis that it would help collocators compete more effectively. *See Order*

*on Reconsideration*, ¶ 27. An arbitrarily short interval actually would harm collocation applicants, because they would not have a dependable date upon which to expect the collocation arrangement to be ready. This would disrupt their own plans for purchasing and installing equipment, as well as their plans to integrate the collocation arrangement with their other network construction plans and their overall marketing plans. The Commission can rely on the competitive impact to support a rule requiring collocation to be provided as soon as possible, but it has to develop a record to show that the interval it picks can be met with reasonable diligence. *See, e.g., Burlington Truck Lines, Inc. v. United States*, 371 U.S. 156, 168 (1962) (the court looks for a "rational connection between the facts found and the choice made."). That record simply does not exist in this proceeding. Indeed, the *Order on Reconsideration* does not cite a single fact to show that any incumbent local exchange carrier currently is able to provide collocation within the 90-day interval for all types of collocation requests.

Moreover, as noted above, arguments that competitors need extremely short collocation intervals to promote competitive entry are misplaced. As is shown the Maguire declaration, Verizon has completed hundreds of collocation arrangements where the collocator has yet to install any equipment for as much as a year or more. Moreover, carriers that seek collocation plan their network expansions far in advance because of the time needed to order equipment and construct outside plant. They are perfectly capable of timing their requests for collocation to coincide with these activities, which typically are carried out over far longer than a 90 day period.

There is no showing that the collocation intervals adopted by state commissions have prevented competitive local exchange carriers from being able to enter the market on a timely basis. On the contrary, as the Commission previously concluded in its New York 271 order, the opposite is true. Competitors have been able to enter and compete on a timely basis, and have done so on a massive scale, serving 2.5 million lines in New York alone, including a large number served using some or all of their own facilities.

Finally, the Commission cannot justify an arbitrary 90-day standard that no carrier meets, simply by finding that the carriers will just have to do better. *See Order on Reconsideration*, ¶¶ 28-31. The record does not show that the incumbent local exchange carriers are acting inefficiently or have failed to apply their best efforts to meeting collocation requests, and the Commission does not offer any examples of how collocation could be provided any faster. It would be arbitrary and capricious to impose a standard that cannot be met, and then to subject carriers to enforcement action for failing to meet an impossible standard.

For these reasons, the Commission should modify its rule requiring all collocation applications to be completed in 90 calendar days. The Commission's longstanding policy of leaving collocation provisioning intervals to the state commissions is working, as demonstrated by the ongoing proceedings throughout Verizon's territory. States are actively investigating tariffs and SGATs filed by Verizon, and many are currently investigating collocation provisioning intervals along with other terms and conditions of collocation. The Commission should allow this process to continue to work at the state level, and it should apply a national standard only where a state has failed to act. If the

Commission adopts any interval, it should adopt the collocation intervals approved in New York, which not only allow more than 90 days for providing collocation in already-conditioned space, but which allow for additional time where necessary to condition space or to deal with special circumstances. The Commission granted section 271 approval in New York, in part, based on its finding that the intervals adopted by the New York commission were reasonable and that they were consistent with section 251 and the Commission's rules. *See New York Order*, ¶ 74. These standards are challenging, but achievable, and they provide the assurance the Commission seeks that competitive local exchange carriers will be able to obtain collocation on a timely basis.

In addition, the Commission should express the intervals in business days, rather than calendar days, as provided in the New York intervals. *See New York Public Service Commission, Case 96-C-0036; Order to Resolve Complaint and Clarify ONA Order, Issued and Effective September 30, 1996.* Employees and outside contractors do not work on weekends or holidays, and the costs that were used to develop collocation rates do not include overtime or expedite charges. As a result, tying intervals to calendar days would actually serve to increase the cost of collocation to competitors, and would actually be contrary to the Commission's objectives here. In particular, the Commission should amend the 10-calendar day interval by which the incumbent local exchange carrier must indicate its acceptance or denial of a collocation request. This interval would leave the carrier with only 6 business days to respond to a request that was submitted on a Thursday or Friday, and only five business days if that period contained a holiday. This would leave insufficient time to process the order, survey the requested collocation site,

determine the availability of facilities, develop a price quote, and perform other activities necessary to provide a meaningful response. By expressing the intervals in business days, the Commission could ensure that there would be adequate time to complete each collocation request.

### **III. The Commission's Collocation Provisioning Interval Should Not Apply Unless There Is No Interval In A State Tariff, SGAT, Or Interconnection Agreement.**

The Commission should clarify and/or reconsider its requirements concerning when and how its collocation interval would apply. There is no need for the Commission to require the incumbent local exchange carriers to adhere to a national standard if an enforceable standard exists in the state, whether pursuant to a state-adopted rule or order, an effective tariff, a statement of generally available terms and conditions ("SGAT"), or an interconnection agreement. Nor should the Commission impose a standard where a state is currently considering the issue, either in an investigation of a pending tariff or in another proceeding.

The Commission's goal in adopting a collocation interval was to "fill the void" in cases where the states have not acted. *Order on Reconsideration*, ¶ 23. However, there is no void to fill if an enforceable interval already exists in a particular state or if the state is addressing the issue. A collocator can seek enforcement of an effective interval and it can seek a state decision imposing a shorter interval. For instance, if the interval is in a state rule or order, the collocator can petition the state commission to change the rule or to adopt a new order. Similarly, a collocator can challenge an interval that is

incorporated in a state tariff during the tariff approval process. If an interval is incorporated in an interconnection agreement or an SGAT, the collocator can invoke its rights under section 252 to seek state arbitration of the interconnection agreement or to participate in the state's review of the SGAT.

For these reasons, the Commission should modify or clarify its order to require an incumbent local exchange carrier to meet the Commission's collocation interval only if there is no enforceable interval in a particular state or if the interval is not subject to a pending proceeding in the state.

#### **IV. Conclusion**

For the foregoing reasons, the Commission should reconsider the collocation interval it adopted in the *Order on Reconsideration*.

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Dated: October 10, 2000

## ATTACHMENT A

### THE VERIZON TELEPHONE COMPANIES

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GTE Arkansas Incorporated d/b/a Verizon Arkansas  
GTE Midwest Incorporated d/b/a Verizon Midwest  
GTE Southwest Incorporated d/b/a Verizon Southwest  
The Micronesian Telecommunications Corporation  
Verizon California Inc.  
Verizon Delaware Inc.  
Verizon Florida Inc.  
Verizon Hawaii Inc.  
Verizon Maryland Inc.  
Verizon New England Inc.  
Verizon New Jersey Inc.  
Verizon New York Inc.  
Verizon North Inc.  
Verizon Northwest Inc.  
Verizon Pennsylvania Inc.  
Verizon South Inc.  
Verizon Virginia Inc.  
Verizon Washington, DC Inc.  
Verizon West Coast Inc.  
Verizon West Virginia Inc.