

State of Florida



Public Service Commission
CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0850

-M-E-M-O-R-A-N-D-U-M-

DATE: SEPTEMBER 20, 2001

TO: DIRECTOR, DIVISION OF THE COMMISSION CLERK & ADMINISTRATIVE SERVICES (BAYÓ)

FROM: DIVISION OF COMPETITIVE SERVICES (FULWOOD) *JK*
DIVISION OF LEGAL SERVICES (ELLIOTT) *AK for JE* *AK*

RE: DOCKET NO. 010940-TL - REQUEST FOR PERMANENT WAIVER OF PHYSICAL COLLOCATION REQUIREMENTS IN LAKE MARY CENTRAL OFFICE BY BELLSOUTH TELECOMMUNICATIONS, INC.

AGENDA: 10/02/2001 - REGULAR AGENDA - FINAL AGENCY ACTION - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\LEG\WP\010940.RCM

CASE BACKGROUND

On September 7, 1999, the Commission issued Proposed Agency Action (PAA) Order No. PSC-99-1744-PAA-TP, which established procedures by which incumbent local exchange companies (ILECs) would process alternative local exchange companies' (ALECs) requests for collocation and also established procedures for demonstrating space depletion for physical collocation in ILEC central offices. On September 28, 1999, BellSouth Telecommunications, Inc. (BellSouth) filed a Protest/Request for Clarification of Proposed Agency Action. That same day, Rhythms Links, Inc. (Rhythms) filed a Motion to Conform Order to Commission Decision or, in the Alternative, Petition on Proposed Agency Action. Because motions for clarification/conformity are not contemplated by the PAA process, the motions were treated as protests to the PAA Order. On December 7, 1999, the Commission issued Order No. PSC-99-2393-FOF-TP, the Final Order Approving Stipulated Modifications to Collocation Guidelines, Amendatory

DOCUMENT NUMBER-DATE

11779 SEP 20 01

FPSC-COMMISSION CLERK

Order, and Consummating Order. These Orders established the procedures by which an ILEC could request a waiver of the physical collocation requirements from this Commission. In establishing these procedures, the Commission set forth its belief that the handling of collocation waiver requests would be expedited, and the number and scope of collocation disputes might be limited because the Commission's expectations would be defined.

Pursuant to Order Nos. PSC-99-1744-PAA-TP and PSC-99-2393-FOF-TP, BellSouth filed its Petition for Temporary Waiver of Physical Collocation Requirements in the Lake Mary Central Office on March 15, 2000. In Order PSC-00-1181-FOF-TL, this Commission granted BellSouth's temporary waiver until December 31, 2001.

On July 3, 2001, BellSouth filed its Notice of Intent to Request Permanent Waiver of Physical Collocation Requirements in the Lake Mary Central Office. Subsequently, BellSouth timely filed its Petition for Permanent Waiver of Physical Collocation on July 23, 2001. BellSouth seeks a permanent waiver on the grounds that it is unable to meet physical collocation requests due to the lack of available space in the central office, coupled with BellSouth's inability to construct a building addition. No responses to BellSouth's Petition were filed.

DISCUSSION OF ISSUES

ISSUE 1: Should BellSouth's Request for Permanent Waiver of Physical Collocation Requirements in the current Lake Mary central office be granted?

RECOMMENDATION: Yes. BellSouth's request for permanent waiver of physical collocation requirements in the current Lake Mary central office should be granted. **(FULWOOD)**

STAFF ANALYSIS:

This issue before the Commission is to determine whether BellSouth should be granted a permanent waiver of its physical collocation requirements for the Lake Mary central office. BellSouth states in its Notice of Intent that it is currently unable to provide collocation in the Lake Mary Central office due to lack of space. (Notice, p. 1) BellSouth states that the space limitations it faces are the result of the space used for existing BellSouth equipment, and space reserved for additional BellSouth

equipment essential to the effective service of its customers. (Petition, p.3)

BellSouth states that it used the following procedure to identify space currently available for physical collocation in the Lake Mary central office:

1. BellSouth determined the total square footage within the facility;
2. BellSouth determined the unavailable space (i.e., restrooms, hallways, stairs, etc.);
3. BellSouth determined assigned space currently occupied by the BellSouth switch, transmission, power and other equipment, as well as necessary administrative space;
4. BellSouth determined the space reserved for future defined uses necessary to adequately serve BellSouth customers, including consideration given to BellSouth's future switch growth plans;
5. BellSouth identified any unusable space (such as basements subject to flooding); and
6. BellSouth determined available collocation space by subtracting Items 2-5 from item 1. (Petition, p.3)

BellSouth reports that the Lake Mary central office contains 5,194 gross square feet. There are 4,076.5 square feet occupied by BellSouth's equipment. There are 50 square feet of administrative space. (BellSouth EXH. 3, p.1) BellSouth considers administrative space as any space not directly supporting the installation and repair of both telephone equipment and customer service. Examples include storerooms, lounges, shipping-receiving rooms and training areas. BellSouth reports that there are 387 square feet of unavailable space in this central office. Unavailable space is defined as space assigned to building functions as required by code or national design standards. (BellSouth EXH. 4, p.1) Further, BellSouth reports that there are 222 square feet assigned to physical collocators in this office. (BellSouth EXH. 3, p.1)

BellSouth reports that it has 458.5 square feet reserved for its own future use. There are 281.5 square feet reserved for the

growth of its switching equipment, 84 square feet reserved for the growth of its circuit equipment, and 93 square feet reserved for the growth of its frame equipment. (BellSouth EXH. 3, p.1) Staff notes that currently there is less space available in the Lake Mary central office than was available when this Commission granted BellSouth's request for a temporary waiver. (PSC-00-1181-FOF-TL, p.5) Staff believes that the 458.5 square feet BellSouth is reserving for its switch, circuit, and frame equipment growth is reasonable.

Staff notes that BellSouth's proposed building addition was scheduled for completion by the end of the second quarter of 2001. (PSC-00-1181-FOF-TL, p.5) However, BellSouth states that further review of the existing structure and soil conditions concluded that the building cannot be reasonably expanded. (Petition, pp.1-2) BellSouth states that Universal Engineering Sciences conducted the geotechnical exploration at the Lake Mary central office. Based on the exploration, Parsons Infrastructure and Technology group stated the following:

The conclusion reached by Universal Engineering Sciences in their May 1, 2000 geotechnical exploration report indicate not only potential sinkhole activity but also significant ancient sinkhole collapse on the property. Twelve borings were taken around the existing central office ranging in depth from 20 feet to 205 feet with no suitable soil materials encountered to support building foundations. (BellSouth EXH 2, p.1)

Consequently, staff believes that BellSouth should not be required to construct the building addition previously proposed in its Request for Temporary Waiver of Physical Collocation due to technical infeasibility. Therefore, staff believes that BellSouth should be permanently relieved of its obligation to provide physical collocation at the current Lake Mary central office. Staff notes that BellSouth is searching for a replacement site for the Lake Mary central office. (Petition, p.2)

Conclusion:

Based on the foregoing, staff recommends that BellSouth's request for permanent waiver of physical collocation requirements in the current Lake Mary central office should be granted.

DOCKET NOS. 010940-TL
DATE: SEPTEMBER 20, 2001

ISSUE 2: Should this docket be closed?

RECOMMENDATION: Yes. If the Commission approves staff's recommendation in Issue 1, this docket should be closed. **(ELLIOTT)**

STAFF ANALYSIS: Yes. If the Commission approves staff's recommendation in Issue 1, this docket should be closed.