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February 14, 2000

Ms. Blanca S. Bayo, Director
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Florida Public Service Commission
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Re: Docket Nos. 981834-TP, 990321-TP Posthearing Statement
And Brief Of Sprint Communications Company Limited
Partnership, Sprint-Florida Incorporated

Dear Ms. Bayo:

Enclosed for filing is the original and fifteen (15) copies including a
diskette of Sprint 's Posthearing Statement and Brief in Docket Nos.
981834-TP, 990321-TP.

Please acknowledge receipt and filing of the above by stamping the
duplicate copy of this letter and returning the same to this writer.

Sincerely,

Susan S. Masterton

Susan S. Masterton

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FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition of Competitive Carriers)
For Commission action to support)
Local Competition in BellSouth)
Tecommunications, Inc.'s service territory.)

Docket No. 981834-TP

In re: Petition of ACI Corp. d/b/a)
Accelerated Connections, Inc. for generic)
Investigation to ensure that BellSouth)
Telecommunications, Inc., Sprint-Florida,)
Inc. and GTE Florida Incorporated comply)
With obligation to provide alternative local)
Exchange carriers with flexible, timely and)
Cost-efficient physical collocation.)

Docket No. 981834-TP
ORIGINAL

Filed: February 14, 2000

SPRINT'S POSTHEARING STATEMENT AND BRIEF

Sprint-Florida Incorporated and Sprint Communications Company, Limited Partnership (collectively "Sprint") hereby files its posthearing statement and brief in this matter. Sprint's presentation of posthearing comments will follow the issues set out in the prehearing order, with the issues and positions stated and argument on selected issues following.

I. Statement of Basic Position

Sprint's basic position remains unchanged. Sprint operates as an Incumbent Local Exchange Carrier (ILEC) and an Alternative Local Exchange Carrier (ALEC) in the

state of Florida. Sprint, by the nature of its diverse business interests, analyzes and develops positions that not only support the pro-competitive goals of the 1996 Telecommunications Act (the "Act") and comply with Federal Communications Commission (FCC) rules but also are not unreasonably burdensome for its ILEC operations. Sprint believes that the Florida Public Service Commission (FPSC) should adopt guidelines and procedures that facilitate the enforcement of the pro-competitive collocation policies adopted by the FCC and should also respond to the direction of the FCC in its First Report and Order in Docket No. 98-147 ("Advanced Services Order") to adopt further guidelines and procedures that will facilitate the provisioning of collocation and enhance telecommunications competition in Florida.

II. Issues

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 ten calendar days of receipt of an application for collocation to inform the requesting carrier whether space is available or not.

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: Sprint has slightly modified its position on this issue. Sprint's position is that all information necessary for the ALEC to submit a firm order, including detailed pricing and technical information, should be provided within 30 calendar days of receipt of an application.

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 Order, and the FCC's Rules?

Position: The FCC defines premises as structures owned or leased by an ILEC that house its network facilities. The FPSC should expand this definition to make available for collocation ILEC administrative offices on space adjacent to ILEC premises housing network facilities, if vacant space is available in these adjacent structures.

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

Position: An ILEC has no obligation to provide for collocation of equipment located "off-premises" since the ILEC would not own or control the "off-premises" site.

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

Position: The terms and conditions that should apply to conversions from virtual to physical collocation vary depending on what type of conversion is requested.

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

Position: The appropriate response and implementation intervals will depend on the type of change being requested.

- 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: (A) FCC rules prohibit an ILEC from charging collocators sharing space more than the cost for a single collocator and require that site conditioning charges be prorated. An ILEC must also permit each ALEC to order unbundled network elements to and provision service from the shared space.

(B) Pursuant to FCC Rules, ILECs must permit collocating telecommunications carriers to interconnect their respective networks to the networks of other collocating carriers, when the carriers do not request ILEC construction of such facilities. Additionally, ILECs must do the construction upon request.

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

Position: The appropriate interval is the same as the interval for virtual collocation, that is, 60 calendar days from receipt of a firm order from an ALEC.

- 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 collocation site is the appropriate demarcation point. The

ALEC should have the option to use or not use an intermediate point of interconnection.

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

Position: FCC rules provide that an ILEC may not reserve space for future use on terms more favorable than those that apply to collocating carriers. The FPSC should adopt additional requirements limiting ILEC and ALEC reservation of space to 12 months.

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

Position: Yes, generic guidelines should be established to promote the availability of space for competitive purposes. ILECs should be required to relocate administrative office personnel before denying physical collocation requests. Administrative office personnel should be defined as personnel that are not essential to the function of particular premises.

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

Position: Pursuant to FCC rules, an ILEC must permit the collocation of any type of equipment used for interconnection or access to unbundled network elements.

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: If an ALEC decides that it needs a price quote prior to placing of a firm order, the price quote should be provided no later than 30 calendar days after receipt of a collocation application. Additionally, to address the need for pricing certainty, Sprint supports the tariffing of collocation prices.

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: ALECs should have the option to participate in the ILEC's development of a price quote only to the extent of providing specific requests or development parameters along with the collocation request.

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. The certification process used by the ILEC should be the same process as the ILEC uses for approving contractors for its own purposes.

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

Position: There are no reasons that should provide the ILEC with an opportunity to unilaterally extend provisioning intervals.

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 among multiple carriers?

Position: Costs that are not recovered through recurring charges should be recovered on a relative square footage basis from all carriers located on the premises that benefit from a modification. If modifications benefit ALECs only, then the costs should be assessed to ALECs only based on relative square footage.

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. A dialog should be created between the ILEC and the ALEC to explore options that are specifically relevant to that ALEC's request, within the established time frames for responding to a collocation application.

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: The ILEC should inform the FPSC and the ALECs at the time a decision is made to make any modifications that increase the availability of space. Subsequently, the ILEC should periodically provide a timeline of when space will be available. Alternatively, the information could be placed on an Internet website.

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

Position: ALECs should be required to provide an annual forecast (for a three year period) of space requirements by premises as part of the Joint Operations Plan developed jointly by the ILEC and ALEC. In addition, the ILEC should be required

to make reasonable estimates of additional ALEC space requirements for those ALECs not currently covered by a contract.

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

Position: ALECs should be given priority based on the date of their respective collocation applications. If space is exhausted, the ILEC should maintain a list of all pending requests in a wait list mode based on the collocation application date.

III. Argument

A. Introduction

The 1996 Telecommunications Act (the Act) empowers the FCC to establish national rules and regulations to implement its provisions, including section 251, which requires ILECs to make physical collocation available to competing carriers.

While these national rules must be adhered to in all cases, the FCC has deferred certain issues to the states.¹ In addition, state commissions are free to implement additional guidelines that are consistent with section 251 of the Act and that do

¹ In the Advanced Services Order, The FCC specifically delegated to state commissions issues relating to: cageless collocation pricing (par. 43); adjacent collocation (par. 44); recovery of ILEC costs for reasonable security measures (par. 48); recovery of ILEC costs for space preparation and other collocation costs (par. 51); intervals for ILEC responses to collocation requests (par. 54); provisioning intervals (par. 55); disputes concerning space exhaustion (par. 57); and disputes concerning obsolete and unused equipment (par. 60).

not conflict with FCC rules.² Sprint has identified, in its testimony, the areas in which the FPSC must render decisions and establish guidelines to effect such decisions. In this brief, Sprint emphasizes several points that need to be addressed as a result of the conflicting testimony offered by various parties at the hearing. The fact that an issue is not addressed in this section does not indicate abandonment of the issue by Sprint. Please refer to Sprint's statement of positions and its testimony for its positions on all of the issues identified in this docket.

B. Demarcation Point

In paragraph 42 of its Advanced Services Order, the FCC prohibited ILECs from designating an intermediate point of interconnection as the demarcation point between ALEC and ILEC equipment in a physical collocation arrangement. Sprint has maintained throughout this proceeding that the ALECs collocation space is the appropriate demarcation point. (Closz, TR. 614, 635) Contrary to the prefiled testimony of BellSouth witness Milner (TR. 214, 252), it is Sprint's position that an ILEC may not require an ALEC to connect to a conventional distribution frame (CDF) serving as the demarcation point, because such a requirement would be in direct violation of the FCC's Order.

² In paragraph 23 of the Advanced Services Order the FCC recognizes the crucial role states play in furthering the goals of the FCC collocation rules by enacting their own rules to ensure that

Sprint believes that the appropriate demarcation point should be at the ALEC's option. Although an ILEC may not require an intermediate point of interconnection, if the ALEC chooses an intermediate point of interconnection, such as a point of termination (POT) bay, the ILEC must allow it. This position is amply supported in the testimony of the witnesses in this proceeding. (Closz, TR. 614, Ries, TR. 483, Mills, TR. 1179)³ Sprint urges the commission to establish guidelines that require ILECs to allow ALECs to choose the appropriate demarcation point, including an intermediate point of interconnection, at the ALEC's option.

C. Off-premises Collocation

The FCC defines the term premises as "an incumbent LEC's central offices and serving wire centers, as well as buildings or similar structures owned or leased by an incumbent LEC that house its network facilities, and all structures that have incumbent LEC facilities on public rights-of-way, including but not limited to vaults that contain loop concentrators or similar structures."⁴ Sprint maintains that an ILEC has no obligation to provide for collocation of equipment located "off-

collocation is made available in a timely manner and pursuant to reasonable terms.

³ In his prefiled testimony witness Milner appeared to assert that the Advanced Services Order prohibited a POT bay from serving as the demarcation point. However, he clarified at the hearing that at the ALEC's option, a POT bay is one acceptable demarcation point. (T. 295)

⁴ 47 CFR 51.5

premises" since an ILEC would not own or control the "off-premises" site. Some ALECs argue in this proceeding that because the Texas Public Utilities Commission recognized a form of collocation at off-premises sites, the FPSC is required to recognize this "collocation arrangement." (*See, e.g.*, Martinez, TR. 697-698, Williams, TR. 798) The basis for their argument appears to be paragraph 45 of the Advanced Services Order, which requires ILECs to permit collocation arrangements that are allowed at other locations or in other states, unless the ILEC demonstrates to the state commission that the arrangement is not technically feasible.

Sprint refutes this argument. In the summary of the Texas Commission's findings provided in the record (Exhibit 15), there is no finding of technical feasibility for the off-premises collocation arrangement imposed on Southwestern Bell. Rather, the Texas Commission based its findings on a misinterpretation of the term premises as defined by the FCC. As BellSouth's witness Milner stated at the hearing, the Texas Commission's interpretation is erroneous and should be rejected by the FPSC. (TR. 291)

The provisions of the Advanced Services Order relied on by the parties to justify their position that the FPSC must recognize the Texas arrangement specifically refer to arrangements offered at an ILEC's *premises*. Since collocation may exist only at an ILEC's premises, that is, a location under the ownership and/or control

of the ILEC, the Texas off-premises arrangement does not constitute collocation as contemplated in this docket. Interconnection of ILEC and ALEC facilities at locations other than an ILEC's premises are otherwise addressed by the FCC rules.⁵

The FPSC should refuse to expand the scope of this docket beyond issues specifically related to collocation.

D. Tariffs

Another issue that has been raised by many parties in this proceeding concerns the need for and benefits of requiring ILECs to file tariffs reflecting their collocation prices, terms and conditions. The record is replete with support for this requirement, including the testimony of numerous ALECs, as well as Sprint and GTE. (*See, e.g.*, Levy, TR. 932-935; Gillian, TR. 1027, 1051, 1054; Jackson, TR. 1150-1152; Closz, TR. 619, 621; Ries TR. 427-428) Sprint supports the filing of tariffs as a mechanism for expediting the responses to ALEC applications for collocation space and for providing the certainty necessary to facilitate ALEC market entry. ⁶

⁵ 47 CFR 51.321 (a)

⁶ The FCC implicitly recognizes the benefits of generally applicable tariffs for collocation prices, terms and conditions in paragraph 39 of the Advanced Services Order, where it states that ILECs "must provide specific collocation arrangements...at reasonable rates terms and conditions as are set by the state commissions in conformance with the Act and our rules."

Significant testimony was presented during the hearing regarding the Act's requirement that issues relating to interconnection of competing carriers networks, including collocation, must be resolved through negotiation.⁷ BellSouth's witness Hendrix objects to requiring tariffs for collocation because he believes that potential collocators will want to preserve their right to negotiate. (TR. 48, 94) Testimony at the hearing indicated a concern that tariffed collocation charges would be developed based on statewide averaged costs, so that they would be in some cases lower than actual costs and in some cases higher. (TR. 1076) Fears apparently exist that ALECs could leverage this system, accepting the tariffed rates when they resulted in lower costs but insisting on negotiation when the tariffed rates would result in higher charges than actual costs. This leveraging of the system could prevent an ILEC from recovering its costs associated with provisioning collocation space. (See, comments of Commissioner Deason, TR. 1082, 1084)

Sprint believes that there are several erroneous assumptions underlying the concerns expressed with a requirement that ILECs file collocation tariffs. First, collocation costs need not be developed through "averaged rates."⁸ FCCA witness

⁷ In paragraph 40 of the Advanced Services Order the FCC specifically recognizes that ILECs and their competitors may engage in voluntary negotiations which result in additional or different collocation terms.

⁸ In a separate FPSC docket addressing rates for unbundled network elements, the parties have recognized deaveraging as an appropriate basis for setting rates. Order No. PSC-99-2467-PCCO-TP

Gillan discusses the potential implications of using statewide average costs to develop collocation tariffs and suggests that if the FPSC finds that this approach results in inequities, it can revisit the issue and order deaveraging. (TR. 1085–1086) Sprint supports the use of deaveraged rates in the collocation arena, as a mechanism to avoid potential underrecovery by the ILEC if the commission deems this to be a legitimate threat.

Another issue raised at the hearing concerns whether the commission could require a tariff to be binding on all parties, given the Act's requirements for negotiation. (TR. 1080, 1087) While Sprint agrees that the right to negotiate cannot be abridged, Sprint concurs with FCCA witness Gillan (TR. 1076, 1094) that the ability to negotiate need not and will not invalidate the usefulness of tariffs, if they are developed using cost-based TELRIC rates as required by the FCC rules, pursuant to the Act.⁹ In practice, the majority of ALECs will order collocation services out of the tariff if they are comfortable with the validity of the tariffed rates. Intermedia witness Jackson confirms that his company would take this approach (TR. 1163), as does MGC witness Levy (TR. 932–935) To the extent that an ALEC rejects the tariffed rates, or has special circumstances necessitating a deviation from the rates, negotiation can ensue. An ILEC's appropriate recovery of its costs will not be jeopardized by this subsequent negotiation, since

⁹ 47 CFR 51.505

arbitration before the commission should establish the legitimacy of its cost-based tariffed rates.

E. Cost Allocation Methodology

A critical issue in this proceeding is the appropriate methodology for allocating certain costs associated with the provisioning of collocation, including the costs for site preparation and security measures. The FCC directed state commissions to adopt policies for the appropriate allocation of costs for various activities relating to collocation.¹⁰ Sprint suggests two important principles that must be recognized in adopting an appropriate cost allocation methodology: 1) it must not allow for double recovery of an ILEC's costs from collocating ALECs; and 2) it must appropriately factor in the benefits from site modifications or security arrangements to both the ILEC and collocating ALECS. (Milner, TR. 39, Hunsucker TR. 572.)

A threshold issue in determining an appropriate cost allocation methodology is whether costs should be recovered via recurring or nonrecurring charges. Generally, if a modification benefits the entire location, the appropriate mechanism for recovery is a recurring charge. The commission recognized this in its

¹⁰ paragraph 51 of the Advanced Services Order

ATT/BellSouth arbitration order.¹¹ The concerns with the potential effect of inappropriately assessing nonrecurring charges to recover collocation costs are highlighted in the record by Commissioner Clark's discussion with BellSouth's witness Milner regarding a nonrecurring charge BellSouth assessed Supra for power plant upgrades. (TR. 397–398) Attempting to recover collocation costs through both recurring and nonrecurring charges will result in impermissible double recovery for the ILEC and place an inappropriate and anticompetitive economic burden on ALECs. (Hunsucker, TR. 572, Levy, TR. 923)

GTE suggests in its testimony that it appropriately addresses the allocation of collocation space preparation charges in its recently filed federal and state collocation tariffs. (Ries, TR. 423, Composite Exhibit 18.) GTE's methodology allocates site preparation costs based on total costs divided by a projected average number of collocators. (Ries, TR. 424) The tariff assigns different charges based on the total square footage requested by the ALEC, reducing the charge per square foot when the total square footage exceeds 100.¹²

The methodology employed by GTE to calculate the site preparation charge for

¹¹ Order No. 980604–FOF–TP

¹² The method of calculating the site preparation charge in the Florida tariff (Composite Exhibit 18, Florida collocation tariff, page 20) can be ascertained through cost documentation included in GTE's Reply to Sprint's Petition to Reject its federal tariff. (Composite Exhibit 18) GTE witness Ries confirmed that the methodology used to develop the rate in the state tariff is consistent with the methodology used to develop the rate in the federal tariff. (T. 451)

caged physical collocation included in its state collocation tariff is deficient in several respects. GTE's Reply provides documentation as to how the prices in its tariff were calculated. The costs that were used to develop the average space preparation charge include \$18,888.72 for HVAC equipment. (Composite Exhibit 18, GTE's Reply, page 14) Costs associated with environmental conditioning are also included in GTE's recurring caged floor space charge, as described in GTE's Florida collocation tariff (Composite Exhibit 18, Florida collocation tariff, page 18) As this analysis demonstrates, GTE's cost allocation methodology potentially results in an impermissible double recovery of the HVAC charge through recurring and nonrecurring charges. In addition, establishing a higher charge per square foot for the first 100 square feet could also result in overrecovery when multiple ALECs collocate in a location.¹³ GTE witness Ries admits this potential result (TR. 461).

Sprint maintains that the appropriate mechanism for recovering collocation costs should be directly related to the benefits received from a modification. To ensure this result, Sprint recommends relative square footage as the standard for allocating collocation costs that are not otherwise recovered through recurring charges, unless a modification benefits only one ALEC, in which case the ALEC

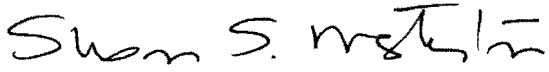
13 For example: 1 CLEC requests 1,000 square feet: Price = $100 \times \$336 + 900 \times \$42 = \$33,600 + \$37,800 =$ Revenue to GTE of \$71,400
10 CLECs request 100 square feet each: Price = $100 \times \$336 = \$33,600 \times 10 =$ Total Revenue to GTE of \$336,000

should bear the entire cost. The FCC confirms the appropriateness of this methodology in paragraph 41 of the Advanced Services Order, where it specifically recognizes relative square footage as the appropriate cost allocation methodology for shared cageless collocation arrangements. Sprint requests the FPSC to reject the methodology employed by GTE in its Florida tariff, which uses the number of collocators as the basis for developing the site preparation charge. The FPSC should adopt Sprint's methodology using relative square footage as the appropriate methodology for allocating nonrecurring costs associated with collocation.

F. Conclusion

In conclusion, Sprint recommends that the FPSC exercise the authority delegated to it by the FCC to address the issues identified in this docket to facilitate the provisioning of collocation in Florida. The FPSC should exercise its authority by adopting guidelines and procedures that allow ALECs to enter the local market in a cost-effective manner and without undue delay, but that also recognize ILEC implementation concerns. Sprint believes its positions reflect this balance between ALEC needs and ILEC concerns, and urges the FPSC to adopt Sprint's recommendations as set forth in its testimony and summarized herein.

Respectfully submitted this 14th day of February 2000.



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**CERTIFICATE OF SERVICE
DOCKET NO. 981834-TP & DOCKET NO. 990321-TP**

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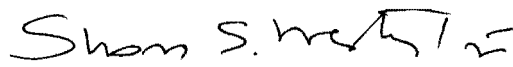
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