

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

DECEMBER 15, 1998

RE: DOCKET NO. 980800-TP - Petition for emergency relief by Supra Telecommunications & Information Systems against BellSouth Telecommunications, Inc., concerning collocation and interconnection agreements.

Issue 1: Is BellSouth required to provide physical collocation in the North Dade Golden Glades and West Palm Beach Gardens central offices pursuant to the Collocation Agreement between BellSouth and Supra? Recommendation: Yes. Staff recommends that the Commission find that BST is required to fill a request by Supra for physical collocation in accordance with the terms and conditions of the agreement, but it must do so only if sufficient space exists in the requested central office.

APPROVED

COMMISSIONERS ASSIGNED: DS CL JC

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

Handwritten signatures of Susan J. Clark and J. Terry Wear on the majority lines.

Empty lines for dissenting signatures.

REMARKS/DISSENTING COMMENTS:

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Issue 2: What factors should be considered in determining if there is adequate space for Supra in the North Dade Golden Glades and West Palm Beach Gardens central offices?

Recommendation: The Commission should consider the following factors to determine whether there is adequate space for Supra in the North Dade Golden Glades and West Palm Beach Gardens central offices:

- a) The existing building configuration and the process BellSouth uses to evaluate the facility for space availability;
- b) Usage of existing space, including administrative space;
- c) Space that has been reserved for future use; and
- d) Applicable building codes and local regulations.

APPROVED

Issue 3: Is there sufficient space to permit physical collocation for Supra in the North Dade Golden Glades and West Palm Beach Gardens central offices?

Recommendation: Yes. Staff recommends that the Commission find that there is sufficient space to permit physical collocation for Supra in the North Dade Golden Glades and West Palm Beach Gardens central offices.

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Issue 3(a): If so, should Supra's request for physical collocation in the North Dade Golden Glades and West Palm Beach Gardens central offices be granted?

Recommendation: If the Commission approves staff's recommendation in Issue 3, then staff recommends that the Commission grant Supra's request for 200 square feet for physical collocation in the North Dade Golden Glades and West Palm Beach Gardens central offices. Also, staff recommends that the Commission order BST to allocate space for the POT bays and other infrastructure equipment necessary for Supra to interconnect with BST's network.

APPROVED

Issue 3(b): If not, what obligation, if any, does BellSouth have under the Collocation Agreement to make space available at these two central offices to permit physical collocation by Supra?

Recommendation: If the Commission approves staff's recommendations in Issues 3 and 3(a), staff recommends that the Commission need not make a determination on Issue 3(b). If, however, the Commission denies staff's recommendations on Issues 3 and 3(a), the Commission should find, that pursuant to the agreement, BST is not required to alter or add on to the physical structure of the central office where no space currently exists.

NO VOTE

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Issue 3(c): If there is an obligation to make space available to Supra, how should the costs be allocated?

Recommendation: If the Commission approves staff's recommendations in Issues 3 and 3(a), staff recommends that the Commission need not make a determination on Issue 3(c). If however, the Commission denies staff's recommendations in Issues 3 and 3(a), staff recommends that the Commission find that the agreement does not address the allocation of costs to make space available for collocation.

NO VOTE

Issue 4: In what time frame is BellSouth required to provide physical collocation to Supra pursuant to the Collocation Agreement?

Recommendation: Staff recommends that the Commission find that the agreement does not specify a particular time frame for providing physical collocation, but requires a negotiated availability date. Since the parties cannot agree on a date, staff recommends that the Commission order BST to complete physical collocation within three months of Supra's application, unless BST can demonstrate to the Commission why it is technically infeasible to do so.

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Issue 5: Pursuant to the Collocation Agreement, what telecommunications equipment can and what telecommunications equipment cannot be physically collocated by Supra in BellSouth's central offices?

Recommendation: The Commission should not require BellSouth to allow the installation of the Ascend TNT equipment or the Cisco Systems equipment known as remote access concentrators. This equipment, however, may be the type of equipment that the FCC is contemplating that competing carriers should be allowed to physically collocate as part of its Memorandum Opinion and Order and Notice of Proposed Rulemaking in FCC 98-188. If the FCC rules that this type of equipment may be collocated, then Supra should be permitted to collocate such equipment at that time in accordance with the parties' agreement.

APPROVED

Issue 6: Should this docket be closed?

Recommendation: The docket should be closed after the time for filing an appeal has run.

APPROVED