

ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition of Competitive Carriers for Commission Action to support local competition in BellSouth Telecommunications, Inc.'s territory § Docket Nos. 981834-TP and 990321-TP (Consolidated)

In re: Petition of Rhythms Links, Inc. for generic investigation to ensure that BellSouth Telecommunications, Inc., Sprint-Florida, Inc., and GTE Florida Inc., comply with obligation to provide alternative local exchange carriers with flexible, timely, and cost-efficient collocation § Filed: December 1, 1999

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**AMENDED PREHEARING STATEMENT
 OF COVAD COMMUNICATIONS COMPANY**

Pursuant to Order PSC-99-1991-PCO-TP, Covad Communications Company ("Covad") submits its Amended Prehearing Statement.

A. Appearances

Christopher Goodpastor, Regional Counsel, 9600 Great Hills Trail, Suite 150W, Austin, Texas 78759, shall appear on behalf of Covad.

B. Known Witnesses

Covad will present the direct and rebuttal testimony of Michael Moscaritolo on the following preliminary issues identified by the Commission: Issues 1, 2, 5, 8, 10, 12, 14, 16, and

18.

- AFA _____
- APP _____
- CAF _____
- CMU** _____
- CTR _____
- E/G _____
- LEC 1 _____
- MAE 3 _____
- OPC _____
- PAI _____
- SEC T _____
- WAW _____
- OTH _____

C. Known Exhibits

Covad may use the following exhibits at the hearing:

1. All exhibits attached to the direct and rebuttal testimony of Michael Moscaritolo:
 - Exhibit MM-1 (identified as Ex. A in filed testimony)— Excerpt from Interconnection Agreement between US West and Covad;

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- Exhibit MM-2 (Ex. B in filed testimony)—Email from BellSouth regarding Covad’s flat-rate collocation application arrangement;
 - Exhibit MM-3 (Ex. C in filed testimony)—Redlined copy of BellSouth’s proposed collocation amendment;
2. All documents produced by BellSouth in these proceedings;
 3. All documents produced by the intervenors in these proceedings;
 4. All exhibits designated by BellSouth in these proceedings;
 5. All exhibits designated by other intervenors in these proceedings.

If necessary, the exhibits shall be sponsored by witnesses or counsel for the producing parties. Covad reserves its right to amend or supplement this list.

D. Statement of Basic Position

Covad is a provider of high-speed data services using various forms of digital subscriber line (xDSL) technology. To provide these services, Covad needs to interconnect with the network of the ILEC at the ILEC premises and, therefore, depends upon timely and cost-effective physical collocation at the ILEC premises. To ensure the entry of competitive firms into the Florida market, the Commission should promulgate rules that require ILECs to provide timely and cost-effective collocation to CLECs. In particular,

- The Commission should adopt a flat-rate collocation application procedure similar to the procedure Covad uses with US West;
- The Commission should allow for timely, cost-effective conversion of virtual collocation arrangements to cageless collocation arrangements without requiring an ALEC to move its equipment from the ILECs’ line-up;
- The Commission should require ILECs to provision cageless collocation within 45 calendar days when space and power is available;

- The Commission should ensure that space reservation policies applicable to the ILECs also apply to ALECs' reservation of space;
- The Commission should allow an ALEC to have access to the invoices and other cost information relating to an ILEC's fees for collocation;
- The Commission should not allow an ILEC to unilaterally extend the collocation provisioning interval without first obtaining an order from the Commission.

E. Statement of Questions of Fact at Issue

The following paragraphs summarize Covad's position with respect to the tentative list of issues released by the Commission.

Issue 1: When should an ILEC be required to respond to a complete and correct application for collocation and what information should be included in that response?

Covad: An ILEC should respond to an application for collocation within ten calendar days. The response should contain sufficient information to allow the applicant to place a firm order for collocation upon receipt of the response.

Issue 2: If the information included in the ILEC's initial response is not sufficient to complete a firm order, when should the ILEC provide such information or should an alternative procedure be implemented?

Covad: If ILECs cannot commit to providing a sufficient response within ten calendar days, the Commission should order ILECs to implement the flat-rate collocation application procedure presently used by Covad and US West.

Issue 3: To what areas does the term "premises" apply, as it pertains to physical collocation and as it is used in the Act, the FCC's Orders, and FCC Rules?

Covad: The term “premises” applies to any location where ILEC network equipment is housed, including central offices and remote terminals. It also includes other buildings located on the same property as an ILEC central office or on adjacent property owned or controlled by the ILEC.

Issue 4: What obligations, if any, does an ILEC have to interconnect with ALEC physical collocation equipment located "off-premises"?

Covad: An ILEC has an obligation to interconnect with ALEC equipment located on third-party property at an ILEC central office or remote terminal. That interconnection must offer the same type of interconnection facilities as are available within a central office.

Issue 5: What terms and conditions should apply to converting virtual collocation to physical collocation?

Covad: An ALEC should be able to obtain timely conversion of virtual collocation space to cageless collocation space merely by submitting a request to the ILEC. Conversion should not require the relocation of an ALEC’s equipment even if the equipment is in the same line-up as the ILEC equipment. Conversion requests should not be subject to the ILEC’s standard collocation application fee. If an ALEC was forced to request a virtual collocation arrangement after June 1, 1999, then any cost of the conversion should be borne solely by the ILEC. An ALEC should not incur the cost of conversion merely because an ILEC failed to provide cageless collocation as required by FCC Order 99-48.

Issue 6: What are the appropriate response and implementation intervals for ALEC requests for changes to existing collocation space?

Covad: Covad has no specific position at this time.

Issue 7: What are the responsibilities of the ILEC and collocators when:

A. a collocator shares space with, or subleases space to, another collocator;

B. a collocator cross-connects with another collocator.

Covad: Covad has no position on this specific issue at this time.

Issue 8: What is the appropriate provisioning interval for cageless physical collocation?

Covad: When space and power are readily available, an ILEC should provision cageless collocation space within 45 calendar days of receiving a request. When space and power is not readily available, an ILEC should provision cageless collocation space within 90 calendar days of receiving a request.

Issue 9: What is the appropriate demarcation point between ILEC and ALEC facilities when the ALEC's equipment is connected directly to the ILEC's network without an intermediate point of interconnection?

Covad: Covad has no position on this specific issue at this time.

Issue 10: What are reasonable parameters for reserving space for future LEC and ALEC use?

Covad: An ALEC must be able to reserve space for future use under the same policies and procedures that the ILEC applies to itself. If an ILEC's plans for future growth will result in less space available for collocation, the ILEC should be required to disclose those plans as soon as they are developed.

Issue 11: Can generic parameters be established for the use of administrative space by an ILEC, when the ILEC maintains that there is insufficient space for physical collocation? If so, what are they?

Covad: Covad has no position on this specific issue at this time.

Issue 12: What types of equipment are the ILECs obligated to allow in a physical collocation arrangement?

Covad: An ILEC may not refuse to permit collocation of any equipment that is “used or useful” for either interconnection or access to unbundled network elements, regardless of other functionalities inherent in such equipment.

Issue 13: If space is available, should the ILEC be required to provide price quotes to an ALEC prior to receiving a firm order for space in a central office (CO)?

A. If an ILEC should provide price quotes to an ALEC prior to receiving a firm order from that ALEC, when should the quote be provided?

B. If an ILEC should provide price quotes to an ALEC prior to receiving a firm order from that ALEC, should the quote provide detailed costs?

Covad: Covad has no position on this specific issue at this time.

Issue 14: Should an ALEC have the option to participate in the development of the ILEC's price quote, and if so, what time frames should apply?

Covad: At a minimum, the ILEC should be required to deliver to the ALEC copies of all invoices relating to the preparation of the ALEC's requested space.

Issue 15: Should an ALEC be permitted to hire an ILEC certified contractor to perform space preparation, racking and cabling, and power work?

Covad: Covad has no position on this specific issue at this time.

Issue 16: For what reasons, if any, should the provisioning intervals be extended without the need for an agreement by the applicant ALEC or filing by the ILEC of a request for an extension of time?

Covad: AN ILEC should not be able to unilaterally extend collocation provisioning intervals. Such an unsupervised extension would result in abuse.

Issue 17: How should the costs of security arrangements, site preparation, collocation space reports, and other costs necessary to the provisioning of collocation space, be allocated between multiple carriers?

Covad: Covad has no position at this time.

Issue 18: If insufficient space is available to satisfy the collocation request, should the ILEC be required to advise the ALEC as to what space is available?

Covad: An ILEC should notify the ALEC if only a portion of the requested space is available, and then, with ALEC approval, proceed to provisioning such space without delay.

Issue 19: If an ILEC has been granted a waiver from the physical collocation requirements for a particular CO, and the ILEC later makes modifications that create space that would be appropriate for collocation, when should the ILEC be required to inform the Commission and any requesting ALECs of the availability of space in that office?

Covad: The ILEC should be required to advise the Commission and ALECs as soon as it knows the additional space will be available as soon as it knows that additional space will be available and the approximated date of such availability..

Issue 20: What process, if any, should be established for forecasting collocation demand for CO additions or expansions?

Covad: Covad has no position on this specific issue at this time.

Issue 21: Applying the FCC's "first-come, first-served" rule, if space becomes available in a central office because a waiver is denied or a modification is made, who should be given priority?

Covad: Covad has no position on this specific issue at this time.

F. Statement of Position on Questions of Law and Policy

Covad is unaware of any questions of law or policy at this time.

G. Statement of Stipulated Issues

Covad has not stipulated to any issue in this proceeding at this time.

H. Statement of Pending Motions or Other Matters

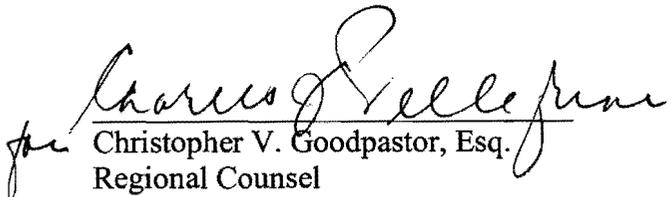
The following motions of Covad are still pending for decision:

- Motion of Covad Communications Company to File Direct Testimony Out of Time, filed November 1, 1999;
- Motion of Covad Communications Company to File Rebuttal Testimony Out of Time, filed November 24, 1999;
- Motion of Covad Communications Company to File Prehearing Statement Out of Time, filed November 24, 1999;
- Motion of Covad Communications Company to File Amended Prehearing Statement, filed December 1, 1999.

I. Requirements of Order on Procedure

Covad believes that this prehearing statement complies with the Commission's Order on Procedure and that there are no requirements therein with which Covad will be unable to comply.

Respectfully submitted,


for Christopher V. Goodpastor, Esq.

Regional Counsel
Covad Communications Company
9600 Great Hills Trail
Suite 150 W
Austin, Texas 78759
Tel.: (512) 502-1713
Fax: (419) 818-5568
Email: cgoodpas@covad.com

QUALIFIED REPRESENTATIVE OF
COVAD COMMUNICATIONS COMPANY

CERTIFICATE OF SERVICE

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

Mail this 1st day of December, 1999 to the following:

BellSouth Telecommunications, Inc.
Ms. Nancy H. Sims
150 South Monroe St., Suite 400
Tallahassee, FL 32301-1556
Phone: (850) 224-7798
Fax: (850) 222-8640

AT&T Communications of the
Southern States, Inc.
Ms. Rhonda P. Merritt
101 North Monroe St., Suite 700
Tallahassee, FL 32301-1549
Phone: (805) 425-6342
Fax: (805) 425-6361

ACI Corp.
7337 S. Revere Parkway
Englewood, CO 80112
Phone: (303) 476-4200

Accelerated Connections, Inc.
7337 South Revere Parkway
Englewood, CO 33414
Phone: (303) 476-4200

BellSouth Telecommunications, Inc. (Mia)
Nancy B. White
150 West Flagler St., Suite 1910
Miami, FL 33130
Phone: (305) 347-5558
Fax: (305) 577-4061

BellSouth Telecommunications, Inc.
(Atl)
E. Earl Edenfield, Jr.
675 W. Peachtree St., #4300
Atlanta, GA 30375
Phone: (404) 335-0763
Fax: (404) 614-4054

Blumenfeld & Cohen
Elise Kiely/Jeffrey Blumenfeld
1625 Massachusetts Ave. NW
Suite 300
Washington, DC 20036
Phone: (202) 955-6300
Fax: (202) 955-6460

WorldCom Technologies, Inc.
Donna McNulty, Esq.
325 John Knox Road, Suite 105
Tallahassee, FL 32303
Phone: (850) 422-1254
Fax: (850) 422-2586

e.spire Communications, Inc.
James Falvey
133 National Business Parkway
Suite 200
Annapolis Junction, MD 20701
Phone: (301) 361-4298
Fax: (301) 361-4277

Florida Cable Telecommunications
Assoc., Inc.
Michael A. Gross
310 N. Monroe St.
Tallahassee, FL 32301
Phone: (850) 681-1990
Fax: (850) 681-9676

Florida Competitive Carriers Assoc.
c/o McWhirter Law Firm
Vicki Kaufman
117 S. Gadsden St.
Tallahassee, FL 32301
Phone: (850) 222-2525
Fax: (850) 222-5606

Florida Public Telecommunications
Assoc.
Angela Green, General Counsel
125 S. Gadsden St., #200
Tallahassee, FL 32301-1525
Phone: (850) 222-5050
Fax: (850) 222-1355

GTE Florida Incorporated
Kimberly Caswell
P.O. Box 110, FLTC0007
Tampa, FL 33601-0110
Phone: (813) 483-2617
Fax: (813) 223-4888

Hopping Law Firm
Richard Melson/Gabriel Nieto
P.O. Box 6526
Tallahassee, FL 32314
Phone: (850) 222-7500
Fax: (850) 224-8551

GTE Florida Incorporated
Ms. Beverly Y. Menard
c/o Ms. Margo B. Hammar
106 East College Avenue, Suite 810
Tallahassee, FL 32301-7704
Phone: (813) 483-2526
Fax: (813) 223-4888

Intermedia Communications, Inc.
Scott Sapperstein
3625 Queen Palm Drive
Tampa, FL 33619-1309
Phone: (813) 621-0011
Fax: (813) 829-4923

Lockheed Martin IMS
Anita L. Fourcard
Communications Industry Services
1200 K Street, N.W.
Washington, DC 20005
Phone: (202) 414-3724
Fax: (202) 408-5922

MCImetro Access Transmission
Services LLC
Ms. Donna Canzano McNulty
325 John Knox Road, Suite 105
Tallahassee, FL 32303
Phone: (850) 422-1254
Fax: (850) 422-2586

MediaOne Florida Telecommunications,
Inc.
c/o Laura L. Gallagher
101 E. College Ave., Suite 302
Tallahassee, FL 32301
Phone: (850) 224-2211
Fax: (850) 561-3611

CompTel
Terry Monroe
1900 M Street, N.W.
Suite 800
Washington, DC 20036
Phone: (202) 296-6650

Messer Law Firm
Floyd Self/Norman Horton
P.O. Box 1876
Tallahassee, FL 32302
Phone: (850) 222-0720
Fax: (850) 224-4359

MGC Communications, Inc.
Susan Huther
3301 North Buffalo Drive
Las Vegas, NV 89129
Phone: (702) 310-4272

Pennington Law Firm
Peter Dunbar/Barbara Auger/Marc Dunbar
P.O. Box 10095
Tallahassee, FL 32301
Phone: (850) 222-3533
Fax: (850) 222-2126

Sprint Communications Company
Limited Partnership
Susan Masterton/Charles Rehwinkel
P.O. Box 2214
MC: FLTLHO0107
Tallahassee, FL 32316-2214
Phone: (850) 847-0244
Fax: (850) 878-0777

Sprint-Florida, Incorporated
Mr. F. B. (Ben) Poag
P.O. Box 2214 (MCFLTLHO0107)
Tallahassee, FL 32316-2214
Phone: (850) 599-1027
Fax: (407) 814-5700

Supra Telecommunications &
Information Systems, Inc.
Mark E. Buechele
2620 S. W. 27th Avenue
Miami, FL 33133
Phone: (305) 531-5286
Fax: (305) 476-4282

TCG South Florida
c/o Rutledge Law Firm
Kenneth Hoffman
P.O. Box 551
Tallahassee, FL 32302-0551
Phone: (850) 681-6788
Fax: (850) 681-6515

Telecommunications Resellers Assoc.
Andrew Isar
3220 Uddenberg Lane, Suite 4
Gig Harbor, WA 98335
Phone: (253) 851-6700
Fax: (253) 851-6474

Time Warner Telecom
Ms. Carloyn Marek
233 Bramerton Court
Franklin, TN 37069
Phone: (615) 376-6404
Fax: (615) 376-6405

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


Charles J. Pellegrini