

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition of Competitive Carriers for	§	Docket Nos. 981834-TP and 990321-TL
Commission Action to support local	§	(Consolidated)
competition in BellSouth	§	
Telecommunications, Inc.'s territory	§	
	§	
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: November 1, 1999

**DIRECT TESTIMONY OF MICHAEL MOSCARITOLO ON BEHALF OF
COVAD COMMUNICATIONS COMPANY**

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1 **I. INTRODUCTION**

2 **Q: PLEASE STATE YOUR NAME AND TITLE.**

3 A: My name is Michael Moscaritolo. I presently serve as Director, Network
4 Deployment, Eastern Region for Covad Communications Company ("Covad").

5 **Q: PLEASE DESCRIBE YOUR QUALIFICATIONS AND EXPERIENCE AS
6 THEY PERTAIN TO THIS PROCEEDING.**

7 A: I received my Bachelors degree in Engineering from Northeastern
8 University and a degree in Mechanical Engineering from Wentworth Institute. I
9 have served as Director for Covad since May 1998. Before joining Covad, I held
10 a number of senior management positions during my 27 year career with Bell
11 Atlantic (formally NYNEX). In my last position, as Regional Director of
12 Network Engineering for Bell Atlantic Mobile, a billion-dollar Cellco partnership
13 company, I was responsible for all network deployment functions necessary to
14 construct the largest wireless communications network in the northeast market.

15 As Director of Asset Management for NYNEX, I consolidated and
16 merged the regional real estate, fleet management and
17 administrative and corporate service functions for five corporate
18 owned companies. I managed work groups exceeding 300 employees,
19 managed the building engineering functions for 300 plus locations and
20 administered a \$62 million rental budget. During this time frame I also instituted
21 major improvements in space planning, acquisition and disposal, and the design
22 and construction disciplines necessary to support a 15 million square foot leased
23 property portfolio.

24 I also served as Vice President of Acquisition and Development of
25 NYNEX Properties Company; a full service real estate brokerage company

1 dedicated to the development of space for speculative and corporate needs, as
2 well as the management of 60 million square feet of corporately owned and leased
3 property.

4 **II. PURPOSE OF THIS TESTIMONY**

5 **Q: WHAT IS THE PURPOSE OF YOUR TESTIMONY?**

6 A: The purpose of my testimony is to provide informed responses to the list of issues
7 identified by the Commission in Appendix A to *Order Establishing Procedure*,
8 Order No. PSC-99-1991-PCO-TP in consolidated Docket Nos. 981834-TP and
9 990321-TP, with a particular emphasis on how the resolution of those issues will
10 affect the offering of competitive Digital Subscriber Line (“DSL”) services in
11 Florida.

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

13 A: My testimony will

- 14 ● Discuss the need for pro-competitive collocation policies;
- 15 ● Explain the benefits of adopting a flat-rate collocation application procedure;
- 16 ● Suggest pro-competitive terms for conversion of virtual collocation
17 arrangements to cageless collocation arrangements;
- 18 ● Suggest cageless collocation provisioning intervals of 45 calendar days when
19 space and power is available;
- 20 ● Suggest that the space reservation policies applicable to the ILECs also should
21 apply to ALECs’ reservation of space;
- 22 ● Describe the types of equipment that ILECs must allow an ALEC to collocate;
- 23 ● Describe the need for an ALEC to have access to the invoices and other cost
24 information relating to an ILEC’s price quote for collocation;

- 1 • Describe the problems associated with allowing an ILEC to unilaterally
2 extend the collocation provisioning interval without first obtaining an order
3 from the Commission;
- 4 • Suggest rules for collocation when an ILEC contends that only a portion of an
5 ALEC's requested space is available.

6 **III. THE NEED FOR PRO-COMPETITIVE COLLOCATION RULES.**

7 **A. The Lack of Competitive Terms for Collocation Has Created a** 8 **Significant Barrier to Entry for ALECS.**

9 **Q: HOW DO THE TERMS UNDER WHICH AN ILEC PROVIDES** 10 **COLLOCATION AFFECT AN ALECS ABILITY TO COMPETE?**

11 A: The terms under which an ILEC provides collocation are limiting factors
12 of the speed at which an ALEC can get to market. Determining the availability of
13 collocation space in an ILEC's network and collocation of an ALEC's equipment
14 within that space is the first physical step taken by an ALEC seeking to enter a
15 particular region for the purpose of providing competitive services. A facilities-
16 based ALEC cannot contemplate providing service in a particular region until its
17 collocation space is provisioned, the appropriate interconnection between the
18 ILEC's network and the ALEC's network is established, and the ALEC's
19 equipment is activated. Most other aspects of an ALEC's business, such as sales,
20 marketing, and service delivery, cannot begin in earnest until all aspects of
21 collocation are complete.

22 **Q: HOW DOES AN ILEC'S RELIABILITY IN PROVISIONING** 23 **COLLOCATION SPACE AFFECT AN ALEC'S ENTRY INTO A** 24 **MARKET?**

25 Because several other divisions of an ALEC's business rely upon the
26 provisioning of collocation space, the reliability of an ILEC in meeting
27 provisioning intervals is critical to an ALEC's business. To appropriately plan

1 marketing strategies, sales efforts, and staffing needs, an ALEC must be able to
2 reasonably predict when its collocation space in a region will be provisioned.
3 Accordingly, for true competitive entry to be possible, an ILEC must not only
4 commit to competitive provisioning intervals, it also must meet those
5 commitments consistently.

6 **Q: ACCORDING TO YOUR EXPERIENCE, HAVE BELLSOUTH AND GTE**
7 **FLORIDA PROVIDED COMPETITIVE TERMS AND CONDITIONS FOR**
8 **COLLOCATION IN FLORIDA?**

9 A: No. For example, according to data collected by Covad from August 28,
10 1999 to the present, the median collocation provisioning interval—*i.e.*, the time
11 elapsed between the date an ILEC receives an ALEC's application for collocation
12 and the date the ILEC delivers completed collocation space to the ALEC—
13 provided by BellSouth to Covad in Miami, Florida is 253 calendar days, *i.e.*, over
14 8 months. In some instances, BellSouth's provisioning interval for Covad's
15 collocation space exceeded 10 months.

16 Similarly, GTE Florida provides collocation space to Covad in a median
17 interval of 184 calendar days in Florida, *i.e.* over 6 months. In some instances,
18 BellSouth's provisioning interval for Covad's collocation space exceeded 7
19 months.

20 This information shows that firm guidelines are necessary for ALECs to
21 receive collocation on pro-competitive terms. Although the FCC did not set
22 specific collocation intervals in its March 31, 1999 Order, it noted the significant
23 competitive harm suffered by ALECs that are forced to wait six to eight months
24 for collocation space. (FCC Order 99-48 ¶ 54 ("The record in the proceeding
25 reflects significant competitive harm suffered by new entrants whose collocation
26 space is not ready for as long as six to eight months after their initial collocation

1 request is submitted to the incumbent ILEC.”.) “We emphasize the importance
2 of timely provisioning, and we are confident that state commissions recognize the
3 competitive harm that new entrants suffer when collocation arrangements are
4 unnecessarily delayed.” (*Id.*)

5 **IV. RESPONSES TO THE COMMISSION’S TENTATIVE LIST OF ISSUES.**

6 **A. Issue 1: ILEC Response to a Complete and Correct Collocation** 7 **Application.**

8 **Q: WHEN SHOULD AN ILEC BE REQUIRED TO RESPOND TO A** 9 **COMPLETE AND CORRECT COLLOCATION APPLICATION?**

10 A: An ILEC should be required to respond to a complete and correct
11 collocation application within ten (10) calendar days of its receipt of the
12 application. The Federal Communications Commission expressly set this
13 interval in First Report and Order, *In the Matters of Deployment of Wireline*
14 *Services Offering Advanced Telecommunications Capability*, CC Docket No. 98-
15 147 (Mar. 31, 1999) (“FCC Order 99-48”): “We view ten days as a reasonable
16 time period within which to inform a new entrant whether its collocation
17 application is accepted or denied.” (FCC Order 99-48 ¶ 55.)

18 **Q: WHAT INFORMATION SHOULD BE INCLUDED IN THE ILEC’S** 19 **RESPONSE TO THE ALEC’S COLLOCATION APPLICATION?**

20 A: Within the ten calendar days prescribed by the FCC, an ILEC should be
21 required to provide all necessary information for an ALEC to place a firm order
22 for collocation. The response should include without limitation, a cost estimate
23 for the collocation space.

24 **Q: IS TEN CALENDAR DAYS SUFFICIENT TIME FOR AN ILEC TO** 25 **PROVIDE THIS INFORMATION?**

26 A: Yes. To comply with the ten calendar day response prescribed by the
27 FCC, and ILEC merely needs to determine if the requested space is available and

1 to estimate the cost of provisioning that space. Determining space availability is
2 simple. By maintaining central office records in a reasonable manner, an ILEC
3 should be able to determine space availability in a matter of hours, if not minutes.

4 Preparing a cost estimate should not require an excessive amount of time
5 either. Indeed, the cost of each element of collocation is listed in detail in the
6 Collocation Attachment to BellSouth's standard interconnection agreement.

7 **B. Issue 2: An Alternative Procedure for Submitting and Processing**
8 **Collocation Applications.**

9 **Q: PLEASE DESCRIBE BELLSOUTH'S STANDARD PROCEDURE FOR**
10 **SUBMITTING AND PROCESSING COLLOCATION APPLICATIONS.**

11 A: BellSouth uses a "two-tier" application process for collocation that
12 requires both an application interval and a provisioning interval. The intervals
13 run in series—i.e., the firm order interval does not begin until the application
14 interval expires. In the first tier, an ALEC submits a collocation application to
15 BellSouth, BellSouth, determines space availability, prepares a cost estimate and
16 provides this information to an ALEC. Under BellSouth's proposed collocation
17 agreement, BellSouth demands 42 calendar days (30 business days) to complete
18 this process.

19 In the second tier, after receiving the information provided by BellSouth in
20 response to the collocation application, the ALEC submits a firm order for the
21 collocation space. BellSouth begins provisioning the collocation space upon
22 receiving the firm order from the ILEC. Under BellSouth's proposed collocation
23 agreement, BellSouth demands a provisioning interval of 126 calendar days (90
24 business days) when space and power is readily available and an interval of 182
25 calendar days (130 business days) when space and power is not readily available.

1 Thus, under BellSouth's procedure, an ALEC must wait a minimum of
2 168 calendar days from the date of application to receive its requested collocation
3 space. In cases where space and power is not readily available, BellSouth will not
4 commit to providing collocation space in less than 224 calendar days. Moreover,
5 any delay in the application interval necessarily creates a delay in the provisioning
6 interval, because the provisioning interval does not begin until an ALEC receives
7 BellSouth's response to the application.

8 **Q: DO OTHER ILECS PROVIDE A MORE EFFICIENT PROCEDURE FOR**
9 **OBTAINING COLLOCATION SPACE?**

10 A: Yes. Covad uses a flat-rate collocation application procedure with US
11 West. Attached as Exhibit A is an excerpt of Covad's Interconnection Agreement
12 with US West. The flat-rate procedure eliminates the delay associated with an
13 ILEC's preparation of a cost estimate for the requested collocation space.
14 Because US West is implementing this procedure in its region, the policy is
15 presumptively feasible in the regions of other ILECs, including BellSouth and
16 GTE Florida.¹

17 **Q: PLEASE DESCRIBE THE FLAT-RATE COLLOCATION APPLICATION**
18 **PROCEDURE TO WHICH YOU REFER.**

19 A: Under a flat-rate collocation application procedure, the parties agree upon
20 a flat-rate to be charged initially for standard cageless collocation arrangements in
21 two-, four-, and six-bay increments. When an ALEC desires collocation space in
22 a central office, it submits its application with a deposit of 50% of the flat-rate
23 price. The ILEC begins provisioning the requested collocation space immediately
24 upon receipt of the ALEC's collocation application. During the ILEC's

1 preparation of the collocation space, the ILEC also prepares its cost estimate.
2 Upon delivery of the collocation space, the parties “true-up” (up or down) the
3 price of the collocation space according to the cost estimate prepared by the
4 ILEC.

5 For example, assume that the parties agree on the following flat-rate prices
6 for standard cageless collocation arrangements:

7	2-bay cageless	\$10,000
8	4-bay cageless	\$15,000
9	6-bay cageless	\$25,000.

10 If an ALEC needed a 4-bay cageless collocation space, it would submit its
11 collocation application with a 50% deposit of \$7,500. The ILEC’s network
12 engineering department would begin provisioning the ALECs collocation request
13 immediately upon receipt. While the ILEC’s network engineering department
14 completes provisioning, the ILEC’s costing department prepares the cost estimate.
15 When the ILEC delivers the space, the cost estimate is compared with the flat-rate
16 paid. The ALEC then pays the amount due according to the cost estimate.

17 **Q: WHY DO YOU BELIEVE THAT THE FLAT-RATE APPLICATION**
18 **PROCEDURE IS MORE EFFICIENT THAN THE PROCESS**
19 **PRESENTLY USED BY BELL SOUTH?**

20 A: The flat-rate application procedure is more efficient than BellSouth’s
21 present process for two reasons. First, the flat-rate procedure eliminates the
22 unnecessary delay associated with BellSouth’s application interval. Because the
23 ILEC provisions the space *during* its preparation of the cost estimate, the time
24 required to prepare the cost estimate does not delay the provisioning of

¹ Under FCC Order 99-48, “the deployment by any incumbent LEC of a collocation arrangement gives rise to a rebuttable presumption in favor of a competitive LEC selling collocation in any incumbent LEC premises that such an arrangement is technically feasible.” (FCC Order 99-48 ¶ 45.)

1 collocation space. In short, the flat-rate process allows the application interval
2 and the provisioning interval to proceed in parallel, instead of in series.

3 Second, the flat-rate application process eliminates the ILEC's concern
4 with responding to an ALEC's application within the time required by the FCC.
5 Because the parties agree to a flat-rate for the collocation space, an ILEC can
6 begin to prepare the collocation space immediately upon receipt of an ALEC's
7 application, without having to prepare a cost estimate to begin provisioning the
8 space. Because space preparation begins immediately, the ILEC has the entire
9 collocation provisioning interval during which to prepare the cost estimate.

10 **Q: HAVE THE ILECS AGREED TO CONSIDER ADOPTING THIS**
11 **PROCEDURE?**

12 A: In negotiations with Covad, BellSouth has agreed to consider adopting a
13 flat-rate collocation application procedure. I understand from BellSouth that its
14 collocation Product Team presently is reviewing this proposal to determine
15 appropriate flat-rate prices.

16 **C. Issue 5: Terms and Conditions for Converting Virtual Collocation to**
17 **Cageless Collocation.**

18 **Q: WHAT TERMS AND CONDITIONS SHOULD APPLY TO THE**
19 **CONVERSION OF VIRTUAL COLLOCATION OF CAGELESS**
20 **COLLOCATION?**

21 A: An ALEC should be able to submit a written request to convert an existing
22 virtual collocation arrangement to a cageless collocation arrangement.

23 Conversion should *not* require the relocation of an ALEC's equipment even if the
24 ALEC's equipment is in the same line-up as the ILEC's equipment. Relocation of
25 equipment merely delays the conversion and increases its costs. *See Order*
26 *Directing Tariff Revisions*, Case Nos. 99-C-0715 & 95-C-0657, New York Public

1 Service Commission (Aug. 3, 1999) (“Spending time and effort to move a virtual
2 arrangement from one area of a central office to another would be an unnecessary
3 and time-consuming burden.”). Because BellAtlantic is implementing this policy
4 under order from the New York Public Utility Commission, the policy is
5 presumptively feasible in the regions of other ILECs, including BellSouth and
6 GTE Florida.²

7 An ALEC’s request for conversion of virtual collocation space should not
8 be subject to the ILEC’s standard application fee because the amount of work
9 required to process an conversion application should be much less than the work
10 required to process a standard collocation application.

11 Because the conversion of virtual collocation to cageless merely requires
12 an ILEC to provide a CLEC with access to the collocation space, an ILEC should
13 be required to complete the conversion within 10 calendar days of receiving an
14 ALEC’s request for conversion.

15 An ALEC may be required to pay a fee, determined under federal pricing
16 standards, to the ILEC to address any reasonable costs associated with the
17 conversion. However, if the ALEC was forced to request a virtual collocation
18 arrangement after June 1, 1999, the effective date of FCC Order 99-48, an ALEC
19 should not be required to pay any costs associated with the conversion of the
20 arrangement to a cageless arrangement. After June 1, 1999, ILECs have an
21 affirmative duty to make cageless collocation available to ALECs “as soon as
22 possible, without waiting until a competing carrier requests a certain arrangement,
23 so that competitors will have a variety of collocation option from which to

² Under FCC Order 99-48, “the deployment by any incumbent LEC of a collocation arrangement gives rise to a rebuttable presumption in favor of a competitive LEC selling collocation in any incumbent LEC premises that such an arrangement is technically feasible.” (FCC Order 99-48 ¶ 45.)

1 choose.” (FCC Order 99-48 ¶ 40.) Because many ILECs failed to comply with
2 their duty under the FCC Order to provide cageless collocation, an ALEC often
3 must request virtual collocation merely to provide service from a particular
4 central office. Accordingly, the ALEC should not be required to incur the
5 additional expense of conversion merely because the ILEC did not comply with
6 the FCC Order.

7 **D. Issue 8: Cageless Collocation Provisioning Intervals.**

8 **Q: WHAT IS THE APPROPRIATE PROVISIONING INTERVAL FOR**
9 **CAGELESS COLLOCATION?**

10 A: When space and power are readily available, an ILEC should provision
11 cageless collocation space within 45 calendar days. When space and power is not
12 readily available, an ILEC should provision cageless collocation space within 90
13 calendar days. US West presently provides these provisioning intervals to Covad
14 under its interconnection agreement. (Ex. A.) Because US West provides these
15 intervals, such intervals are presumptively feasible in the regions of other ILECs,
16 including BellSouth and GTE Florida.³

17 Similarly, Southwestern Bell Telephone Company (“SWBT”) provides
18 cageless collocation in active collocation space in 55 calendar days if an ALEC
19 installs its own racking, and in 70 calendar days if the ILEC installs the racking.
20 *Order No. 51, Approving Time Intervals for Provisioning Collocation Under*
21 *Revised Physical Collocation Tariff*, Project No. 16251, Public Utility
22 Commission of Texas (Aug. 18, 1999). If active collocation space is not readily
23 available, SWBT provides cageless collocation in 140 calendar days.

³ Under FCC Order 99-48, “the deployment by any incumbent LEC of a collocation arrangement gives rise to a rebuttable presumption in favor of a competitive LEC selling collocation in any incumbent LEC premises that such an arrangement is technically feasible.” (FCC Order 99-48 ¶ 45.)

1 **E. Issue 10: What are reasonable parameters for reserving space for future**
2 **LEC and ALEC use?**

3 **Q: HAS THE FCC ADDRESSED SPECE RESERVATION POLICIES?**

4 A: Yes. Under FCC Rules, an ILEC must allow an ALEC to reserve space
5 for future use under the same policies and procedures the ILEC applies to itself.

6 **Q: WHAT LIMITATIONS DO ILECS PLACE UPON ALECS REGARDING**
7 **RESERVATION OF SPACE?**

8 A: Under BellSouth's proposed collocation agreement, an ALEC must place
9 operational equipment within its collocation space and connect with BellSouth's
10 network within 180 days of delivery of the space. Although BellSouth does not
11 label this provision as a space reservation policy, the provision effectively
12 prevents an ALEC from reserving space for future growth for a period of over six
13 months. If BellSouth and other ILECs allow themselves to reserve space for
14 expected growth within a period greater than six months, the policy applicable to
15 ALECs should be revised to parity with the policy applied to ILECs.

16 **Q: SHOULD ILECS BE REQUIRED TO DISCLOSE PLANS FOR FUTURE**
17 **GROWTH?**

18 A: If an ILECs plans for future growth will result in less space available for
19 collocation of competitors, then the ILEC should be required to disclose those
20 plans as soon as they are developed. Presently, no mechanism exists for an
21 ALEC to verify an ILEC's claim that collocation space is unavailable because of
22 space reservations for future ILEC growth. By requiring an ILEC to disclose this
23 information on a website or through a filing with the Commission as soon as it is
24 developed, an ILEC will have less incentive to use space reservation as a means
25 of wrongfully denying an ALEC's request for collocation space.

1 **F. Issue 12: Types of Equipment Allowed in Collocation Arrangements.**

2 **Q: WHAT TYPES OF EQUIPMENT ARE THE ILECS OBLIGATED TO**
3 **ALLOW IN PHYSICAL COLLOCATION ARRANGEMENT?**

4 A: Under FCC Order 99-48, an ILEC must “permit collocation of all
5 equipment that is necessary for interconnection or access to unbundled network
6 elements, regardless of whether such equipment includes a switching
7 functionality, provides advanced services capabilities, or offers other
8 functionalities.” (FCC Order 99-48 ¶ 28.) A ILEC may not refuse to permit
9 collocation of any equipment that is “used or useful” for either “interconnection
10 or access to unbundled network elements, regardless of other functionalities
11 inherent in such equipment.” (*Id.*) An ILEC may not refuse to permit
12 collocation of any type of equipment “unless they first ‘prove to the state
13 commission that the equipment will not be actually used by the
14 telecommunications carrier for the purpose of obtaining interconnection or access
15 to unbundled network elements.’” (*Id.*) Thus, “this rule requires incumbent LECs
16 to permit competitors to collocate such equipment as DSLAMs, routers, ATM
17 multiplexers, and remote switching modules.” (*Id.*)

18 **G. Issue 14: ALEC Participation in Preparation of Price Quotes.**

19 **Q: SHOULD AN ALEC HAVE THE OPTION TO PARTICIPATE IN THE**
20 **DEVELOPMENT OF THE ILEC’S PRICE QUOTE?**

21 A: Yes. At a minimum, the ILEC should be required to deliver to the ALEC
22 copies of all invoices relating to the preparation of the ALEC’s requested space.
23 Without this information, an ALEC cannot verify the amounts charged by the
24 ILEC for space preparation and determine whether such amounts are reasonable.
25 The FCC has determined that disclosure of cost information “is necessary for the

1 requesting carrier to determine whether the rates offered by the incumbent LEC
2 are reasonable.” (FCC Order 96-325 ¶ 155.)

3 **H. Issue 16: Unilateral Extension of Provisioning Intervals By the ILECs.**

4 **Q: SHOULD AN ILEC BE ABLE TO UNILATERALLY EXTEND THE**
5 **COLLOCATION PROVISIONING INTERVALS?**

6 A: Absolutely not. If an ILEC is unable to provision collocation space within
7 the interval determined by the Commission, and an ALEC will not agree to
8 extend the provisioning interval, the ILEC should be required to file a request
9 with the Commission for an extension of the interval. In this request, the ILEC
10 should have the burden to prove that its satisfaction of the provisioning interval is
11 technically infeasible, and the request for extension is not due to a failure of the
12 ILEC, including without limitation, a failure to devote appropriate resources to its
13 Wholesale Division, a failure to plan reasonably for anticipated collocation
14 demands, or a failure to request a building permit only when reasonably
15 necessary.

16 If ILECs are allowed to unilaterally extend the provisioning interval
17 without Commission involvement, ILECs will be able to delay the provisioning of
18 competitors’ collocation space with impunity. For example, BellSouth subscribes
19 to the policy that provisioning intervals should not include any time required to
20 obtain a building permit. This policy has resulted in the filing by BellSouth of
21 unnecessary building permit applications, improperly delaying the turnover of
22 several of Covad’s collocation spaces in Florida. For example, in the summer of
23 1999, BellSouth refused to activate Covad’s collocation spaces, claiming that the
24 building permit required to provision the space was still being processed. After
25 further investigation by Covad, we discovered that the permits had not been

1 approved because (1) BellSouth had a crack in the sidewalk in front of one of its
2 central offices, and (2) BellSouth had failed to construct the required disabled
3 access ramp to its central office. Neither of these permitting problems related to
4 issues regarding Covad's collocation space. Indeed, Covad believes that
5 BellSouth unnecessarily filed applications for these permits.

6 Moreover, BellSouth has agreed in negotiations that a building permit is
7 not required for Covad's standard cageless collocation arrangement. Thus,
8 BellSouth does not need an automatic extension of the provisioning intervals for
9 permitting or for any other reason.

10 **I. Issue 18: Partial Space Availability.**

11 **Q: IF INSUFFICIENT SPACE IS AVAILABLE FOR A COLLOCATION**
12 **REQUEST, SHOULD AN ILEC BE REQUIRED TO DISCLOSE THE**
13 **AMOUNT OF SPACE AVAILABLE?**

14 **A:** Yes. If Covad submits a request for 6 bays of collocation space, and only
15 4 bays are available, Covad will seek to collocate in the available 4 bays. I
16 understand that most other ALECs have the same collocation policies. If an
17 ALEC has decided to collocate in a particular central office, its ultimate desire is
18 to provide service from that central office. Thus, in most cases, the ability to
19 collocate in less space than originally requested is better than no collocation in
20 that central office at all.

21 An ILEC should notify the ALEC if only a portion of the requested space
22 is available, and then proceed to provision such space without delay. No
23 additional application, fee, or interval should be required by the ILEC.

24 In addition, space exhaustion verification procedures of both the FCC and
25 this Commission should apply when an ILEC denies *any* portion of an ALEC's
26 space request. Thus, although an ILEC should begin provisioning the amount of

1 available space, it also should verify that the full amount of space requested by
2 the ALEC is unavailable. Without such a requirement, an ILEC could circumvent
3 space exhaustion verification procedures merely by denying most ,but not all, of
4 an ALEC's application for collocation space.

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

6 **A: Yes.**

US WEST COLLOCATION PROVISIONING INTERVALS

The following is an excerpt of the Interconnection Agreement between Covad and US West regarding provisioning intervals for cageless collocation space (referred to as "Common Collocation"):

7.5.6 Ordering

7.5.6.1 When Covad submits a Collocation request, USWC will respond confirming space availability for such request within twenty one (21) calendar days, or sooner, on a best effort basis. Within thirty (30) business days of USWC providing the space availability confirmation to Covad, Covad will accept or reject the USWC confirmation. Acceptance by Covad shall require payment to USWC, fifty percent (50%) of the flat rated charges set forth in Appendix A; the remaining fifty percent (50%) shall be paid upon delivery of the Common Collocation space to Covad

7.5.6.2 Pursuant to the completion of the requirements specified in Section 7.5.6.1, above, the common Collocation space shall be made available where space and power are readily available within 45 calendar days. Where space or power are not readily available, the common Collocation space shall be made available in 90 calendar days. USWC shall use its best efforts to deliver fifty percent (50%) of all Common Collocation space orders in batches of ten (10) or more central offices within the 45 day interval set forth above.

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 November, 1999 to the following:

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