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June 15, 2001

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JUN 15 2001
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Ms. Magalie Roman Salas, Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Room TW-A325
Washington, D.C. 20554

Re: Verizon Telephone Companies Revisions to Tariff F.C.C. No. 1, Transmittal Letter No. 45

Deployment of Wireline Services Offering Advanced Telecommunications Capability, CC Docket No. 98-147

Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, CC Docket No. 96-98

Investigation of Bell Atlantic's New Expanded Interconnection Offerings, CC Docket No. 96-165

Dear Ms. Salas:

On June 1, 2001, the Verizon Telephone Companies ("Verizon") filed a revision to their Tariff F.C.C. No. 1 (Transmittal Letter No. 45) ("Transmittal"), which, among other things, proposes to introduce an offering for collocation of microwave transmission equipment in Verizon's "Southern" (Bell Atlantic-South) region. The Transmittal was suspended yesterday pending investigation.[1] Teligent, Inc. ("Teligent") writes to you not to oppose the Transmittal, but to express concern regarding potential misconceptions that might develop as a result of the Federal Communications Commission ("Commission") allowing the tariff changes to go into effect.

Teligent, as well as other carriers, uses microwave transmission facilities for various transport and loop functions in its local network. To this end, Teligent is greatly interested in utilizing its wireless network to the greatest extent possible in interconnecting to incumbent local exchange carriers ("LECs"). In particular, Teligent desires to locate Teligent-owned wireless antennae on the roof of incumbent LEC central offices and to connect such antennae, through any necessary intervening equipment, directly to the incumbent LECs' switches. The Commission concluded in the Local Competition Order that Section 251(c)(6) of the Communications Act of 1934 encompasses just such "microwave collocation."[2]

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[1] See DA 01-1417 (released June 14, 2001).

[2] 47 U.S.C. § 251(c)(6); Implementation of the Local Competition Provisions in the Telecommunications Act of 1996, First Report and Order, CC Docket No. 96-98, 11 FCC Rcd 15499. 15796 (¶ 582) ("Local Competition Order").

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Verizon's transmittal concerns tariffed interconnection for interstate purposes. Because competitive LECs ("CLECs") have the right to interconnect through interconnection agreements pursuant to Sections 251/252 of the Act as well as through state tariffs,[3] Teligent is not concerned about Verizon's Transmittal, *per se*, and therefore chose not to expend resources formally opposing the Transmittal (and will most likely not do so as part of the upcoming investigation).

Nevertheless, Teligent did not want the Commission to take Teligent's silence to date on the Transmittal governing microwave collocation for interstate services as consent to or agreement with Verizon's microwave collocation terms, conditions, and rates as applied to interconnection for the purpose of the exchange of local traffic. In fact, if Verizon's Transmittal constituted a proposed set of proposed rates, terms, and conditions for microwave collocation for local service interconnection, Teligent believes that such a proposal violates applicable law in many respects. By way of example, Teligent draws your attention to the following sections/provisions:

- Location of Antenna. Section 19.10.4(B)(14) of Verizon's tariff, as revised by the Transmittal, states that Verizon "may require the Collocator's transmitter/receiver equipment to be installed in a locked metal cabinet." Such a requirement would arbitrarily completely prohibit interconnection of line-of-site-based equipment, which would discriminate against certain Commission wireless licensees in favor of others providing similar services and CLECs interconnected entirely through wireline facilities.

- Space Reservation. Section 19.10.4(B)(19) states that Verizon "reserves to itself, its successors and assigns, the right to utilize space within or on the exterior of its serving wire center(s) in such a manner that will best enable it to fulfill its own service requirements." Section 19.10.4(G)(1) states that, in determining the availability of space and safety considerations for Verizon's serving wire center, Verizon "will consider, and give preference to, its present and foreseeable needs for such spaces . . ." (emphasis added). Verizon's policy of prioritizing its own future needs is in direct conflict with Section 51.323(f)(4) of the Commission's rules, which states that an incumbent LEC "may not reserve space for future use on terms more favorable than those that apply to other telecommunications carriers seeking to reserve collocation space for their own future use."[4]

- Ambiguous Rates. Section 19.10.4(B)(12)(e) states that Verizon "may assess the Collocator's Microwave Collocation monthly recurring charges for use of its roof space as set forth in (J) following." Section 19.10.4(J), in turn, merely lists five rate elements with section references for the exact rates (not counting the per-hour labor rate element). Those section references are all contained in Section 19.7.4.[5]

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[3] See, e.g., NYPSC No. 914, Section 5.3.

[4] 47 C.F.R. § 51.323(f)(4).

[5] For your convenience, Teligent encloses the proposed tariff sheet containing Section 19.10.4(J) and the previously filed (and effective) tariff sheet containing Section 19.7.4.

Only three of those rate elements are assessed on a monthly recurring basis: "Cable Support Structure" (per cable), "DC Power" (per load amp on each feed), and "Network Cable Rack" (per service). While Teligent would be very satisfied if those fees comprised the entirety of its recurring microwave collocation fees, it suspects that this would not, in fact, be the case. To this extent, Verizon's Transmittal, if viewed as a local interconnection proposal, would be legally deficient. In addition, Teligent cannot ascertain whether the $1.31 monthly recurring charge for "Network Cable Rack" (per service) would also apply to the rooftop space for the micrwave antenna structure or also for the inside rack space.

The same arguments are applicable to Verizon's non-recurring charges. If Verizon were to be taken at its word regarding the implication of the Transmittal that the only non-recurring charges it would assess for microwave collocation would be those for "Design and Planning," "Cable Installation," and "Labor,"[6] Verizon would be prohibited from charging, for example, the non-recurring "Space and Facility Charge" listed in Section 19.7.4(J) ($47,686.20 for the first 100 square feet). There is no evidence that 100 feet is a pertinent measurement with respect to rooftop collocators. In addition, it would be far greater than the permitted minimum space requirements of Section 51.323(k)(2) of the Commissions rules, which requires incumbent LECs to make cageless collocation available in increments as small as "a single rack or bay."[7] In addition, forcing CLECs collocating microwave to purchase space in initial $47,686 100-square-foot blocks is clearly anticompetitive.

These concerns are not necessarily comprehensive, but merely illustrate the types of issues that would need to be considered in the context of a local interconnection proposal. As discussed above, it is Teligent's desire that the Commission recognize that the substance of the Transmittal would not be consistent with applicable law and Commission regulations in the context of local interconnection.

Please do not hesitate to contact me at (703) 288-5715 if you have any questions regarding this matter.

Sincerely,

Edward B. Krachmer
Associate General Counsel

cc: Dorothy T. Attwood, Jane E. Jackson, Michelle M. Carey, Judith A. Nitsche, Eugene N. Gold, Kenneth W. Rust (Verizon)

Enclosures

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[6] See Sections 19.10.4(J) and 19.7.4.

[7] 47 C.F.R. § 51.323(k)(2).

ACCESS SERVICE

19. Collocated Interconnection Service (Cont'd)

19.10 Collocated Interconnection Service Alternatives (Cont'd)

19.10.4 Microwave Collocation (Cont'd)

(J) Rates and Charges (N)

	Section Reference
(1) Physical Collocation	
(a) Design and Planning Fees	19.7.4(A)
(b) Cable Installation	19.7.4(B)
(c) Cable Support Structure	19.7.4(C)
(d) DC Power	19.7.4(D)
(e) Space and Facility Charge	19.7.4(I)
(2) Security, Escort, and Additional Labor Charges	
(a) Labor Rates	19.7.7(1)

(N)

(This page filed under Transmittal No. 45)

ACCESS SERVICE

19. Collocated Interconnection Service (Cont'd)

19.7 Rates and Charges (Cont'd)	USOC	Monthly	Nonrecurring Charge	
19.7.4 Physical				
(A) Design and Planning Fees				
Single Entrance	NRBPL		$ 3,530.00	
Dual Entrance	NRBPM		4,256.00	
Site Augmentation	NRBPN		1,506.00	
(B) Cable Installation	SP1BP			
Per cable			647.80	
(C) Cable Support Structure	SP1BP			
Per cable		$132.77		
(D) DC Power	SP1PA			(S)
- per load amp on each feed		20.23(S)		(S)
(E) AC Outlet (See Note 1)	NRBC3		408.00	
(F) Overhead Lighting Construction (See Note 1)	NRBKL			
- per Initial Fixture			904.00	
- each additional fixture			112.00	
(G) Cage Construction (See Note 2)				
- Standard 100 Square Foot	NRBCN		5,300.00	
- Standard 200 Square Foot	NRBCO		7,300.00	
- Standard 300 Square Foot	NRBCP		9,750.00	
- Standard 400 Square Foot	NRBCQ		11,980.00	
- Non-Standard 100 Square Foot	NRBB6		7,200.00	
- Non-Standard 200 Square Foot	NRBB7		10,800.00	
- Non-Standard 300 Square Foot	NRBB8		14,700.00	
- Non-Standard 400 Square Foot	NRBB9		18,500.00	
(H) Room Construction (See Note 3)				
- per central office				
(I) Network Cable Rack				
- per service	SP1RK	1.31		
(J) Space and Facility Charge				
- per first 100 sq. ft.			47,686.20	
- Per add'l sq. ft.			238.43	

(S) Reissued material filed under Transmittal No. 1373 and scheduled to become effective April 26, 2001.

Note 1: Not available to new Collocators after May 18, 1999.
Note 2: Not available to new Collocators after October 28, 1998.
Note 3: Not available to new Collocators after May 18, 1999. Charge is based on an estimated construction charge applied on a time and material basis per central office location.