

ORIGINAL

BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

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RECORDS AND REPORTING

In re: Petition of Competitive Carriers for
Commission Action to Support Local Competition
In BellSouth Telecommunications, Inc.'s Service
Territory)

DOCKET NO. 981834-TP

In re: Petition of ACI Corp. d/b/a Accelerated
Connections, Inc. for Generic Investigation to Ensure
That BellSouth Telecommunications, Inc.,
Sprint-Florida, Incorporated, and GTE Florida
Incorporated Comply with Obligation to Provide
Alternative Local Exchange Carriers with Flexible,
Timely, and Cost-Efficient Collocation)

DOCKET NO. 990321-TP

REBUTTAL TESTIMONY OF
JULIA O. STROW
ON BEHALF OF
INTERMEDIA COMMUNICATIONS INC.

- AFA _____
- APP _____
- CAF _____
- CMU _____
- CTR _____
- EAG _____
- LEG 2
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Filed November 19, 1999

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DOCKET NOS. 981834-TP & 990321-TP
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1 **Q:** **PLEASE STATE YOUR NAME, EMPLOYER, BUSINESS ADDRESS,**
2 **AND OCCUPATION.**

3 **A:** My name is Julia O. Strow. I am employed by Intermedia Communications Inc.
4 (“Intermedia”) as Assistant Vice President, Industry Policy. My business address
5 is 3625 Queen Palm Drive, Tampa, Florida 33619.

6 **Q:** **ON WHOSE BEHALF ARE YOU TESTIFYING?**

7 **A:** I am testifying on behalf of Intermedia.

8 **Q:** **DID YOU FILE DIRECT TESTIMONY IN THIS PROCEEDING?**

9 **A:** Yes, I did. I filed direct testimony in this proceeding on October 28, 1999, in
10 conformity with the Commission’s *Order Establishing Procedure*, dated October
11 12, 1999.

12 **Q:** **WHAT IS THE PURPOSE OF YOUR TESTIMONY TODAY?**

13 **A:** The purpose of my testimony today is to respond to some of the issues raised in
14 the testimony filed separately by BellSouth Telecommunications, Inc.
15 (“BellSouth”) and GTE Florida Incorporated (“GTE”). I will respond to
16 BellSouth’s testimony first, followed by GTE.

17

18

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RESPONSE TO BELL SOUTH'S DIRECT TESTIMONY

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Q: WITNESS JERRY D. HENDRIX (“HENDRIX”) TESTIFIES THAT BELL SOUTH WILL INFORM AN ALTERNATIVE LOCAL EXCHANGE CARRIER (“ALEC”) WITHIN FIFTEEN (15) CALENDAR DAYS OF RECEIPT OF A COLLOCATION APPLICATION WHETHER ITS APPLICATION IS ACCEPTED OR DENIED AS A RESULT OF SPACE AVAILABILITY. DO YOU HAVE ANY COMMENT?

A: Yes. I do not agree that it should take BellSouth fifteen (15) calendar days to inform an ALEC that its collocation application is either denied or accepted based on space availability. BellSouth should be able to provide a response to a requesting ALEC within ten (10) business days of receipt of the application. I am aware that the Commission has agreed to a fifteen-day turnaround in its recent order. However, the Commission should revisit that determination in light of the fact that several incumbent local exchange carriers (“ILECs”) in other jurisdictions have shown that information on space availability can be provided in ten days. This fact alone should give rise to a rebuttable presumption that such a timeframe is technically feasible. *See Deployment of Wireline Services Offering Advanced Telecommunications Capability*, CC Docket No. 98-147, FCC 99-48, First Report and Order and Further Notice of Proposed Rulemaking, ¶ 45 (rel. Mar. 31, 1999) (establishing a rebuttable presumption of technical feasibility) (*Collocation Order*). In addition, at least one state commission—the Texas Public Utilities Commission—has required ILECs to provide competing carriers

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1 with information on space availability within ten days of receipt of a collocation
2 request. If other ILECs can provide a response in ten days, there is no reason why
3 BellSouth cannot do the same. Indeed, the Federal Communications Commission
4 (the "FCC") views ten days as a reasonable time period within which to inform a
5 requesting carrier whether its collocation application is accepted or denied. *See*
6 *Collocation Order*, at ¶ 54

7 **Q: WITNESS HENDRIX STATES THAT, FOR PHYSICAL COLLOCATION**
8 **REQUESTS IN FLORIDA, BELLSOUTH WILL PROVIDE AN**
9 **APPLICATION RESPONSE WITHIN 30 CALENDAR DAYS OF**
10 **RECEIPT OF THE COMPLETED APPLICATION AND APPLICATION**
11 **FEE. FOR VIRTUAL COLLOCATION, BELLSOUTH WILL PROVIDE**
12 **AN APPLICATION RESPONSE WITHIN 20 BUSINESS DAYS OF**
13 **RECEIPT OF COMPLETED APPLICATION AND APPLICATION FEE.**
14 **ARE THOSE TIMEFRAMES ACCEPTABLE IN YOUR OPINION?**

15 **A:** BellSouth's intervals would appear to be reasonable. I understand that many
16 ALECs would prefer to have a complete response to collocation requests within
17 ten calendar days of BellSouth's receipt of the request. Thus, to the extent
18 BellSouth can reasonably accommodate a ten-day turnaround, BellSouth should
19 be required to do so.

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1 **Q: IN HIS TESTIMONY, WITNESS HENDRIX LISTS THE TYPES OF**
2 **INFORMATION THAT WOULD BE INCLUDED IN AN APPLICATION**
3 **RESPONSE. IS THE INFORMATION LISTED BY MR. HENDRIX**
4 **ADEQUATE?**

5 **A:** No. In addition to those items listed by Mr. Hendrix, BellSouth should also
6 provide a *detailed* itemization of the costs involved. ALECs need the lowest level
7 of cost granularity in order to intelligently evaluate BellSouth's cost estimates and
8 to move forward with a firm order.

9 **Q: WITNESS HENDRIX SUGGESTS THAT THE ALEC SIMPLY SHOULD**
10 **CONTACT ITS ACCOUNT TEAM COLLOCATION COORDINATOR**
11 **("ATCC") IN THE EVENT BELLSOUTH'S INITIAL RESPONSE IS**
12 **INSUFFICIENT FOR THE ALEC TO COMPLETE A FIRM ORDER. DO**
13 **YOU AGREE WITH HIS SUGGESTION?**

14 **A:** No. While I do not impugn BellSouth's assertion that it has never omitted
15 information that was necessary for a collocation applicant to move forward with a
16 firm order, BellSouth cannot expect the ALECs to unconditionally rely on that
17 guaranty. Rather, while continuing to strive to provide complete information to
18 the ALECs, BellSouth should be held to a fixed timeframe within which it must
19 provide additional information to the ALEC in the event its initial response proves
20 insufficient. Intermedia suggests that BellSouth should be required to provide
21 additional information to the ALEC within five (5) business days of the ALEC's
22 request for additional information. Absent a Commission-mandated timeframe,

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1 BellSouth could delay the collocation process indefinitely. To prevent BellSouth
2 from deliberately extending the 30-business day timeframe for providing a
3 complete response (see above) to 35 business days, the Commission should insist
4 that BellSouth provide the ALECs with all the information that would be
5 necessary to complete a firm order within 30 business days, as discussed above.

6 **Q: DO YOU AGREE WITH WITNESS HENDRIX THAT A REQUEST FOR**
7 **A VIRTUAL COLLOCATION CONVERSION SHOULD BE TREATED IN**
8 **THE SAME MANNER BELLSOUTH TREATS A REQUEST FOR**
9 **PHYSICAL COLLOCATION?**

10 **A:** No. As an initial matter, the FCC already has determined that the ALECs can
11 share the same collocation space with the ILECs, which means that there does not
12 have to be physical separation between ALEC and ILEC equipment.
13 Consequently, when an ALEC submits a request to convert a virtual collocation
14 arrangement to a *cageless* physical collocation arrangement, there should not be a
15 requirement that the equipment be relocated even if the ALEC's equipment is in
16 the same line-up as the ILEC's equipment. Accordingly, virtual-to-cageless
17 conversions should not be subject to the same application processes, fees, and
18 delays that generally accompany initial requests for physical collocation. In fact,
19 a simple notification to the ILEC (or at most, an abbreviated application) should
20 suffice to convert a virtual collocation arrangement to cageless physical
21 collocation.

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1 **Q:** **DO YOU HAVE ANY COMMENT ON WITNESS HENDRIX’S POSITION**
2 **ON THE APPROPRIATE RESPONSE AND IMPLEMENTATION**
3 **INTERVALS FOR ALEC REQUESTS FOR CHANGES TO EXISTING**
4 **COLLOCATION SPACE?**

5 **A:** Yes. Mr. Hendrix states that the response interval for a request for changes to an
6 existing space should not exceed 30 calendar days; the implementation interval
7 runs anywhere from 60 to 90 calendar days. I disagree that these timeframes are
8 reasonable. As I stated in my direct testimony, changes to an existing collocation
9 space require less work by the ILEC and, accordingly, response and
10 implementation intervals appropriately must be reduced to account for this
11 variation. I believe that the following timeframes are more realistic:

- 12 • For “minor” changes, *i.e.*, changes that would not have any material
13 impact on the central office (“CO”) infrastructure (for example, minor
14 rearrangements of equipment, introduction of an additional device, etc.),
15 there should not be any need for an application. Rather, the ALEC should
16 be allowed to perform the change, without any delay, subject only to the
17 requirement that the ALEC notify the ILEC one (1) day in advance of the
18 proposed “minor” change.
- 19 • For “intermediate” or “augmentation” changes, *i.e.*, changes that would
20 have *some* but not *dramatic* impact on the CO infrastructure
21 (necessitating, for example, the addition of facilities or augmenting power
22 to the collocation space), the ALEC should be required to submit an

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1 application to BellSouth and BellSouth should provide a response within
2 five (5) business days from the date of the application; BellSouth should
3 implement the change within 45 business days from the date of the
4 application.

- 5 • For “major” changes, *i.e.*, changes that require new constructions (such as,
6 for example, enlarging the existing collocation space), the ALEC should
7 submit an application to BellSouth and BellSouth should provide a
8 response within ten (10) business days from the date of the application;
9 implementation should be completed within sixty (60) business days from
10 the date of the application.

11 **Q: WITNESS HENDRIX STATES THAT SHARED (SUBLEASED) CAGED**
12 **COLLOCATION IS ALLOWED UNLESS, AMONG OTHER THINGS,**
13 **BELLSOUTH IS PROHIBITED BY ITS LEASE FROM OFFERING THIS**
14 **ARRANGEMENT. DO YOU HAVE ANY COMMENT?**

15 **A:** Yes. I recognize that BellSouth *may* indeed have leases that might prohibit
16 BellSouth from providing “subleased” caged collocation. However, BellSouth
17 has not adduced any evidence, to my knowledge, demonstrating the number and
18 locations, if any, of COs subject to the purported restriction. Consequently, there
19 should be a presumption that none of BellSouth’s COs have collocation
20 “subleasing” restrictions at this time. In addition, even if there are any such
21 restrictions, BellSouth should be required to renegotiate its lease arrangements in
22 order to effectuate to the greatest extent the federal requirement of collocation

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1 “subleasing.” Likewise, in order to prevent BellSouth from denying requests for
2 “subleased” caged collocations under the guise of lease restrictions, the
3 Commission should require that any prospective lease arrangements entered into
4 by BellSouth should allow for collocation subleasing consistent with the federal
5 law. Failure to do so would enable BellSouth to trump an important, pro-
6 competitive federal requirement.

7 **Q: WITNESS HENDRIX SUBMITS THAT BELL SOUTH WILL PROVISION**
8 **BOTH CAGED AND CAGELESS COLLOCATION ARRANGEMENTS**
9 **BETWEEN 90 AND 130 BUSINESS DAYS? ARE THESE INTERVALS**
10 **REASONABLE?**

11 **A:** No. I believe that these provisioning intervals are simply too long, particularly as
12 applied to cageless collocation arrangements. BellSouth should be able to
13 provision cageless collocation within 60 business days from the date of the
14 collocation application. Caged collocation should be provisioned within 90
15 business days from the date of the collocation application.

16 **Q: ACCORDING TO WITNESS HENDRIX, BELL SOUTH WILL PROVIDE**
17 **A PRICE ESTIMATE TO AN ALEC, PRIOR TO RECEIVING A FIRM**
18 **ORDER, WITHIN 30 BUSINESS DAYS FROM RECEIPT OF A**
19 **COLLOCATION APPLICATION. IS THIS ACCEPTABLE?**

20 **A:** Yes, but subject to the requirement that the cost estimates be itemized. As I stated
21 previously, BellSouth should be required to provide a complete response to a
22 collocation request within 30 business days from the date the collocation

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1 application was filed. This response should include detailed cost estimates
2 sufficient to enable the requesting ALEC to complete a firm order.

3 **Q: WITNESS HENDRIX STATES THAT ALLOWING ONE ALEC (AS**
4 **OPPOSED TO BELLSOUTH) TO PERFORM ALL SITE READINESS**
5 **WORK FOR COLLOCATION IS IMPRACTICABLE. DO YOU AGREE?**

6 **A:** I agree that selecting one ALEC (as opposed to BellSouth) to perform site
7 readiness work on behalf of the collocating ALECs might prove to be inefficient.
8 However, this should remain an option. In other words, the ALECs should be
9 permitted, at their discretion, to elect one ALEC to perform all work common to
10 all collocators.

11 **Q: ACCORDING TO WITNESS HENDRIX, WHEN ADDITIONAL**
12 **COLLOCATION SPACE BECOMES AVAILABLE , BELLSOUTH WILL**
13 **NOTIFY ALECs ON THE WAITING LIST THAT CAN BE**
14 **ACCOMMODATED IN THE NEWLY AVAILABLE SPACE BASED ON**
15 **SQUARE FOOTAGE PREVIOUSLY REQUESTED. DO YOU HAVE ANY**
16 **COMMENT.**

17 **A:** Yes. It is unclear from Mr. Hendrix's statement whether BellSouth will notify
18 only those ALECs on the waiting list whose initial requests match the amount of
19 newly available space. If this is the case, I believe the procedure is defective and
20 discriminatory. As I stated in my direct testimony, priority should be given to the
21 ALECs based on the dates on which the ALECs submitted their collocation
22 requests. In other words, when additional space becomes available, *all* the

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1 ALECs on the waiting list should be notified immediately. The ALEC with the
2 oldest request will then have the “right of first refusal” regardless of the amount
3 of space it originally requested. For example, if there were 100 square feet of
4 space available, and the first ALEC on the waiting list initially requested 200
5 square feet, that ALEC should be notified of the newly available space and
6 permitted to either (a) reject the offer in its entirety, (b) choose to utilize the
7 newly available 100 square feet and remain on the waiting list for an additional
8 100 square feet, or (c) choose to utilize the newly available square feet and be
9 deleted from the waiting list for any additional space. If the ALEC rejects the
10 offer in its entirety, the space will be offered to the ALEC with the next oldest
11 request, and so on until everyone on the waiting list has had an opportunity to
12 reject or accept the offer.

13 **Q: WITNESS W. KEITH MILNER (“MILNER”) REFERS TO A TEN-DAY**
14 **“WINDOW” WITHIN WHICH BELL SOUTH WILL PROVIDE A TOUR**
15 **OF THE CENTRAL OFFICE IN THE EVENT AN ALEC IS DENIED**
16 **SPACE FOR PHYSICAL COLLOCATION. CAN YOU COMMENT ON**
17 **THIS?**

18 **A:** Yes. Mr. Milner appears to suggest that an ALEC who has been denied physical
19 collocation space loses the opportunity to tour BellSouth’s premises once the ten-
20 day window expires. I do not believe that that is a reasonable interpretation of the
21 FCC’s rules. More specifically, the ten-day window requirement is for the
22 protection of the ALECs. In other words, if the ALEC requests a tour of the

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1 facility within the ten-day window, the ILEC is obligated to allow the ALEC to
2 tour the facilities within ten days of the denial of space. However, nothing in the
3 FCC's rules precludes an ALEC from requesting a tour date beyond the ten-day
4 window or, for that matter, from requesting a tour after the ten-day window has
5 ended. Any other interpretation would punish those ALECs who may not have
6 the flexibility of immediately rearranging their schedules to accommodate a tour.
7 I recognize that, for purposes of planning, there must be a point at which a request
8 for a tour of the facilities can no longer be entertained. To accommodate the
9 needs of both BellSouth and the ALECs, the Commission should impose the
10 following requirements:

- 11 • If an ALEC requests a tour of the facilities within ten days of the denial of
12 space, BellSouth must allow the ALEC to tour the facilities within ten
13 days of the denial of space.
- 14 • If an ALEC either (a) requests a tour of the facilities after ten days of the
15 denial of space, or (b) requests a tour of the facilities within ten days of the
16 denial of space but requests a tour date beyond the end of the ten-day
17 window, BellSouth's obligation to provide a tour will end 30 days after
18 the date of the denial of space. BellSouth, however, should be required to
19 accommodate the ALEC's request, to the greatest extent possible, prior to
20 the end of the 30-day window.

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1 **Q: DO YOU HAVE ANY OPINION ON BELLSOUTH'S POLICY WITH**
2 **RESPECT TO THE REMOVAL OF OBSOLETE AND/OR UNUSED**
3 **EQUIPMENT, AS EXPLAINED BY WITNESS MILNER?**

4 **A:** Yes. Mr. Milner appears to suggest that BellSouth will not remove "retired"
5 equipment in cases where the cost of removal is too high (*i.e.*, retired in place). I
6 do not agree that BellSouth is allowed to do that. The FCC previously has
7 concluded that

8 in order to increase the amount of space available for collocation,
9 incumbent LECs must remove obsolete unused equipment from their
10 premises upon reasonable request by a competitor or upon the order of a
11 state commission. There is no legitimate reason for an incumbent LEC to
12 utilize space for obsolete or retired equipment that the incumbent LEC is
13 no longer using when such space could be used by competitors for
14 collocation.

15
16 *Collocation Order*, at ¶ 60. Nothing in the FCC's order can be read to permit
17 BellSouth to retain retired equipment on the basis that is too costly to remove it.
18 The order is very clear: BellSouth must remove obsolete or retired equipment
19 from its premises in order to permit competing carriers to utilize the space.
20 Equally important, BellSouth should not be allowed to recover the costs of
21 equipment removal from the collocating ALECs.

22 **Q: WITNESS MILNER ASSERTS THAT IT IS NOT ADVISABLE TO**
23 **ESTABLISH GENERIC PARAMETERS FOR THE USE OF**
24 **ADMINISTRATIVE SPACE BY AN ILEC, WHEN THE ILEC**
25 **MAINTAINS THAT THERE IS INSUFFICIENT SPACE FOR PHYSICAL**
26 **COLLOCATION. DO YOU CONCUR?**

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1 **A:** No. *Generic* parameters can be established based on whether the use of
2 administrative space is simply unnecessary. In many cases, this is just a matter of
3 plain common sense. For example, it is clearly unnecessary to have a “meeting
4 room” in the CO. I am not aware of any building code or lease provision that
5 would require BellSouth to maintain a “meeting room” in its premises. Likewise,
6 I disagree with Mr. Milner that anything that constitutes “productive use of floor
7 space” necessarily entitles BellSouth to occupy the space that could otherwise be
8 used by competing carriers. For instance, using the space for preparing invoices
9 is “productive use of floor space,” but the preparation of invoices does not have to
10 be performed in the premises where collocation space is critical. In other words,
11 if the activity can be performed as effectively using another facility, there is
12 simply no reason why BellSouth should not surrender that space.

13 **Q:** **DO YOU HAVE ANY COMMENT ON WITNESS MILNER’S**
14 **TESTIMONY CONCERNING PROVISIONING INTERVALS?**

15 **A:** Yes. Mr. Milner would have the Commission affirm that its provisioning
16 intervals for virtual and physical collocations should exclude the time spent
17 obtaining permits, among other things. I disagree that BellSouth’s already
18 lengthy intervals should be stretched further. Rather, as I stated previously,
19 cageless collocation should be provisioned within 60 business days from the date
20 of the collocation application, while caged collocation should be provisioned
21 within 90 business days from the date of the collocation application. In the event
22 BellSouth requires an extension due to unforeseen circumstances—and

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1 Intermedia does not dispute that there may well be instances in which an
2 extension may well be appropriate—BellSouth should be required to file an
3 application for an extension with the Commission. Under no circumstances
4 should BellSouth be allowed unilaterally to extend the provisioning intervals.
5 Rather, the Commission should impose on BellSouth the burden of demonstrating
6 to the requesting ALEC and to the Commission that an extension is appropriate.
7 In order to give the requesting ALEC as much advance notice as possible, the
8 Commission should require BellSouth to file its application for an extension at
9 least thirty (30) business days prior to the end of the provisioning interval.

RESPONSE TO GTE'S DIRECT TESTIMONY

11 **Q: GTE WITNESS JOHN W. RIES ("RIES") STATES THAT AN ALEC**
12 **THAT DESIRES TO CONVERT ITS EXISTING VIRTUAL**
13 **COLLOCATION SPACE TO PHYSICAL COLLOCATION MUST**
14 **FOLLOW THE STANDARD PROCESS FOR A NEW PHYSICAL**
15 **COLLOCATION REQUEST. DO YOU AGREE?**

16 **A:** No. As I stated previously in response to a similar argument from BellSouth
17 witness Hendrix, I do not believe that converting a virtual collocation
18 arrangement to *cageless* physical collocation necessarily requires a major
19 undertaking. In particular, in light of the FCC's rules permitting the commingling
20 of ALEC and ILEC equipment, there is simply no reason to move virtually
21 collocated equipment to a different space. Consequently, the conversion should
22 be relatively painless.

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1 **Q:** **WITNESS RIES TESTIFIES THAT GTE WILL INFORM THE ALEC**
2 **WITHIN 15 CALENDAR DAYS WHETHER SPACE IS AVAILABLE,**
3 **AND IT WILL PROVIDE A PRICE QUOTE WITHIN 30 CALENDAR**
4 **DAYS. ARE THESE INTERVALS REASONABLE?**

5 **A:** Although the 30-day interval is reasonable, the 15-day interval is not. GTE
6 should be required to provide an initial response to the ALEC within 10 business
7 days of the request. GTE should then submit a complete response (*i.e.*, containing
8 detailed information, including but not limited to, cost estimates, target dates, etc.)
9 to the ALEC within 30 days of the request. This response also should be as
10 complete as possible to enable the ALEC to move forward with a firm order if it
11 so chooses.

12 **Q:** **WITNESS RIES ARGUES THAT NO ALTERNATIVE PROCEDURE IS**
13 **REQUIRED IN THE EVENT GTE'S RESPONSE TO A COLLOCATION**
14 **REQUEST IS INSUFFICIENT TO COMPLETE A FIRM ORDER. DO**
15 **YOU AGREE?**

16 **A:** No. As I explained above, there can be no guaranty that the ALECs will always
17 provide complete information to the ALECs. Errors and omissions do occur and,
18 consequently, there must be a mechanism to address that eventuality. Intermedia
19 suggests that GTE should be required to provide additional or corrected
20 information to the requesting ALEC within five business days of the ALEC's
21 request for additional or corrected information. In no event should BellSouth be

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1 permitted to circumvent the 30-day response time by deliberately providing
2 incomplete information to the ALECs.

3 **Q: DO YOU AGREE WITH WITNESS RIES THAT THE PARTIES SHOULD**
4 **BE ALLOWED TO NEGOTIATE AN ENLARGEMENT OF THE**
5 **PROVISIONING INTERVAL?**

6 **A:** No. While negotiations may work in other context, negotiations may not be
7 equally effective in this case. As the requesting party, the ALECs have no
8 bargaining power and, consequently, may easily fall prey to ILEC abuses. To
9 preempt GTE's improper use of its bargaining power, the Commission should
10 require GTE to file an application for an extension with the Commission in the
11 event an extension is necessary. As I explained in response to BellSouth witness
12 Milner's testimony, this application should be filed 30 business days prior to the
13 end of the provisioning interval in order to give the ALECs as much notice as
14 possible. To ensure that the issues are resolved without undue delay to the
15 detriment of the ALECs, the Commission should establish an expedited legal
16 process pursuant to which the Commission will deny or approve the application
17 for an extension within five days of filing.

18 **Q: WITNESS RIES INDICATES THAT GTE WILL CHARGE ALECs FOR**
19 **THE FLOOR SPACE THEY RESERVE. IS THIS APPROPRIATE?**

20 **A:** No. GTE's proposal will allow GTE to extract gratuitous fees from collocators.
21 GTE's position is fundamentally flawed because it is premised on the assumption

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1 that GTE is foregoing other opportunities by allowing an ALEC to reserve the
2 space. That is not necessarily the case.

3 **Q: WITNESS RIES FURTHER STATES THAT, AS A CONDITION OF**
4 **SPACE RESERVATION, ALECS SHOULD BE REQUIRED TO INSTALL**
5 **THEIR CAGE OR BAY AT THE TIME OF RESERVATION. DO YOU**
6 **AGREE?**

7 **A:** No. This would be putting the cart before the horse. ALECs typically base their
8 decision to reserve collocation space on, among other things, anticipated demand,
9 potential expansion, traffic patterns, and the like. This analysis is not, however,
10 an exact science. Requiring the ALECs to expend scarce resources on
11 requirements that potentially could change is unnecessarily costly and wasteful.

12 **Q: DO YOU AGREE WITH GTE'S POSITION THAT GENERIC**
13 **PARAMETERS NEED NOT BE ESTABLISHED FOR THE USE OF**
14 **ADMINISTRATIVE SPACE?**

15 **A:** No. As I explained in my response to BellSouth's testimony, *generic* parameters
16 can, and should be, established.

17 **Q: WITNESS RIES SUGGESTS THAT THERE IS NO NEED TO PROVIDE**
18 **DETAILED COST INFORMATION TO AN ILEC PRIOR TO**
19 **RECEIVING A FIRM ORDER FROM THAT ILEC. DO YOU HAVE ANY**
20 **COMMENT?**

21 **A:** Yes. I reiterate that the ILECs must provide detailed cost estimates in order to
22 allow the ALECs to intelligently decide whether to proceed with a firm order. I

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1 realize that, in some instances a number of the elements may well be tariffed, as
2 Mr. Reiss suggests. However, the ALECs should not be expected to maintain and
3 process volumes upon volumes of documents in order to determine the applicable
4 collocation costs, when the ILECs have them readily available.

5 **Q: DO YOU AGREE WITH WITNESS RIES THAT AN ALEC SHOULD NOT**
6 **BE PERMITTED TO HIRE AN ILEC-CERTIFIED CONTRACTOR TO**
7 **PERFORM SPACE PREPARATION, RACKING AND CABLING, AND**
8 **POWER WORK?**

9 **A:** No. In fact, according to its testimony, BellSouth allows ALECs to do so subject
10 to certain limitations. There is no reason why GTE should be any different. To
11 the extent other ILECs, including BellSouth, allow ALECs to use ILEC-certified
12 vendors for space preparation, the presumption of technical feasibility should
13 apply here. In addition, rule 51.323(j) of the FCC's rules specifically provides
14 that "[a]n incumbent LEC shall permit a collocating telecommunications carrier to
15 subcontract the construction of physical collocation arrangements with contractors
16 approved by the incumbent LEC, provided, however, that the incumbent LEC
17 shall not unreasonably withhold approval of contractors. . . ." Thus, federal law
18 requires GTE to permit ILEC-certified vendors to perform space preparation on
19 behalf of ALECs.

20 **Q: DO YOU HAVE ANY COMMENT ON GTE'S "FILL FACTOR"?**

21 **A:** Yes. According to Mr. Ries, GTE employs a statewide average number of
22 collocators (fill factor) in developing the price each collocator will pay in a given

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1 central office. In other words, the costs are averaged across the state. Although I
2 do not claim to be an economist, this methodology would appear to violate the
3 FCC's mandate that the costs be allocated to collocators on a *pro rata* basis. In
4 other words, collocators in one central office could end up paying more than their
5 fair share of collocation costs because the costs are spread across all collocators as
6 opposed to being divided amongst the collocators in a particular CO.

7 **Q: CAN YOU COMMENT ON GTE'S "FIRST-COME, FIRST-SERVED"**
8 **APPROACH TO MAKING ADDITIONAL SPACE AVAILABLE TO**
9 **POTENTIAL COLLOCATORS?**

10 **A:** Yes. Mr. Reiss states that, in the event additional space becomes available in a
11 CO, the ALEC who submits a check for 50% of the NRCs associated with the
12 collocation request gets priority. This approach is fundamentally unsound. As an
13 initial matter, GTE should be required to maintain a waiting list of collocators.
14 When additional space becomes available, GTE should immediately inform the
15 collocators on the waiting list of the newly available space. Priority should be
16 given to the collocator with the oldest collocation request, followed by the next
17 oldest, and so on. Priority should not be decided based on who gets to the bank
18 first.

19 **Q: PLEASE SUMMARIZE YOUR TESTIMONY.**

20 **A:** This Commission is charged with the critical task of furthering Congress' goal of
21 opening all telecommunications markets to competition. For many competitive
22 carriers, participation in this market-opening initiative means being able to

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1 interconnect and collocate with the ILECs. Collocation, however, is expensive
2 and subject to delays. Moreover, collocation space is not inexhaustible. These
3 concerns are further complicated by the fact that the ILECs have the motivation to
4 delay the entry of competing carriers into the monopoly local markets.

5 Consequently, the Commission must establish a procompetitive regulatory
6 framework that maximizes the ability of the ALECs to collocate without undue
7 delay, and minimizes the ability of the ILECs to act anticompetitively. More
8 specifically, the Commission should carefully craft rules that would allow the
9 ALECs to obtain collocation with the least expense and in the shortest time
10 possible, while ensuring that valuable collocation space is put to productive use.

11 **Q: DOES THIS CONCLUDE YOUR TESTIMONY?**

12 **A:** Yes. I reserve the right, however, to amend, supplement, or modify my
13 testimony, as appropriate.

14 **END OF TESTIMONY**

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via U.S.

Mail this 19th day of November, 1999 to the following:

BellSouth Telecommunications, Inc.
Ms. Nancy H. Sims
150 South Monroe St., Suite 400
Tallahassee, FL 32301-1556

AT&T Communications of the
Southern States, Inc.
Ms. Rhonda P. Merritt
101 North Monroe St., Suite 700
Tallahassee, FL 32301-1549

ACI Corp.
7337 S. Revere Parkway
Englewood, CO 80112

Accelerated Connections, Inc.
7337 South Revere Parkway
Englewood, CO 33414

BellSouth Telecommunications, Inc. (Mia)
Nancy B. White
150 West Flagler St., Suite 1910
Miami, FL 33130

BellSouth Telecommunications, Inc.
(Atl)
E. Earl Edenfield, Jr.
675 W. Peachtree St., #4300
Atlanta, GA 30375

Blumemfeld & Cohen
Elise Kiely/Jeffrey Blumenfeld
1625 Massachusetts Ave. NW
Suite 300
Washington, DC 20036

Convad Communications Company
Christopher V. Goodpaster
9600 Great Hills Trail, Suite 150 W
Austin, TX 78759

e.spire Communications, Inc.
James Falvey
133 National Business Parkway
Suite 200
Annapolis Junction, MD 20701

Florida Cable Telecommunications
Assoc., Inc.
Michael A. Gross
310 N. Monroe St.
Tallahassee, FL 32301

Florida Competitive Carriers Assoc.
c/o McWhirter Law Firm
Vicki Kaufman
117 S. Gadsden St.
Tallahassee, FL 32301

Florida Public Telecommunications
Assoc.
Angela Green, General Counsel
125 S. Gadsden St., #200
Tallahassee, FL 32301-1525

GTE Florida Incorporated
Kimberly Caswell
P.O. Box 110, FLTC0007
Tampa, FL 33601-0110

Hopping Law Firm
Richard Melson/Gabriel Nieto
P.O. Box 6526
Tallahassee, FL 32314

GTE Florida Incorporated
Ms. Beverly Y. Menard
c/o Ms. Margo B. Hammar
106 East College Avenue, Suite 810
Tallahassee, FL 32301-7704

Intermedia Communications, Inc.
Scott Sapperstein
3625 Queen Palm Drive
Tampa, FL 33619-1309

Lockheed Martin IMS
Anita L. Fourcard
Communications Industry Services
1200 K Street, N.W.
Washington, DC 20005

MCImetro Access Transmission
Services LLC
Ms. Donna Canzano McNulty
325 John Knox Road, Suite 105
Tallahassee, FL 32303

ALLTEL Communications Services, Inc.
Bettye Willis
One Allied Drive
Little Rock, AR 72203-2177

MediaOne Florida Telecommunications,
Inc.
c/o Laura L. Gallagher
101 E. College Ave., Suite 302
Tallahassee, FL 32301

Messer Law Firm
Floyd Self/Norman Horton
P.O. Box 1876
Tallahassee, FL 32302

MGC Communications, Inc.
Susan Huther
3301 North Buffalo Drive
Las Vegas, NV 89129

Pennington Law Firm
Peter Dunbar/Barbara Auger/Marc Dunbar
P.O. Box 10095
Tallahassee, FL 32301

Sprint Communications Company
Limited Partnership
Susan Masterton/Charles Rehwinkel
P.O. Box 2214
MC: FLTLHO0107
Tallahassee, FL 32316-2214

Sprint-Florida, Incorporated
Mr. F. B. (Ben) Poag
P.O. Box 2214 (MCFLTLHO0107)
Tallahassee, FL 32316-2214

Supra Telecommunications &
Information Systems, Inc.
Mark E. Buechele
2620 S. W. 27th Avenue
Miami, FL 33133

TCG South Florida
c/o Rutledge Law Firm
Kenneth Hoffman
P.O. Box 551
Tallahassee, FL 32302-0551

Telecommunications Resellers Assoc.
Andrew Isar
3220 Uddenberg Lane, Suite 4
Gig Harbor, WA 98335

Time Warner Telecom
Ms. Carloyn Marek
233 Bramerton Court
Franklin, TN 37069

Wiggins Law Firm
Charlie Pellegrini/Patrick Wiggins
P.O. Drawer 1657
Tallahassee, FL 32302

Time Warner Telecom
2301 Lucien Way, Suite 300
Maitland, FL 32751

CompTel
Terry Monroe
1900 M Street, NW, Suite 800
Washington, DC 20036

MCI WorldCom
Donna McNulty, Esq.
325 John Knox Road, Suite 105
Tallahassee, FL 32303

Ausley Law Firm
Jeffry Wahlen
P.O. Box 391
Tallahassee, FL 32302


Scott A. Sapperstein