

requirements and can deal directly with its manufacturer for the technical support requirements for its equipment.

The Second Further Notice asks incumbent LECs to describe their current deployment of controlled environmental huts, controlled environmental vaults, and cabinets, as well as their plans for future deployment of these structures.³³ BellSouth has deployed approximately 36,000 remote electronics enclosures. Of these, approximately 3,500 are controlled environmental enclosures. The remainder are cabinets. Deployment of new electronics enclosures is triggered by new development, exhaust of existing facilities in developed areas, or to add new capabilities in areas where they are not currently available. The type of enclosure deployed at a given site is determined by the volume and type of services expected to be provided from that enclosure, and the power consumption and heat dissipation of the electronics to be deployed.

BellSouth's future plans for deployment of remote structures will depend largely on the outcome of this proceeding. If the Commission adopts an adjacent collocation policy, BellSouth's existing procedures will continue. If the Commission continues to mandate physical collocation in remote premises, BellSouth and the CLECs will have to develop mutually acceptable procedures for forecasting CLEC demand, determining the locations where CLECs intend to collocate, evaluating the type of equipment the CLEC intends to deploy for size, power and heat dissipation requirements, etc. This effort can be avoided if the Commission adopts an adjacent collocation policy in remote locations.

The Commission asks incumbent LECs to state how much space within each type of remote terminal will be available for physical collocation. No space was planned for

physical collocation in BellSouth's previously deployed electronics enclosures. Enclosures are sized to meet expected demand for BellSouth's current and planned services. Since enclosures are sized to meet projected demand, there may be some empty space in existing enclosures at any given time. That does not mean, however, that the space is available for physical collocation. If the growth space is used for collocation, the incumbent LEC will be required to place an additional enclosure when its expected demand is realized. In addition, the existence of some empty space today does not mean that power supplies and heat dissipation capacity will be adequate to allow the installation of electronics other than those for which the space was originally planned.

Unless a site-by-site survey is done, there is no way for BellSouth to know with certainty what space currently exists. To conduct a physical inventory of space available at 36,000 remote locations would be extraordinarily expensive and time consuming. BellSouth estimates that it would take in excess of 100,000 person/hours just to conduct site inventories. This does not include travel time or the time required to develop a tracking database and to input data. It would be far more efficient for the incumbent LECs to determine if adjacent collocation can be implemented at a site and have the CLEC place an adjacent cabinet.

The Commission seeks comment on whether incumbent LECs plan to retrofit existing remote terminals with relatively compact equipment in order to make space available for collocation. BellSouth is retrofitting existing cabinets where economically feasible, but experience has shown that retrofitting is impractical in all but a very few applications. There is a high maintenance cost associated with retrofitting due to plug-in

³³ Second Further Notice at ¶ 105.

costs. Depending on the amount of work required to retrofit a cabinet, it can be prohibitively expensive to attempt retrofitting. The most cost-effective solution would be an adjacent cabinet placed by the CLEC where space is available.

The Commission asks whether it should require that incumbent LECs allow the placement of CLEC and incumbent LEC equipment in the same racks or bays in remote locations, even if not required to do so in central offices.³⁴ BellSouth has described above the numerous issues that make sub-rack collocation impractical in central offices. Those same factors apply in remote terminals. In addition, when equipment is mixed in bay spaces, it is difficult for technicians to work on one LEC's equipment without touching, exposing or possibly disconnecting another LEC's equipment in the same rack. For those reasons, BellSouth does not feel that it is practical for there to be physical collocation of multiple carriers' equipment in a single bay. The Commission should allow incumbent LECs to offer virtual or adjacent collocation at remote premises.

The Commission asks whether incumbent LECs should be required to provide requesting carriers with demographic and other information regarding particular remote terminals. The only information incumbent LECs should be required to provide is whether space is available in a specific remote location. Incumbent LECs should not be required to provide proprietary information to competitors such as the number of customers working behind a particular site or the types of services the incumbent or any collocator is offering to those customers.

In paragraph 108, the Second Further Notice asks for suggested solutions for the collocation space shortages within remote terminals. BellSouth believes that the most

practical and cost effective solution is to offer adjacent collocation for the CLEC to place its own cabinet whenever possible. This would eliminate security concerns, technical compatibility concerns, and would allow the CLEC to monitor and track its own equipment for usage and growth. The CLEC could plan for its own future growth without having to interface extensively with the incumbent LEC.

The suggestion in the Second Further Notice that the Commission might require incumbent LECs to make a certain amount of additional space available for collocation in all remote terminals is completely impractical. This is not like the existing requirement that incumbent LECs consider the needs of collocators when planning central office additions or replacements. Here the Commission would be requiring the incumbent LECs to provide additional space in tens of thousands of locations on the outside chance that someday some CLEC may want to collocate in a few locations. This goes far beyond what Congress has authorized. If the Commission wants incumbent LECs to provide space for collocators, it must require CLECs to submit specific forecasts for where and how much space they will require, and then require the CLEC to pay for the space whether it collocates there or not. The better solution is to have the CLECs place their own cabinets for their own equipment.

The Second Further Notice asks for comment on Rhythm's proposal to require incumbent LECs to permit collocation of individual line cards in digital loop carrier systems located in incumbent LECs' remote terminals "assuming that these line cards are equipment necessary for interconnection or access to unbundled network elements."³⁵

³⁴ Second Further Notice at para. 107.

³⁵ Second Further Notice at ¶ 109.

BellSouth has demonstrated in response to paragraph 82, above, that CLEC-provided line cards are not necessary for interconnection or access to unbundled elements. Therefore, the premise to this question is false. Further, it would be highly impractical for CLECs to insert their own line cards in BellSouth's digital loop carrier systems. BellSouth deploys many different types of digital loop carrier systems and each has many different types of line cards. If a CLEC were to insert an incorrect line card, it could render an entire digital loop carrier system inoperative.³⁶ In addition to continuity of service concerns, BellSouth has maintenance concerns. Digital loop carrier equipment, like any other equipment, sometimes requires replacement of cards that have particular problems. It is difficult to see how the Commission could ensure that the CLEC concurs and participates in the replacement. Finally, collocation of CLEC line cards in BellSouth digital loop carrier systems would create tremendous record-keeping, inventory and asset management concerns when some of the inventory is owned by a CLEC.

In paragraph 110, the Commission asks for comment on how to make adjacent collocation an acceptable substitute for physical collocation. BellSouth believes that adjacent collocation should be the first collocation option at remote locations. CLECs should be allowed to place structures suitable for their equipment. BellSouth has itemized above the many difficulties created by physical collocation at remote premises. These many difficulties are ameliorated or eliminated altogether when the CLEC utilizes

³⁶ This is unlike "line sharing," where operational difficulties turning up or maintaining the CLEC's data service might impact the voice service. In that scenario, the customer that is impacted is also the customer subscribing to the CLEC's data service. In that event, the customer has the option to simply discontinue the data service. Here customers who have no interest in the CLEC's service could be affected by way of operational mistakes. If the Commission orders the incumbent LECs to permit CLECs to insert their own line cards, the CLEC would be held responsible for any damage to the incumbent's facilities and for loss-of-use that their negligence may cause.

adjacent collocation. The Commission asks whether incumbent LEC easements permit adjacent collocation of remote terminals.³⁷ This will vary on a case-by-case basis. Most easements for remote terminals were negotiated without the thought of another LEC locating on the same site.³⁸ In some cases, the easements are restricted to BellSouth use only. BellSouth is willing to assist the CLECs in negotiating in good faith with the property owner to permit additional LECs to utilize the existing easement. BellSouth believes, however, that the CLEC has the ultimate responsibility to resolve any obstacles it encounters in connection with collocation at remote incumbent LEC premises.

Where adjacent collocation is not practical, BellSouth favors virtual collocation over physical collocation at remote locations.³⁹ Many of the problems associated with physical collocation at remote terminals can be alleviated by virtual collocation. BellSouth suggests that the Commission reverse the order of collocation options applicable to central office collocation (physical, virtual, adjacent) for remote locations. BellSouth supports adjacent collocation as the first option, followed by virtual and then physical.

³⁷ Second Further Notice at ¶ 111.

³⁸ In situations where BellSouth has the right to permit CLECs to access the easement, it is willing to do so.

³⁹ Second Further Notice at ¶ 112.

VI. Line Sharing.

The Commission asks what changes in the collocation rules, if any, should be adopted to facilitate line sharing.⁴⁰ BellSouth does not believe that any changes in the collocation rules are needed to implement line sharing.

VII. Provisioning Intervals.

In the *Order on Reconsideration* the Commission adopted as a national standard a 90-day provisioning interval for all types of physical collocation. In the Second Further Notice, the Commission asks for comments on whether shorter provisioning intervals should be adopted for certain types of collocation.⁴¹ The major time-consuming steps to provision caged, cageless and shared space collocation are identical, so the intervals should not be different. The Commission also asks for comment on whether it should adopt a shorter provisioning interval where a CLEC agrees to construct its own cage.⁴² The construction of a cage would not affect the provisioning interval at all. The items that take the longest to design and construct are the mechanical conditioning, asbestos abatement, power plant installations and the like. This type of work affects the entire building. It is the responsibility of the building owner/landlord to undertake this type of construction, not the CLEC.

The Commission asks for comment on whether different collocation intervals should apply to conditioned and unconditioned space.⁴³ As noted above, the majority of the time needed to complete a collocation arrangement occurs when major building work

⁴⁰ Second Further Notice at ¶ 112.

⁴¹ Second Further Notice at ¶ 114.

⁴² Second Further Notice at ¶ 115.

is required to provide conditioned space. In the *Order on Reconsideration* the Commission adopted a national standard of 90 days for both conditioned and unconditioned space. The Commission cited no record evidence to support its 90 day requirement in the absence of conditioned space. Indeed, its only justification for adopting a 90 day requirement was its concern that “intervals significantly longer than 90 days, such as the 180 calendar day interval Sprint suggests for previously unconditioned space, would not generally result in competitive LECs receiving access to space within incumbent LEC premises within reasonable time frames.”⁴⁴ That rationale, of course, begs the question of whether it is feasible for the incumbent LECs to provision previously unconditioned space in 90 days. BellSouth urges the Commission to adopt a longer provisioning interval than 90 days for previously unconditioned space. BellSouth endorses a provisioning interval of at least 120 days as the national standard for unconditioned space.

In the *Order on Reconsideration* the Commission adopted a 90-day interval that begins to run when the incumbent LEC receives “an acceptable collocation application.”⁴⁵ The Commission did not define what constitutes an “acceptable collocation application.” Elsewhere, the Commission recognizes that the incumbent LEC “may require a competitive LEC to pay reasonable application fees or portions of the total collocation charges prior to processing a collocation application or provisioning a collocation arrangement.”⁴⁶ BellSouth urges the Commission to clarify that “an

⁴³ Second Further Notice at ¶ 115.

⁴⁴ *Order on Reconsideration* at ¶ 29.

⁴⁵ *Order on Reconsideration* at ¶ 29.

⁴⁶ *Order on Reconsideration* at ¶ 38.

acceptable collocation application” must constitute a “firm order” for collocation space and an agreement to pay for the collocation space. Until that time the CLEC has not committed to order the space. It has only made an inquiry about the availability of space and its cost. It is unreasonable to require the incumbent LEC to expend resources to provision collocation space prior to the CLEC making a firm commitment to take the space and pay for it. Prior to that time, the CLEC can simply not place an order without financial penalty, or it can change its order, e.g., from caged to cageless, that would require the incumbent LEC to have to rework its planning, design and construction. Therefore, BellSouth requests that the Commission define “an acceptable collocation application” to include a firm order for collocation space and an agreement to pay for the space.

VIII. Space Reservation Policies.

In the *Order on Reconsideration* the Commission noted the efforts of several states to adopt space reservation policies. It found that the state commissions should have the primary responsibility to resolve space reservation disputes.⁴⁷ It asks for comment on whether the Commission should adopt a national space reservation policy that would apply where a state does not set its own standard.⁴⁸ The Commission should not adopt a national space reservation policy. Zoning and permitting intervals vary from state to state. The best way for the Commission to ensure reasonable space reservation policies is to permit the negotiation/state arbitration process to work. Alternatively, state

⁴⁷ Second Further Notice at ¶116.

⁴⁸ Second Further Notice at ¶ 117.

commissions may conduct generic proceedings to adopt uniform space reservation policies for that state.

BellSouth's current contracts have a reasonable and nondiscriminatory policy that allows the ILEC and CLEC to reserve space for two years future growth.⁴⁹ That interval recognizes that it takes a *minimum* of two years for the incumbent LEC to plan, design and construct a building addition. This allows time to handle real estate purchases, zoning issues, planning approval, design, permitting, and construction of the building and the internal superstructure. BellSouth believes that the carriers and the state commissions are in the best position to establish space reservation policies, and that national standards are not required.

Should the Commission conclude that a national space reservation policy is required, it must recognize and address all legitimate floor space requirements. A simple time-limited floor space reservation policy does not address such issues. For example, incumbent LECs are not only required to provide floor space for collocated equipment, but are also *required* to provide for interconnection of the collocated equipment to the incumbent's network and to provide power for the collocated equipment. Network interconnection requires floor space for the associated digital cross-connect systems and distributing frames. Power for collocated equipment requires floor space for the associated power plant and power distribution equipment. If the incumbent LEC is not allowed to reserve adequate floor space for these systems/equipment to supply the

⁴⁹ A one year limit for transport equipment, such as was adopted by the Texas Commission, introduces the possibility that an incumbent LEC could unexpectedly lose transport growth capacity beyond the next twelve months' forecasted need. Since building additions typically require two years to complete, no space reservation limitation of less than two years should be established for any type of equipment.

“connectivity” and equipment power, the availability of floor space for collocated equipment is of little value.

From a practical perspective, an incumbent LEC should be allowed to reserve sufficient floor space for digital cross-connect systems, distributing frame and power plant growth to accommodate the total anticipated connectivity and power requirements of the equipment to be installed in the facility’s remaining available floor space, regardless of equipment ownership. One solution would be for the incumbent LEC to consider these requirements as part of its own immediate floor space needs. In any event, such provisions should be included as part of any national policy.

Switching equipment introduces a unique concern. Technical limitations, primarily in the form of cable length limitations, must be considered when planning switch expansions. If space reservation policies fail to recognize those requirements, a switching system could become stranded, with all future expansion space beyond technical limits. If that happened, the switch would have to be capped at its existing capacity or replaced with a completely new system. Either case would require the incumbent LEC to expend significant incremental capital to expand switching capacity. Any national policy adopted by the Commission must have sufficient flexibility to allow the incumbent LEC to consider the engineering perspective applicable to each unique switch/facility.

IX. Conclusion.

The Commission should modify its rules to be faithful to the holding of the Court of Appeals. It should not attempt to relitigate issues already decided by the Court. It should clarify what constitutes “an acceptable collocation application” and should

lengthen its national standard interval for previously unconditioned space. Taking these steps will speed up the development of local competition by providing clear guidance to the parties and by avoiding further litigation.

Respectfully submitted,

BELLSOUTH CORPORATION

By its attorneys

A handwritten signature in cursive script, appearing to read "M. Robert Sutherland", is written over a horizontal line.

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I hereby certify that I have this 12th day of October, 2000 served the following parties to this action with a copy of the foregoing **COMMENTS OF BELLSOUTH CORPORATION** by United States mail, postage prepaid or by hand delivery (*) to the addresses shown below:

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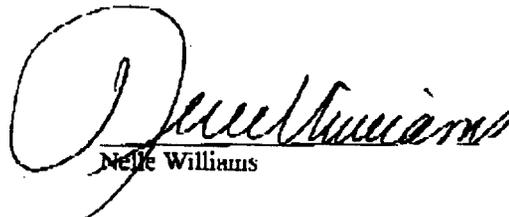
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