

DT 99-083

VERIZON NEW HAMPSHIRE

Petition to Introduce Collocation Tariff

Order Conditionally Approving Collocation Tariff

O R D E R N O. 23,888

January 3, 2002

On May 28, 1999, Verizon New Hampshire (Verizon), then doing business as Bell Atlantic-New Hampshire, filed its proposed Tariff No. 80 (now renumbered as Tariff No. 84) with the New Hampshire Public Utilities Commission (Commission). Tariff No. 84(the Collocation Tariff) provides six types of collocation arrangements to Competitive Local Exchange Carriers (CLECs). It creates a tariff for: Microwave Collocation, Interconnection Between Collocated Spaces, Secured Collocation Open Physical Environment (SCOPE), Shared Cages, Cageless Collocation Open Environment (CCOE), and Adjacent Structures. Verizon also filed cost study details in support of the Collocation Tariff.

The Collocation Tariff proposes prices, terms and conditions by which CLECs will collocate in Verizon's central offices. The terms and conditions deal with notification and provisioning intervals, central office touring provisions, equipment and space restrictions, the requirement for Verizon personnel in collocation space, and termination provisions, among others.

The Collocation Tariff incorporates the types of

collocation considered in the Statement of Generally Available Terms (SGAT) filed by the company, pursuant to 47 U.S.C. 251(c)(6), in Docket No. 97-171. According to Verizon, it chose to file the Collocation Tariff rather than supplement the existing collocation sections of the SGAT due to concerns that a supplemental filing could delay the SGAT proceeding. According to Verizon, it will revise the SGAT and the Collocation Tariff to comply with any Commission order regarding either. Verizon proposes either to incorporate all collocation provisions (those in both the SGAT and Tariff No. 84) into Tariff No. 84, or to incorporate all collocation sections of the SGAT into Tariff No. 84 and eliminate the SGAT references to collocation.

On June 21, 1999, by Order No. 23,237, the Commission suspended the Collocation Tariff, pursuant to RSA 378:6,IV, until July 21, 1999, and scheduled a prehearing conference for July 8, 1999. At the July 8 prehearing conference, the Commission granted AT&T of New England's (AT&T's) Motion to Intervene. The Parties and Staff agreed that the Collocation Tariff would go into effect as filed, pursuant to RSA 378:6, and that the terms and conditions of the tariff would be further determined, after investigation, in this docket. Verizon agreed it would file a compliance tariff in conformance with the subsequent determination in this docket. Both Votts Networks, Inc. (Votts) and Sprint Communications Company, L.P. (Sprint) petitioned for

and were granted intervenor status.

By Order No. 23,263 (July 26, 1999), the Commission approved a procedural schedule consisting solely of written comments on the filing, but permitting any party to request a hearing at any point. Comments were filed by the parties on September 10, 1999. Verizon filed reply comments on September 30, 1999.

In October 1999, AT&T requested a formal hearing. However, after several delays and opportunities to discuss the issues in conflict, AT&T withdrew its request and, jointly with Verizon, by letter dated April 5, 2000 (April 5th Letter), requested that the Commission issue a final order based on all the written comments filed in this proceeding. The April 5th Letter also included agreed changes to the proposed collocation application fee and to collocation interval provisions. The Commission Staff, Vitts, and the Office of the Consumer Advocate concurred with the Verizon-AT&T joint request.

Review of this docket has been complicated by the interrelationship between the Collocation Tariff and the SGAT docket. In our order in the SGAT case, Order No. 23,738, issued on July 6, 2001 (*July 6th Order*), we determined the pricing methodology for Operating Support Systems (OSS) and all other Recurring Costs and Non-recurring Costs, including collocation. We also dealt with the non-cost issues raised by interconnection.

Accordingly, the Collocation Tariff must comport with our findings in the *July 6th Order*.

We consider the revisions proposed in the April 5th Letter to constitute part of the proposed Collocation Tariff submitted for our review. We find that Verizon has not updated the application fee provision in either the current SGAT filing or in the Collocation Tariff. Furthermore, we find that Verizon has updated the collocation interval provisions in the current SGAT filing, but not in the Collocation Tariff. Therefore, we will order Verizon to file the appropriate updated provisions.

We have examined the Collocation Tariff to determine what, if any, issues raised in the Collocation Tariff have not been settled by the *July 6th Order*. We find there are two. First, in Section 2.2.5E of the Collocation Tariff, Verizon proposes to revoke the identification badge/access card of any CLEC employee who violates this tariff. AT&T questions Verizon's right to do this, requests notification prior to the revoking of a CLEC employee's identification badge/access card, and requests that a dispute process be included in the tariff. Staff recommends that Verizon be permitted to revoke the identification badge/access card of a CLEC employee who engages in any activity that threatens harm to a Verizon employee or to the telephone network. When a CLEC employee violates the tariff but does not threaten either Verizon personnel or the network, Staff

recommends that Verizon may eject the offender from the premises but not revoke the employee's identification badge/access card. Staff recommends that Verizon notify the affected CLEC as soon as possible after either situation with an explanation of the events that occurred.

As we recognized in our Order on Reconsideration of the SGAT, issued November 21, 2001, collocation involves an inherent tension between Verizon's security concerns and CLECs' access needs. DT 97-171, Order No. 23,847 at page 43. In this case, we find that Staff's recommendation meets the security needs without unduly compromising the CLEC's access. Certainly, should a CLEC report that it experiences abusive practices, we will take action as required. *Id.* at 44.

The second collocation issue raised here, that was not addressed in the *July 6th Order*, involves a proposed buffer zone between Verizon and CLEC equipment. In section 9.9.1C Verizon proposes restricting cageless collocation to a separate "line-up" of equipment so that Verizon equipment is isolated from CLEC equipment. Verizon also proposes maintaining a ten-foot buffer area between the Verizon line-up and any CLEC's equipment in order to provide a safe working environment by having a five-foot aisle on either side of the cage enclosing Verizon's equipment. In further support of the buffer area, Verizon points out that in paragraph 42 of its ruling *In the Matters of Deployment of*

Wireline Services Offering Advanced Telecommunications Capability, CC Docket No. 98-147, FCC 98-48, First Report And Order And Further Notice Of Proposed Rulemaking (March 31, 1999) ("*Advanced Services Ruling*") the FCC allows an ILEC to enclose its own equipment in a cage, something that Verizon would be unable to do if the CLEC has equipment in the same lineup. The ten-foot buffer is intended only as a guideline, Verizon notes, acknowledging that in central offices where space is near exhaustion, the buffer distance may have to be reduced. Nonetheless, Verizon contends that some buffer space will always be necessary.

In response to section 9.9.1C, AT&T contends that the restrictions placed on cageless collocation by Verizon, both the buffer area and the separate line-up requirement, are anti-competitive, severely restricting a CLEC's ability to utilize cageless collocation. Staff recommends amending the section to clarify that the ten-foot buffer indicated in the tariff is specified as a guideline only. Staff also recommends that, when cageless collocation space is exhausted, Verizon should follow the same procedures as for the exhaust of physical collocation.

We find that the separate line-up requirement is a reasonable one; a buffer area to enable reasonable ease of access is also reasonable. In addition, it is reasonable to require Verizon to follow the same procedures for the exhaust of space

for cageless collocation as they follow for exhaust of space for physical collocation. We find Staff's recommendation to be reasonable and therefore approve it, directing Verizon to file a revised tariff in compliance. Since the remaining collocation issues were addressed in the *July 6th Order*, we will approve the Collocation Tariff subject to the revisions required therein and as discussed above.

Due to the process by which Verizon has presented its collocation tariff provisions for review, some provisions are contained in the Collocation Tariff but not in the SGAT and vice versa. We will direct Verizon to file a letter of intent as to how it proposes to consolidate the collocation provisions and then to file a consolidated tariff.

Based upon the foregoing, it is hereby

ORDERED, that within 30 days from the date of this order Verizon shall file a letter of intent as to how it proposes to consolidate the collocation provisions of the SGAT and the Collocation Tariff; and it is

FURTHER ORDERED, that Verizon shall revise the application fee and collocation intervals in the Collocation Tariff as proposed in the April 5th Letter; and it is

FURTHER ORDERED, that Verizon shall revise Sections 2.2.5E and 9.9.1C as discussed herein.

By order of the Public Utilities Commission of New Hampshire this third day of January, 2002.

Thomas B. Getz
Chairman

Susan S. Geiger
Commissioner

Nancy Brockway
Commissioner

Attested by:

Debra A. Howland
Executive Director and Secretary