

**Draft Rule Language Jointly Proposed:
AT&T, TCG Seattle, NEXTLINK, NorthPoint, GST, ATG, MCI WorldCom**

WAC 480-120-XXX Collocation

(1) Definitions. For purposes of this section:

(a) "CLEC" means a competing local exchange carrier that requests collocation from an ILEC.

(b) "Collocation" means the ability of a CLEC to place equipment ~~within, upon, or nearby an ILEC's~~ premises of the ILEC in accordance with 47 C.F.R. § 51.323.

(c) "Deliver" or "delivery date" means the point when the ILEC turns the collocation space and related facilities over to the CLEC and recurring charges for collocation may begin to accrue. Delivery includes, ~~but is not necessarily limited to,~~ providing the CLEC with access to the collocation space for collocation other than virtual collocation, as well as providing power, telephone service, and other services and facilities requested by the CLEC for provisioning by the delivery date.

(d) "Equipment" means any device or facilities used to provide telecommunications service. Specifically when used in the context of CLECs' collocated equipment, this term means any device or facilities used or useful for interconnection or access to unbundled network elements. The ILEC is not required to permit collocation of equipment used solely for switching or solely to provide enhanced services as required in 47 C.F.R. § 51.323.

(e) "ILEC" means an incumbent local exchange carrier that is required to provide collocation pursuant to 47 U.S.C. § 251(c)(6).

(f) "ILEC premises" means an ILEC wire center, central office, or any other location owned and/or controlled by the ILEC at which interconnection with the ILEC's network or access to ILEC unbundled network elements is technically feasible.

(2) Types of collocation available. Each ILEC shall provide the following types of collocation to CLECs:

(a) Physical (caged) collocation as defined in 47 C.F.R. § 51.5.

(b) Physical (shared) collocation as defined in 47 C.F.R. § 51.323(k)(1).

(c) Physical (cageless) collocation as defined in 47 C.F.R. § 51.323(k)(2).

(d) Adjacent collocation as defined in 47 C.F.R. § 51.323(k)(3). An ILEC must make available, where space is legitimately exhausted in a particular ILEC premises, collocation in adjacent controlled environmental vaults or similar structures to the extent technically feasible. ~~Upon request from a CLEC and to the extent technically feasible, each ILEC shall also offer adjacent collocation in any ILEC premises, even if space for collocation is available within that ILEC premises.~~ The CLEC must bear all expenses for adjacent collocation at nearby premises.

(e) Virtual collocation as defined in 47 C.F.R. § 51.5.

(f) Other collocation. Each ILEC shall provide collocation other than the types of collocation specified in this section if such collocation is technically feasible and either has been required by federal law or has been deployed in any ILEC premises. A successful deployment of the requested collocation arrangement in any ILEC premises in Washington or in any other state in which the ILEC provides local exchange service creates a rebuttable presumption that the arrangement is technically feasible.

(3) Provisioning collocation. Upon receiving a request for collocation from a CLEC, an ILEC shall provision collocation pursuant to the following requirements:

(a) The ILEC shall notify the CLEC whether sufficient space exists in the ILEC premises to accommodate the CLEC's collocation requirements within ten (10) business days of receipt of a request for collocation. As part of that notification, the ILEC shall also notify the CLEC of any extraordinary circumstances, as defined in (3)(d) below, that may delay delivery of the requested collocation space and related facilities.

(b) If sufficient space exists, the ILEC shall provide the CLEC with a written quote within twenty-five (25) days of receipt of the request detailing the nonrecurring and recurring charges applicable to provisioning the requested collocation.

(c) The ILEC shall permit ~~at least one~~ accompanied site visits to the designated collocation space ~~after~~ in the following circumstances: (1) after the ILEC has received a 50% down-payment from the CLEC to accomplish construction planning; and (2) after space denial pursuant to Section (4). ~~providing the written quote, without charge to the CLEC, to enable the CLEC to verify and inspect the space the ILEC offers for collocation.~~

(d) The ILEC shall complete construction of, and deliver, the requested collocation space and related facilities within ~~forty-five~~ ~~ninety~~ ~~(45/90)~~ calendar days of the CLEC's acceptance of the written quote and payment of one-half of the nonrecurring charges specified in the quote. The CLEC's acceptance of the quote or payment of any quoted charges, however, shall not preclude the CLEC from later disputing the accuracy or reasonableness of those charges. If extraordinary circumstances occur, the ILEC shall complete provisioning of the requested collocation ~~within ninety (90)~~ up to one hundred eighty (180) calendar days of the CLEC's acceptance of the written quote. A specific timeframe will be determined during feasibility planning. Extraordinary circumstances shall not include standard work and equipment required to provide the requisite collocation, but may include (i) the need to reclaim space for collocation by removing inactive or underutilized equipment; or (ii) the unavailability of necessary equipment and facilities if that unavailability is not due in whole or in part, to the ILEC's failure to timely arrange for such equipment or facilities. Following any initial notification as required in subsection (3)(a) above, the ILEC shall notify the CLEC of any extraordinary circumstances as soon as the ILEC is aware of those circumstances and shall take all reasonable steps to avoid or minimize any delays caused by those circumstances, including but not limited to joint provisioning of collocation elements by the ILEC and CLEC, or sole construction by the CLEC, through an approved a mutually acceptable third party contractor. Recurring charges shall not begin to accrue for any element until the ILEC delivers that element to the CLEC. ~~To the extent that a CLEC self-provisions any collocation element, the ILEC may not impose any charges for provisioning that element. In addition, the ILEC shall credit the CLEC in an amount equal to one tenth of the total nonrecurring charge for the requested collocation for each full week the ILEC fails to deliver the collocation space after the required delivery date.~~

(e) The ILEC shall notify the CLEC ~~when construction of the CLEC's collocation space is approximately 50% completed, including scheduled completion and delivery dates. At that time, or~~ no later than thirty (30) days prior to the scheduled delivery date;. †The ILEC shall provide the CLEC with sufficient information to enable the ILEC and the CLEC to establish firm CLLI codes and any other codes necessary to order interconnection and cross-connection circuits for the equipment the CLEC intends to collocate, and the ILEC shall accept and process CLEC orders for such circuits. ~~The ILEC shall provision points of interface ("POIs") and other circuits concurrent with delivery of the collocation space and related facilities or within fourteen (14) days after delivering the collocation space and related facilities with the agreement of the CLEC, in conjunction with the installation of the CLEC's equipment.~~

(f) The ILEC shall conduct an inspection with the CLEC of the collocation space ~~at least five (5) calendar days prior to upon~~ completion of construction of the collocation space. The ILEC shall correct any deviations to the CLEC's original or jointly amended requirements within a mutually agreed upon date after the inspection. ~~three (3) calendar days after the inspection, at the ILEC's sole expense.~~

(g) Upon request of the CLEC and concurrent with delivery of the collocation space and related facilities, the ILEC shall provide basic telephone service to the collocation space under the rates, terms, and conditions of the ILEC's current tariff or price list offering for the service requested. The ILEC shall also provide CLEC employees, contractors, and representatives with reasonable access to basic facilities, such as restroom facilities and parking, while at the ILEC premises.

(4) Denial of request for collocation. An ILEC shall not deny a request for physical (caged, cageless, or shared) collocation based on reservation of space for virtual collocation or based on reservation of space for the ILEC's own use beyond reasonable forecasted use for three years ~~or the same amount of time the ILEC permits CLECs to reserve space for future growth, whichever is less~~. If the ILEC fails to implement the projected growth need within the reasonable reservation period, it must make the space available for collocation unless good cause is shown for an extension of time. An ILEC also shall not deny a request for collocation if space can be made available through removal of inactive or underutilized equipment, ~~nor may an ILEC charge to CLECs any costs the ILEC incurs to identify and remove such equipment~~. If the ILEC notifies a CLEC that insufficient space exists to accommodate the CLEC's request for collocation, the following procedures apply:

(a) As part of its notification of lack of space, the ILEC shall notify the CLEC if any space is available for collocation, ~~and, if so, how much space is available~~. The ILEC shall also verify that the ILEC cannot reclaim space for collocation by consolidating or removing inactive or underutilized equipment.

(b) The ILEC shall permit the CLEC to tour the ILEC premises within ten (10) calendar days of the CLEC's request for such a tour made after the ILEC has denied the CLEC's collocation request.

(c) ~~If the feasibility study concludes that collocation is not practical because of space limitations, the requesting CLEC may file a complaint with the Commission to review the ILEC's denial. Unless the CLEC withdraws its request in writing, the ILEC shall file a report with the Commission w~~Within twenty-five (25) days after the service of the complaint, the ILEC shall file a report with the Commission including the following information: ~~denying the CLEC's request for collocation. Upon request and execution of an appropriate confidentiality agreement, the ILEC shall also provide a copy of the report to the CLEC. The ILEC shall prepare the report at its sole expense, and the report shall include the following information:~~

- (i) Central Office Common Language Identifier, where applicable;
- (ii) Requesting CLEC, including the amount of space sought by the CLEC;

- (iii) Written inventory of active, inactive, and underutilized equipment, including the signatures of ILEC personnel certifying the accuracy of the information provided;
- (iv) Color-coded floor plans that identify office space work areas, provide spatial dimensions to calculate the square footage for each area, and locate inactive and underutilized equipment;
- (v) Narrative of the central office floor space use;
- (vi) Total amount of space occupied by interconnecting collocators for the sole purpose of interconnection;
- (vii) Total amount of space occupied by third parties for purposes other than interconnection, and a narrative of the space use;
- (viii) The number of central office employees employed and job titles;
- (ix) Description of central office renovation/expansion plans ~~and timeframes for completion~~;
- (x) Description of conversion of administrative, maintenance, equipment, and storage space plans ~~and timeframes for completion~~; and
- (xi) Description of any internal policies for conversion of administrative, maintenance, equipment, and storage space in central offices.

(d) At any time after an ILEC has denied a CLEC's request for collocation, the CLEC may file a petition for enforcement of its interconnection agreement with the ILEC pursuant to WAC 480-09-530. The ILEC bears the burden to prove to the Commission that the requested collocation is not practical for technical reasons or because of space limitations~~-, or other reasons allowed under 47 C.F.R. § 51.323~~ ~~The ILEC may be relieved of its obligation to provide collocation at a particular ILEC premises only to the extent expressly provided by Commission order.~~

~~(e) Each ILEC shall maintain a list of all of its central offices in Washington in which insufficient space exists to accommodate one or more types of collocation. The list shall specify which types of collocation are unavailable in each office and whether the Commission has approved the ILEC's denial of collocation in that office. The ILEC shall post this list on its publicly accessible website and shall provide a copy of the list to any CLEC upon request. The ILEC shall update this list within ten (10) calendar days of (i) denying a CLEC's request for collocation; (ii) the service date of any order from the Commission approving or disapproving~~

such a denial; (iii) providing notice to CLECs previously denied collocation that space has become available in a central office; or (iv) obtaining knowledge through any other means that space for one or more types of collocation is no longer available or has become available in a particular central office. Upon request, an ILEC must submit to the CLEC within ten days of the submission of the request a report indicating the ILEC's available collocation space in a particular ILEC premises. This report must specify the amount of collocation space available at each requested premises, the number of collocators, and any modifications in the use of the space since the last report. This report must also include measures that the ILEC is taking to make additional space available for collocation. The ILEC must maintain a publicly available document, posted for viewing on the ILEC's publicly available internet site, indicating all premises that are full, and must update such a document within ten days of the date at which a premises runs out of physical collocation space. ILECs may recover the costs of implementing these reporting measures from collocating carriers.

(f) Each ILEC shall also maintain a waiting list of all CLECs that have been denied collocation in each central office ~~or that have submitted a letter of intent to collocate in offices in~~ which the ILEC has publicly announced that one or more types of collocation are unavailable, and the dates on which each of these CLECs ~~requested collocation submitted its order for collocation. submitted a letter of intent to collocate.~~ If space for collocation becomes available in any of these central offices, the ILEC shall inform these CLECs, in the order in which they requested collocation, of the availability of that space and shall provide each CLEC with thirty (30) days to renew its original collocation request. The ILEC shall provision collocation to these CLECs on a first-come, first-served basis according to the dates on which each initially submitted an order ~~requested collocation or submitted a letter of intent to collocate in that central office.~~

(5) Equipment. ILECs shall permit the collocation of any type of equipment used or useful for interconnection or access to unbundled network elements. The ILEC is not required to permit collocation of equipment used solely for switching or solely to provide enhanced services pursuant to 47 C.F.R. § 51.323. If an ILEC objects to a CLEC's collocation of equipment, the following shall apply:

(a) The ILEC shall identify to the CLEC the equipment to which the ILEC objects and shall provide a written explanation of its objection. If the ILEC objects because of safety or engineering concerns, the ILEC shall include an affidavit identifying the equipment the ILEC locates within the ~~has deployed and is using in the ILEC~~ premises and attesting that this equipment meets or exceeds the safety or engineering standards the ILEC contends that the CLEC's equipment does not satisfy. An ILEC may not object to or deny collocation of equipment on the following grounds:

(i) That the equipment does not comply with safety or engineering standards that are more stringent than the safety or engineering standards that the ILEC applies to its own equipment; or

(ii) That the equipment does not comply with National Equipment and Building Specifications performance standards.

~~(b) An ILEC may not deny collocation of equipment for any reason other than the contention, supported by affidavit, that the equipment does not comply with the safety or engineering standards that the ILEC applies to its own equipment. Either party may seek Commission resolution of a dispute over equipment to be collocated through a petition to enforce the parties' interconnection agreement pursuant to WAC 480-09-530. In any such proceeding, the ILEC shall bear the burden to demonstrate to the Commission that the CLEC is not entitled to collocate its equipment.~~

(6) Use of collocation space and equipment. ILECs shall permit CLECs to interconnect their networks with the networks of any other carrier that is collocated at the ILEC premises and to connect the CLECs' equipment to the collocated equipment of other collocated carriers if such equipment is also used for interconnection with, or access to the unbundled network elements in, the ILEC's network.

(a) At the request of a CLEC, the ILEC shall provide the connection between the equipment in the collocated spaces of two or more CLECs. The ILEC must permit any CLEC to construct its own connection between its equipment and the equipment of one or more collocating carriers if the CLEC does not request that the ILEC provide the connection.

(b) The ILEC shall permit a CLEC to place its own connecting transmission facilities within the ILEC premises outside of the actual collocation space, subject to reasonable safety limitations.

(c) The CLEC will submit an order to the ILEC for ILEC provisioning of a technically feasible central office path.

(d) Pursuant to (3)(d), a CLEC may utilize the services of an approved vendor.

(7) Security.

(a) ILECs may establish reasonable security arrangements to protect their equipment and ensure network reliability. ILECs may only impose security arrangements that are no more stringent than the security arrangements the ILEC maintains for its own employees or authorized

contractors but shall maintain security arrangements that enable the ILEC to identify all personnel, both CLEC and ILEC, on the ILEC premises at any point in time.

(b) Reasonable security measures that ILECs may adopt include (i) installing security cameras or other monitoring systems; (ii) requiring CLEC personnel or contractors to use badges with computerized tracking systems; or (iii) requiring CLEC personnel or contractors to undergo the same level of security training, or its equivalent, that the ILECs' own employees, or third party contractors performing similar functions, must undergo; *Provided*, however, that an ILEC may not require that the CLEC employees or contractors receive such training from the ILEC itself but must provide information to the CLEC on the specific type of training required so that the CLEC may conduct, or arrange for a third party to conduct, the required training.

(c) ILECs must allow CLECs that are physically collocated, to access their equipment 24 hours a day, seven days a week, without requiring either a security escort of any kind or delaying a CLEC's employees entry into the ILEC premises, or requiring a security escort. ~~an ILEC employee to be present during the CLEC's entry into the ILEC premises.~~

(d) The ILEC shall not use any information it receives in the course of implementing or operating security arrangements for any marketing or other purpose associated with the ILEC's sale or provisioning of telecommunications services in competition with CLECs.

~~(8) Loop availability data. An ILEC shall provide the following information to any requesting CLEC that agrees to maintain the confidentiality of the information, to the extent that the ILEC has compiled or reasonably can compile such information:~~

~~(a) the average length of the loops served out of a specific central office;~~

~~(b) the percentage of loops served out of that central office that are less than 18,000 feet, 12,000 feet, and 9,000 feet in length as measured from the central office to the customer premises;~~

~~(c) the percentage of customers and access lines served by any type of digital line concentration device, such as digital loop carrier, and the geographic area served by DLC to the extent identifiable; and~~

~~(d) geographic areas served by the central office where limitations exist on the deployment of digital subscriber line technologies as a result of power spectrum density considerations or any other limitations or restrictions that would prevent or constrain the provision of digital subscriber line services via a collocation arrangement.~~