

ORIGINAL

BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

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RECORDS AND
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In re: Petition of Competitive)
Carriers for Commission action to) Docket No.: 981834-TP
support local competition in)
BellSouth Telecommunications,)
Inc.'s service territory)
_____)

In re: Petition of ACI Corp. d/b/a) Docket No.: 990321-TP
Accelerated Connections, Inc. for)
generic investigation to ensure) Dated: February 14, 2000
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-effective physical collocation)
_____)

**INTERVENOR SUPRA TELECOM'S POST-HEARING STATEMENT
OF ISSUES AND POSITIONS AND POST-HEARING BRIEF**

INTERVENOR SUPRA TELECOMMUNICATIONS & INFORMATION SYSTEMS,
INC. ("Supra Telecom"), by and through its undersigned counsel, and pursuant to Rule 28-106.215,
Florida Administrative Code, hereby files this its Post-Hearing Statement of Issues and Positions
and Post-Hearing Brief, and in support thereof states as follows:

I. INTRODUCTION & STATEMENT OF BASIC POSITION

The collocation of ALEC facilities in ILEC central offices is an important prerequisite to
local competition and a clear goal of the Telecommunications Act of 1996 ("Telecommunications
Act"). The individual case basis ("ICB") procedures that characterize collocation today result in an
ILEC mentality that collocation should be treated as a rare occurrence which requires no

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forethought or planning until such time as an ALEC is ready to put money on the table for the space. This mentality causes ILECs such as BellSouth to have an inventory of conditions suitable for its own collocation needs, but none for ALECs. Consequently, ALECS are forced to suffer the burden starting from "scratch" and must install overhead lighting and air conditioning vents in virtually all collocation spaces, thereby insuring delays in collocation as a result of building permits and unnecessary space preparation time before any preparation work related to installation can even begin. Thereafter, ILECs, such BellSouth, force ALECs to pay in advance for the full cost of a variety of arguably unnecessary space preparation charges for fixed asset upgrades which the ILECs intends to keep. Currently, outside of the "caged" space, the ILECs contract for all space preparation work and do not allow ALECs to either directly negotiate with or hire certified contractors, or otherwise have any input into the quotation process. The end result is needless delays, inflated and unnecessary costs, and market uncertainty regarding both time to market and cost of capital investments. Such delays, costs and uncertainties most definitely discourage and act as a barrier to ALEC collocation and ultimately prevent meaningful competition. Moreover, the ILECs' mentality of treating collocation as a rare event requiring ICB only after the ALEC is ready to "put money on the table" is discriminatory and violative of the non-discriminatory provisions of the Telecommunications Act.

This Commission should use this docket to eliminate the case-by-case, one-at-a-time, ICB philosophy that permeates the ILEC's collocation procedures. Collocation space is nothing more than space prepared to house telecommunications equipment. The largest user of collocation space is currently the ILECs themselves. As seen by examples outside the state of Florida, such as with Southwestern Bell, collocation space and its associated costs can be standardized like any other

service, such that ALECs can know in advance how long it will take to collocate and how much will the collocation cost. There is nothing so unique about collocation space which precludes such a standardized approach. Cageless collocation essentially involves: (a) space conditioning work (i.e. equipment racks with overhead lighting and air-conditioning for heat removal); (b) overhead racking throughout the central office which holds the ALECs cabling used to inter-connect the ALECs equipment to the ILECs distribution point, such as a main distribution frame; and (c) upgrades to power plant which (if the back-up generator is sufficient) are simply rectifiers which convert alternating current ("AC") from the power company to fluctuating direct current ("DC"), and batteries which create a constant DC voltage and act as power storage in the event the power company and the backup generator fail.

With respect to standardize tariffs (for which the Commission would have oversight and for which ALECs could challenge), the difference between BellSouth's position and that of GTE and Sprint on this issue is that BellSouth opposes such a standardized approach, while GTE and Sprint embrace the approach and believe such standardization is both feasible and viable. By knowing in advance the rates, terms and conditions that apply to collocation requests, ALECs will be able to avoid the cost, delay and uncertainty that exists when every collocation application is treated as a unique event. In order to move forward on this issue, this Commission should conduct a generic proceeding to establish standardized prices for the provisioning of collocation space to supplement the standardized intervals and other guidelines that will result from this docket.

In addition to standardized tariffs, ALECs should also be given the right to either accept the tariff or perform the space preparation work themselves. This is a position supported by Sprint, one of Florida's ILECs. See Closz, tr., pp. 663. In this regard, ALECs should have the option of either

hiring their own contractors (previously certified by the ILEC) or being fully involved with the ILEC and contractors in the quotation and build-out processes. Under both scenarios, the ILEC can still maintain control over the central office by overseeing the work and giving direction to the contractors and ALEC on issues such as locations, capacities, specifications and requirements, etc. There is no reason why such a joint approach will not result in satisfying the legitimate central office concerns of both the ILEC and ALEC. Although some of the ILECs voiced objections prior to the hearing regarding an ALEC's use of certified contractors, at the hearing BellSouth, GTE and Sprint all agreed to varying degrees that ALECs should be allowed to hire certified contractors to perform space preparation work. The record evidence established in this proceeding reflects that there is no reason why ALECs should not be allowed to perform all aspects of the collocation preparation work. Accordingly, this Commission should rule that ALECs should be allowed to hire certified contractors to perform all space preparation work, with the ILEC overseeing such work to ensure that all legitimate concerns of the ILEC and other ALECs are addressed in the process.

II. POSITIONS & ARGUMENT

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?**

Position: An ILEC should respond within 10 calendar days as to whether space is available and within 15 days with all information needed to place a firm order. If the application is not complete when received, the ILEC should notify the ALEC of the specific deficiencies within 5 calendar days.

Supra Telecom has reviewed the Joint Post-Hearing Statement of Issues and Positions and their Post-Hearing Brief submitted jointly by the Florida Competitive Carriers Association, AT&T Communications of the Southern States, Inc., Covad Communications Company, the Florida Cable

Telecommunications Association, Intermedia Communications, Inc., MCI WorldCom, Inc., MediaOne Florida Telecommunications, Inc., MGC Communications, Inc, Rhythms Links, Inc. and Time-Warner Telecom of Florida, L.P. (hereafter referred to as the "FCCA Joint Brief"), and adopts in full the position and arguments set forth therein as if restated herein. The position stated above is a restatement of that set forth in the FCCA Joint Brief.

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?**

Position: The ILEC should provide all information needed for an ALEC to place a firm order within 15 calendar days of receipt of an order. ILECs should be required to streamline their collocation practices, maintain space inventory information, and standardize their pricing so that this provisioning interval can be satisfied.

Supra Telecom has reviewed the FCCA Joint Brief on this issue, and hereby adopts in full the position and arguments set forth therein as if restated herein. The position stated above is a restatement of that set forth in the FCCA Joint Brief.

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 THE FCC'S RULES?**

Position: The term "premises" applies to all ILEC buildings or similar structures that house network facilities, including remote terminals. Collocation is permitted at ILEC premises, which includes collocation in ILEC buildings, on ILEC property, and in or on adjacent property owned or controlled either by the ILEC or by other parties.

Supra Telecom has reviewed the FCCA Joint Brief on this issue, and hereby adopts in full the position and arguments set forth therein as if restated herein. The position stated above is a restatement of that set forth in the FCCA Joint Brief.

In addition, Supra Telecom would add that at the hearing, BellSouth's Keith Milner

confirmed that remote terminals are premises subject to collocation requirements, including for the collocation of DSL equipment, stating as follows:

Q. I would like to get a clarification on premises. Is it your testimony that premises includes remote locations for remote terminals to hook up to subloops?

A. Yes. BellSouth's facilities such as remote terminals that house telecommunications equipment, yes, would be under -- would fall under the definition of premises.

Q. And, therefore, an ALEC would be entitled to collocate in those spaces?

A. Yes.

Q. Okay. And that would include any DSL equipment?

A. I believe so.

See Milner, tr., pp. 356, l. 7-19.

Issue 4: WHAT OBLIGATIONS, IF ANY, DOES AN ILEC HAVE TO INTERCONNECT WITH ALEC PHYSICAL COLLOCATION EQUIPMENT LOCATED "OFF-PREMISES?"

Position: When space is exhausted in an ILEC central office or remote terminal, the ILEC is required under the "best practices" rule to interconnect with ALEC equipment on property adjacent to those premises. If requested, such interconnection must use the same copper facilities that would be permitted inside the ILEC premises.

Supra Telecom has reviewed the FCCA Joint Brief on this issue, and hereby adopts in full the position and arguments set forth therein as if restated herein. The position stated above is a restatement of that set forth in the FCCA Joint Brief.

In addition, Supra Telecom would add that under the Telecommunications Act, ILECs are obligated to interconnect at any technically feasible point within the carrier's network and should be required to provide anything that is a technically feasible interconnection or use of facilities within the central office off-premises.

Issue 5: WHAT TERMS AND CONDITIONS SHOULD APPLY TO CONVERTING VIRTUAL COLLOCATION TO PHYSICAL COLLOCATION?

Position: An ILEC should complete the conversion of virtual collocation to cageless physical collocation within 10 calendar days of receipt of written request. Conversion of virtual collocation to cageless collocation should not require the relocation of an ALEC's equipment even if the equipment is in the same line-up as ILEC equipment.

Supra Telecom has reviewed the FCCA Joint Brief on this issue, and hereby adopts in full the position and arguments set forth therein as if restated herein. The position stated above is a restatement of that set forth in the FCCA Joint Brief.

Issue 6: WHAT ARE THE APPROPRIATE RESPONSE AND IMPLEMENTATION INTERVALS FOR ALEC REQUESTS FOR CHANGES TO EXISTING COLLOCATION SPACE?

Position: If the requested change does not exceed the ALEC's initial space and power estimates, there should simply be a notification process so the ILEC is aware of what equipment has been installed. Changes exceeding initial requirements should be based on best practices.

Supra Telecom has reviewed the FCCA Joint Brief on this issue, and hereby adopts in full the position and arguments set forth therein as if restated herein. The position stated above is a restatement of that set forth in the FCCA Joint Brief.

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?

Position: An ILEC may not increase the preparation costs for shared space above that for a single cage and the ILEC must prorate preparation charges. Shared collocation should occur on terms and conditions that are not inconsistent with the *Advanced Services Order*.

Supra Telecom has reviewed the FCCA Joint Brief on this issue, and hereby adopts in full the position and arguments set forth therein as if restated herein. The position stated above is a restatement of that set forth in the FCCA Joint Brief.

Issue 8: WHAT IS THE APPROPRIATE PROVISIONING INTERVAL FOR CAGELESS PHYSICAL COLLOCATION?

Position: 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 60 calendar days of receiving a request.

Supra Telecom has reviewed the FCCA Joint Brief on this issue, and hereby adopts in full the position and arguments set forth therein as if restated herein. The position stated above is a restatement of that set forth in the FCCA Joint Brief.

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?

Position: The ALEC, not the ILEC, has the right to designate the demarcation point. Technically feasible demarcation points include, but are not limited to, the ALEC's collocation space and an intermediate frame, such as POT bays. An ILEC, however, cannot require interconnection at an intermediate frame unless requested by the ALEC.

Supra Telecom has reviewed the FCCA Joint Brief on this issue, and hereby adopts in full the position and arguments set forth therein as if restated herein. The position stated above is a restatement of that set forth in the FCCA Joint Brief.

Issue 10: WHAT ARE THE REASONABLE PARAMETERS FOR RESERVING SPACE FOR FUTURE ILEC AND ALEC USE?

Position: The Commission should limit ILEC reservation of space to one year. Where space is nearing exhaust, the ALECs and ILECs should be required to release space to carriers with an immediate need.

Supra Telecom has reviewed the FCCA Joint Brief on this issue, and hereby adopts in full the position and arguments set forth therein as if restated herein. The position stated above is a restatement of that set forth in the FCCA Joint Brief.

Additionally, Supra Telecom adds that under the Telecommunications Act, parity must exist between both the ILEC and the ALEC. Historically, an ILEC's space reservation was based on growth forecasting in a monopoly environment; however, an ILEC now must take into consideration a decrease in demand due to local competition. Both ILECs and ALECs must be treated equally. Therefore, an ILEC may not reserve space longer, or under better conditions, than what the ILEC offers to the least of all ALECs that apply for collocation.

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?**

Position: Yes. ILECs should be required to relocate all office administrative personnel before denying physical collocation requests. Administrative personnel should be defined as personnel that are not essential to the function of a particular premise.

Supra Telecom has reviewed the FCCA Joint Brief on this issue, and hereby adopts in full the position and arguments set forth therein as if restated herein. The position stated above is a restatement of that set forth in the FCCA Joint Brief.

Issue 12: **WHAT TYPES OF EQUIPMENT ARE THE ILECS OBLIGATED TO ALLOW IN A PHYSICAL COLLOCATION ARRANGEMENT?**

Position: An ILEC must permit the collocation of any type of equipment that is "used or useful" for interconnection or access to unbundled network elements. This includes, but is not limited to, transmission equipment, optical terminating equipment and multiplexers, DSLAMs, routers, ATMs and remote switching modules."

Supra Telecom has reviewed the FCCA Joint Brief on this issue, and hereby adopts in full the position and arguments set forth therein as if restated herein. The position stated above is a restatement of that set forth in the FCCA Joint Brief.

Additionally, Supra Telecom states that ILECs are required to permit collocation of all

equipment that is used or useful for interconnection or access to unbundled network elements, regardless of whether such equipment includes a switching functionality, provides enhanced services capabilities, or offers other functionalities, provided that the collocator is providing basic telephony service from the same arrangement. This includes by BellSouth's own admissions, DSL equipment. See Milner, tr., pp. 356, l. 11-19 ("A. Yes. BellSouth's facilities such as remote terminals that house telecommunications equipment, yes, would be under -- would fall under the definition of premises. Q. And, therefore, an ALEC would be entitled to collocate in those spaces? A. Yes. Q. Okay. And that would include any DSL equipment? A. I believe so."). The FCC's reference to pure switching equipment means tandems or class 4 switches. The FCC has allowed the collocation of Class 5 switches which provide dial-tone and other services in addition to the pure switching functions performed by the class 4 switches.

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?

Position: As discussed in Issue 1, ILECs should be required to provide price quotes within 15 calendar days after receipt of a collocation application, prior to receiving a firm order. The price quote should contain detailed cost information sufficient to enable the ALEC to verify the reasonableness of the estimate.

Supra Telecom has reviewed the FCCA Joint Brief on this issue, and hereby adopts in full the position and arguments set forth therein as if restated herein. The position stated above is a restatement of that set forth in the FCCA Joint Brief.

Supra Telecom also adds and notes that any quotes provided should be sufficient and

detailed enough to identify on a line item-by-item basis, the charge for material and service estimates for each item of services and materials required.

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?**

Position: Yes. The ILEC should permit an ALEC to participate in the development of the ILEC's price quotes. Standard pricing would greatly expedite the price quote process. The Commission should conduct an investigation that will establish standard pricing for collocation.

Supra Telecom has reviewed the FCCA Joint Brief on this issue, and hereby adopts in full the position and arguments set forth therein as if restated herein. The position stated above is a restatement of that set forth in the FCCA Joint Brief.

Additionally, Supra Telecom adds that BellSouth currently only provides ALECs a quotation having an estimated ICB charge for three groupings of alleged work: (a) space construction; (b) frame, cable and cable support; and (c) power. The ALEC has no ability to participate in the quotation and because little or no information is provided, cannot objectively evaluate the quotation for either errors, reasonableness and/or validity. The ALEC has no ability to participate in or challenge the quote and must pay half of the quotation within thirty days or lose the collocation space. The final cost of the space can exceed twice the original quotation. The ALEC's lack of control over the quotation process undoubtedly leads to delays, excessive collocation costs and charges not expected by this Commission.

For example, BellSouth's Keith Milner testified that the non-recurring power charges being imposed upon Supra Telecom in various collocation requests were primarily for the total cost of upgrades to the battery plant (i.e., cabling, rectifiers, breakers and batteries). When asked by the

Commission why these charges were non-recurring rather than recurring. BellSouth's Milner stated that "the work itself only benefits Supra, but the work has the potential to affect others." See Milner, tr., pp. 398. However, when battery plant upgrades are tied into the ILEC's existing battery plant system, although the upgrades were made necessary by the ALEC, the upgrades benefit both the ALEC and ILEC. See Ries, tr. pp. 490-91. Of course, if the rectifiers, breakers, cabling and batteries are not connected to the ILEC's battery plant and only feed the ALEC's equipment (as suggested by Supra Telecom at the hearing), then the equipment would only benefit Supra Telecom. However, in the dispute between BellSouth and Supra Telecom, BellSouth was insisting on performing the work, connecting the upgrades to the existing battery plant, keeping the upgrades for itself, while at the same time charging Supra Telecom the full cost of the upgrades. This position clearly violates this Commission's prior ruling in Order NO. PSC-98-0604-FOF-TP, where this Commission stated:

"Power plant expansions are more appropriately recovered in recurring charges because they will benefit both BellSouth and future collocators. Therefore, power plant investment shall not be included in any space preparation charge assessed to a collocator." Order NO. PSC-98-0604-FOF-TP, at pp. 155.

Notwithstanding this ruling, BellSouth continues to quote and charge ALECs on a nonrecurring ICB basis all power plant upgrades, including all costs associated with battery plant expansion, rectifiers, breakers and power cables. The only reason BellSouth has been able to continue assessing these charges in violation of this Commission's prior ruling is because BellSouth hides the charges in a vague three-line item quote over which the ALEC has no control.

Requiring a detailed, item-by-item quotation for both materials and services is the only way ILECs will be kept honest to the process and accountable for charges. Providing a detailed

breakdown of the work to be performed in the quotation, while at the same time giving the ALEC a voice in the design and quotation process, will reduce collocation time and costs and ultimately reduce prices to the consumer.

Issue 15: SHOULD AN ALEC BE PERMITTED TO HIRE AN ILEC CERTIFIED CONTRACTOR TO PERFORM SPACE PREPARATION, RACKING AND CABLING, AND POWER WORK?

Position: Yes. An ALEC, at its option, should be allowed at the ALEC's option, to hire an ILEC-certified contractor to perform all space preparation work, racking, cabling and battery plant expansions. In no instance, should the ILEC certification process unduly delay collocation.

To date, the ILECs have sought to characterize work within the central office which is outside of the floor space rented by the ALEC, to be common area wherein a landlord multi-tenant analogy applies. This position conveniently let the ALEC characterize work related only to one ALEC, as common work which can only be performed by the ILEC. However, the logic advanced by the ILECs (and in particular BellSouth) does not hold up to close scrutiny. All work in the cageless collocation environment can be characterized as either: (a) space conditioning work; (b) cabling and racking; and (c) power plant upgrades.

With respect to ALECs being able to hire certified contractors to perform space preparation work, 47 C.F.R. § 51.323(j) states in pertinent part as follows:

"An incumbent LEC shall permit a collocating telecommunications carrier to subcontract the construction of physical collocation arrangements with contractors approved by the incumbent LEC, provided, however, that the incumbent LEC shall not unreasonably withhold approval of contractors. Approval by an incumbent LEC shall be based on the same criteria it uses in approving contractors for its own purposes."

Cageless collocation is another form of physical collocation and thus the relevant C.F.R. allows the ALEC the right to hire certified contractors to "construct" all aspects of the "collocation

arrangement" (including all space condition work, racking/cabling and power plant upgrades). See Cloz, tr., pp. 667 (C.F.R. § 51.323(j) applies to everything involved in provisioning the arrangement).

At the hearing, BellSouth's Keith Milner stated that an ALEC could hire a certified contractor to install the cabling that connects the ALEC's equipment to the demarcation point with the ILEC. See Milner, tr., pp. 357-58. Although Milner stated that an ALEC could use existing space BellSouth's overhead racks (See Milner, tr., pp. 358), only BellSouth determines whether or not new racks are needed. See Milner, tr., pp. 358, 362. BellSouth's Milner agreed that an ILEC's engineer could overlook the racking work if such work was performed by a certified contractor hired by the ALEC, BellSouth's concern was that the ALEC may not choose the proper sized racking to meet the central office needs. See Milner, tr., pp. 359-60. BellSouth expressed no other concrete concern for refusing to allow an ALEC to hire a certified contractor to perform this work. BellSouth's refusal to allow ALECs to perform racking work through a certified contractor is simply unreasonable. GTE agrees that an ALEC's certified contractor could sit down with an ILEC's engineers and design the work in such a manner that takes into consideration the legitimate concerns of the ALEC, the ILEC and other collocating ALECs. See Ries, tr. pp. 490-91. Indeed, BellSouth main concern was that although cooperation sounds good, in practice it may not happen. See Milner, tr., pp. 364. BellSouth's pessimistic views are not sufficient justification to preclude an ALEC from hiring a certified contractor to perform this work.

With respect to power plant upgrades, at the hearing BellSouth's Keith Milner testified that an ALEC should be allowed to hire a certified contractor to install the ALEC's own batteries in an existing power room and to have those batteries electrically separated from BellSouth's batteries in

such a way that the ALECs batteries only feed the ALECs equipment. See Milner, tr., pp. 372. BellSouth's only qualification was that the installation meet safety codes and does not affect other service providers. Id. These concerns are easily resolved by reference to the applicable safety codes and an oversight of the work by a BellSouth engineer. The same logic apply equally to any other power costs such as rectifiers, breakers and power cables. Indeed, since physical collocations were originally separate enclosures, ALECs have always been allowed to hire certified contractors to perform electrical work within the central office.

Finally, with respect to space conditioning work, this involves the equipment rack, overhead lighting and cooling, which with BellSouth is accomplished by placing an air condition vent overhead of the collocating equipment. See generally Milner, tr., pp. 373-77. The testimony at the hearing was that these items generally required municipal building permits in order to install. Id. The overhead lighting is standard aisle lighting. Id. There is no reason why a ALEC cannot hire a certified contractor to install an overhead light. This is the kind of work done thousands of times everyday by electrical contractors in the construction of homes and buildings across this country. With respect to air conditioning vents over equipment, the standards for this work is governed by general mechanical contractors. See Milner, tr., pp. 378-80. Therefore, if BellSouth insists that this work is necessary, there is no reason why an ALEC cannot hire a certified contractor to perform this work.

With respect to the other Florida ILECs, at the hearing GTE stated as follows:

"With regards to the hiring of certified contractors, if the work being performed is specific to the CLEC request, the CLEC can hire the certified contractors to do the work. However, like BellSouth, if the work that is being performed affects GTE equipment, then the CLEC does not have the option of hiring that contractor. GTE will perform that work or hire that contractor to do that work."

See Ries, tr., pp. 487, l. 9-16. Likewise, Sprint's position on the matter appears to be that work that is "infrastructure specific that are serving multiple ILECs, or that are basically serving the entire building" are the type of work that ILECs should perform. See Closz, tr., pp. 668. See also Closz, tr. pp. 674, l. 10-14 ("I think there are certain things in upgrading or in improving the central office that really benefit anyone that might have anything located in that office, and in those situations I think it makes sense that the ILEC would perform that work.")

Based upon the above, it appears that there is no legitimate reason for precluding ALECs to perform all aspects of the collocation work, so long as the work is being performed by an ILEC certified contractor, and so long as the ILEC has the right to oversee the work and bring concerns to the contractor regarding the legitimate interest of the ILEC and other collocating ALECs in order to accommodate all affected parties. Moreover, with respect to the interests of other ALECs, the ILEC need not disclose the other ALECs, rather simply voice those concerns in approving and overseeing the work performed.

With respect certification process, Supra Telecom has reviewed the FCCA Joint Brief on this issue, and hereby adopts in full the position and arguments set forth therein on this issue as if restated herein.

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?**

Position: An ILEC should not be allowed to extend unilaterally provisioning intervals established by this Commission. Such unilateral extension rights would create an incentive for ILECs to prolong the provisioning of collocation space to delay the market entry of their competitors.

Supra Telecom has reviewed the FCCA Joint Brief on this issue, and hereby adopts in full

the position and arguments set forth therein as if restated herein. The position stated above is a restatement of that set forth in the FCCA Joint Brief.

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?**

Position: The Commission should conduct a generic cost investigation to establish standard collocation prices. Nevertheless, if allocation is to occur, then it should be on a prorata basis calculated upon the actual space each carrier occupies. Moreover, provisions should be made for future collocators to share the costs based upon the space occupied.

Supra Telecom has reviewed the FCCA Joint Brief on this issue, and hereby adopts in part the position and arguments set forth therein as if restated herein. However, Supra Telecom further adds that to the extent costs are allocated, costs for collocation should be allocated based on the amount of space occupied by the ALEC, and a portion should be shared by all ILECs since they also benefit from the upgrades and profit from the ALEC's business expansion. ILECs must allocate space preparation, security measures, and other collocation charges on a prorated basis so the first collocator in a particular incumbent premises will not be responsible for the entire cost of site preparation. Power plant investment should not be included in any space preparation charge assessed to a collocator, nor should the cost of security system installations other than reasonable charges for keys or other access devices.

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?**

Position: Yes. The ILEC should notify the ALEC of what portion of the requested space is available. If the ALEC accepts the smaller space, there should be no extension of the provisioning intervals or additional application fees. Space verification procedures should apply if any portion of the space request is denied.

Supra Telecom has reviewed the FCCA Joint Brief on this issue, and hereby adopts in full the position and arguments set forth therein as if restated herein. The position stated above is a restatement of that set forth in the FCCA Joint Brief.

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?

Position: When collocation space becomes available, the ILEC should advise the Commission and all ALECs who previously requested space in that office by mail and by posting on its Internet site within 10 calendar days of the decision that will result in the availability of space.

Supra Telecom has reviewed the FCCA Joint Brief on this issue, and hereby adopts in full the position and arguments set forth therein as if restated herein. The position stated above is a restatement of that set forth in the FCCA Joint Brief.

Issue 20: WHAT PROCESS, IF ANY, SHOULD BE ESTABLISHED FOR FORECASTING COLLOCATION DEMAND FOR CO ADDITIONS OR EXPANSIONS?

Position: ILECs must consider aggregate space demand in planning central office additions. The ILEC is and likely will be the largest "purchaser" of central office space to house its own equipment. The ILEC should augment its demand forecasts with those of ALECs to plan and construct sufficient space to prevent exhaust.

Supra Telecom has reviewed the FCCA Joint Brief on this issue, and hereby adopts in full the position and arguments set forth therein as if restated herein. The position stated above is a restatement of that set forth in the FCCA Joint Brief.

Supra Telecom further adds that ILECs should be required to keep a list of all ALECs who have requested collocation. When the ILEC begins planning for central office expansion, the ILEC

should contact each carrier on the list to determine the level of interest and amount of collocation space. Additionally, ILEC account representatives could poll their customers when an office comes under review to properly define future needs.

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?

Position: ILECs should keep a waiting list of all ALECs requesting space, and should notify them ALECs within 10 days of space availability, with a respond due in 30 days. If an ALEC successfully challenges an ILEC's denial of space, then that ALEC should be given first priority.

Supra Telecom has reviewed the FCCA Joint Brief on this issue, and hereby adopts in part the position and arguments set forth therein relating to the procedure suggested. However, Supra Telecom adds that if an ALEC chooses to contest the availability of space before the Commission, that this ALEC must be given priority above any other ALEC who chose not to exercise their legal rights. The ILEC should be required to maintain a list of all carriers who have requested space in the order they were received.

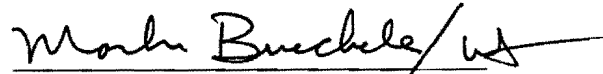
III. CONCLUSION

The ability of ALECs to quickly and efficiently collocate in ILEC central offices is critical to achieving the goals of the Telecommunications Act. Carriers must have certainty in terms and conditions as well as pricing so that they can make reasonable and prompt business decisions. Thus, in resolving the issues in this case, the Commission should look to those solutions which will enhance, not impede local competition, and remove barriers to entry.

WHEREFORE, Intervenor SUPRA TELECOMMUNICATIONS & INFORMATION SYSTEMS, INC., hereby files this its Post-Hearing Statement of Issues and Positions and Post-

Hearing Brief.

Respectfully submitted this 14th day of February, 2000.

A handwritten signature in black ink, appearing to read "Mark E. Buechele" with a stylized flourish at the end.

MARK E. BUECHELE, ESQ.

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CERTIFICATE OF SERVICE

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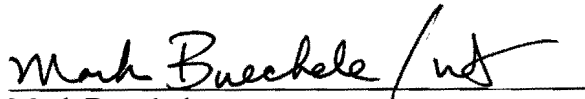
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