BEFORE THE

FLORIDA PUBLIC SERVICE COMMISSION 2 In the Matter of DOCKET NO. 980946-TL 3 Petition for temporary waiver : of physical collocation 4 requirements set forth in the : 5 1996 Telecommunications Act and: the FCC's first report and : order, for the Daytona Beach : 6 Port Orange central office, by : BellSouth Telecommunications, : 8 Petition for waiver of physical: DOCKET NO. 98094 collocation requirements set : 9 forth in the Telecommunications: Act of 1996 and the FCC's first: 10 report and order, for the Boca : 11 Raton Boca Teeca central : office, by BellSouth Telecommunications, Inc. : 12 ______ Petition for waiver of physical: DOCKET NO. 980 948-TL 13 collocation requirements set : forth in the 1996 Telecommunications Act and the : 15 FCC's first report and order, : for the Miami Palmetto central : office, by BellSouth 16 Telecommunications, Inc. 17 Petition for waiver of physical: DOCKET NO. 981011-TL collocation requirements set : 18 forth in the Telecommunications: Act of 1996 and the FCC's first: 19 report and order, for the West : 2.0 Palm Beach Gardens central : office, by BellSouth Telecommunications, Inc. 21 ______ Petition for waiver of physical: DOCKET NO. 981012-TL 22 collocation requirements set : forth in the Telecommunications: 23 Act of 1996 and the FCC's first: report and order, for the North: 24 Dade Golden Glades central : 25 office, by BellSouth Telecommunications, Inc.

1 2 3 4 5	Petition for temporary waiver : DOCKET NO. 981250-TL of physical collocation : requirements set forth in the : 1996 Telecommunications Act and: the FCC's first report and : order, for the Lake Mary main : central office, by BellSouth : Telecommunications, Inc. :		
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8	PROCEEDINGS:	STATUS CONFERENCE	
9	THE CHIPTINGS.	SIAIUS CONFERENCE	
10	BEFORE:	COMMISSIONER SUSAN F. CLARK	
11		Prehearing Officer	
12	DATE:	Monday, July 26, 1999	
13	TIME: *	Commenced at 1:30 p.m.	
14 15 16	PLACE:	Concluded at 1:50 p.m. Betty Easley Conference Center Room 152 4075 Esplanade Way Tallahassee, Florida	
17	REPORTED BY:		
18		KIMBERLY K. BERENS, CSR, RPR FPSC Commission Reporter	
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		DOCUMENT NUMBER - DATE	

APPEARANCES:

CHARLES REHWINKEL and MONICA BARONE, Sprint
Communications Company Limited Partnership, 3100
Cumberland Circle, Atlanta, Georgia 30339, appearing
on behalf of Sprint Communications Company Limited
Partnership.

NANCY B. WHITE, BellSouth

Telecommunications, Inc., c/o Nancy Sims, 150 South

Monroe Street, Suite 400, Tallahassee, Florida 32301,

appearing on behalf of BellSouth Telecommunications,

Inc.

RICHARD D. MELSON, Hopping Green Sams and Smith, Post Office Box 6526, Tallahassee, Florida 32314, appearing on behalf of ACI Corporation.

CHARLES J. PELLEGRINI, Wiggins & Villacorta,
P. A., Post Office Drawer 1657, 2145 Delta Boulevard,
Tallahassee, Florida 32302, appearing on behalf of
Intermedia Communications.

KENNETH A. HOFFMAN, Rutledge, Ecenia,
Underwood, Purnell and Hoffman, P. O. Box 551, 215
South Monroe Street, Suite 420, Tallahassee, Florida
32302-0551, appearing on behalf of Teleport
Communications Group, Inc. and TCG South Florida.

DAVID V. DIMLICH, 2620 S. W. 27th Avenue, Miami, Florida, appearing on behalf of Supra

Telecommunications and Information Systems, Inc. FLOYD R. SELF, Messer, Caparello & Self 215 South Monroe Street, Post Office Box 1876, Tallahassee, Florida 32302-1876, and STEVEN GOROSH, 222 Sutler Street, 7th Floor, San Francisco, California 94108, appearing on behalf of MCI WorldCom, б Inc. BETH KEATING and WILLIAM COX, FPSC Division of Legal Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, appearing on behalf of the Commission Staff.

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PROCEEDINGS

(Hearing convened at 1:30 p.m.)

COMMISSIONER CLARK: We'll call this, I guess it is a status conference, to order. Would you please read the Notice.

MS. KEATING: By Notice issued June 18, 1999, this time and place have been set for a status conference in BellSouth's collocation waiver dockets. The purpose is as set forth in the Notice.

COMMISSIONER CLARK: We'll take appearances.

MS. WHITE: Nancy White, BellSouth
Telecommunications.

MR. MELSON: Rick Melson, ACI Corp.

MR. SELF: Floyd Self representing MCI
WorldCom. I'd also like to enter an appearance for
Norman Horton who's representing NorthPoint
Communications and e.spire.

MR. REHWINKEL: Charles Rehwinkel on behalf of Sprint. I'd also like to enter an appearance for Susan Masterton.

MR. HOFFMAN: Kenneth Hoffman on behalf of Teleport Communications Group and TCG South Florida and I would also enter an appearance by John Ellis on behalf of the same two companies.

MR. PELLEGRINI: Charles Pellegrini on

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1	behalf of Intermedia Communications and Covad		
2	Communications. I'd like to enter an appearance for		
3	Scott Sapersteen (ph.), Intermedia Communications, and		
4	Christopher Goodpastor, Covad Communications.		
5	MR. DIMLICH: David Dimlich on behalf of		
6	Supra Telecommunications and Information Systems.		
7	MS. KEATING: Beth Keating and Will Cox for		
8	Commission Staff.		
9	COMMISSIONER CLARK: Okay. Thank you. I		
10	understand that we're here for BellSouth to give us a		
11	report on its reassessment and find out where we go		
12	from here.		
13	MS. WHITE: Yes, ma'am.		
14	COMMISSIONER CLARK: All right. Ms. White.		
15	MS. WHITE: BellSouth appreciates the		
16	parties' and the Commission's patience on this matter.		
17	We have completed our reassessment, and under the		
18	rules of the latest FCC Order No. 99-48 concerning		
19	collocation, BellSouth is able to accommodate those		
20	ALECs who were denied physical collocation prior to		
21	BellSouth's motion for continuance in these dockets.		
22	We have assigned this space in an efficient		
23	and reasonable manner. We make an offer of space in		

One is, there is -- we have sent to the

those offices today contingent upon three issues.

ALECs a new collocation attachment that incorporates the FCC's order -- the findings of the FCC's order, and we would ask that the parties, if they're going to move forward with collocation in these offices, either sign the agreement or get with our negotiators to finish negotiating out that agreement, and to place a firm order for physical collocation in these offices. And we would ask that that would be done within 60 days from today's date.

There are also situations in some of these offices where, in order to make space, we have had to relocate some of our maintenance positions. There is a cost associated with that. I believe this could be done as part of the negotiation of the collocation attachment, but we would expect that we would prorate that cost among the ALECs who are able to obtain physical collocation in these offices.

We have brought color coded floor plans of these offices with us today and we're in a position to slow the ALECs our estimate of where they will be located in each office. Our placement is based on the latest information we have received from the ALECs.

It is subject to change, depending on if the space needs of the ALECs change between what they sent us and what they end up actually putting in.

Let's see. What else. We have determined that two of the central offices, Lake Mary and Boca Teeca, will be totally exhausted after the placement of these ALECs. The other offices may have a few bays left, but we continue to receive applications for physical collocation in these offices and it may be that, while we may be able to pull those petitions for waiver down, we may have to refile them very shortly. And we can also talk about whether we want to pull Lake Mary and Boca Teeca petitions down and refile them so that it's a clean filing under the new order and doesn't have the baggage of the old docket.

Just for information sake, I will go through each of the offices and just tell you what our estimate of the cost to do these relocations that we have to do and the number of applicants that we have that have not yet been considered because they're brand new applications for space.

COMMISSIONER CLARK: Hang on just a minute. Why do I care at this point?

MS. WHITE: Well, you may not. You may want to take a break and I just wanted to -- if we need to get that part on the record so everybody can hear it. It shouldn't take but a couple more minutes.

West Palm Beach Gardens, we have three new

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applicants that have not been considered in this floor plan. To accommodate the ALECs that we have on the floor plan, it's estimated to cost between \$80,000 and \$100,000. We have a building addition for that office that's scheduled to complete year end 2000.

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Lake Mary, once we place these ALECs in it will be exhausted for physical collocation. We have a building addition planned year end 2000.

Port Orange, there's a -- the consolidation we will have to do in that office is estimated to cost around \$60,000. We have no new applicants on the -- for that office. We will have a few bays left after these ALECs fill it and the building addition is planned for June of 2001.

Boca Teeca, we will have no space left after the -- these applications are filled, the current applications are filled.

Palmetto central office, we have six new applications in the pipeline. We estimate that it will take approximately \$100,000 to consolidate some of the things we have to do in order to make room for the people we can make room for, and we look for building addition to be completed year end 2001.

And last, Golden Glades, we have one application in the pipeline. It will cost us between

\$45,000 and \$50,000 for accommodation of the ALECs that we have been able to fit in now and we're hoping for a building addition to be completed year end 2000.

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And if you'd like to take a break now, I can show the --

than take a break I'm probably going to adjourn this meeting and let you all handle it. I do need some clarification. You said you have recessed the space based on the order and you can accommodate everyone who filed before the petitions for waiver. Is that everybody who's intervened in this docket?

MS. WHITE: I'm sorry. Before our petition for continuance, yes. Motion for continuance. Not the petition for waiver. And that should include -- unless somebody recently intervened that I'm not aware of, it should include all the intervenors to this docket as well as -- if they filed an application for space, as well as some parties that have filed for space in these offices that are not intervenors to this docket.

COMMISSIONER CLARK: Well, with respect to Lake Mary and Boca Teeca, it will be exhausted after the ones in this docket --

MS. WHITE: That's correct.

1 COMMISSIONER CLARK: -- take their places. Okay. And you're saying with respect to Lake Mary and 2 Boca Teeca -- Teeca? 3 4 MS. WHITE: Boca Teeca, uh-huh. 5 COMMISSIONER CLARK: You will have to refile for those and the other ones --6 7 MS. WHITE: Yes. The other ones may, if we 8 have a few bays left and if someone comes in and says, I need all those bays, then we would have to refile. 9 10 COMMISSIONER CLARK: Well, it strikes me 11 that I guess what we -- should we postpone the hearing 12 or simply cancel the hearing, cancel the docket, because the represent -- in effect, you're withdrawing 13 your petition for waiver? 14 15 MS. WHITE: Yes, with the understanding that for those two offices I'm going to have to refile 16 pretty close to immediately, and some of the other 17 18 offices, depending on the applications we've gotten 19 in, may end up being refiled next week. 20 COMMISSIONER CLARK: Well, that's fine. strikes me that they start another docket. But with 21 22 respect to these, you are, in effect, withdrawing your 23 petition and there is nothing further to be done. 24 MS. WHITE: That's correct.

COMMISSIONER CLARK: Is there any

disagreement with that?

MR. MELSON: Commissioner Clark, I don't think I disagree but I'd to think about the impact of the three contingencies that Ms. White mentioned; the signing or negotiating a new contract.

COMMISSIONER CLARK: Right. I would propose that I wouldn't make any -- I don't know that I have to make or the Commission needs to make any ruling with respect to that. If you sign the agreement, then it strikes me it's -- you've reached an agreement. If you're still negotiating, you reach an impass, then you file with us.

If they want you to file within 60 days and you don't want to, that's a point of contention with respect to the negotiations, as is, the cost of relocating the maintenance. So I think that, if you fail to reach agreement, then you file something with us.

Ms. Barone, nice to have you join us. How is the Atlanta airport?

MS. BARONE: Horrible.

COMMISSIONER CLARK: I knew they were backed up yesterday, but are they still backed up today?

MS. BARONE: Yes, they are. It's a miracle I got on this flight.

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COMMISSIONER CLARK: Well, we're just about 1 to conclude. The petition's been withdrawn and 2 there's nothing more to do. 3 MR. HOFFMAN: Everybody but Sprint. 4 COMMISSIONER CLARK: I will give them a 5 minute to confer. Do you disagree with that, б 7 Mr. Self? MR. SELF: I had the same question that 8 Mr. Melson had, but I think I agree with what you 9 said; that the potential issues that BellSouth is 10 raising with respect to the cost, the rearrangement, 11 where exactly you're being placed --12 COMMISSIONER CLARK: Have nothing to do with 13 this docket. 14 15 MR. SELF: Certainly not with respect to whether the waiver should be granted or denied, that's 16 17 correct. COMMISSIONER CLARK: Right. 18 19 MR. SELF: And I think you're right. If we 20 would have a dispute arising out of that --COMMISSIONER CLARK: Then it's subject to 21 22 arbitration. 23 MR. SELF: It would be subject to something, 24 yes.

COMMISSIONER CLARK: Well, all right.

Mr. Hoffman or Mr. Pellegrini, Mr. Dimlich, do you 1 disagree in any way? 2 MR. HOFFMAN: No, I would concur, 3 Commissioner. 4 COMMISSIONER CLARK: Okay. 5 MR. PELLEGRINI: I'm somewhat uneasy, 6 Commissioner Clark, because there are other issues 7 that are on the table in each of these proceedings. 8 I'm somewhat uneasy about closing the dockets. 9 COMMISSIONER CLARK: What issues are on the 10 table? If they withdraw their petition the issue of 11 whether or not they have space is no longer at issue. 12 MR. PELLEGRINI: That's the only issue 13 that's been resolved I think with --14 15 COMMISSIONER CLARK: What are the other issues that remain on the table? 16 17 MR. PELLEGRINI: Well, there were a number of other issues that related specifically to 18 collocation arrangements. 19 COMMISSIONER CLARK: Mr. Pellegrini, you're 20 going to have to drag out those issues and tell me 21 which ones remain on the table. Do you have -- do we 22 have a prehearing order? 23 24 MS. KEATING: Not with us. I think -- my

understanding of the issues is, is that all the issues

led up to resolution of the ultimate issue, which was, whether or not the waiver petition should be granted. So I think to the extent that if you resolve the greater issue, then the other issues are resolved, at least for these proceedings.

Now, I understand Mr. Pellegrini's concern.

There are some ongoing generic collocation issues, but those are going to be handled, I believe, in other proceedings.

COMMISSIONER CLARK: Well, are you going to orally withdraw your petition now?

MS. WHITE: Yes. Did I hear a squeak from the back? I would say yes, with the understanding that we will be filing as soon as humanly possible, probably refiling for Lake Mary and Boca Teeca and depending on what is asked for in the applications in the pipeline, other -- some of the other offices may soon follow.

COMMISSIONER CLARK: Okay. Why don't you put on the next agenda that the petition for waiver has been withdrawn for these offices and request that we acknowledge the withdrawal.

MS. KEATING: For tomorrow or --

COMMISSIONER CLARK: No, no. I'll let you go to next week.

MS. KEATING: We'll certainly do that.

COMMISSIONER CLARK: I don't think it's material how soon you get it done.

MS. KEATING: Okay.

COMMISSIONER CLARK: But I don't think it should be too difficult. And just indicate that it's been withdrawn by BellSouth, but they put us on notice of the likelihood of having to refile for some of those offices, and now the parties are in the posture of having to negotiate those agreements and they may be before us if those negotiations are not fruitful.

MS. KEATING: We'll certainly do that.

COMMISSIONER CLARK: Mr. Self.

MR. SELF: Commissioner Clark, just one other comment, I guess. I know there's nothing we can do about it today.

To the extent that BellSouth needs to refile for two offices or ultimately all six or others, certainly -- and you've already said -- there are generic issues that are going to be raised by these applications. For example, if they refile, you know, for what period of time are they going to be asking for waiver. Is it a permanent waiver that stays in effect, you know, forever until something changes or what?

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And, I know my client is very interested in the Commission proceeding with the generic proceeding as quickly as possible. That may lessen the need for parties to intervene in some of the individual waiver requests that may be filed in the future.

So, my client would simply like for me to at least be on the record to say that the sooner the Commission can get on with the generic proceeding, it may ultimately be easier for all of us.

COMMISSIONER CLARK: Have we scheduled a generic proceeding on that?

MS. KEATING: Actually, there are two dockets that have a generic proceeding as an issue in them and Staff is currently working on a recommendation to try to expedite the process for generic issues.

COMMISSIONER CLARK: Okay. Well, then what I will indicate is we will adjourn the status conference, noting the withdrawal of the petition by BellSouth, and hearing no objection to that withdrawal, but hearing concerns with respect to the generic docket and with respect to no agreement on any -- the result of any negotiation or the terms that you have indicated you're looking for, and we will report back to the Chairman that it's been withdrawn

and that it will -- the acknowledgement will be on a subsequent agenda. Anything else? Thank you all very much and thank you Monica for struggling through that traffic. (Thereupon, the hearing concluded at 1:50 p.m.)

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1	STATE OF FLORIDA) : CERTIFICATE OF REPORTER			
2	COUNTY OF LEON)			
3	I, KIMBERLY K. BERENS, CSR, RPR, Official Commission Reporter,			
4				
5	DO HEREBY CERTIFY that the Status Conference in Docket No. 980946-TL was heard by the Prehearing Officer at the time and place herein stated; it is further			
6				
7	CERTIFIED that I stenographically reported the said proceedings; that the same has been			
8	transcribed by me; and that this transcript,			
9	consisting of 18 pages, constitutes a true transcription of my notes of said proceedings.			
10	DATED this 27th of July, 1999.			
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13	Limber Day & Borrons			
14	KIMBERLY K. BERENS, CSR, RPR Florida Public Service Commission			
15	Official Commission Reporter			
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conclude 13/2 Concluded 2/13, 18/5 concur 14/3 confer 13/6 CONFERENCE 2/8, 2/14, 5/4, 5/8, 17/19, 19/4 consolidate 9/20 consolidation 9/9 constitutes 19/8 contention 12/14 contingencies 12/4 contingent 6/24 continuance 6/21, 10/14 continue 8/5 contract 12/5 convened 5/2 Corporation 3/14 correct 10/25, 11/24, 13/17 cost 7/13, 7/16, 8/15, 9/3, 9/10, 9/25, 12/15, 13/11 COUNTY 19/2 couple 8/24 Covad 6/1, 6/4 COX 4/8, 6/7 CSR 2/17, 19/3 Cumberland 3/4 currently 17/14

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