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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

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

**REPLY TO OPPOSITIONS TO  
VERIZON<sup>1</sup> PETITION FOR RECONSIDERATION**

In contrast to the voluminous data that Verizon placed in the record to show that the incumbent local exchange carriers cannot meet the Commission's 90 calendar day "default" interval for providing collocation, the few carriers that opposed Verizon's petition offered nothing but empty rhetoric. Their comments reveal a complete lack of appreciation for exactly what is required to respond to a collocation request, despite Verizon's detailed explanation. They also exhibited a stunning lack of concern for the burden that the Commission's rule would place on the state commissions to deal with the thousands of exemption applications that the incumbent local exchange carriers would have to file for all of the collocation applications that

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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.

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could not be processed in 90 days.

The Commission should reconsider its rule and adopt "default" intervals for collocation based on the intervals established by the state commission in New York.<sup>1</sup> Even AT&T concedes that the 90-day interval adopted by the Commission should be extended to an interval more in line with the New York requirement. The New York intervals have proven to be successful in promoting competition, and they will provide an appropriate default standard in states where the regulatory commissions have not yet addressed the issue.

**I. No Facts Have Been Presented To Show That The 90 Calendar Day Interval Is Reasonable.**

None of the oppositions provided *any* evidence that the incumbent local exchange carriers are capable of meeting a 90 calendar day provisioning interval for collocation. They simply cite the same state intervals that the Commission cited in its *Order on Reconsideration*, but do not rebut Verizon's point that *none* of those states adopted a strict 90 day interval for all types of collocation applications. *See* AT&T at 7; WorldCom at 3. Most telling, they do not point to any incumbent local exchange carrier that has actually provided collocation within 90 calendar days on a consistent basis. Nor do they offer any analysis of the work involved or how it could be

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<sup>1</sup> The Commission should not adopt the 45 business day interval that the New York State commission recently established for augments involving line sharing and line splitting. *See Proceeding on Motion of the Commission to Examine Issues Concerning the Provision of Digital Subscriber Line Services*, Case No. 00-C-0217, Opinion No. 00-12 (New York PSC, Oct. 31, 2000) at 9. Verizon intends to file a petition for reconsideration of that rule, which does not allow sufficient time for provisioning of cable facilities and splitters to collocation arrangements.

done more quickly. The record is as empty as it ever was of any evidence that the 90 calendar day interval is achievable. This alone requires reconsideration of the Commission's rule.

Only AT&T presents a specific rebuttal of Verizon's evidence that at least 76 business days (approximately 105 calendar days) is needed to provide a standard collocation arrangement that does not require space conditioning or other special construction. *See* AT&T at 6-7 & Heiser Declaration. AT&T criticizes the work schedule laid out in Verizon's petition as excessive for "building a simple wire cage and running power sources to the cage."<sup>2</sup> This shows that AT&T's entire case is based on a fundamental misunderstanding of the work activities that are necessary to provision collocation. In most cases, Verizon does not build the cage at all – that is done by the collocator. Even where Verizon does construct the cage, this is only part of the work involved in providing a collocation arrangement. Verizon's primary task is to design and condition the collocation space and provide DC power, cabling, and network infrastructure (racking and other supporting structures). *See* Maguire Declaration, ¶ 3; Carey Declaration, ¶ 6. Those facilities must be custom-designed and engineered for each collocation arrangement depending on the type of facilities ordered by the collocator, the placement in the central office, and numerous other factors. Then bids must be solicited from vendors, contracts awarded, materials ordered, and installation completed. This is nothing remotely as simple as constructing a simple wire fence.

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<sup>2</sup> Heiser Declaration, ¶ 5. AT&T also claims (at 6) that Verizon's schedule unnecessarily adds three days before construction begins. This interval is the time between the date that the equipment arrives at the vendor's warehouse and the start of installation. During this time, the vendor provides a detailed Method of Procedure to the Verizon central office group describing the work to be performed and schedules the date to begin installation. *See* Maguire Declaration, ¶ 22.

WorldCom argues (at 10) that the incumbent local exchange carriers do not face the same delay or engage in the same activities when they install equipment or expand space for themselves or their affiliates. This ignores Verizon's attestation that it performs precisely the same activities when it conditions space and constructs supporting infrastructure for its own equipment, and that this takes at least the same amount of time as for collocation, and usually more. *See* Carey Declaration, ¶¶ 7, 12. Contrary to WorldCom's allegations, Verizon studies the need for asbestos abatement prior to construction, renovation, or conditioning of space for any purpose, whether for collocation or for the company's own installations. *See id.*, ¶ 17.

Although AT&T argues strenuously for the reasonableness of the 90 calendar day interval, it concedes that this interval should run from the date that the collocator submits its deposit to the incumbent local exchange carrier. *See* AT&T at n.1. Since the Commission's rules allow 10 calendar days for the incumbent to accept the collocation application and 7 calendar days thereafter for the collocator to submit its deposit, this would bring the standard interval to 107 calendar days, which would be longer than the 76 business day (105 calendar day) interval in New York. In addition, AT&T concedes (at 8-9) that the Commission should modify its rules to require competitive local exchange carriers to provide forecasts so that the incumbent local exchange carrier would know in advance whether space would have to be conditioned for a particular request. This supports Verizon's point that collocation cannot be completed within the standard collocation interval when space must be conditioned or other special construction is required. These are telling admissions that a 90 calendar day interval is unrealistic, but that intervals such as those in New York, which provide a standard 105 calendar day interval where forecasts are provided and additional time for space conditioning, are more reasonable standards.

## II. The New York Intervals Have Promoted Competitive Entry.

WorldCom argues (at 5) that adoption of the New York intervals as a national default standard would not promote competitive entry, as there is no evidence that the open market conditions in New York exist elsewhere. This is contradicted by the simple fact that the New York intervals ensure that collocation will be provisioned in far less time than in the six to eight months that concerned the Commission in the *Order on Reconsideration* (see ¶ 20). Despite the fact that the New York intervals (like those in the other states cited in the *Order on Reconsideration*) allow additional time for space conditioning and the lack of a forecast, Verizon is currently completing collocation arrangements in New York in an average of 78.54 business days. *See* Maguire Declaration, ¶ 7. To date, Verizon has completed over 2,500 collocation arrangements in New York, and it is providing better than 95 percent on-time performance under the New York mandated intervals. Regardless of the other market-opening measures the New York Public Service Commission has adopted, it is clear that New York's collocation intervals are achieving their intended effect of promoting timely provision of collocation, and there is no reason to assume that they will not work equally well in other jurisdictions.

WorldCom does not dispute Verizon's excellent overall performance record, but complains (at 2-3) about a single collocation application in Beaverton, Oregon that has been delayed due to the lack of facilities in the central office. Delays in individual cases are inevitable. In this case, the cabling and power could not be completed by the scheduled date, because capacity in the central office's digital cross connect system and power plant was exhausted and could not be expanded until the first quarter of next year. This capacity constraint applies to any new equipment or facilities for Verizon in that central office as well as for the

collocators. In its petition, Verizon explained that "[a]s capacities of major support systems such as refrigeration chillers and electrical switchboards are exhausted, the costs and time associated with adding this capacity increase significantly . . . . Verizon has had to actually freeze all growth activity at several central offices until upgrades to support systems could be completed due to unforecasted demand, in which collocators have played a key role." Carey Declaration, ¶ 23. The central office in Beaverton is one example of this phenomenon, which is unavoidable due to the rapid expansion of demand from both collocators and Verizon's own customers.

This example points out the critical need for a forecasting requirement as a condition of meeting standard collocation intervals. With such forecasts, the incumbent local exchange carriers can better plan upgrades to building infrastructure that will benefit both the incumbents and the collocators.

### **III. The State Waiver Process Is No Panacea For An Unrealistic Provisioning Interval.**

The commenters argue that there is no need to modify the 90 calendar day interval, because the Commission's rule allows the incumbent local exchange carrier to file exemption applications with the state commissions in individual cases where it is impossible to provide collocation in that time period. *See* ALTS at 3; WorldCom at 11. This is no panacea for an unrealistic provisioning interval. As Verizon demonstrated in its petition, the average collocation interval it has been able to achieve substantially exceeds 90 calendar days. *See* Maguire Declaration, ¶ 7. For this reason, despite its best efforts, Verizon would have to file exemption requests for almost all of its collocation applications. Currently, Verizon has approximately 4,000 collocation arrangements under construction. *See* Verizon Petition at 4. It

is beyond the capacity of both Verizon and the state commissions to deal with exemption requests of this scale.

It would be counterproductive and unfair to the state commissions for the Commission to adopt rules that would result in a flood of proceedings at the state level. Clearly, what is needed is a realistic set of intervals that will require individual exemption requests only where unusual circumstances make it impossible to complete a collocation arrangement using normal procedures. An unrealistic interval, such as 90 calendar days, would benefit no one.<sup>3</sup> In contrast, the New York intervals are achievable and would not result in an undue number of exemption requests.

#### **IV. The Commission Did Not Intend To Require 50 New State Investigations Of Collocation Intervals.**

DSLnet argues (at 2-6) that the Commission should "reaffirm" that its rules require the incumbent local exchange carriers to incorporate the 90 calendar day interval in revisions to their statements of generally-available terms and conditions ("SGATs") and tariffs even in states that have already adopted different intervals. This is not an attempt at clarification – it is a request to modify the rules. The *Order on Reconsideration* makes it clear that the 90 calendar day rule is a "default" that applies only where a state has not adopted a different standard through "an existing or future" rulemaking order. *Order on Reconsideration*, ¶ 22 (emphasis supplied). In its recent order granting Verizon and other carriers waivers of the 90 calendar day rule, the common carrier

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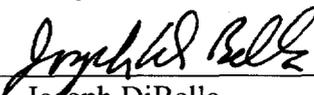
<sup>3</sup> For similar reasons, the Commission should reject the argument that the 90 day rule is not a burden because the state commissions are free to adopt different intervals. *See, e.g.*, AT&T at 3. Until a state commission could complete such proceedings to establish a different interval, which could take many months, the 90 day rule would apply and exemption applications would have to be litigated for almost every collocation request.

bureau specifically rejected DSLnet's argument that the incumbent local exchange carriers are required to file SGAT and tariff amendments in all 50 states, regardless of whether a state has already established a different interval. *See Deployment of Wireline Services Offering Advanced Telecommunications Capability*, CC Docket No. 98-147, Memorandum Opinion and Order, DA 00-2528 (rel. Nov. 7, 2000), ¶ 4. The bureau made it clear that "an incumbent LEC need not file SGAT or tariff amendments pursuant to the *Collocation Reconsideration Order* in states that have affirmatively established such standards on either an interim or permanent basis." Of course, any party can ask a state to reconsider its previous decisions, but the Commission did not intend to force every state to address this issue a second time. It only sought to fill the void where a state had not acted. *See Order on Reconsideration*, ¶ 23. DSLnet's erroneous interpretation of the order should be rejected.

## V. Conclusion

The Commission should reconsider its 90 calendar day rule on collocation provisioning and adopt the New York intervals as the national guideline for physical collocation provisioning.

Respectfully submitted,

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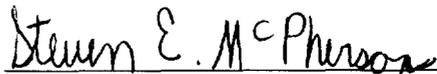
THE VERIZON TELEPHONE COMPANIES

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

CERTIFICATE OF SERVICE

I hereby certify that on this 13<sup>th</sup> day of November, 2000, copies of the foregoing "Reply to Oppositions to Verizon Petition for Reconsideration" were sent by first class mail, postage prepaid, to the parties on the attached list.

  
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\* Via hand delivery.

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