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BEFORE THE FLORIDA PUBLIC SERVICE

COMMISSION

In re: Petition of Competitive Carriers for Commission action to support local competition in BellSouth Telecommunications, 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, Incorporated, and GTE Florida Incorporated comply with obligation to provide alternative local exchange carriers with flexible, timely, and cost-efficient physical collocation. DOCKET NO. 990321-TP ORDER NO. PSC-99-1744-PAA-TP ISSUED: September 7, 1999

The following Commissioners participated in the disposition of this matter:

JOE GARCIA, Chairman J. TERRY DEASON SUSAN F. CLARK JULIA L. JOHNSON E. LEON JACOBS, JR.

- NOTICE OF PROPOSED AGENCY ACTION
- ORDER ON REQUEST FOR GENERIC COLLOCATION

PROCEEDING, ESTABLISHING

PROCEDURES, AND CONSOLIDATING DOCKETS NOS. 981834-TP AND 990321-TL FOR PURPOSES OF CONDUCTING GENERIC PROCEEDING

BY THE COMMISSION:

NOTICE is hereby given by the Florida Public Service Commission that the action discussed herein is preliminary in nature and will become final unless a person whose interests are substantially affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code.

On December 10, 1998, the Florida Competitive Carriers Association (FCCA), the Telecommunications Resellers, Inc. (TRA), AT&T Communications of the Southern States, Inc. (AT&T), MCImetro Access Transmission Services, LLC (MCImetro), Worldcom Technologies, Inc. (Worldcom), the Competitive Telecommunications Association (Comptel), MGC Communications, Inc. (MGC), and Intermedia Communications Inc. (Intermedia) (collectively, "Competitive Carriers") filed their Petition of Competitive Carriers for Commission Action to Support Local Competition in BellSouth's Service Territory. In the Petition, the Competitive Carriers requested the following relief:

- (a) Establishment of a generic BellSouth Unbundled Network Element (UNE) pricing docket to address issues affecting local competition;
- (b) Establishment of a Competitive Forum to address BellSouth operations issues;
- (c) Establishment of third-party testing of BellSouth's Operations Support Systems (OSS);
- (d) Initiation of a rulemaking proceeding to establish expedited dispute resolution procedures applicable to all local exchange carriers (LECs); and
- (e) Provision of such other relief that the Commission deems just and proper.

On December 30, 1998, BellSouth Telecommunications, Inc. (BellSouth) filed a Motion to Dismiss the Competitive Carriers' Petition. On January 11, 1999, the Competitive Carriers filed their Response in Opposition to BellSouth's Motion to Dismiss.

At our March 30, 1999, Agenda Conference, we denied BellSouth's Motion to Dismiss. See Order No. PSC-99-0769-FOF-TP, issued April 21, 1999. Subsequently, by Order No. ORDER NO. PSC-99-1744-PAA-TP DOCKETS NOS. 981834-TP, 990321-TP PAGE 3 PSC-99-1078-PCO-TP, issued May 26, 1999, we indicated, among other things, that we would conduct a Section 120.57(1), Florida Statutes, formal administrative hearing to address collocation and access to loop issues as soon as possible following the UNE pricing and OSS operational proceedings.

On March 12, 1999, ACI Corp. d/b/a Accelerated Connections, Inc. (ACI) filed a Petition for Generic Investigation into Terms and Conditions of Physical Collocation. On April 6, 1999, GTEFL and BellSouth filed responses to ACI's Petition.

On April 7, 1999, Sprint filed its response to the Petition, along with a Motion to Accept Late-Filed Answer. Sprint acknowledged that its Answer was not timely under Rule 25-22.037, Florida Administrative Code, and asked that we consider its response in rendering our decision on ACI's Petition. We note, however, that Rule 25-22.037, Florida Administrative Code is no longer in effect. The effective rule, Rule 28-106.203, Florida Administrative Code, simply states, "A respondent may file an answer to the petition." In accordance with Rule 28-106.203, Florida Administrative Code, Sprint's Answer is not late, and, therefore, it has been accepted.

Herein, we address ACI's Petition for a Generic Proceeding. We also address procedures and guidelines for collocation, as well as the process contemplated for this generic proceeding.

I.

ACI'S PETITION FOR GENERIC COLLOCATION

PROCEEDING

ACI

ACI asks that we initiate a generic proceeding to establish collocation policy applicable to Sprint-Florida, GTEFL, and BellSouth to ensure that these companies provide collocation in an appropriate and timely manner.

In support of its Petition, ACI states that it is very important to ensure that the ILECs provide physical collocation to all ALECs in order for the ALECs to be able to provide service to their Florida customers. ACI explains that space is scarce in certain ILEC central offices, and that it is very important to adopt procedures to deal with future waiver petitions in a fair and timely manner.

In addition, ACI specifically requests that we adopt the following rules and procedures:

ORDER NO. PSC-99-1744-PAA-TP DOCKETS NOS. 981834-TP, 990321-TP PAGE 4 1. ILECs should make physical collocation space available wherever possible, including all ILEC buildings and attached land.

2. The term "premises," as found in 47 U.S.C. §251(c)(6), as it pertains to where an ILEC must provide physical collocation, should be construed broadly.

3. ILECs should be required to allow adjacent collocation outside of the central office building.

4. A high threshold of proof for collocation waivers should be set.

5. A comprehensive procedure for processing waiver petitions should be set.

6. Strict procedural requirements for denying space to an ALEC and for seeking a waiver should be set, including:

- A. ILECs should be required to file a Notice of Intent to seek a waiver along with an office floorplan.
- B. ILECs should file a formal Petition for Waiver within 30 days of the Notice and include a more detailed floorplan.
- C. ILECs should be required to file comprehensive testimony, and include any plans for space rearrangement.
- D. Competitors should be allowed to inspect the central office premises within 30 days of ILEC's formal petition.
- E. ALECs should be allowed to file comments and testimony challenging the ILEC's petition.

7. ILECs should be required to allow alternative forms of collocation.

8. ILECs should be required to permit competitors to sublease and share physical collocation space.

9. Procedures should be established for the assignment of new space created in a central office either by reclamation or conversion of space, including:

ORDER NO. PSC-99-1744-PAA-TP DOCKETS NOS. 981834-TP, 990321-TP PAGE 5 A. Notification to ALECs that have applied for entry into the office within the past five years.

B. ALECs must respond to notification within three business days.

C. ILEC subsidiaries should not be able to obtain space before ALEC applicants.

10. ILECs should be required to provision collocation space within 76 business days of receipt of application.

Incumbent LECs

In general, Sprint supports ACI's Petition for a generic proceeding, and suggests that ACI's petition be addressed within the proceeding established in Docket No. 981834-TP. Sprint does not, however, agree with the specific allegations of fact or law in ACI's petition.

GTEFL asserts that ACI's Petition has been rendered moot by our initiation of a generic collocation investigation in Docket No. 981834-TP. GTEFL states that there is no need for this separate proceeding.

BellSouth believes that ACI's Petition should be denied. BellSouth argues that many assertions in ACI's Petition are incorrect interpretations of the requirements in the Act. BellSouth also argues that ACI has proposed rules and

procedures that are designed simply to make obtaining waivers as difficult as possible. In addition, BellSouth asserts that ACI is essentially asking us to go to rulemaking on these issues. BellSouth maintains that ACI cannot force us into rulemaking on these issues¹.

BellSouth further emphasizes that we have already established a procedure for handling a generic investigation of collocation issues and adds that it does not oppose a generic investigation of collocation issues. BellSouth states that it simply disagrees with many of the assertions in ACI's Petition and objects to a duplicative proceeding. Thus, BellSouth asks that ACI's Petition be denied or dismissed. BellSouth also ¹Citing Florida League of Cities v. Administrative Commission, 586 So. 2d 397, 406 (Fla. 1st DCA 1991). ORDER NO. PSC-99-1744-PAA-TP DOCKETS NOS. 981834-TP, 990321-TP PAGE 6 suggests that ACI should be allowed to intervene in Docket No. 981834-TP.

DETERMINATION

To the extent that ACI's Petition seeks a generic investigation of collocation issues, ACI's Petition is, hereby, granted. A generic proceeding will identify better, more efficient ways of addressing collocation issues and of handling collocation disputes.

We shall not, however, proceed to rulemaking as suggested in ACI's petition, nor shall we adopt the specific rules and procedures set forth in ACI's petition. In view of the strict Administrative Procedures Act requirements for rulemaking, a rulemaking proceeding is not feasible at this time, because we have not had sufficient time to acquire the knowledge and experience reasonably necessary to commence formal rulemaking for collocation. The collocation issues presented in the ACI and FCCA petitions and in the FCC's recent order on collocation, FCC 99-48, are still relatively new to us and the telecommunications industry. See Section 120.54 (1)(a)(1), Florida Statutes.

Instead, we shall consolidate Docket No. 990321-TL with Docket No. 981834-TP for purposes of investigating collocation issues on a generic basis in order to avoid duplicative proceedings. We shall proceed with our investigation as outlined in Order No. PSC-99-1078-PCO-TP, issued May 26, 1999, in Docket No. 981834-TP, and as further described in the following section of this Order. We are authorized to proceed in this manner pursuant to Section 120.80(13)(d), Florida Statutes, which states that we may employ procedures consistent with the Telecommunications Act of 1996. The procedures set forth herein are consistent with the Act and are of the type contemplated by Section 120.80(13)(d), Florida Statutes.

II.

Procedures and Guidelines for Collocation

By Order No. PSC-99-1078-PCO-TP, issued May 26, 1999, in Docket No. 981834-TP, we stated that we would set the generic collocation proceeding for a 120.57, Florida Statutes, hearing ORDER NO. PSC-99-1744-PAA-TP DOCKETS NOS. 981834-TP, 990321-TP PAGE 7 after the UNE pricing proceeding and the OSS investigation are completed. By this Order, we take the first step in the generic collocation proceeding by adopting procedures and guidelines applicable to collocation. In doing so, it is our intent that the procedures and guidelines adopted herein will serve as guidance to the participants in the investigative proceeding. We also hope that issuance of these guidelines at the outset as proposed agency action will expedite discussion of the issues and may, ultimately, limit the areas that need to be addressed at hearing. We also believe it will enable us to better define the scope of the proceeding and will greatly assist in scheduling the appropriate amount of time for hearing.

We have based our procedures and guidelines in large part upon rules adopted by the California Public Utilities Commission (PUC) in December, 1998², and the suggestions to state commissions made by the FCC in its recent FCC Order 99-48. The procedures adopted herein will be used in conjunction with the FCC's collocation rules.

We are authorized to adopt these procedures and guidelines pursuant to Section 120.80(13)(d), Florida Statutes, and Sections 364.01(c), 364.01(g), and 364.01(h), Florida Statutes. Furthermore, the FCC has clearly indicated that it

anticipates that state commissions will adopt collocation procedures in addition to those the FCC has already promulgated. See FCC Order 99-48, ¶¶ 23, 24, 54, and 55.

PROCEDURES FOR DEMONSTRATING SPACE DEPLETION IN

COs

A. INITIAL RESPONSE TIME

The California PUC requires ILECs to respond to a carrier's completed application for collocation within 15 days. If the ILEC intends to deny an application, the ILEC should indicate a possible future relief date.

Pursuant to amended FCC Rule 47 C.F.R. §51.321(h), upon request, an ILEC must provide a report to the applicant carrier within 10 days of the request indicating the space available in a particular ILEC central office premises.

Pursuant to this Rule, the ILEC must also post and update a notice on the ILEC's website ²1998 Cal. PUC LEXIS 915 (December 17, 1998). ORDER NO. PSC-99-1744-PAA-TP DOCKETS NOS. 981834-TP, 990321-TP PAGE 8 that indicates which premises are full. The notice must be updated within 10 days of the premises becoming full.

ADOPTED REQUIREMENT

We find that the California model for initial response time is appropriate, and, therefore, it shall be adopted in Florida. We also believe that if a carrier that applies for collocation in an ILEC central office premises requests a report on the space in that particular ILEC premises, the FCC requirement is appropriate. We do, however, believe that additional notice must be sent to us. Therefore, we shall also adopt the following requirement for Florida:

The ILEC shall respond to a complete and correct application for collocation within 15 calendar days. If the ILEC determines that the application is incomplete or defective, then the ILEC shall inform the applicant carrier as soon as possible, and shall identify with specificity the problem with the application.

If the ILEC intends to deny collocation, the ILEC shall be required to submit a Notice of Intent to Seek Waiver of Physical Collocation Requirements to the Commission on the same date of its initial response to the applicant carrier. The Notice shall include a basic statement of the reason for its denial (technically infeasible or lack of space). If ORDER NO. PSC-99-1744-PAA-TP DOCKETS NOS. 981834-TP, 990321-TP PAGE 9 the denial is based upon lack of space, the ILEC shall also file detailed floor plans or diagrams of the premises with the Notice, which shall also be provided by the ILEC to the applicant carrier.

If the applicant carrier requests a report in accordance with FCC Rule 51.321(h), the ILEC shall also file a copy of the report with the Commission.

B. APPLICATION FEES

The California PUC has required the ILEC to return any application charges collected by the ILEC to the applicant carrier within 15 days of application if the ILEC denies collocation to the applicant.

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ADOPTED REQUIREMENT

On this point, we differ somewhat with the California model. In past arbitration Orders, we have found that costs are incurred during the application process itself and have advocated a two-part charge for the initial application for a central office. See Order No. PSC-98-0604-FOF-TP at p. 140-142, issued April 29, 1998, in Docket No. 960833-TP. We believe that the ILEC must be allowed to recover the costs incurred during its initial processing of the application and review of the central office. Therefore, we adopt the following requirement:

If the ILEC informs the applicant carrier that it intends to deny collocation in an ILEC premises, the ILEC shall return to the applicant carrier within 15 calendar days any fees over and above those necessary to cover the initial administrative costs associated with processing the carrier's application for that premises.

C. TOUR OF THE CENTRAL OFFICE PREMISES

Pursuant to amended FCC Rule 47 C.F.R. §51.321(f), an ILEC that contends that there is no space available in a specific premise, must allow the applicant carrier to tour, without charge, the entire premises within 10 days of the carrier's receipt of the ILEC's denial of space.

ADOPTED REQUIREMENT

We agree with the requirements of FCC Rule 47 C.F.R. §51.321(f), but we believe that our staff must be allowed to participate in the tour of the ILEC premises. Thus, we adopt the following requirement:

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An ILEC that contends that there is no space available for physical collocation at its premises must allow the applicant carrier(s) and Commission staff to tour, without charge, the entire premises within 10 calendar days of the carrier's receipt of the ILEC's denial of space.

D. PETITION FOR WAIVER

The California PUC has required ILECs to submit the following information to the PUC in support of its denial of space to an ALEC:

1. Central Office Language Identifier, w h e r e applicable
2. Identity of the Requesting CLEC, including the amount o f s p a c e sought.
3. Total amount of space at the premises.
4. Floor Plans, i n c l u d i n g measurements of the ILEC's premises showing:

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- a. Space housing ILEC network equipment, nonregulated services space, or administrative offices;
- b. Space housing idle or underutilized equipment;
- c. Space which does not currently house ILEC equipment or administrative

offices but is reserved by the ILEC for future use;

d. Space occupied by collocators for the purpose of network interconnection or access to unbundled network elements;

e. Space, if any, occupied by third parties for other purposes, including identification of the uses of such space;

f. Remaining space, if any;

g. Identification of switch turnaround plans and other equipment removal plans and timelines, if any;

h. Central office rearrangement/expansion plans, if any; and

i. Description of other plans, if any, that may relieve space exhaustion.

ADOPTED REQUIREMENT

On this point, we believe that the California model will be particularly helpful, because it requires most of the essential information necessary to review the request to be provided up front when the Petition is filed. Therefore, we adopt the following requirement:

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The ILEC shall file with the Commission a Petition for Waiver of the Collocation Requirements within 20 calendar days of filing its Notice Of Intent to request a waiver. The Petition shall include the following information:

1. Central Office Language

Identifier, where applicable.

2. Identity of the Requesting ALEC (s), including the amount of space sought.

3. Total amount of space at the premises.

4. Floor Plans, including measurements of the ILEC's premises showing:

a.
Space
housing
ILEC
network
equipment
nonregulated
services
space,
or
administrative
offices;

b.
Space
housing
obsolete
or
retired
equipment;

c.
Space
that
does
not
currently
house
ILEC
equipment
or
administrative
offices
but is
reserved
by the
ILEC
for

future
use,
including
the
intended
purpose
of each
area
and the
forecasted
year of
use;

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d.
Space
occupied
by
collocators
for the
purpose
of
network
interconnection
or
access
to
unbundled
network
elements;

e.
Space,
if any,
occupied
by
third
parties
for
other
purposes,
including
identification
of the
uses of
such
space;

f.
Remaining
space,

if any;

g.
Identification
of
switch
turnaround
plans
and
other
equipment
removal
plans
and
timelines,
if any;

h.
Central
office
rearrangement/expansion
plans,
if any;
and

i.
Description
of
other
plans,
if any,
that
may
relieve
space
exhaustion.

5. Floor loading requirements

The
ILEC
may
request
confidential
treatment
of
information
submitted
with
the
Petition,
as
necessary,
in
accordance
with

Rule
25-
22.006,
Florida
Administrative
Code.

E. POST-TOUR REPORTS

Under the California model, following the tour, if the applicant carrier believes there is no basis for denial of its application, the applicant shall promptly notify the ILEC. The California PUC requires that the applicant carrier and the ILEC shall file inspection reports following the tour of the central office premises. The reports shall be filed within 45 calendar days of the initial application.

ADOPTED REQUIREMENT

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15 It appears that
the post-tour report
will further
expedite review of
the ILEC's Petition
for Waiver.
Therefore, we
adopt the following
requirement:

Following
the

tour of
the
central
office
premises,
if the
applicant
carrier
(s)
believes
there is
no
basis
for
denial
of its
application,
it shall
promptly
notify
the
ILEC.
Thereafter,
within
20
calendar
days of
the
tour,
the
applicant
carrier
(s) and
the
ILEC
shall
file in
the
docket
established
to
address
the
ILEC's
Petition
for
Waiver
reports
outlining
their
findings
as a
result
of the
tour.

F. DISPOSITION

OF PETITION

Under the California model, the commission staff must prepare a formal resolution within 45 days of the post-tour report for the Commission's consideration. The proposed resolution will either direct the ILEC to provide the requested collocation or deny the requested collocation. The California model references factors that may be considered in rendering a decision.

If the California Commission decides that there is not sufficient space for the applicant carrier(s), the ILEC will not have to justify subsequent denials of space to other applicant carriers. The ILEC shall, however, advise the applicant carrier(s) when there are material changes in the central office premises that would affect a collocation request.

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16 ADOPTED
REQUIREMENT

Upon review, it

appears to us that the California model will greatly facilitate handling collocation waiver requests in situations where applicant carriers dispute the ILEC's claims that space is no longer available. In addition, using these procedures and guidelines, the ILEC and the applicant carrier(s) have the opportunity to participate in the decision-making process to the fullest extent, but the unnecessary delay of a full administrative hearing is avoided. We note that although the California model proposes certain factors for consideration in rendering a decision, we shall simply base our decision on the information presented in the Docket. Therefore, we adopt the following requirement:

The
Commission
staff
shall
prepare
a
recommendation
for
consideration
by the
Commission
at an
Agenda
Conference

to be
held
within
45
calendar
days of
the
post-
tour
report.
The
staff
recommendation
shall
address
whether
the
ILEC's
Petition
for
Waiver
should
be
granted
based
upon
the
information
provided
by the
ILEC
and the
applicant
carrier
and
information
gathered
by
Commission
staff
on the
tour of
the
central
office
premises.

The
Commission's
decision
on the
ILEC's
Petition
shall
be
issued
as a

final
agency
action.
If the
Commission
grants
the
Petition,
the
ILEC
will
not
have to
justify
subsequent
denials
of
space
to
other
applicant
carriers.
The
ILEC
shall,
however,
advise
the
applicant
carrier
(s) and
the
Commission
when
there
are
material
changes
in the
central
office
premises
that
could
affect a
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i o n
request.

G. EXTENSIONS
OF TIME

ADOPTED
REQUIREMENT

Upon
consideration, we
find it appropriate
to provide a means
for seeking
extensions of the
time requirements
in Sections
A through F.
Therefore, we
adopt the following
requirement:

If the
ILEC
believes
it will
be
unable
to meet
the
time
frames
applicable
to any
of the
requirements
identified
in
Sections
A
through
F of
this
Order,
the
ILEC
shall
seek an
extension
of time
from
the
Commission

at least
three
business
days
prior to
the
expiration
of the
identified
time
frame.

The
applicant
carrier
shall
have
an
opportunity
to
respond
to the
ILEC's
request.

The
Commission
will
rule
upon
the
request
as a
procedural
matter
at an
Agenda
Conference.

H. PROVISIONING OF COLLOCATION

In FCC
Order
99-48,
the
FCC
did not
adopt
provisioning
intervals.

The
FCC
indicated
that it
did not
have

sufficient
experience
with
the
new
collocation
arrangements
to
suggest
time
frames
for
provisioning
and
specifically
retained
authority
to
adopt
time
frames
as
necessary.

The
FCC
did
emphasize,
however,
that it
was
"confident
that
state
commissions
recognize
the
competitive
harm
that
new
entrants
suffer
when
collocation
arrangements
are
unnecessarily
delayed."

FCC
Order
99-49
at ¶
52-55.

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ADOPTED
INTERIM
REQUIREMENT

Until
the
FCC
adopts
a
specific
time
frame
for
provisioning
physical
collocation,
we
shall
adopt
an
interim
guideline
to
address
this
issue.
In past
arbitration
Orders,
we
have
considered
3
months
to be a
reasonable
amount
of time
in
which
to
provision
physical
collocation,
and

two
months
to be
reasonable
for
virtual
collocation.
See
Order
No.
PSC-
96-
1579-
FOF-
TP,
issued
December
31,
1996,
in
Docket
No.
960833
-TP,
and
Order
No.
PSC-
99-
0060-
FOF-
TP,
issued
January
6,
1999,
in
Docket
No.
980800
-TP.
Therefore,
we
adopt
the
following
interim
requirement:

Upon
firm
order
by
an
applicant
carrier,
the

ILEC
shall
provision
physical
collocation
within
90
days
or
virtual
collocation
within
60
days.
If
the
ILEC
believes
it
will
be
unable
to
meet
the
applicable
time
frame
and
the
parties
are
unable
to
agree
to
an
extension,
the
ILEC
shall
seek
an
extension
of
time
from
the
Commission
within
45
calendar
days
of
receipt
of
the

firm
order.
The
request
shall
be
styled
as
a
Motion
for
Extension
of
Time,
instead
of
a
waiver
of
this
guideline.
The
ILEC
shall
explain,
in
detail,
the
reasons
necessitating
the
extension
and
shall
serve
the
applicant
carrier
with
its
request.
The
applicant
carrier
shall
have
an
opportunity
to
respond
to
the
ILEC's
request
for
an
extension

of
time.
The
Commission
will
rule
upon
the
ORDER
NO.
PSC
-
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-
1744
-
PAA
-
TP
DOCKETS
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request
as
a
procedural
matter
at
an
Agenda
Conference.

I.
CONCLUSION

As
previously
stated,
in
establishing
these
procedures
and
guidelines
as
proposed
agency
action,
we
believe

that
the
handling
of
collocation
waiver
requests
will
be
expedited
and
the
number
and/or
scope
of
collocation
disputes
may
be
limited
because
we
have
clearly
defined
our
expectations.
We
also
believe
that
these
procedures
and
guidelines
will
further
the
process
of
the
generic
collocation
proceeding
by
helping
to
define
and
possibly
limit
other
collocation
issues
that
need

to
be
addressed.
Attached
and
incorporated
in
this
Order
as
Attachment
A
is
a
timeline
demonstrating
the
flow
of
this
process.

In
addition,
we
find
that
the
time
frames
contained
in
these
procedures
and
guidelines
shall
supersede
time
frames
that
may
be
contained
in
current
collocation
agreements
in
Florida,
unless
a
person
whose
substantial
interests
are

affected
by
the
action
herein
taken
timely
files
a
protest
of
this
Order.
To
the
extent,
however,
that
collocation
agreements
are
renegotiated
or
new
agreements
are
reached,
the
parties
may
agree
to
time
frames
that
differ
from
those
set
forth
in
the
requirements
we
have
adopted
in
Sections
A,
B,
C,
and
H.

Based
on
the

foregoing,
it
is
therefore

ORDERED
by
the
Florida
Public
Service
Commission
that
Sprint

-
Florida,
Incorporated's
answer
to
the
Petition
for
Generic
Investigation
into
Terms
and
Conditions
of
Physical
Collocation
is
accepted.
It
is
further

ORDERED
that
ACI
Corp.
d/b/a
Accelerated
Connections
Inc.'s
Petition
for
Generic
Investigation
into
Terms
and
Conditions
of
Physical
Collocation
is

granted
to
the
extent
set
forth
in
the
body
of
this
Order.
It
is
further

ORDERED
that
we
hereby
adopt
the
procedures
and
guidelines
set
forth
in
the
body
of
this
Order.
It
is
further

ORDER
NO.
PSC
-
99
-
1744
-
PAA
-
TP
DOCKETS
NOS.
981834
-
TP,
990321
-
TP
PAGE

20
ORDERED
that
Docket
No.
990321

-
TL
shall
be
consolidated
with
Docket
No.
981834

-
TP
for
purposes
of
conducting
a
generic
investigation
into
collocation
issues.
It
is
further

ORDERED
that
the
provisions
of
this
Order
are
issued
as
proposed
agency
action
and
shall
become
final
and
effective
upon
the
issuance
of
a
Consummating
Order

unless
an
appropriate
petition,
in
the
form
provided
by
Rule
28

-
106.201,
Florida
Administrative
Code,
is
received
by
the
Director,
Division
of
Records
and
Reporting,
2540
Shumard
Oak
Boulevard,
Tallahassee,
Florida
32399

-
0850,
by
the
close
of
business
on
the
date
set
forth
in
the
"Notice
of
Further
Proceedings"
attached
hereto.
It
is
further

ORDERED
that
in
the
event
this
Order
becomes
final,
these
Dockets
shall
remain
open
pending
the
outcome
of
the
generic
investigation
into
collocation
issues.

By
ORDER
of
the
Florida
Public
Service
Commission
this
7th
day
of
September,
1999.

/s/
Blanca
S.
Bayó

BLANCA
S.
BAYÓ,
Director

Division
of
Records
and
Reporting

This

*is
a
facsimile
copy.
A
signed
copy
of
the
order
may
be
obtained
by
calling*

*1
-
850*

*-
413*

*-
6770.*

*(S
E
A
L)*

BK

Dissent

I
respectfully
dissent
from
the
the
majority's
decision
to
apply
the
guidelines
and
procedures
adopted
herein
to
the
current
agreements.

I
do
not
believe
that
these

guidelines
and
procedures
should
supersede
any
existing
terms
found
in
the
current
collocation
agreements.

ORDER
NO.
PSC
-
99
-
1744
-
PAA
-
TP
DOCKETS
NOS.
981834
-
TP,
990321
-
TP
PAGE
21

NOTICE
OF
FURTHER
PROCEEDINGS
OR
JUDICIAL
REVIEW

The
Florida
Public
Service
Commission
is
required
by
Section
120.569
(1),
Florida

Statutes,
to
notify
parties
of
any
administrative
hearing
that
is
available
under
Section
120.57,
Florida
Statutes,
as
well
as
the
procedures
and
time
limits
that
apply.
This
notice
should
not
be
construed
to
mean
all
requests
for
an
administrative
hearing
will
be
granted
or
result
in
the
relief
sought.

Mediation
may
be
available
on
a
case

-
by
-
case
basis.
If
mediation
is
conducted,
it
does
not
affect
a
substantially
interested
person's
right
to
a
hearing.

The
action
proposed
herein
is
preliminary
in
nature.
Any
person
whose
substantial
interests
are
affected
by
the
action
proposed
by
this
order
may
file
a
petition
for
a
formal
proceeding,
in
the
form
provided
by

Rule
28

-

106.201,
Florida
Administrative
Code.

This
petition
must
be
received
by
the
Director,
Division
of
Records
and
Reporting,
2540
Shumard
Oak
Boulevard,
Tallahassee,
Florida
32399

-

0850,
by
the
close
of
business
on
September
28,
1999.

In
the
absence
of
such
a
petition,
this
order
shall
become
final
and
effective
upon
the
issuance
of

a
Consummating
Order.

Any
objection
or
protest
filed
in
these
dockets
before
the
issuance
date
of
this
order
is
considered
abandoned
unless
it
satisfies
the
foregoing
conditions
and
is
renewed
within
the
specified
protest
period.

ORDER
NO.
PSC
-
99
-
1744
-
PAA
-
TP
DOCKETS
NOS.
981834
-
TP,
990321
-
TP
PAGE

Attachment

A

COLLOCATION
WAIVER
TIMELINE

DAY

1

DAY

15

DAY

25

DAY

35

DAY

45

DAY

90

DAY

110

CLEC

files

ILEC

responds

ALEC,

ILEC,

ILEC

files

ALEC

and

ILEC

Commission

Final

Order

completed

to

Commission

Petition

for

file

Agenda

on

Petition

application

application

Staff

tour

Waiver

with

post

-

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