



401 9th Street, Northwest, Suite 400  
Washington, DC 20004

May 29, 2001

Magalie Roman Salas  
Secretary  
Federal Communications Commission  
TW-A325  
445 12<sup>th</sup> St., SW  
Washington, D.C. 20554

Re: EX PARTE PRESENTATION  
CC Docket No. 98-147 and 96-98

Dear Ms. Salas:

Today, Leon Kestenbaum, Dick Juhnke and I, on behalf of Sprint Corp., met with Sarah Whitesell of Commissioner Tristani's office to discuss the collocation issues that are pending before the Commission on remand. Sprint's presentation is summarized in the attached outline, which was distributed at the meeting.

This letter is being filed electronically in both of the above-referenced dockets.

Sincerely,

A handwritten signature in black ink that reads "Norina Moy".

Norina Moy  
Director, Federal Regulatory  
Policy and Coordination

Attachment

cc: S. Whitesell

## SPRINT'S POSITION ON COLLOCATION REMAND ISSUES

### EQUIPMENT

- CLECs need regulatory certainty to develop and execute sound business plans.
- Sprint advocates a pragmatic approach: Establish a "safe harbor" list and expedited dispute resolution procedures.
- It is easier to decide difficult issues only when they arise, and in a concrete context, than through an *a priori* definition.
- Sprint CLEC has not encountered resistance to equipment on its proposed safe harbor list (10/12/00 Comments at 8-9).
- Dispute resolution procedures should place the burden of persuasion on the appropriate party, protect the interests of non-litigants, and ensure prompt decisions and a direct path to judicial review.

### CROSS-CONNECTS BETWEEN COLLOCATED CARRIERS

- Cross-connects between carriers collocated in ILEC COs are essential to the development of facilities-based alternatives to ILEC transport.
- The legality of CLEC-provided cross-connects was not squarely at issue in *GTE v. FCC*.
- ILECs hadn't objected in comments leading to First R&O.
- When confronted in court with an exhaustion argument, the ILECs replied that they raised this issue only for "emblematic" and "illustrative" purposes.
- The legality of requiring *ILEC-provided* cross-connects was totally absent from *GTE*.
- ILEC-provided cross-connects were required in the *Local Competition Order*, and this requirement was not challenged by the ILECs on appeal.
- Sprint ILEC does not believe CLEC-provided cross-connects are intrusive.
- But if the FCC believes it cannot adequately justify CLEC-provided cross-connects, it should simply restore the *status quo ante* and reinstate the prior rule (51.323(h)) requiring ILECs to supply cross-connects.

### SPACE ASSIGNMENT POLICIES

- RBOC space assignment policies are having a negative impact on Sprint's ability to offer competitive and innovative broadband services.
- *GTE* merely held that the FCC had offered "no good reason" and "no good explanation" for its space assignment policies. Reasonable restrictions on ILECs *can* be justified and should be imposed.
  - ILEC choice of space cannot impose additional costs on CLEC.
  - ILEC choice of space cannot impair quality of service CLEC wishes to offer.
  - ILEC choice of space cannot reduce total space reserved for collocation.
  - Cost of physically separating ILEC space from CLEC space should be borne by ILECs.
- In *GTE*, this issue was briefed solely in the context of CO collocation.

- In the vast majority of remote terminals, space is so constrained that it is impossible to separate physically ILEC and CLEC equipment.
- Thus, where space for collocation does exist in RTs, ILECs should not be allowed to require physical separation (but should be allowed to impose reasonable security measures).

#### **CLOSELY RELATED ISSUES THAT MERIT TOP PRIORITY**

- CLECs need detailed technical information (10/12/00 Comments at 22-23), in advance of the pre-ordering process, to determine whether and where to collocate.
- The FCC should establish reasonable provisioning intervals for collocation, including intervals for augments and for providing interconnection trunks to the cage (10/12/00 Comments at 28-30).