

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

RECEIVED

OCT 13 2000

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matters of)	
)	
Deployment of Wireline Services Offering)	CC Docket No. 98-147
Advanced Telecommunications Capability)	
)	
)	
Implementation of the Local Competition)	CC Docket No. <u>96-98</u>
Provisions in the Telecommunications)	
Act of 1996)	
)	

To: The Commission

**MOTION TO ACCEPT AS TIMELY FILED COMMENTS
OF JOINT COMMENTERS FILED REGARDING SECOND FURTHER NOTICE OF
PROPOSED RULEMAKING IN CC DOCKET NO. 98-147 AND FIFTH FURTHER
NOTICE OF PROPOSED RULEMAKING IN CC DOCKET NO. 96-98**

Pursuant to section 1.46 of the Commission's Rules,¹ the Joint Commenters² hereby respectfully request that the Commission grant this Motion to Accept as Timely Filed a corrected version³ of the initial comments filed by the Joint Commenters in the above captioned proceeding ("Motion").

¹ 47 C.F.R. Sec. 1.46.

² The Joint Commenters consist of: Arbros Communications, Inc.; Association for Local Telecommunications Services; Competitive Telecommunications Association; e.spire Communications, Inc.; FairPoint Communications Solutions; Intermedia Communications Inc.; Jato Communications Corp.; KMC Telecom, Inc.; Metromedia Fiber Network, Inc.; NewSouth Communications, Inc. and Pathnet Communications.

³ The Joint Commenters discovered after electronically submitting their comments that they did not contain a table of contents. In the corrected version accompanying this (continued...)

The comment and reply comment deadlines for the Second Further Notice of Proposed Rulemaking and Fifth Further Notice of Proposed Rulemaking in the above captioned proceedings were originally September 18, 2000 for initial comments and October 10, 2000 for reply comments.⁴ On September 6, 2000 the Commission extended the filing deadline for initial comments and reply comments, establishing a deadline of October 12, 2000 for the filing of initial comments and a deadline of November 14, 2000 for the filing of reply comments.⁵

On October 12, 2000 at approximately 11: 52 PM the Joint Commenters attempted to file their initial comments in the above captioned proceeding via the Commission's Electronic Comment Filing System ("ECFS").⁶ The Joint Commenters began to upload to the Commission's ECFS server both the ECFS "Cover Sheet" and the Joint Commenter's Comments, contained in a Microsoft Word 97 formatted file. The Joint Commenter's attempt to file their Comments using ECFS was successful, however, by the time the ECFS system generated a confirmation sheet acknowledging receipt of the Joint Commenter's filing, the Date

(...continued)

Motion, the Joint Commenters have inserted a corrected cover page, a table of contents and have corrected several typographical errors.

⁴ *Deployment of Wireline Services Offering Advanced Telecommunications Capability*, CC Docket 98-147, Order on Reconsideration and Second Further Notice of Proposed Rulemaking, *Implementation of the Local Competition Provisions of the Telecommunications Act of 1996*, CC Docket No. 96-98, Fifth Further Notice of Proposed Rulemaking (rel. Aug. 10, 2000) ("*Order and FNPRMs*").

⁵ Public Notice, DA 00-2036, *Common Carrier Bureau Extends Pleading Cycle for Second Further Notice of Proposed Rulemaking in CC Docket No. 98-147 and Fifth Notice of Propose Rulemaking in CC Docket No. 96-98* (rel. Sept. 6, 2000).

⁶ The Commission indicated that parties could file comments in this docket electronically through the ECFS system. *Order and FNPRMs*, ¶ 139.

Received field of the acknowledgement indicated that the date was “Oct 13 2000.”⁷ Upon discovering that the ECFS system had not acknowledged the receipt of their comments until Oct 13 at 12:01 AM the Joint Commenters immediately took the following steps: 1) the Joint Commenters prepared paper and diskette versions of the erratum comments for hand delivery to Common Carrier Bureau staff and International Transcription Service; 2) contacted the Secretary’s office to seek guidance regarding the need to file this Motion; 3) contacted, or attempted to contact, Common Carrier Bureau staff to inform them of the situation; and 4) filed this Motion.

By taking these actions, the Joint Commenters believe they have ensured that their comments were timely filed, however, in an abundance of caution, the Joint Commenters hereby respectfully request that the Commission grant this Motion to Accept as Timely Filed an corrected version of the initial comments filed by the Joint Commenters in the above captioned proceeding. The Joint Commenters are cognizant that the Commission does not routinely grant motions for the extension of time.⁸ However, the Commission may grant motions for acceptance of comments and reply comments made after the filing date for good cause.⁹ In particular, where the grant of such a motion is in the public interest and will “facilitate the compilation of a more complete record in [a] proceeding, without causing undue delay to the Commission's consideration of the issues,” the Commission has granted such motions in the past.¹⁰

⁷ A copy of the ECFS Acknowledgement Form is attached hereto. The time stamp in the lower right hand corner of the Acknowledgment Form indicates that it was printed was 12:01 AM Oct. 13, 2000.

⁸ 47 C.F.R. § 1.46(a).

⁹ 47 C.F.R. § 1.46(b).

¹⁰ *See Implementation of Sections 309(j) and 337 of the Communications Act of 1934, as Amended; Promotion of Spectrum Efficient Technologies on Certain Part 90*

(continued...)

The Joint Commenters submit that no party to this proceeding will be prejudiced by the 60 seconds by which the Joint Commenters ostensibly missed the filing deadline in this proceeding, nor will such delay impair the Commission's consideration of the issues raised in this proceeding. Furthermore, the comments filed by the Joint Commenters represent a significant cross-section of the industry commenting in this proceeding, and exclusion of the Joint Commenters' comments would cause the record to be incomplete. The Joint Commenters submit that it is in the public interest to compile a complete record in this proceeding.

WHEREFORE, in the interest of building a complete record in this proceeding, and in recognition that no party to this proceeding would be prejudiced, the Joint Commenters respectfully request that this Motion be granted. Pursuant to Sections 1.727(c) and 1.734(d) of the Commission's Rules, a proposed order for adoption is attached, and the order is being submitted on diskette. 47 C.F.R. §§ 1.727(c), 1.734(d).

Respectfully submitted,



Ross A. Buntrock
David Kirschner
KELLEY DRYE & WARREN LLP
1200 19th Street, N.W.
Washington, DC 20036
Phone: (202) 955-9600
Fax: (202) 955-9792

October 13, 2000

Attorneys for the Joint Commenters

(...continued)

Frequencies; Establishment of Public Service Radio Pool in the Private Mobile Frequencies Below 800 MHz, WT Docket No. 99-87; RM-9332; RM-9405, Order 1999 FCC LEXIS 4429 (September 10, 1999); see also National Exchange Carrier Association, Inc. Proposed Modifications to the 1998-99 Interstate Average Schedule, DA 98-1297, 13 FCC Rcd 17351 (rel. June 28, 1998) (The Commission concluded that public interest will be served because accepting late-filed comments will allow consideration of the issues on a more complete record).



**The FCC Acknowledges Receipt of Comments From ...
 Joint Commenters
 ...and Thank You for Your Comments**

Your Confirmation Number is: 2000-10-3004-001 | 15
 Date Received: **Oct 13 2000**
 Docket: **98-147**
 Number of Files Transmitted: **1**

File Name	File Type	File Size (bytes)
COMMENT	Microsoft Word	288257

[Initiate a Submission](#) | [Search ECFS](#) | [Return to ECFS Home Page](#)

[FCC Home Page](#) |
 [Search](#) |
 [Commissioners](#) |
 [Bureaus Offices](#) |
 [Finding Info](#)

updated 07/07/00

CERTIFICATE OF SERVICE

I, Charles M. Hines III, hereby certify that on this 13^h day of October, 2000, I served copies of the attached Joint Comments by hand on the following:

Magalie Roman Salas
Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

Janice Myles
Common Carrier Bureau
Policy & Program Planning Division
445 Twelfth Street, S.W.
Washington, D.C. 20554

Michelle Carey
Division Chief,
Policy & Program Planning Division,
Common Carrier Bureau
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

Kathy Faroba
Deputy Division Chief,
Policy & Program Planning Division,
Common Carrier Bureau
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

William A. Kehoe III
Common Carrier Bureau
Policy & Program Planning Division
445 Twelfth Street, S.W.
Washington, D.C. 20554



Charles M. Hines III

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

In the Matters of)	
)	
Deployment of Wireline Services Offering Advanced Telecommunications Capability)	CC Docket No. 98-147
)	
)	
Implementation of the Local Competition Provisions in the Telecommunications Act of 1996)	CC Docket No. 96-98
)	
)	

PROPOSED ORDER

Adopted:

Released:

By the Commission

1. The Joint Commenters¹ have filed a Motion to Accept as Timely Filed a corrected version of their comments in the Second Further Notice of Proposed Rulemaking in CC Docket No. 98-147 and Fifth Further Notice Of Proposed Rulemaking in CC Docket No. 96-98.
2. The Commission recognizes that neither the Commission, nor any other party will be prejudiced by the grant of this motion. Further, it is in the Commission's interest to compile of full and complete record in this proceeding.
3. Accordingly, IT IS ORDERED that the Joint Commenters Motion to Accept an as Timely Filed IS GRANTED.

FEDERAL COMMUNICATIONS COMMISSION

Magalie Roman Salas
Secretary

¹ The Joint Commenters consist of: Arbros Communications, Inc.; Association for Local Telecommunications Services; Competitive Telecommunications Association; e.spire Communications, Inc.; FairPoint Communications Solutions; Intermedia Communications Inc.; Jato Communications Corp.; KMC Telecom, Inc.; Metromedia Fiber Network, Inc.; NewSouth Communications, Inc. and Pathnet Communications.

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matters of)	
)	
Deployment of Wireline Services Offering Advanced Telecommunications Capability)	CC Docket No. 98-147
)	
and)	
)	
Implementation of the Local Competition Provisions of the Telecommunications Act of 1996)	CC Docket No. 96-98
)	

**JOINT COMMENTS OF ARBROS COMMUNICATIONS, INC.,
ASSOCIATION FOR LOCAL TELECOMMUNICATIONS SERVICES,
COMPETITIVE TELECOMMUNICATIONS ASSOCIATION,
E.SPIRE COMMUNICATIONS, INC., FAIRPOINT COMMUNICATIONS SOLUTIONS,
INTERMEDIA COMMUNICATIONS INC., JATO COMMUNICATIONS CORP., KMC
TELECOM, INC., METROMEDIA FIBER NETWORK,
NEWSOUTH COMMUNICATIONS, INC., AND PATHNET COMMUNICATIONS
REGARDING SECOND FURTHER NOTICE OF PROPOSED
RULEMAKING IN CC DOCKET NO. 98-147 AND FIFTH FURTHER NOTICE OF
PROPOSED RULEMAKING IN CC DOCKET NO. 96-98**

Brad E. Mutschelknaus
Jonathan E. Canis
Edward A. Yorkgitis Jr.
Joan Griffin
Ross A. Buntrock
David Kirschner
David Konuch
KELLEY DRYE & WARREN LLP
1200 19th Street, N.W.
Washington, D.C. 20036
(202) 955-9600
(202) 955-9782 (fax)

Dated: October 12, 2000

Attorneys for the Joint Commenters

SUMMARY

At the heart of the market-opening provisions of the Telecommunications Act of 1996 (“1996 Act”) of the Communications Act of 1934, as amended (the “Act”) is Section 251(c). Section 251(c) imposes duties on incumbent local exchange carriers (“ILECs”) that enable competitors to provide both facilities-based and resale competition. Two critical obligations in section 251(c) are the ILECs’ duties to provide (1) interconnection (Section 251(c)(2)), and (2) access to unbundled network elements (“UNEs”). Without both, competition is simply not feasible.

Two of the methods by which competitors may obtain interconnection with ILECs and access to UNEs – and, therefore, two major components of achieving the statutory objectives of Sections 251(c)(2) and 251(c)(3) – are physical and virtual collocation. In the mid-1990’s, the United States Court of Appeals for the District of Columbia Circuit (“D.C. Circuit”) found that the Act, as it then existed, did not give the Commission the requisite authority to order physical collocation of competitor’s equipment in ILEC premises. In the 1996 Act, Congress included Section 251(c)(6) to provide the Commission with the statutory authority it needed to require collocation so that Sections 251(c)(2) and 251(c)(3) could be fully implemented.

The Commission interpretation of Section 251(c)(6), to require the collocation of equipment that is “used or useful” for interconnection or access to UNEs, has been remanded to the Commission by the DC Circuit for further consideration and a better explanation. Four years of experience with physical collocation by CLECs underscore that it is a vital means of interconnection and access to UNEs if competition is to take hold. The rules of statutory construction require that the Commission give meaning to this provision of the statute consistent with the context and overall purpose of the Act. Because the strict application of the term

“necessary” to refer to only that equipment indispensable for interconnection or access to UNEs renders section 251(c)(6) all but meaningless and will not further these statutory purposes, it would be unreasonable to interpret the term narrowly in the circumstances. Instead, Section 251(c)(6) should be read to authorize physical collocation that the Commission deems required to fulfill the goals of section 251(c), including the collocation of any equipment without which the Commission concludes that the ILECs cannot satisfy their obligations under sections 251(c)(2) and (c)(3) and the pro-competitive objectives of the Act cannot be achieved.

In considering rules governing space selection, again the Commission should reaffirm its previous decisions. The requirements of Sections 251(c)(2), (c)(3), and (c)(6) combined with the opinion of the D.C. Circuit upholding the propriety of cageless collocation, require that competitors play the principal role in choosing collocation space from unused space in ILEC premises. Likewise, permitting ILECs to require separate or isolated facilities and separate entrances for collocation would not conform with the requirements and purposes of Sections 251(c)(2), (c)(3), and (c)(6) because they would discriminate against CLECs, would be unjust and unreasonable, and would thwart competition.

Cross-connections between collocators are also necessary to ensure ILECs meet their interconnection and unbundling obligations. When one collocated carrier connects to a second collocated carrier that is interconnected with the ILEC or buying UNEs, a cross-connect between the two is integrally related to such interconnection or access. When a carrier providing competitive interoffice transport collocates and connects to a second carrier that is purchasing UNEs from the ILEC, for example, the transport carrier facilitates and supports the second carrier obtaining access to interconnection and UNEs. But for the collocation of the transport carrier, the second carrier often would not find it justifiable to collocate its own equipment to

interconnect or access the ILEC's UNEs, frustrating Sections 251(c)(2) and 251(c)(3) of the Act. The Commission should also declare cross-connects to be a UNE, and require ILECs to permit the "stable manhole zero" collocation option discussed in the *Second Further Notice*.

Denial of collocation and cross-connects for competitive transport providers would have a chilling effect on carriers' abilities to provide advanced services and would conflict with the pro-competitive goals of Section 251(c)(2) and (c)(3) in another way. Providers of interoffice transport and dark fiber not only need collocation in order to connect their networks directly to the ILEC where they themselves are purchasing UNEs from the ILEC, but to connect indirectly to the ILEC when they are providing services as carriers' carriers to other CLECs. The Act's purpose is to promote competition, including advanced services competition, not to place limits on such competition. Competition for interoffice transport simply cannot adequately develop without a Commission mandate that ILECs must permit collocation by interoffice transport providers.

The Joint Commentors also urge the Commission to adopt national standards for the provisioning of collocation arrangements other than caged collocation. Specifically, the Commission should specify 60 days as the maximum provisioning interval for cageless, virtual, and collocation within remote structures. Modifications to existing collocation arrangements, such as expansion of cages, additions to cageless arrangements, and additional power outlets, should be provisioned within 30 days. Rules establishing such intervals are necessary because the ILECs have the incentive and ability to delay all forms of collocation for CLECs. In some markets, ILECs have delayed cageless collocation. The adoption of provisioning intervals for non-caged collocation arrangements will promote the ability of CLECs to compete effectively in

advanced services and other telecommunications services markets furthering the objectives of Sections 251(c)(2), (c)(3), and (c)(6).

The Joint Commentors also recommend national standards for space reservation to eliminate ILEC ability to reserve space in central offices for their own use or that of their affiliates without regard for the needs of competing carriers, and thereby create artificial space exhaustion. In establishing national standards, the Joint Commentors recommend that the Commission follow the lead of those states such as Florida, California, Texas, and Washington that have already established space reservation standards and permit properly supported reservations of space for transmission equipment only for up to 12 months and for other equipment only for up to 18 months.

In the *Fifth Further Notice of Proposed Rulemaking* ("*Fifth FNPRM*"), the Commission seeks comment on a number of issues concerning the deployment of new network architectures. As the Commission recognized in the *UNE Remand Order*, access to the unbundled subloops is one of the lynchpins of facilities-based competition. In order to promote competitive alternatives, particularly to advanced services, the Joint Commenters submit that the Commission must amend its collocation and unbundling rules, particularly in light of the recent technological developments and product innovations since the release of the *UNE Remand Order*. Specifically, in response to the *Fifth FNPRM*, the Joint Commenters urge the Commission to amend its rules as follows:

Unbundling Obligations

The Commission should amend its rules to require unbundled access to the loops consisting of optical wavelengths generated by DWDM equipment, in addition to DS1, DS3, fiber, other high capacity loops. Further, the Commission should clarify that as part of their unbundling obligations, the ILEC must provide access to all technically feasible

transmission speeds and quality of service classes, including Constant Bit Rate and Variable Bit Rate, even if the ILEC does not currently utilize these themselves.

The Commission should amend its rules governing unbundled access to loops and subloops to require ILECs to notify CLECs of any planned deployment of fiber facilities at least 12 months prior to such a rollout, and further, should require ILECs to maintain existing copper infrastructure for a 10-year transition period.

The Commission should establish a new Broadband UNE, essentially an “intra-loop enhanced extended loop,” consisting of the copper subloop and the fiber feeder subloop, with multiplexing, in light of space constraints associated with remote premises collocation.

Collocation Obligations

The Commission should amend its collocation rules to eliminate any distinction between obligations governing central office collocation and remote premises collocation by clarifying that physical collocation is available at *all* remote locations, pursuant to the same cost allocation and space allocation rules as are applicable to physical collocation in the central office.

The Commission should require that ILECs reserve, at a minimum, 50% of all available collocation space in remote premises for use by CLECs.

The Commission should clarify that virtual collocation is available at the option of CLECs, including the virtual collocation of line cards in remote terminals, and should further clarify that title of any virtually collocated equipment need not be transferred to the ILEC. In addition, rates for ILEC-provided installation, maintenance and repair must be cost-based.

The Commission should clarify that competitors have the right to cross-connect to ILEC equipment at all remote premises, including within the remote terminal, under the same terms and conditions (including cross-connections at cost-based rates) as at the central office. To the extent that cross-connections cannot be made internally, CLECs must be allowed to cross-connect from adjacent collocation arrangements.

The Commission should clarify that ILECs must provide nondiscriminatory access to OSS interfaces necessary to allow CLECs to order subloops and associated features and functions.

Further, the rules should provide CLECs with nondiscriminatory access to remote loop testing ability.

TABLE OF CONTENTS

	Page
SUMMARY	i
I. INTRODUCTION	1
II. BACKGROUND	4
A. The Commission’s Collocation Rules	4
1. The D.C. Circuit’s Decision.....	9
III. THE MEANING OF “NECESSARY”: THE COMMUNICATIONS ACT OBLIGATES ILECS TO PROVIDE COLLOCATION AS “NECESSARY” TO ACHIEVE THE PURPOSES OF SECTION 251(C)(2) AND ACCESS TO UNES UNDER SECTION 251(C)(3).....	11
A. The D.C. Circuit Decision Allows For A Broader Interpretation Of “Necessary” If Adequately Explained And Properly Related To The Statutory Purposes	11
B. The Proper Interpretation Of Section 251(C)(6) Is That ILECs Must Provide Physical Collocation Of Equipment As Needed To Further The Pro-Competitive Purposes Of The Act	14
1. Section 251(c)(6) must be interpreted in light of the statutory purposes of Sections 251(c)(2) and 251(c)(3)	14
2. Section 251(c)(6) was required in addition to Sections 251(c)(2) and 251(c)(3) to ensure the commission had the requisite authority to order collocation	17
3. The interpretation urged by the Joint Commenters is consistent with the D.C. Circuit’s instructions that some limiting standards be applied.....	20
C. Requesting Carriers Must Be Permitted To Collocate Any Equipment That They Intend To Use For Interconnection Or Access To UNES And To Utilize All Functions Related To These Operations	22
IV. THE REQUIREMENTS OF SECTIONS 251(C)(2), (C)(3) AND (C)(6), ALONG WITH THE DECISION OF THE D.C. CIRCUIT, PROVIDE THE COMMISSION WITH SUFFICIENT GUIDANCE TO DETERMINE THE MEANING OF “PHYSICAL COLLOCATION” UNDER SECTION 251(C)(6)	29
A. The D.C. Circuit’s Decision To Uphold The Commission’s Rules Requiring ILECs To Provide Cageless Physical Collocation Provides The Framework For Reaffirming The Commission’s Decisions Regarding Space Assignment, Isolated And Separated Collocation Areas, And Separate Entrances	30

TABLE OF CONTENTS
(continued)

	Page
<ul style="list-style-type: none"> B. The Statutory Requirements Of Sections 251(C)(2), (C)(3), And (C)(6) Provide The Commission With The Authority To Allow Competitors To Choose Collocation Space, Forbid Segregated Space Absent A Showing That It Is Technically Required Under Section 251(C)(6), And Prohibit The ILECs From Requiring Separate Entrances..... 	31
<ul style="list-style-type: none"> 1. The plain meaning of Section 251(c)(6) requires ILECs to allow physical collocation in unused space where there are no technical concerns 	31
<ul style="list-style-type: none"> 2. Sections 251(c)(2), (c)(3), and (c)(6) require that a CLEC be able to choose it own collocation space..... 	32
<ul style="list-style-type: none"> 3. Revising the Commission’s rules to address the court’s concerns while providing competitors with the ability to choose where to collocate their equipment..... 	37
<ul style="list-style-type: none"> C. Allowing ILECs To Limit Collocation To Separate Or Isolated Space Would Compromise Their Obligations Under Section 251..... 	39
<ul style="list-style-type: none"> D. The Commission Should Not Allow Separate Entrances 	41
<ul style="list-style-type: none"> E. The Costs Of Security For Cageles Collocation Should Be Allocated On A Competitively Neutral Basis..... 	42
<ul style="list-style-type: none"> V. CROSS CONNECTIONS BETWEEN COLLOCATORS ARE NECESSARY FOR INTERCONNECTION AND ACCESS TO UNES WITHIN THE MEANING OF SECTION 251(C)(6)..... 	43
<ul style="list-style-type: none"> A. When One Collocated Carrier Connects To Another Interconnected With The ILEC Or Buying Access To UNES, A Cross-Connect Between The Two Is Integrally Related To Such Interconnection Or Access 	43
<ul style="list-style-type: none"> 1. Cross-connections between collocated carriers are integrally related to the purposes of Sections 251(c)(2) and 251(c)(3) and the operations of interconnection and access to UNES..... 	43
<ul style="list-style-type: none"> 2. The development of a competitive transport market would further the purposes of Sections 251(c)(2) and 251(c)(3) of the Act..... 	44
<ul style="list-style-type: none"> B. The Commission Should Define Cross Connections Between Collocators To Be A UNE..... 	47
<ul style="list-style-type: none"> C. The Commission Should Modify Its Collocation Rules To Include The “Stable Manhole” In Its Definition Of “Premises”; Alternatively, The Commission Should Declare That MFN’s “Stable Manhole Zero” Proposal Is Mandated Pursuant To The Act..... 	51
<ul style="list-style-type: none"> D. At A Minimum, The Act Requires That ILECs Provide A Tariffed Cross-Connect Service To Satisfy Their Indirect Interconnection Obligations..... 	53

TABLE OF CONTENTS
(continued)

	Page
VI.	THE COMMISSION SHOULD ADOPT ADDITIONAL NATIONAL COLLOCATION STANDARDS 55
A.	The Commission’s 90-Day Provisioning Interval For Caged Physical Collocation Should Be Shortened For Cageless Collocation, Virtual Collocation, Modifications To Existing Collocation Arrangements, And Collocation Within Remote ILEC Structures 55
B.	The Commission Should Adopt National Standards for Collocation Space Reservation Similar to Those Adopted by the States..... 59
VII.	CONSISTENT WITH THE TECHNOLOGY NEUTRAL UNDERPINNINGS OF THE ACT, THE COMMISSION SHOULD CLARIFY THAT ILECS MUST PROVIDE ACCESS TO ALL UNBUNDLED LOOPS, INCLUDING LOOP ELECTRONICS AND TRANSMISSION EQUIPMENT PROVIDING DWDM OR SIMILAR MULTIPLEXING FUNCTIONALITY..... 62
A.	The Commission Should Amend its Unbundling Rules to Clarify that ILECs Must Provide Unbundled Access to All Features And Functions of the Loop Including those Features and Functions Provided by DWDM Functionality 63
B.	CLECs Must Have Access to All Features, Functions and Capabilities of Fiber Subloops, Including All Transmission Speeds and QoS Classes, Including CBR and VBR 65
VIII.	IN ORDER TO FACILITATE SUBLOOP UNBUNDLING, THE COMMISSION SHOULD MODIFY ITS RULES TO CLARIFY THE OBLIGATION OF ILECS TO PROVIDE PHYSICAL COLLOCATION AT ALL REMOTE LOCATIONS, INCLUDING REMOTE TERMINALS, CONTROLLED ENVIRONMENTAL VAULTS, HUTS AND CABINETS..... 67
A.	Recent Developments Underscore The Need For Collocation In Remote Terminals 68
B.	The Act And The Commission’s Collocation Rules Require That Access To The Subloop Be Provided On A Non-Discriminatory Basis..... 70
C.	Physical Collocation At Remote Premises Is Technically Feasible And Necessary 72
D.	Virtual Collocation At Remote Premises Should Be Available As An Option To Be Exercised At The Requesting Carrier’s – Not The ILEC’s – Discretion..... 75
E.	The Ability To Cross Connect Must Be Provided At The Remote Terminal..... 77
F.	The Commission Should Amend Its Rules To Require ILECs To Provide Nondiscriminatory Access To OSS Interfaces Necessary To Order Subloops And Ensure That CLECs Have Nondiscriminatory Access To Remote Loop Testing Functions..... 79

TABLE OF CONTENTS
(continued)

	Page
G. The Commission Should Adopt A New Broadband UNE, The Subloop Enhanced Extended Loop (“SEEL”)	83
IX. THE COMMISSION SHOULD AMEND ITS RULES TO REQUIRE ILECS TO NOTIFY COMPETING CARRIERS AT LEAST TWELVE MONTHS PRIOR TO PLANNED ROLLOUT WHERE THEY ARE DEPLOYING FIBER LOOP FACILITIES AND SHOULD BE REQUIRED TO MAINTAIN EXISTING COPPER FACILITIES IN THOSE AREAS FOR A TEN-YEAR TRANSITION PERIOD	86
X. CONCLUSION.....	91