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July 9, 2004

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COMMISSION
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Ms. Blanca Bayó, Director
Division of the Commission Clerk and
Administrative Services
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

RE: Docket No. 031047-TP, Petition of KMC Telecom III LLC, KMC Telecom V, Inc., and KMC Data LLC for arbitration of interconnection agreement with Sprint-Florida, Incorporated.

Dear Ms. Bayó:

Enclosed for filing on behalf of Sprint-Florida, Incorporated is the original and fifteen copies of Sprint's Rebuttal Testimonies for the following parties:

- 07525-04 1. Edward Fox
- 07526-04 2. Pete Sywenki
- 07527-04 3. Dr. Brian K. Staihr
- 07528-04 4. Jimmy R. Davis (w/Exhibit)
- 07529-04 5. James R. Burt
- 07530-04 6. Don Meyer

Copies are being served on the parties in this docket pursuant to the attached certificate of service.

Please acknowledge receipt of this filing by stamping and initialing a copy of this letter and returning same to the courier. If you have any questions, please do not hesitate to call me at 850/599-1560.

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Sincerely,

Susan S. Masterton

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**CERTIFICATE OF SERVICE
DOCKET NO. 031047-TP**

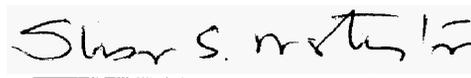
I HEREBY CERTIFY that a true and correct copy of the foregoing was served by Electronic and U.S. mail on this 9th day of July, 2004 to the following:

Carris (Lee) Fordham
Division of Legal Services
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0870

KMC Data LLC/KMC Telecom III LLC/KMC Telecom V, Inc.
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Susan S. Masterton

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

SPRINT-FLORIDA, INCORPORATED

REBUTTAL TESTIMONY OF

EDWARD FOX

1 **Q. Please state your name, business address, and place of employment.**

2 A. My name is Edward Fox and my business address is 6450 Sprint Parkway,
3 Overland Park, KS 66251. I am employed by Sprint/United Management
4 Company as a Senior Manager-Regulatory Policy. I am testifying on behalf of
5 Sprint-Florida, Incorporated (hereafter referred to as "Sprint" or the "Company").
6

7 **Q. Are you the same Edward Fox who filed a direct testimony in this proceeding**
8 **on June 11, 2004?**

9 A. Yes.

10

11 **Q. What is the purpose of your testimony?**

12 A. The purpose of my testimony is to respond to the direct testimony of Robert E.
13 Collins, Jr. on Issues 18 and 23.
14

15 **Issue 18 Under what conditions, if any, should Sprint be required to provide**
16 **shared collocation space?**

17

18 **Q. What is KMC's main concern in requesting shared cageless collocation?**

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1 A. Mr. Collins points out in his direct testimony on page 11, lines 7-15, that access to
2 other carriers' loops and transport is important to KMC. KMC negotiators have
3 emphasized numerous times throughout the negotiation process that gaining
4 connectivity to other collocated carriers is their primary objective in requesting
5 shared cageless collocation.

6
7 **Q. Is shared cageless collocation necessary for KMC to gain connections to other**
8 **carriers?**

9 A. No. As I explained in my direct testimony, the solution to gaining connectivity to
10 other carriers is through co-carrier cross connects.

11
12 **Q. Is KMC's desire to realize income from a partial rack of equipment a**
13 **legitimate basis to require shared cageless arrangements?**

14 A. No. Although Sprint lauds anyone's efforts toward good stewardship of its
15 resources, KMC's issue is really about connectivity to other carriers. There are
16 ample FCC and FPSC rules in place to ensure proper space utilization. The
17 monthly recurring rate of a 7' bay is less than \$80.00. KMC is concerned about
18 recovering the cost of a portion of this bay. For a carrier to carrier connection, the
19 monthly rate for a DS3 capacity co-carrier cross connect is approximately \$1.50.
20 This cost level hardly creates a scenario where ILEC costs are being foisted upon
21 a collocator.

22
23 **Q. Mr. Collins describes on pages 10-11 of his direct testimony how the FCC**
24 **created rules to ensure that CLECs are not "forced to purchase collocation**

1 **space that is much larger than the CLEC requires.” Does Sprint agree with**
2 **this statement?**

3 A. Yes. This is correctly stated, but KMC’s conclusion is incorrect. The FCC
4 provides an equitable solution that alleviates KMC’s concern, i.e. that only a
5 single bay minimum should be purchased. There is no evidence that the FCC
6 believed that partial use of a single bay would impose unnecessary costs on either
7 CLECs or ILECs. To the CLECs, the one bay minimum size allows the efficient
8 use of their financial assets. For the ILEC, the one bay minimum guards against
9 unnecessary space utilization which may result in early space exhaust.

10

11 **Q. What if the CLEC has one or more racks of space available? Should the**
12 **ILEC then be obligated to allow shared cageless space?**

13 A. No. The CLEC, at its option, may continue to pay for the space, or could
14 voluntarily give the space back to the ILEC. If the office is in a space exhaust
15 situation, the ILEC has the option to recover unused space.

16

17 **Q. KMC suggests they can sub-lease a portion of a rack to accommodate an**
18 **entire collocation arrangement due to concerns of exhausting office space.**
19 **Does Sprint think that a single bay collocation arrangement will put any**
20 **offices in Florida at risk of reaching exhaust?**

21 A. No. Even if a situation were to exist where an office could not accommodate any
22 additional physical collocation arrangements, the FCC requires an ILEC to give
23 up its own reserved space to accommodate a collocation request. FCC Rule
24 51.323(f)(5) states:

1 “An incumbent LEC shall relinquish any space held for future use before
2 denying a request for virtual collocation on the grounds of space
3 limitations, unless the incumbent LEC proves to the state commission that
4 virtual collocation at that point is not technically feasible;”

5

6 **Q. Does Sprint have operational issues with providing shared cageless**
7 **collocation?**

8 A. Sprint’s concerns revolve mainly around security issues since it’s difficult to
9 know who has authority to access another carrier’s space. If two carriers are
10 sharing shelves of equipment in the same rack, it would appear that there is
11 unauthorized access by either party. This is different from a caged space, in which
12 the shared party must first obtain key or code access from the original collocator,
13 thereby ensuring ‘approved’ access to the collocation.

14

15 **Q. Would Sprint incur initial and ongoing costs if shared cageless collocation**
16 **were required?**

17 A. Yes. Sprint would be required to put into place a new product offering, which
18 involves additional training, methods & procedures, and systems development,
19 All this, for realization of little to no incremental revenue from collocated carriers.

20

21 **Q. Mr. Collins mentions in his direct testimony on page 11, lines 7-9 a concern**
22 **that the FCC’s *Triennial Review Order* would necessitate better managed**
23 **relationships with alternative service providers. Would shared cageless**
24 **collocation give them additional benefits to what they already have?**

1 A. No. The *Triennial Review Order* has no impact upon KMC's ability to connect to
2 other carriers' networks. Connections may be made by low priced co-carrier
3 cross connects; a fact that has been discussed in detail in both my direct and
4 rebuttal testimonies on both issues K.18 and K. 23.

5

6 **Issue 23 Under what conditions, if any, may KMC utilize spare capacity on an**
7 **existing interconnector's entrance facility for the purpose of providing an**
8 **entrance facility to its collocation arrangement?**

9

10 **Q. Does Sprint have an objection to KMC using spare capacity on other**
11 **carriers' entrance facilities?**

12 A. No. The FCC contemplates collocators being able to take advantage of alternate
13 transport facilities of other collocated telecommunications carriers. This was the
14 clearly articulated message in the *Collocation Remand Order* and was addressed
15 in my direct testimony on pages 10 – 13. Sprint believes that this is particularly
16 helpful to carriers such as KMC who are collocated under §251 of the Act and
17 entrance facilities are not a requirement. In paragraph 55 of the Local
18 Competition Order the FCC states:

19 “Although in Expanded Interconnection the Commission required that
20 interested parties interconnect collocated equipment with their own
21 transmission facilities, we conclude that it would be inconsistent with the
22 provisions of the 1996 Act to adopt that requirement under section 251.
23 Rather, we conclude that a competitive entrant should not be required to
24 bring transmission facilities to LEC premises in which it seeks to collocate

1 facilities. Entrants should instead be permitted to collocate and connect
2 equipment to unbundled network transmission elements obtained from the
3 incumbent LEC.”
4

5 **Q. Is Sprint aware of any FCC or Florida rules that preclude KMC from using**
6 **spare capacity of other lawfully collocated telecommunications carriers?**

7 A. No.
8

9 **Q. What are Sprint’s concerns with allowing KMC to use another carrier’s**
10 **entrance facility?**

11 A. Sprint’s concerns are operational and network reliability. Sprint requires that
12 connections between carriers be made between the carriers’ collocation
13 arrangements through the use of co-carrier cross connects. As mentioned in my
14 direct testimony, connections made in the cable vault involve a potential risk to all
15 the parties served from that office. The cable vault is an isolated, closed-off area
16 and it is not readily apparent what someone is doing there vis-à-vis work being
17 done in the collocation section of the office.
18

19 **Q. Is Sprint’s position consistent with federal rules on this topic?**

20 A. Yes. The FCC has determined in the Collocation Remand Order that co-carrier
21 cross connects are essential.

22 “We find that cross-connects between collocators within an incumbent’s
23 premises are essential to the development of a fully competitive transport
24 market” (¶65)

1 “Without the ability to cross-connect at the incumbent’s premises, a
2 collocated competitive LEC that has its own transport facilities would be
3 severely restricted in its ability to optimize the utilization of their transport
4 facilities through the wholesale provision of transport services to other
5 competitive LECs.” (§66)

6 Central office based co-carrier cross connects have long been sought after by
7 collocators because historically, most of the connections were made outside the
8 office and were very expensive. KMC has this capability to access spare capacity
9 of other carriers and Sprint believes this is a moot point on Issue 23.

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Q. Does this conclude your testimony?

A. Yes.