

ORIGINAL
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February 9, 1998

Mrs. Blanca S. Bayo
Director, Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399

RE: Docket Nos. 960833-TP/960846-TP/960757-TP (Cost Dockets)

Dear Ms. Bayo:

Enclosed is an original and fifteen copies of BellSouth Telecommunications Inc.'s Notice and Request for Approval of Interpretation of Order No. PSC-96-1579-FOF-TL, which we ask that you file in the captioned matter.

A copy of this letter is enclosed. Please mark it to indicate that the original was filed and return the copy to me. Copies have been served on the parties shown on the attached Certificate of Service.

Sincerely,

Nancy B. White (ke)

Nancy B. White

ACK _____
AFA 1 _____
APP _____
CAE _____
CMUC *S. L. Lombardo* _____
CTR _____
EAG _____
LEG 2 _____
LIN 5 _____
OPC _____
RCH _____
SEC 1 _____
WAS _____
OTH _____

Enclosures

cc: All Parties of Record
A. M. Lombardo
R. G. Beatty
W. J. Ellenberg

DOCUMENT NUMBER-DATE
02049 FEB-98
FPCD-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petitions by AT&T
Communications of the Southern
States, Inc., and MCI
Telecommunications Corporation,
MCI Metro Access Transmission
Services, Inc., for arbitration
of certain terms and conditions
of a proposed agreement with
BellSouth Telecommunications,
Inc. concerning interconnection
and resale under the
Telecommunications Act of 1996

In the matter of

MFS Communications Company, Inc.

Petition for Arbitration Pursuant
to 47 U.S.C. § 252(b) of
Interconnection Rates, Terms, and
Conditions with

BellSouth Telecommunications, Inc.

) Docket No. 960833-TP

ORIGINAL

) Docket No. 960846-TP

) Docket No. 960757-TP

) Filed: February 9, 1998

**NOTICE AND REQUEST FOR APPROVAL OF
BELLSOUTH TELECOMMUNICATIONS, INC.'S INTERPRETATION OF
ORDER NO. PSC-96-1579-FOF-TL**

Now comes BellSouth Telecommunications, Inc. ("BellSouth"), pursuant to Order No. PSC-96-1579-FOF-TL ("Order"), and requests approval of BellSouth's interpretation of that part of the Order concerning the maximum time period for the establishment of physical collocation of three months, as well as to provide notice of the physical collocations that have been completed in Florida, the physical collocations in progress, and the number of pending applications. In support thereof, BellSouth states the following:

1. On December 31, 1996, the Florida Public Service Commission ("Commission") issued the Order in the above captioned docket. The

ORDER-DATE
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02049 FEB-98
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Commission held, among other things, that the maximum time frame for the establishment of physical collocation was three months for ordinary conditions.

2. On November 19, 1997, the Commission issued Order No. PSC-97-1459-FOF-TL, wherein the Commission found that BellSouth had not demonstrated why BellSouth could not meet the timeframes set by the Commission in Order No. PSC-96-1579-FOF-TP.

3. With regard to the maximum time frame of three months, BellSouth seeks approval from the Commission on BellSouth's interpretation of two important terms so that BellSouth can make every effort to comply with the Commission's Order. First, BellSouth seeks approval of the triggers for the beginning and end times of the three months. Second, BellSouth seeks approval as to the meaning of "ordinary conditions." BellSouth will set forth herein its interpretation of these terms. With regard to the notification requirement, BellSouth will herein advise the Commission of BellSouth's progress on implementing physical collocations pursuant to BellSouth's interpretation of the Order.

4. First, BellSouth interprets the trigger for the three month interval to begin with the receipt by BellSouth of a complete and accurate Firm Order for physical collocation submitted by the ALEC. This would mean that the ALEC has completed the Application/Inquiry process, and that BellSouth has received from the collocator a complete and accurate firm order document (including fees), with all information needed to complete construction design and equipment design work. In other words, the trigger for the three month interval to begin should not be when an Application/Inquiry is received, but when the

collocator has actually made the decision to collocate and provided the appropriate Firm Order information (including fees) to BellSouth that will be needed by BellSouth to move the project forward.

5. The three month interval would stop with the date on which the building permit is applied for and resume when the building permit is received. The time required to receive a permit is out of BellSouth's control and therefore, should not be included in the three month interval. The permitting process in Florida can take from five days to five months. It is illegal for construction to begin prior to receiving a permit. BellSouth follows the same permit application process for collocation projects as for its own internal projects. There are particular permitting problems in South Florida. Since Hurricane Andrew, the time to receive an approved permit in South Florida has lengthened considerably. Stricter building standards were instituted because the hurricane damage was attributed largely to the lack of proper plan review and building code enforcement. There is no typical permit processing time because every project is unique and each building permit office has its own requirements. Thus, BellSouth believes the permitting process should not be counted as part of the three month interval.

6. The end of the three month interval should be triggered when all construction work for the collocation space is completed, BellSouth has received a Certificate of Occupancy, the BellSouth equipment installation is complete, and BellSouth has notified the collocator, in writing, that the collocation space is available for equipment installation. This is also known as "infrastructure ready." It should be noted that, at times, the municipal building inspectors delay issuing

the Certificate of Occupancy until BellSouth agrees to conditions that are not directly related to the physical collocation work, such as a sidewalk replacement. BellSouth has no control over such circumstances. If, for reasons outside of BellSouth's control, the inspector delays issuing the Certificate of Occupancy, such occurrence would make the situation "extraordinary" (e.g. requiring work unrelated to the collocation work before the certificate will be released).

7. The above interpretation should apply in all cases where ordinary conditions are present. This brings us to the second term, i.e., the meaning of the term of "ordinary conditions." BellSouth defines ordinary conditions as those where space is available and only minor changes are required to the network or building infrastructure. BellSouth's timeline for provisioning physical collocation under ordinary conditions is attached hereto as Exhibit "A".

8. BellSouth interprets the Commission's Order as holding that the three month interval should not apply to extraordinary conditions. When these conditions are present, BellSouth would negotiate with the collocator for an appropriate and acceptable time interval. BellSouth defines extraordinary conditions as those involving the following non-exclusive situations: power plant addition or upgrade; major mechanical addition or upgrade; major upgrade for ADA compliance; mainframe addition; or extensive environmental abatement. Situations involving these conditions are extraordinary and, therefore, should not fall under the three month rule. Instead, the time interval should be negotiated between BellSouth and ALEC. BellSouth interprets that the requirement to notify the Commission if BellSouth cannot meet the three month time frame would not

apply when extraordinary conditions exist, provided BellSouth and the requesting ALEC have negotiated acceptable time frames.

9. Attached hereto as Exhibit "B" is a chart of the physical collocations that have been completed in Florida, the physical collocation projects that are in progress (a complete and accurate firm order having been received), and the pertinent dates for these projects under BellSouth's interpretations as set forth herein.

WHEREFORE, BellSouth requests the Commission to accept BellSouth's interpretations as set forth herein of the requirements of Order No. PSC-96-1579-FOF-TP.

Respectfully submitted this 9th day of February, 1998.

BELLSOUTH TELECOMMUNICATIONS, INC.

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ROBERT G. BEATTY

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c/o Nancy Sims

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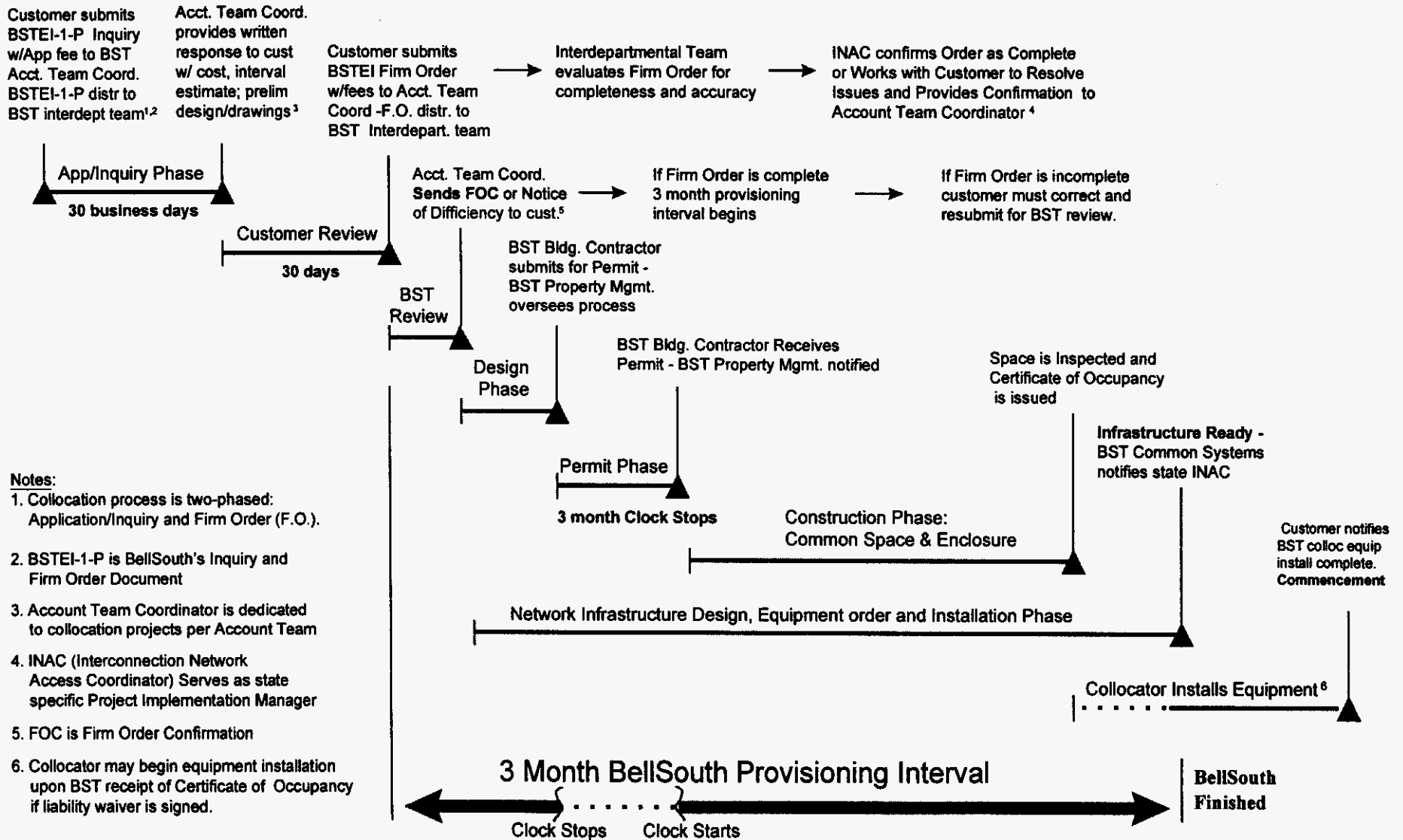
Atlanta, Georgia 30375

(404) 335-0711

Collocation Provisioning Process Interval & Outputs



Process assumes ordinary conditions



Notes:

1. Collocation process is two-phased: Application/Inquiry and Firm Order (F.O.).
2. BSTEI-1-P is BellSouth's Inquiry and Firm Order Document
3. Account Team Coordinator is dedicated to collocation projects per Account Team
4. INAC (Interconnection Network Access Coordinator) Serves as state specific Project Implementation Manager
5. FOC is Firm Order Confirmation
6. Collocator may begin equipment installation upon BST receipt of Certificate of Occupancy if liability waiver is signed.

Exhibit A

Florida Physical Collocation Performance

BellSouth definition of 90 day collocation interval: Receipt of a complete and accurate firm order to infrastructure ready (excluding the permitting interval).

Complete Physical Collocations

<u>Site</u>	<u>Days from receipt of Complete and Accurate Firm Order to Infrastructure Ready (excluding permit)</u>	<u>Days from permit application to Permit Receipt</u>
Company A - Miami - GRN	73	46
Company B - W.HLWD - WH	68	62
Company C - Orlando - MA	49	21
Company D - Orlando - PH	68	Permit not required; minor modifications only
Company E - Orlando - MA	84	21
Company F - Orlando - MA	100 ¹	21
Company G - Orlando - MA	30	21
Company H - Orlando - AP	114 ²	36

Physical Collocation in Progress

Company I - Ft. Lauderdale - MR - complete and accurate firm order received September 4, 1997. Days from permit application to permit receipt - 99.

Physical Collocation Applications

There are 36 applications for physical collocation in Florida that have not yet progressed to a complete and accurate firm order stage.

¹ Customer agreed to extended infrastructure interval at the initial coordination meeting held on or about day 4. Customer was notified space ready for occupancy on day 38 with work pending on network infrastructure due to equipment vendor back order. Infrastructure completed on negotiated date at 100 days. Customer did not accept space to begin their equipment installation until 149 days.

² Customer agreed to extend infrastructure interval at the initial coordination meeting held on or about day 5. Customer accepted space on day 34 (excluding permit interval) with work pending on network infrastructure due to equipment vendor back order. Infrastructure completed on committed date at 114 days.

CERTIFICATE OF SERVICE
DOCKET NOS. 960833-TP, 960846-TP and 960757-TP

I HEREBY CERTIFY that a true and correct copy of the foregoing was served by

Federal Express this 9th day of February, 1998 to the following:

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Agreement

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