

**BEFORE THE
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION**

UT-990582

In the Matter of the Commission's)
Inquiry Regarding the Need for Rules) Supplemental Comments
Pertaining to the Provisioning of) of Sprint
Collocation Facilities)

Sprint Corporation, on behalf of United Telephone Company of the Northwest and Sprint Communications Company, L.P. (collectively, "Sprint") hereby submits the following comments in response to the Commission's April 11, 2000, Notice of Opportunity to File Supplemental Comments concerning the draft language proposed by AT&T, TCG Seattle, et al. Sprint's comments respond in particular to the specific questions posed by the Commission Staff in the April, 11th Notice.

In Section (1), should the definition of "equipment" be changed? Should any other definitions be added or changed?

Sprint believes the definition of "equipment" contained in the proposed rule is adequate and need not be changed.

In Section (2), paragraph (d), what conditions should apply when adjacent collocation is requested?

Sprint submits that adjacent collocation should only be made available as a last resort when collocation space is not available in the ILEC premises, and then only to the extent that it is technically feasible and in compliance with the requisite state regulations over zoning, design, construction, and in conformance with reasonable safety and maintenance requirements.

Sprint's position essentially mirrors the FCC's rules on this issue and the D.C. Circuit Court of Appeals' decision in *GTE Corporation v. Federal Communications Commission*, 205 F.3d 416; 2000 U.S. App. LEXIS 4111 (2000) endorsed. (See *GTE v. FCC* at 425).

The FCC's rules define adjacent collocation as being on the ILEC's premises. (CFR 51.323(k)(3); FCC 99-48, First Report and Order in Docket 98-147, ¶44). Sprint proposes that the Commission adopt the FCC's definition of "premises" for Washington with two modifications. The FCC Regulations define premises as follows:

[A]n 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 house incumbent LEC facilities on public rights of way, including, but not limited to vaults containing loop concentrators or similar structures.

47 C.F.R. § 51.5. First, Sprint suggests this definition should be expanded to permit collocation in the ILEC's adjacent structures that house administrative personnel, especially if there is vacant space available in these structures. Second, in shared site facilities that house both employees whose work involves central office activity, and those whose work is unrelated to central office activity, some consideration should be given to relocating employees whose work is unrelated to central office activity. Such provisions would mitigate the many problems related to a shortage of collocation space, and promote parity between the ILEC and CLEC with respect to where equipment is located.

In Section (3), what intervals have been established by other

state commissions for collocation? What intervals has the FCC established? How does the availability of equipment and materials, including cable, impact site preparation intervals? Should CLECs be allowed to self-provision equipment and materials necessary for collocation?

The FCC has not established intervals for the provisioning of collocation,. (FCC 99-48, First Report and Order in Docket 98-147, ¶¶23,54), Sprint suggests establishing intervals for both the pre-ordering and the ordering phases of collocation. Sprint proposes the following intervals:

PRE-ORDERING

Day 1: ILEC receives a complete collocation application;

Day 10: ILEC notifies CLEC of space availability;

Day 30: ILEC provides pricing, known hazards and intervals;

Additionally, the CLEC has 65 calendar days to review and accept or reject the price quote and to provide a bona fide firm order to the ILEC.

ORDERING

Day 1: CLEC submits bona fide firm order;

Day 7: ILEC acknowledges receipt of bona fide firm order;

Day 15: ILEC - CLEC joint planning meeting;

Day 60: Cageless or virtual collocation complete;

Day 90: Caged collocation complete;

Day 120: Non-conditioned space collocation complete.

Additionally, Sprint supports allowing CLECs to self-provision if security arrangements are adequate.

In Section (4), what conditions has the FCC established for reserving central office space? Must space be made available on a first-come first-served basis?

The FCC has ruled that there must be parity between the incumbent and competitive provider in the conditions for reserving space. (FCC 99-48, First Report and Order in Docket 98-147, ¶42; CFR 51.323(f)(4),(5)and(6)) The FCC's rule is for space to be made available on a first-come first-served basis. (CFR 51.323(f)(1)).

Sprint supports allowing both the ILEC and the CLEC to reserve collocation space for a period of 12 months. Additionally, ILECs should have the burden of proof in demonstrating that the space reserved for their own future use is grounded in fact, based upon historical data projected for future growth. Likewise, CLECs should not be allowed to warehouse space to the detriment of other CLECs. ILECs should be able to reclaim space not used in a reasonable time (six months after space exhaustion provided that there are additional requests pending for space).

Assuming space is made available on a first-come first-serve basis and more than one CLEC has requested space in the same central office, what is the best method to inform CLECs as space becomes available? What should trigger the offer of available space to a CLEC? What is a reasonable time interval for a CLEC to accept space as it becomes available? If a CLEC does not timely

accept space as it becomes available, or elects to wait until additional space becomes available, how is that CLEC's request impacted?

Sprint believes the ILEC should maintain a waiting list, on a first-come first-serve basis, of requesting carriers who have either received a Denial of Application or, where it is publicly known that the premise is out of space, have submitted a letter of Intent to collocate. Upon request, the ILEC should advise the CLEC as to its position on the list.

Space may become available either through the withdrawal of (or intent to withdraw) a petition for waiver previously filed with the state commission, the completion of a building addition, re-assessment of current use of premises space, or removal of unused and obsolete equipment. As new space becomes available, the ILEC should identify the quantity of space available and the type or types of physical collocation that can be accommodated in that space. The ILEC should simultaneously notify the CLECs on the waiting list of the amount and type of collocation space that has become available within 5 business days of when space becomes available. The best method to inform CLECs is by registered letter and e-mail.

The ILEC should have fifteen (15) business days from the time it initially notifies all CLECs on the waiting list that space is available to award space and provide a price quote to CLECs based on their position on the waiting list (except as provided below) and the amount of space within 30 calendar days with a firm order commitment. If the CLEC does not respond

within the allotted time frame, the CLEC will drop to the bottom of the list.

If CLEC A that has been denied space in an ILEC premises chooses not to challenge the ILEC on space availability in that premises, and CLEC B has also been denied space in that premises and subsequently challenges the ILEC on space availability, then CLEC B should be given priority for space assignment if, as a result of the challenge, space is found to be available. The reason for this approach is that any CLEC serious about collocating should be challenging an assertion that space is not available. Those CLECs that do not challenge such assertions should not benefit from the work other CLECs expend to determine if space is in fact available. Additional space would then be provided to other CLECs based on their respective collocation request and according to their position on the waiting list, in accordance with the timelines outline above, until all available space has been offered to CLECs on the waiting list.

In Section (5), what restrictions should be placed on collocation equipment, other than NEBS Level I compliance? What exceptions should be allowed?

All equipment to be collocated must meet Level 1 safety requirements as set forth in Bellcore Network Equipment and Building Specifications (NEBS), but the ILEC may not impose safety requirements on the CLECs that are more stringent than the safety requirements it imposes on its own equipment. The ILEC may not deny collocation of CLEC's equipment because the equipment fails to meet NEBS reliability standards. An ILEC that denies collocation of a competitor's equipment, citing safety standards, must

provide to the CLEC within five (5) business days of the denial a list of all equipment that the ILEC locates with the premises in question, together with an affidavit attesting that all of that equipment meets or exceeds the safety standard that the ILEC contends the competitor's equipment fails to meet. In the event that the ILEC believes that the collocated equipment will not be or is not being used for interconnection or access to unbundled network elements or determines that the CLEC's equipment does not meet NEBS Level 1 safety requirements, the CLEC will be given ten (10) calendar days to comply with the requirements or remove the equipment from the collocation space. If the parties do not resolve the dispute, the ILEC or CLEC may file a complaint at the

Commission seeking a formal resolution of the dispute. The ILEC may not require an inspection prior to permitting a power cut for any equipment installed in a Central Office. This policy is consistent with FCC 47 CFR § 51.323(b).

In Section (6), how should collocating carriers access each others network?

FCC rules allow cross-connection between two collocating carriers and even require the construction of such cross-connects by the ILEC if requested. However, the recent D.C. Court of Appeals decision remanded that issue back to the FCC, contending that the Commission's interpretation of "necessary" in the 1996 Telecommunications Act is impermissibly broad. (*GTE v. FCC* at 424).

In Section (7), what security costs should ILECs be allowed to recover from collocating CLECs?

The FCC recognizes that implementation of security measures not only provides protection to the CLEC's equipment but also

provides protection to the ILEC's equipment. (FCC 99-48, First Report and Order in Docket 98-147, ¶47) Any cost recovery mechanism must reflect this dual protection philosophy. Sprint proposes that the costs of implementing reasonable security measures should be a cost shared by both the ILEC and CLEC and that the appropriate methodology is to pro-rate the cost on relative square footage as an estimator of the value of the equipment being protected.

In Section (8), how does the availability or unavailability of loop data impact collocation?

Without loop data on a central office basis, the CLEC has no solid information on which to base the decision to enter a particular market and, in fact, may make what turns out to be an uneconomic decision. Loop data should be made available on an address by address basis, and by central office. Information about the makeup of the ILEC's network should also be made available to CLECs. Given the advent of a new UNE, the sub-loop, it is imperative that ILECs disclose the necessary information so that CLECs can make cost-effective business decisions about where and how to collocate to gain access to sub-loops. For instance, a DSLAM must be placed at a remote Digital Loop Carrier(DLC) in order to provide DSL to customers served by DLCs. It would be unreasonable to expect CLECs to acquire customers and their addresses before they make a decision to deploy a DSLAM at a remote Digital Loop Carrier (DLC). The concentration of DLCs to central offices can be as high as 20:1; therefore, CLECs need adequate, detailed information about an ILEC's central offices and DLCs to make sound business decisions about where to deploy

their services. Otherwise the cost of deploying advanced services will be prohibitive, and customers will be disappointed to learn that they will not be able to purchase the services they expected.

Respectfully submitted this 15th day of May, 2000 by

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SPRINT CORPORATION