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

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Deployment of Wireline Services Offering) CC Docket No. 98-147
Advanced Telecommunications Capability)

**OPPOSITION OF AT&T CORP.
TO PETITIONS FOR RECONSIDERATION**

Pursuant to the Commission's Public Notice, dated October 19, 2000, AT&T Corp. ("AT&T") submits this opposition to the Petitions for Reconsideration filed by Verizon, Qwest Corporation ("Qwest"), SBC Communications Inc. ("SBC"), and BellSouth Corporation and BellSouth Telecommunications, Inc. ("BellSouth") in the above-captioned proceeding.

In its recent *Collocation Order*, the Commission adopted a national default rule that incumbent LECs must provide collocation within 90 calendar days of receiving an acceptable collocation application, except where a state commission establishes different intervals. *Deployment of Wireline Services Offering Advanced Telecommunications Capability*, CC Docket No. 98-147, Order on Reconsideration, ¶ 27 (rel. Aug. 10, 2000) ("*Collocation Order*"). The petitioning local exchange carriers ("LECs") seek clarification or reconsideration of two aspects of the order. First, BellSouth, Verizon, and Qwest ask the Commission to clarify the circumstances in which the state commissions' rules would displace the FCC's national default rule, and whether LECs must amend their tariffs and Statements of Generally Available Terms and Conditions ("SGAT") while they seek to persuade state commissions to adopt other rules. Qwest requests that the Commission clarify that a state commission may override the national default rule by allowing an SGAT with longer (or different) provisioning intervals to take effect, without state commission action, as provided by § 252(f)(3). So long as the state

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commission's decision to allow the SGAT to take effect is informed by a detailed incumbent LEC submission supporting the longer intervals, as the required by the Commission's order, AT&T has no objection to the proposed clarification. However, the Commission should deny the anticompetitive requests of BellSouth and Verizon that they be relieved from demonstrating that longer intervals are appropriate and that the Commission "clarify" that *any* pre-existing state tariff or SGAT will override the default intervals – even if the intervals in question were never supported, litigated, or scrutinized and do not reflect any informed state commission judgment. As the Commission expressly recognized in its *Collocation Order*, the petitioning LECs have a complete remedy at the state level – if longer intervals can be supported, as they claim, they need only provide the support, amend an SGAT and convince the state commission that the SGAT should be allowed to take effect under § 252(f)(3). Therefore, reconsideration of the merits of the FCC's rule is both unnecessary and entirely inappropriate.

Second, Verizon and SBC seek reconsideration of the FCC's 90-calendar-day provisioning interval itself, on the grounds that the interval cannot be met either generally (Verizon) or in the case of unconditioned space or special construction (SBC). These requests should also be denied. Verizon is clearly incorrect that the 90-day interval cannot be met for "standard" collocations, and Verizon's timetable allots unreasonably long amounts of time both for selecting an outside vendor to build the cage and for building the cage. The claims of Verizon and SBC that collocations for unconditioned space and special construction take longer than 90 calendar days are similarly overblown. Such circumstances are uncommon, and any possible concern is more appropriately addressed by requiring competitive LECs to provide annual forecasting of their collocation needs (thereby providing the incumbent LEC ample "advance warning" of any conditioning or construction that will be required to meet future

requests), than by unnecessarily extending the 90-day interval and allowing the incumbents to delay further the vast majority of collocation requests that are easily provisioned within 90 days. Moreover, if any incumbent truly believes that it can support the need for longer intervals in special cases even with adequate forecasting, a complete remedy is available from the state commissions that have authority to override the default national rule.

I. THE COMMISSION’S NATIONAL RULE IS A DEFAULT RULE THAT CAN BE DISPLACED BY THE STATE COMMISSIONS.

BellSouth, Verizon, and Qwest seek clarification of the extent to which state rules can displace the national default rule. BellSouth (at 2-4) and Verizon (at 14-15) ask the Commission to clarify when incumbent LECs must seek to implement the national default rule through amendments to their tariffs and SGATs, while Qwest (at 5-7) seeks clarification as to when an SGAT will be deemed effective. The Commission should reaffirm that incumbents must amend their tariffs and SGATs to conform them to the national default rule and thereby to ensure that any state commission decision to establish longer intervals is fully informed, but should grant Qwest’s petition.

Qwest asks simply that the Commission clarify that, if a LEC amends its SGAT to include intervals that deviate from the national default rules, the SGAT becomes effective if the state fails to act within 60 days pursuant to Section 252(f)(3). *See* Qwest at 6-7. Qwest’s reading of the Act is correct. Under Section 252(f)(3), the state commission “shall” either “complete the review of such statement” or “permit such statement to take effect” within 60 days, unless the submitting carrier agrees to an extension of the period for such review. 47 U.S.C. § 252(f)(3); *see also* 47 U.S.C. § 252(f)(4) (state commission may continue to review SGAT that has been permitted to take effect after 60 days). To the extent that paragraph 36 of

the *Collocation Order* could be interpreted otherwise, AT&T does not oppose Qwest's petition for clarification.

BellSouth and Verizon, in contrast, incorrectly claim that the *Collocation Order* requires incumbent LECs to amend their tariffs and SGATs and supply information supporting longer provisioning intervals only where the state commission has not already established provisioning intervals. Although paragraph 22 of the *Collocation Order* provides that “[a] state could set its own standards by statute, through an existing or future rulemaking order, by enforcing a state tariff, or by applying a precedent of a state arbitration decision,” paragraph 36 of the *Collocation Order* makes clear that, even where an incumbent LEC offers physical collocation in a *pre-existing* state tariff or Statement of Generally Available Terms and Conditions (“SGAT”), “within 30 days after the effective date of this *Order*, the incumbent LEC must file with the state commission any amendments necessary to bring a tariff or SGAT into compliance with the national standards.” *See Collocation Order* ¶ 36.

The *Collocation Order* provides that “[a]t the time it files these amendments, [it] also must file its request, if any, that the state set intervals longer than the national standards as well as all supporting information.” *Id.* The Commission's approach is appropriate, because it requires the incumbents to justify any deviation from the national default standard in light of *current* circumstances, and even state commissions that had previously adopted provisioning interval rules can reevaluate those rules in light of current information. Moreover, the Commission's rule ensures that state commission decisions to override the national default rules are fully informed and are not simply relics of the monopoly era. Therefore, the Commission should reject BellSouth's and Verizon's “clarification” of the order.

There can be no possible prejudice to Verizon, BellSouth or any other incumbent from complying with the Commission's requirement that they support the longer provisioning intervals they ask state commissions to endorse. If the incumbents could indeed justify longer provisioning intervals (as they cannot), they would have little difficulty persuading the state commissions to adopt such intervals. The *Collocation Order* expressly contemplates that incumbent LECs are to submit any information they have that would justify longer intervals, and that the state commissions' determinations on those questions would be controlling. *Collocation Order* ¶¶ 29, 36-37. Therefore, the incumbents have a complete remedy at the state level, and the Commission need not reconsider the merits of its national default rules. Indeed, reconsideration of the requirement that incumbents file and support any request that a state commission override the FCC's well-supported 90-day provisioning interval would destroy the incentives inherent in the scheme the FCC has established in the *Collocation Order*. In particular, any ruling that an incumbent LEC could ignore the 90-day provisioning interval by reference to any pre-existing state tariff or SGAT, regardless of its genesis, would severely undermine the incumbents' and the state commissions' incentives to act quickly to establish particularized, well-supported provisioning intervals at the state level.

II. VERIZON AND SBC HAVE FAILED TO DEMONSTRATE THAT A 90-DAY DEFAULT RULE IS UNREASONABLE OR EXCESSIVELY BURDENSOME.

In all events, Verizon and SBC are incorrect that the FCC's 90-day interval is unreasonable. The Commission has found that "a maximum 90 calendar day interval will give an incumbent LEC ample time to provision most, if not all, physical collocation arrangements," *Collocation Order* ¶ 28, and neither Verizon nor SBC has offered any grounds to revisit that conclusion.

Only Verizon challenges the Commission’s rule as it applies to “standard” collocations – *i.e.*, collocations that do not involve unconditioned space or special construction. *See* Verizon at 3-5; *cf.* SBC at 1 n.1 (SBC not challenging the 90-day default rule as it applies to “standard” collocations). Verizon claims (at 2, 4) that a “standard” collocation “normally take[s] at least 76 business days to complete” – about 105 calendar days. *See also* Maguire Declaration ¶ 3. Verizon asserts (at 3) that the New York Public Service Commission has adopted this interval, and that the Commission previously found such an interval consistent with the Act in the context of its review of Verizon’s application for Section 271 authority in New York.

Verizon’s claims are baseless. Indeed, Verizon’s claims cannot be taken seriously given that installation of the cage does not even *begin* under Verizon’s schedule until Day 53. *See* Maguire Decl. ¶ 23. Verizon allots 14 business days (Day 14 to Day 28) to select a vendor to build the cage, and another 22 business days for the vendor to perform “detailed engineering” and to obtain the equipment necessary to build the cage. *See id.* ¶¶ 21-22. Verizon then adds another three days that serve no apparent purpose (Day 50 to Day 53). *See id.* ¶¶ 22-23. These intervals are excessive. The vendor is merely building a simple wire cage and running power sources to the cage. Such construction does not require “detailed” or complex engineering, and other incumbents in other regions of the country do not allot such excessive time frames for those activities. *See* Heiser Decl. ¶ 5 (under Pacific Bell’s timetable, installation starts on calendar day 45, as opposed to business day 53 under Verizon’s schedule (*i.e.*, about calendar day 73)).

Moreover, after years of real world experience, collocation installation is a relatively straightforward procedure that can be performed quickly. Indeed, such construction simply involves little more than the use of basic fencing and posts to construct a wire cage.

Although Verizon allots 21 business days to complete that construction (Day 53 to Day 74), that timetable is excessive, and other companies in other regions do not allot that much time. *See* Heiser Decl. ¶ 6 (Pacific Bell installs the cage in 15 calendar days, including site preparation).

As the Commission found in the *Collocation Order*, other state commissions have mandated provisioning intervals similar to the Commission's national default rule, including Pennsylvania (in Verizon's region), Florida, and Texas. *Collocation Order* ¶¶ 17-19; *see also* Heiser Decl. ¶ 3 (Qwest provides collocation in 90 calendar days from payment); BellSouth at 4. Although the Commission fully recognized that it selected a provisioning interval that was "somewhat tighter than those that certain state commissions have set," and that some incumbent LECs would therefore have to "improve their collocation provisioning performance," Verizon has not shown that the 90-day interval cannot be met. *See Collocation Order* ¶¶ 27-28.¹ And, Verizon remains free, of course, to attempt convince state commissions otherwise.

Both Verizon and SBC object to the Commission's 90-day default interval as it relates to requests for collocation that involve unconditioned space or special construction, but neither carrier has offered any grounds for modifying the interval. *See* Verizon at 5-6; SBC at 3-7. First, in AT&T's experience, very few of its collocation requests involve unconditioned space or new construction. Around the turn of the last decade, the incumbent LECs generally replaced their large analog switches with much smaller digital switches. Because the old analog switches consumed as much as twenty times the space as their digital replacements, this process created substantial additional floor space within the incumbents' central offices that is usable for

¹ As Verizon notes, in most of these states the provisioning interval begins running upon receipt of the CLEC's deposit of some portion of the payment, rather than from the date the collocater submits its application, as in the Commission's national default standard. Verizon at 8-9. AT&T

collocations. As a result, very few of AT&T's collocation requests have necessitated conditioning of space or special construction. *See* Heiser Decl. ¶ 7 (in Texas in 2000, AT&T has installed 39 collocations, but to AT&T's knowledge none of them involved unconditioned space).

In all events, the claims of Verizon and SBC are clearly overblown. Indeed, the Commission has already considered and rejected a longer provisioning interval for unconditioned space, and expressly concluded that longer intervals “would not generally result in competitive LECs’ receiving access to space within incumbent LEC premises within reasonable time frames.” *Collocation Order* ¶ 29. The Commission also specifically concluded that, “based on this record, . . . intervals significantly longer than 90 days generally will impede competitive LECs’ ability to compete effectively.” *Id.* Moreover, the Commission has already anticipated that “in specific circumstances a significantly longer provisioning interval may be warranted,” and incumbent LECs may justify such longer intervals by presenting “detailed information” to a state commission. *Id.*; *see also id.* ¶ 22. Given the relative rarity of unconditioned space and special construction, Verizon and SBC have not shown that the FCC should modify the generally applicable national default rule.

To the extent that unconditioned space or special construction may involve processes that could be expected to exceed 90 days, however, the Commission could modify its rule to require competitive LECs to provide annual forecasts to incumbents about their space needs. Under the *Collocation Order*, an incumbent LEC “may require a competitive LEC to forecast its physical collocation demands,” but “[a]bsent state action requiring forecasts, a

would not object to a modification of the Commission’s default rule that would start the 90-day interval on the date that the incumbent receives a collocator’s deposit.

requesting carrier's failure to submit a timely forecast will not relieve the incumbent LEC of its obligation to comply with the time limits set forth in this section." *Collocation Order* ¶ 39. Modifying this rule to require CLEC forecasting would be the best way to address whatever concerns may exist, if valid, that "non-standard" collocation requests would require lengthy processes in a significant number of cases. CLEC forecasting would allow an incumbent to assess accurately how much central office space it would need for collocations over the coming year, which would give the incumbents ample time to plan ahead and to take whatever steps are necessary (such as obtaining building permits and performing asbestos abatement) to have that space available before the CLECs submit their actual applications. *See Heiser Decl.* ¶ 8.²

Finally, AT&T does not object to SBC's request that the Commission adopt staggered intervals for cases in which a competitive LEC submits a large number of collocation applications at once. *See SBC* at 7-9; *see also Verizon* at 6. SBC's specific proposal, with cutoff points at 10, 15 and 20 simultaneous applications, is reasonable.

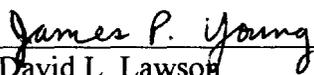
² Verizon and SBC are incorrect that collocations involving more than 50 or 60 amps of power should be treated as "non-standard." *See Verizon* at 8; *SBC* at 5-6. Providing additional power does not require any additional time, and indeed, SBC's operating companies in the Southwestern Bell Telephone Company region routinely supply up to 200 amps to collocators within a 90-day provisioning interval. *See Heiser Decl.* ¶ 9.

CONCLUSION

For the foregoing reasons, the Petitions for Reconsideration should be denied to the extent explained above.

Respectfully submitted,

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November 1, 2000

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In the Matter of)
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Deployment of Wireline Services Offering) CC Docket No. 98-147
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DECLARATION OF TERRY L. HEISER

1. My name is Terry L. Heiser. I am employed by AT&T Corp., as a Local Service Access Management Manager, in the Network Services Division. I have been with AT&T for about 19 years. My current responsibilities include the planning and management of local collocation (new and augment) requests and completions. My testimony in this declaration relates principally to the portions relating to collocation space preparation and implementation. My formal education includes: Bachelors and Masters degrees in Political Science and Public Administration, respectively.

2. The purpose of my testimony is to respond to Verizon's and SBC's claims that the FCC's 90-day national default standard is unreasonable. As explained below, incumbents can and do provide collocation within the 90-day interval. Even as to so-called "nonstandard" collocations that involve unconditioned space or special construction, incumbents should be able to meet the 90-day interval when CLECs provide forecasts of their collocation needs.

3. Verizon is the only LEC that challenges the FCC's 90-day interval as it applies to "standard" collocations – *i.e.*, collocations that do not involve unconditioned space or special construction. The Maguire Declaration, attached to Verizon's petition, states that a

“standard” collocation “normally take[s] at least 76 business days to complete,” which translates into about 105 calendar days. Maguire Declaration ¶ 3. Verizon’s timetable is excessive. An increasing number of incumbent LECs across the country commit to providing such “standard” collocations within 90 days of receipt of the collocator’s deposit. *See, e.g.*, Southwestern Bell Telephone Company Interconnector’s Collocation Service Handbook, § 2.C.1; Qwest Communications Service Interval Guide for Resale and Interconnection Services, p. 43 (caged physical collocation provided “[w]ithin Ninety (90) Calendar Days of quote acceptance and payment”).

4. Verizon’s timetable is excessive because it allots unreasonably long intervals for performing various subparts of the installation process. For example, Verizon allots 14 business days (Day 14 to Day 28) to select a vendor to build the cage, and another 22 business days (Day 28 to Day 50) for the vendor to perform “detailed engineering” in the central office and to obtain the equipment necessary to build the cage. Maguire Declaration ¶¶ 21-22. Verizon’s timetable includes another three days that serve no apparent purpose (Day 50 to Day 53). Maguire Declaration ¶¶ 22-23. Thus, under Verizon’s timetable, the vendor does not even begin to install the cage until Day 53.

5. Verizon has not explained why these tasks should require that much time. The installation of a collocation cage is not a “detailed” or complex engineering task. The vendor is building a simple wire cage and running power sources to the cage. In other regions of the country, incumbent LECs do not allot such excessive time frames for those activities. For example, under Pacific Bell’s standard timetable in California, installation of the cage begins on calendar day 45, which allots more than enough time to complete all of the tasks that Verizon

claims would take 53 business days (about 73 calendar days). Pacific Bell CLEC Handbook, § 4.16.

6. Moreover, vendors have been performing collocations for years now, and collocation installation is a relatively straightforward procedure that can be performed typically in two weeks or less. Such installation involves little more than the use of basic fencing and posts to construct a wire cage. For example, Pacific Bell does the installation in 15 calendar days, and that includes site preparation, constructing cable holes, installing security devices, and constructing cage walls. Although Verizon allots 21 business days (about 29 calendar days) to complete that construction (Day 53 to Day 74), that timetable is excessive, and other companies in other regions do not allot that much time.

7. Although both Verizon and SBC claim that the Commission's 90-day default interval as it relates to requests for collocation that involve unconditioned space or special construction is unreasonable, their claims are exaggerated. First, in AT&T's experience, very few of its collocation requests actually involve unconditioned space or new construction. Around the turn of the last decade, the incumbent LECs generally replaced their large analog equipment (facilities) with much smaller digital equipment (facilities). The old analog equipment (facilities) typically consumed as much as twenty times the space as their digital replacements. As a result, incumbents today generally have substantial amounts of floor space within their central offices that can be used for CLEC collocations. For example, in Texas in 2000, AT&T has installed 39 collocations, but as far as we are aware none of those cages involved unconditioned space.

8. To the extent that unconditioned space or special construction may require processes that may sometimes cause the provisioning interval to exceed 90 days, such concerns could be fully addressed by a requirement that competitive LECs provide annual forecasts to incumbents about their space needs. CLEC forecasting would allow an incumbent to assess accurately how much central office space it would need for collocations over the coming year. The incumbents would then have ample time to plan ahead and to take whatever steps are necessary (such as obtaining building permits and performing asbestos abatement) to have that space available before the CLECs submit their actual applications.

9. In all events, collocations that involve more than 50 or 60 amps of power should *not* be treated as “non-standard,” as both Verizon and SBC suggest. Providing additional power does not require any additional time. SBC’s operating companies in the Southwestern Bell Telephone Company region routinely supply up to 200 amps to collocators within the standard 90-day provisioning interval. *See* Southwestern Bell (Oklahoma) Telephone Company, Oklahoma Local Service Access Tariff 26.1D.3. Neither Verizon nor SBC has offered any technical reason why that cannot be offered in other regions of the country.

CC Docket No. 98-147

I declare under penalty of perjury that the foregoing is true and correct. Executed on
October 31, 2000.



Terry L. Heiser

CERTIFICATE OF SERVICE

I hereby certify that on this the 30th day of October, 2000 a true and correct copy of the foregoing Opposition of AT&T Corp. to SBC and Qwest Petitions for Conditional Waiver was mailed first class, postage pre-paid to the following:

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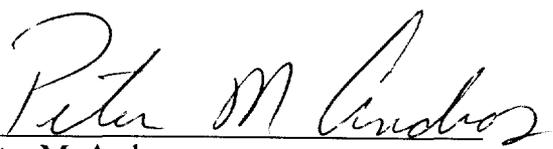
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