

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

January 18, 2001

IN RE:

**PETITION OF BELL SOUTH
TELECOMMUNICATIONS, INC. FOR
TEMPORARY WAIVER OF PHYSICAL
COLLOCATION IN THE DICKSON
CENTRAL OFFICE**

DOCKET NO. 00-00357

ORDER GRANTING TEMPORARY WAIVER OF PHYSICAL COLLOCATION

This matter came before the Tennessee Regulatory Authority (the "Authority") at a regularly scheduled Authority Conference held on September 12, 2000 for consideration of the Petition (the "Petition") of BellSouth Telecommunications, Inc. ("BellSouth") for a temporary waiver of the physical collocation requirements imposed by the 1996 Federal Telecommunications Act (the "1996 Act") with respect to BellSouth's Dickson, Tennessee Central Office (the "Dickson Office" or "Dickson CO").

BellSouth's Petition

On May 2, 2000, BellSouth filed with the Authority a notice (the "Notice") of its intent to request a temporary waiver of physical collocation in its Dickson Office, stating that BellSouth would subsequently file a petition for waiver pursuant to Section 251(c)(6) of the 1996 Act. BellSouth's Notice further stated that the names of the applicants that were being denied space in the Dickson Office were not being disclosed in order to avoid the release of confidential information, but that a copy of the Notice had been sent to the applicants.

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On May 23, 2000, BellSouth filed its Petition, in which it requested an exemption from the physical collocation requirements set forth in the 1996 Act and in certain Federal Communications Commission (“FCC”) Orders. The exemption would apply to BellSouth’s Dickson Central Office, which is located at 305 North Charlotte Street, Dickson, Tennessee. The Petition states that BellSouth seeks the exemption on the grounds that it is unable to fulfill a request for physical collocation because of space limitations in the Dickson Office. The Petition states that BellSouth expects to construct an addition to the Central Office Building and anticipates that the additional space will be completed at the end of the first quarter of 2001, but that BellSouth has no obligation to lease or construct additional space to provide physical collocations to interconnectors when existing space has been exhausted.

The Petition includes an analysis of the available and unavailable space in the Dickson Office as well as floor plans of the space. The Petition states that “BellSouth’s thorough assessment of the facility confirmed that there is no space available for additional physical collocation until the addition is completed.”¹ The Petition notes that “[t]here is space reserved for defined future use for BellSouth which may be insufficient to meet the growing needs of its customers through the year 2000.”² BellSouth concludes with the statement that “[t]he Dickson CO contains no available space for physical collocation for the applicant and for this reason should be excluded from the collocation requirements. BellSouth will, of course, offer virtual collocation in the Dickson CO.”³

The Authority Staff performed an on-site inspection of the Dickson Office. The Authority Staff asked BellSouth whether collocation equipment could be located in Aisle

¹ Petition, May 23, 2000, p. 4.

² Id.

³ Id.

132 of the Dickson Office through the middle of the 5ESS switching equipment area. In its response to the Staff's question, BellSouth stated that it would not be possible to locate transmission equipment inside this area, which is an isolated switching equipment ground plane, because of both safety and service concerns.⁴

Exemption from the Collocation Requirements of the 1996 Act

Section 251 of the 1996 Act sets forth the duty of an incumbent local exchange carrier ("ILEC"), such as BellSouth, to provide interconnection with the ILEC's network to other telecommunications carriers.⁵ Included in the provisions of this section is the requirement that the ILEC provide "physical collocation of equipment necessary for interconnection or access to unbundled network elements at the premises" of the ILEC to an interconnecting company "on rates, terms, and conditions that are just, reasonable, and nondiscriminatory."⁶ This requirement holds true "except that the carrier may provide for virtual collocation if the local exchange carrier demonstrates to the State commission that physical collocation is not practical for technical reasons or because of space limitations."⁷

Furthermore, the FCC has stated that "Section 251(c)(6) clearly contemplates the provision of virtual collocation when physical collocation is not practical for technical reasons or because of space limitations. Section 251(c)(6) requires the incumbent LEC to demonstrate to the state commission's satisfaction that there are space limitations on the LEC premises."⁸ The FCC stated that it would "require that incumbent LECs provide the

⁴ BellSouth's Response to Authority Staff Questions, August 9, 2000, p. 1.

⁵ 47 U.S.C. § 251(c).

⁶ 47 U.S.C. § 251(c)(6).

⁷ Id.

⁸ First Report and Order, In the Matter of Implementation of the Local Competition Provisions in the Telecommunications Act of 1996, CC Docket No. 96-98, August 8, 1996, 11 F.C.C.R. 15499, ¶ 602.

state commission with detailed floor plans or diagrams of any premises where the incumbent alleges that there are space constraints. Submission of floor plans will enable state commissions to evaluate whether a refusal to allow physical collocation on the grounds of space constraints is justified.”⁹

Findings and Conclusions

Under the provisions of the 1996 Act, the Authority may allow an ILEC to provide virtual, rather than physical, collocation to interconnecting carriers if the ILEC demonstrates that physical collocation is not practical for technical reasons or because of space limitations. BellSouth has made the necessary demonstration with respect to its Dickson Central Office.

Therefore, upon careful consideration of BellSouth’s Petition and of the entire record in this matter, the Authority finds and concludes that a temporary waiver of the physical collocation requirements set forth in the 1996 Act should be granted to BellSouth for its Dickson Central Office, with the condition that BellSouth provide certain information to the Authority on a monthly basis. At the regularly scheduled Authority Conference held on September 12, 2000, the Directors unanimously granted BellSouth’s Petition subject to the condition that BellSouth shall provide to the Authority, on a monthly basis, the following information: (a) the status of the Central Office additions; (b) the availability of adjacent and virtual collocation; (c) the number of requests received for caged, cageless, virtual and adjacent collocations; (d) the type of collocation that was provided in response to these requests, if any; and (e) the status of any unused or reserved space in the Dickson Office.

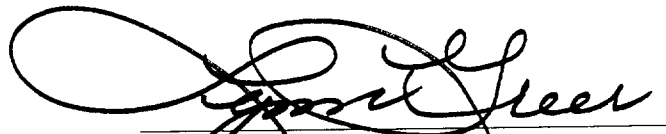
⁹ Id.

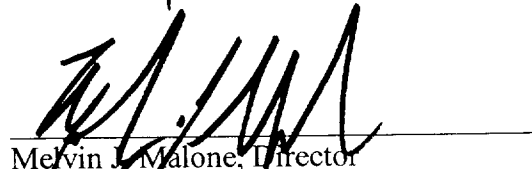
IT IS THEREFORE ORDERED THAT:

1. The Petition of BellSouth Telecommunications, Inc. for temporary waiver of the physical collocation requirements of Section 251(c)(6) the 1996 Federal Telecommunications Act as to BellSouth's Dickson, Tennessee Central Office is hereby granted, subject to the condition that BellSouth shall provide to the Authority, on a monthly basis, the following information: (a) the status of the Central Office additions; (b) the availability of adjacent and virtual collocation; (c) the number of requests received for caged, cageless, virtual and adjacent collocations; (d) the type of collocation that was provided in response to these requests, if any; and (e) the status of any unused or reserved space in the Dickson Office; and

2. Any party aggrieved by the Authority's decision in this matter may file a Petition for Reconsideration with the Authority within fifteen (15) days from and after the date of this Order.


Sara Kyle, Chairman


H. Lynn Greer, Jr., Director


Melvin J. Malone, Director

ATTEST:


K. David Waddell, Executive Secretary