

23 WorldCom calls Phillip Bomer.

24 PHILLIP BOMER

25 having been first duly sworn, testified as followed:

Jane G. LaPorte Depositions "Realtime Every Time"

1 DIRECT EXAMINATION

2 BY MR. WOODS:

3 MR. WOODS: Thank you, Mr. Chairman.

4 Q. Please state your name?

5 A. Phillip Bomer.

6 Q. What is your address?

7 A. Business address?

8 Q. Business address.

9 A. 6 Concourse Parkway, Atlanta, Georgia,
10 30328.

11 Q. And briefly, please tell the Commission
12 what your position is with WorldCom?

13 A. I am a collocation facility planner. And
14 that covers the BellSouth's United States nine-state
15 territory.

16 Q. Did you cause to be filed on July the 9th
17 of this year, 34 pages of direct testimony?

18 A. Yes, I did.

19 Q. Do you have any changes to make to that
20 testimony?

21 A. No, I do not.

22 Q. If I asked you those same questions
23 today, would your answers be the same?

24 A. Yes, they would.

25 MR. WOODS: Mr. Chairman, I would ask

1 that the testimony be received into evidence as if
2 read.

3 COMMISSIONER SAUNDERS: We will admit it,
4 as if read.

5 (PLEASE REFER TO PREFILED DIRECT
6 TESTIMONY, 34 PAGES, OF MR. BOMER, WHICH FOLLOWS:

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1 (THIS IS THE END OF PREFILED DIRECT
2 TESTIMONY OF MR. BOMER. COMMISSION HEARING CONTINUES
3 AS FOLLOWS:)

4 Q. Do you have a summary?

5 A. Yes, I do.

6 Q. Thank you. Would you please give it.

7 A. Okay. Good morning, Commissioners. I
8 will be addressing the collocation issues.

9 My testimony suggests the correlation of
10 four key points, provisioning intervals, DC power to
11 the collocation, verification of dual entrance
12 facilities and the allocation of costs for central
13 office security systems with Checklist Item 1,
14 which confers on ILECs the duty to provide, on rates,
15 terms and conditions that are just, reasonably, and
16 nondiscriminatory for physical collocation of
17 equipment necessary for interconnection.

18 I believe that these points of are
19 interest and are relevant to this hearing because
20 you, the state Commissioners, have an important role
21 in defining and resolving the collocation issues and
22 determining how they relate to BellSouth's
23 fulfillment of the requirements of Checklist Item 1.

24 Provisioning intervals are very important
25 to competing LECs, because they are one of the main

1 factors used in determining when service can be
2 provided to the CLECs customers.

3 It's imperative that the intervals set
4 are short enough so as to not discourage a
5 perspective customer from placing orders based on a
6 long waiting period for receiving service.

7 The FCC has set a national standard
8 maximum of 90 calendar days to complete any
9 technically feasible physical collocation arrangement
10 after receiving collocation application.

11 BellSouth has obtained the waiver from
12 the FCC, and instead of applying the waiver to -- the
13 waiver period here in South Carolina, it chose to
14 file a tariff with an even longer interval and
15 neglected to show a special need for that extended
16 time.

17 Regarding cageless collocation, other
18 authorities, like the Tennessee regulatory authority,
19 awarded a 30-day interval for the provisions of cable
20 collocation with a 60-business-day maximum, which
21 allows additional time to do the services.

22 The Alabama Commission has determined
23 that BellSouth can reasonably provision cageless
24 collocation within 60 days from collocation
25 application request.

1 I mention this because cageless
2 collocations are set up virtually the same way. And
3 I will contend any timeframe in which cageless
4 collocation can be provisioned is also appropriate
5 for virtual collocation and considering that a cage
6 need not be constructed, cageless and virtual
7 collocation should be subject to a shorter interval
8 than that of a caged arrangement.

9 With that being said, it is notable that
10 the 60-day time period in Alabama begins with the
11 receipt of application and not the bona fide firm
12 order as is the case with recently approved BellSouth
13 PEIS tariff. It is also noteworthy that a 90-day
14 time period starting from the bona fide firm order is
15 in fact a 60 additional day time period over the 60
16 days beginning with the receipt of the application.
17 This equates to a total provisioning time period of
18 120 days. And that's arrived at -- that's arrived
19 because there is a 30-day time period after the
20 submission of an application in which BellSouth will
21 provide, in 10 days, the space availability quote and
22 then initial 20 days with the end of 30 days they
23 will provide a price quote. And provided that a firm
24 order or acceptance of that price then immediately
25 the 90-day time period will start. In equates to a

1 total provision time of 120 days on the low side, and
2 that's well in excess of the national standard.

3 The next issue is providing DC power to
4 adjacent collocations. This is one of parity. The
5 FCC has required BellSouth to provide power and
6 physical collocation services to the adjacent
7 collocation space subject to the same
8 nondiscrimination requirements applicable to any
9 other physical collocation arrangement. BellSouth
10 currently provides DC power within the central office
11 to itself and to CLECs and to itself at remote
12 terminals.

13 The law requires that adjacent
14 collocation be provided in a nondiscriminatory
15 manner. In other states, such as Georgia and Texas,
16 they have agreed and issued orders to this effect.

17 The third issue concerns dual entrance
18 facilities. WorldCom's position is that it should be
19 permitted to verify BellSouth's assertion that dual
20 entrance facilities are not available. BellSouth
21 should maintain a waiting list for entrance space and
22 notify the CLEC when space becomes available.

23 Since the FCC has declared that a denial
24 of space triggers a requirement that an inspection be
25 permitted, it is a reasonable conclusion that a

1 denial of dual entrances, which permit the necessary
2 diversity that a CLEC needs, trigger the requirement
3 of permitting verification of that claim.

4 This and the fact that the lack of
5 availability of dual entrances is a determining
6 factor as to whether collocation is advisable in a
7 given location, after verification is performed, it's
8 reasonable to expect BellSouth to maintain a waiting
9 list for the dual entrance facilities.

10 With regard to security costs, the fourth
11 issue specifically addresses the allocation of costs
12 of security card key system. It is our position that
13 BellSouth is to recover costs for security, it should
14 do so pro rata, on a per square foot basis across all
15 usable space in the premises. This approach more
16 fairly assesses each carrier, including BellSouth a
17 cost that is related to the benefit derived from the
18 security system. And the Georgia and Florida
19 Commissions agree with this position.

20 We feel that until these issues are
21 resolved, it's questionable whether BellSouth has
22 truly met the criteria of Checklist Item 1.

23 That concludes my summary.

24 MR. WOODS: Thank you. The witness is
25 available for cross and Mr. Bomer, if you could move

1 the microphone closer to you. Thank you.

2 COMMISSIONER SAUNDERS: Mr. Elam?

3 MR. ELAM: No questions.

4 COMMISSIONER SAUNDERS: Commission staff?

5 MS. BELSER: No questions, Mr. Chairman.

6 COMMISSIONER SAUNDERS: BellSouth?

7 CROSS EXAMINATION

8 BY MR. EDENFIELD:

9 Q. Good afternoon my name is Kip Edenfield
10 from BellSouth. How are you doing, Mr. Bomer?

11 A. Doing well.

12 Q. As I understand your testimony, you are
13 the gentleman responsible for maintaining -- I'm
14 sorry, managing collocation activities between MCI
15 and BellSouth?

16 A. That is correct.

17 Q. Let's talk just for a second about MCI's
18 business activities here in South Carolina.

19 You are aware that MCI has allowed its
20 interconnection agreement in South Carolina to lapse.
21 And currently it does not have an interconnection
22 agreement with BellSouth in the State of South
23 Carolina?

24 A. I believe that's correct.

25 Q. And you have testified previously on some

1 collocation issues in the context of BellSouth and
2 MCI's arbitration in other states?

3 A. Yes, I have.

4 Q. And MCI has chosen, for whatever reason,
5 not to arbitrate a new interconnection agreement here
6 in South Carolina; is that correct?

7 A. Currently, they have not. I don't know
8 if they have plans to do that at a later date.

9 Q. At least, as we sit here today, there is
10 no pending arbitration, nor has MCI requested an
11 arbitration in the State of South Carolina?

12 A. I believe that is correct.

13 Q. Do you have any idea why MCI, at this
14 stage, has chosen not to arbitrate in the State of
15 South Carolina?

16 A. No. But those decisions are being made,
17 and you might chose to address that to Mr. Darnell.

18 Q. Well, I will let whoever is crossing Mr.
19 Darnell to make that decision. In the arbitrations
20 that were conducted in to other states outside of
21 South Carolina, you will agree that the collocation
22 issues that you are raising here, to a certain
23 extent, were raised in those arbitration proceedings?

24 A. Yes. And the issues raised here are the
25 same issues that were raised there.

1 Q. And as I read your testimony, I
2 understand that part of your job responsibilities
3 include keeping up with regulations that concern
4 collocation in the states?

5 A. That is correct.

6 Q. And are your responsibilities limited to
7 the BellSouth region?

8 A. Yes, they are in BellSouth.

9 Q. And are you -- I'm sorry.

10 A. Yes, BellSouth.

11 Q. And as I understand it, you are
12 responsible for those activities in each of our nine
13 states?

14 A. That is also correct.

15 Q. How long have you had the
16 responsibilities for the BellSouth region?

17 A. For the past two years.

18 Q. Are you aware that BellSouth has a
19 collocation tariff in the State of South Carolina?

20 A. Yes, I am.

21 Q. You are aware that tariff was originally
22 filed on September 26, 2000?

23 A. Yes, I'm aware of that.

24 Q. At that point in time, you were
25 responsible for collocation activities for MCI?

1 A. That's correct.

2 Q. Did MCI file a challenge to that tariff
3 when it was filed?

4 A. Not that I'm aware of.

5 Q. And you're aware that that tariff set
6 collocation intervals -- provisioning intervals for
7 caged and cageless collocations?

8 A. Yes. That tariff did, in fact, do that.
9 However, the knowledge of the tariff being filed, at
10 the time it was filed, is not available.

11 Q. Do you know whether MCI is part of the --
12 is on the Commission subscription list? In other
13 words, part of those group of companies like almost
14 all the companies in South Carolina, that receive
15 notices from the Commission when tariffs have been
16 filed?

17 A. I'm not positive if they are or not.

18 Q. Let me show you --

19 A. I believe they are, but I'm not positive
20 about that.

21 Q. Would you accept, subject to check, that
22 MCI is on that subscription list?

23 A. Yes, I would accept that, subject to
24 check.

25 Q. And let me show you -- I'll present to

1 you a letter from Mr. Gary E. Walsh of the South
2 Carolina Public Service Commission, advising the
3 different carriers who are members of the
4 subscription service that the tariff had been filed.
5 Take a second and read that, if you would.

6 A. Okay.

7 Q. Have you ever seen this document, Mr.
8 Bomer?

9 A. No, I have not.

10 Q. Take a look at the first sentence there,
11 you will agree with me that what the Commission had
12 done here was sent out a notice to its folks who are,
13 I guess, on the list of the its subscription service,
14 advising them that BellSouth is adding language
15 addressing provisioning intervals for CLEC
16 interconnection requests. Then you read down, and it
17 says: The deadline for protest is 30 days subsequent
18 to the date of filing.

19 Do you see that?

20 A. Yes, I do see that.

21 Q. Has MCI ever filed a protest to this
22 tariff that was filed on September 26, 2000?

23 A. Not to my knowledge, but by the same
24 token, I'm not sure I received it.

25 Q. Subsequent to the notice, the Commission

1 entered an order on collocation standard for
2 BellSouth. Are you familiar with that order?

3 A. To a certain degree, yes.

4 Q. Let me hand you a copy of this order
5 quickly.

6 MR. EDENFIELD: Chairman Saunders, would
7 it be your preference I mark for identification these
8 separately? Or do a composite?

9 COMMISSIONER SAUNDERS: Do a composite.

10 MR. EDENFIELD: Thank you.

11 Q. Take a second, if you would, tell me,
12 were you not familiar or vaguely familiar? I'm
13 sorry.

14 A. To a certain degree, I'm familiar with
15 some of this.

16 Q. Take a quick look at it, just kind of
17 refamiliarize yourself with it. Let me kind of give
18 you the question in advance. You can take a look at
19 it. I don't want to rush you through it. But the
20 question I have is: Will you agree with me that what
21 the Commission did in this order was set the
22 BellSouth tariff provisioning intervals as its
23 state-wide provisionings intervals for caged and
24 cageless collocation?

25 A. Yes, I do.

1 Q. The story continues. Will you agree with
2 me that on November 8th of 2000, that BellSouth then
3 filed -- well, let me ask you this first, about that
4 order. Did MCI ever appeal that order or challenge
5 that order in any form or fashion?

6 A. Not to my knowledge.

7 Q. On November 8th of 2000, BellSouth filed
8 a revised tariff. Are you familiar with that filing?

9 A. I don't believe that I'm familiar with
10 that one.

11 Q. Let me hand you a package that's got two
12 things. On the top it has the Commission's sheet
13 that it notified all the carriers that are members of
14 its subscription service, and the rest of it is
15 basically the tariff, itself, okay.

16 COMMISSIONER SAUNDERS: Would you hold it
17 a minute, sir.

18 MR. EDENFIELD: Yes, sir.

19 COMMISSIONER SAUNDERS: Okay. Let's make
20 the first two that you did, let's make that Exhibit
21 83. And then what you are doing now will be 84.

22 MR. EDENFIELD: So the Commission and
23 notification will be Exhibit 83, and what BellSouth
24 is handing out now, which is the Commission's
25 notification sheet and the modified tariff from

1 November 8th will be 84.

2 COMMISSIONER SAUNDERS: Yes.

3 MR. EDENFIELD: Thank you, Chairman
4 Saunders.

5 (HEARING EXH. NO. 83, Commission and
6 notification, was marked for
7 identification.)

8 (HEARING EXH. NO. 84, Commission
9 notification and modified tariff, was
10 marked for identification.)

11 Q. Mr. Bomer, take a look at the
12 Commission's notification sheet. I'm specifically
13 interested in the first paragraph there, the last
14 sentence.

15 Have you had a chance to read that?

16 A. Yes.

17 Q. Let me ask you first, do you know whether
18 you received a copy of this?

19 A. I definitely did not receive a copy of
20 this.

21 Q. Do you know whether MCI received a copy
22 of this?

23 A. I'm unaware of that.

24 Q. You wouldn't know, or you just don't know
25 one way or the other?

1 A. No, I do not know.

2 Q. Taking a look at that last sentence, you
3 would agree that this notification basically advises
4 the CLECs operating in South Carolina that are
5 members of the subscription service, that BellSouth
6 has filed a new tariff that includes caged
7 collocation, cageless collocation, shared caged
8 collocation and adjacent collocation, would you agree
9 with that?

10 A. Yes. That's what it says.

11 Q. And you would agree with me, the
12 Commission advised everybody that they had 30 days to
13 protest this tariff, looks like, from November 8th?

14 MR. WOODS: I'm going to object to that
15 question. There's no evidence that the Commission
16 advised everybody as phrased by counsel.

17 MR. EDENFIELD: I will rephrase.

18 Q. Would you agree with me that the
19 Commission advised everybody via this letter that as
20 a member of the Commission subscription service, that
21 they had 30 days subsequent to the filing of the
22 tariff in which to propose?

23 MR. WOODS: I'll object to that. The
24 witness has stated that he has no personal knowledge
25 of the fact that the Commission may or may not have

1 sent the notice out. Certainly he's testified that
2 MCI did not receive such a notice.

3 MR. EDENFIELD: Mr. Bomer has accepted,
4 subject to check, that MCI is on the subscription
5 list. I think the Commission can make its own
6 determination as to whether MCI is on that list.

7 MR. WOODS: I think if a witness accepts
8 something, subject do check, it's subject to some
9 evidence being placed into the record that such is
10 the case. Certainly that is not the case.

11 COMMISSIONER SAUNDERS: You want to try
12 that question again?

13 Q. Mr. Bomer, does this letter that you are
14 reading indicate that parties have 30 days,
15 subsequent to the date of the filing of the tariff,
16 in which to file a protest?

17 A. That is what this notice says, yes.

18 Q. Did MCI file such a challenge to this
19 tariff?

20 A. Not that I'm aware of.

21 Q. And as the person responsible for
22 managing collocation arrangements with MCI and
23 BellSouth, you would know, had a challenge been
24 filed, correct?

25 A. Well not necessarily. There are many

1 ways we obtain our information on tariffs. As a
2 matter of fact, this tariff, I have seen part of it
3 and went on-line to gather that information. It was
4 not supplied through company channels.

5 Q. Are you aware that BellSouth also posts
6 these tariffs to its website?

7 A. Yes, I am.

8 Q. Did you periodically check BellSouth's
9 website to see if there had been any new tariff
10 filings in South Carolina?

11 A. Yes, I did.

12 Q. Do you know -- do you recall whether you
13 noticed that BellSouth had filed a new tariff in
14 South Carolina in the process of you checking the
15 website?

16 A. In the process of checking, I did notice
17 that a tariff has been filed, but that was sometime
18 later than the November 8 date.

19 Q. How often do you check the website? At
20 least back then?

21 A. I'd say only every couple of months, two
22 months.

23 Q. Does MCI actually have a collocation
24 arrangement in South Carolina in a BellSouth central
25 office?

1 A. At the current time, no. There are no
2 collocation arrangements here in South Carolina. But
3 there is a big picture around that. That is the fact
4 that the Commission will decide on the business
5 practices, and when everything is going to happen
6 here in the state. And based on those decisions, MCI
7 will be better able to determine when, where, and
8 what services will be provided in this state.

9 Q. All I'm getting it is whether MCI has or
10 has ever had a collocation arrangement in South
11 Carolina?

12 A. Again, currently, there are no
13 collocation arrangements here in the state.

14 Q. You have made a number of representations
15 and allegations in your testimony concerning
16 collocations. So I assume those are based on your
17 experiences in states other than South Carolina?

18 A. That is correct.

19 Q. Now, just to recap, you have not
20 challenged the tariff. You have not challenged the
21 order. You don't have an interconnection agreement.
22 You have not filed for arbitration of an
23 interconnection agreement. And you have waited until
24 the 271 proceeding to come raise all these issues.
25 Is that a fair summary of where we are?

1 MR. WOODS: Mr. Chairman, I'm going to
2 object about waiting until the 271 proceeding.
3 Again, this witness is not aware that the company
4 received notice of the tariff. The question implies
5 that somehow we received notice and then sat on our
6 rights.

7 MR. EDENFIELD: I think the witness is
8 capable of determining for himself, without his
9 counsel telling him what to say whether he can answer
10 the question or not.

11 MR. WOODS: Mr. Chairman, the fact -- the
12 question is assuming facts which are not in evidence.
13 It's an improper question.

14 COMMISSIONER SAUNDERS: I'm going to
15 overrule that objection.

16 Answer the question, if you want to, or
17 however you want to do that. Could you restate the
18 question, please.

19 Q. Given all the things that have not been
20 done; not challenged the tariff, not having an
21 interconnection agreement in South Carolina, not
22 having filed for arbitration, and having waited until
23 the -- I'll say it different way. Having not done
24 any of that, why now? Why in the 271 docket?

25 MR. WOODS: Mr. Chairman, just for the

1 record, may you note my objection is continuing.

2 COMMISSIONER SAUNDERS: Yes, sir.

3 MR. WOODS: Thank you.

4 A. Well, again, subject to check, about
5 receiving the documents and not having full knowledge
6 of what the regulatory group in our company will file
7 or has filed, I could say that that's a fair
8 assessment that nothing has been voiced until this
9 particular hearing. But I disagree with the fact
10 that your statement that we waited till now. I
11 believe that these issues are being brought forward
12 now because they are to our attention, and brought to
13 our attention just recently.

14 Q. Now, during the course of your summary,
15 you talked about there being an FCC -- I don't want
16 to misquote you here, national maximum standard for
17 caged collocation, is that the way you phrased that?

18 A. Exactly where are you referring?

19 Q. Somewhere in your summary I thought you
20 mentioned that there was an FCC national maximum
21 standard 90 days for caged collocation?

22 A. Yes. I was referring to the order from
23 the FCC that puts a 90-day timeframe on provisioning
24 of collocation.

25 Q. You would agree with me that that

1 provision is only effective in the event that a state
2 has not set its own statewide rate for collocation
3 provisioning intervals?

4 A. Oh, absolutely. The FCC clearly states
5 that final the decision is up to the individual
6 Commissions of the individual states. However, I
7 believe it was their intent when they came out with
8 the 90-day timeframe, that it was a timeframe that
9 they felt ILECs could provision collocation within.
10 And for that reason, I believe the implied that it is
11 a maximum, not a minimum.

12 Q. So, it's your interpretation of the FCC
13 order that the state can set whatever rate it feels
14 like is reasonable, so long as it's not over 90 days?
15 You can pick any color you want as long as it's blue
16 kind of thing?

17 A. No, absolutely not. I'm saying that the
18 FCC has set out a guideline for states to follow. It
19 is certainly up to the states to set the standard in
20 their particular state whether it's higher or lower
21 than 90 days.

22 Q. And you would agree with me that South
23 Carolina has, in fact, done that by issuing an order
24 adopting the interval set forth in the tariff as a
25 statewide standard?

1 MR. WOODS: Mr. Chairman, just for the
2 record, I'm going to object. Because to the extent
3 that the question assumes that BellSouth has followed
4 the procedure that was described by the FCC for a
5 state to make an affirmative determination of an
6 appropriate provisioning interval.

7 MR. EDENFIELD: The man is the person in
8 charge of collocation. I think he is more than
9 qualified to be able to render an opinion as to
10 whether South Carolina has set a statewide standard.

11 MR. WOODS: That's a proper question.

12 COMMISSIONER SAUNDERS: I'm going to
13 overrule your question.

14 A. Could you please restate that?

15 Q. Has South Carolina set a statewide
16 provisioning interval for collocation?

17 A. Yes, sir, they have, by means of
18 approving the tariff.

19 Q. Thank you. All right.

20 Since you're familiar with the other
21 states in BellSouth's region, you would agree that
22 the different states have different provisioning
23 intervals, correct?

24 A. Yes. I can agree to that. It does pose
25 a lot of curious questions as to why it exists, but

1 yes, that is true.

2 Q. Well, do you agree each state Commission
3 is tasked with determining what's best for the folks
4 in its state, and to develop competition in its
5 state, and that's what the different Commissions are
6 doing?

7 A. Absolutely correct.

8 Q. And you talked about the provisioning
9 intervals running from the application date, or as
10 BellSouth would request and the tariff suggests, that
11 run from the firm order date. Are you aware of any
12 state in BellSouth's region that calculates intervals
13 from anything, other than the firm order date?

14 A. I believe that the Alabama Commission
15 placed an order that starts from the application
16 date.

17 Q. Is that for all collocation products?

18 A. I believe that would be for virtual and
19 also for cageless.

20 Q. Virtual and cageless?

21 A. I believe so, yes.

22 Q. Where do they set that.

23 A. It escapes me now. I'm not sure.

24 Q. Alabama has a generic collocation docket
25 that has not yet been had, but is certainly open; are

1 you aware of that?

2 A. Yes. I am aware of it.

3 Q. Would you agree with me that Louisiana
4 has the same intervals as South Carolina for
5 provisioning collocation under ordinary
6 circumstances?

7 A. I would agree with that.

8 Q. And Florida, at least for caged and
9 cageless, has the same intervals as South Carolina?

10 A. Yes, I would say that's correct.

11 Q. And that Georgia and Tennessee has the
12 same caged collocation intervals as South Carolina?

13 A. Currently, that's correct.

14 Q. And for all of those states, the timing
15 runs from the date that BellSouth receives the firm
16 order from the CLEC?

17 A. That is correct. The time starts running
18 with receipt of the bona fide order.

19 Q. All right. It's MCI's contention that
20 cageless and virtual collocation intervals should be
21 the same, because they are physically set up the same
22 way. Do I understand your testimony to be that?

23 A. No, that's a little mischaracterized.

24 Q. Tell me why you think that the cageless
25 and virtual collocation intervals should be the same?

1 A. That's mischaracterized also. I'm not
2 saying cageless and virtual collocations should be
3 provisioned in the same timeframe. What I'm
4 suggesting is that because caged and virtual are set
5 up virtually the same way that they should be subject
6 to a shorter interval than caged. And virtual, in my
7 opinion, could also be an even shorter period, rather
8 than caged -- or cageless, rather.

9 Q. All right. Just so we are on the same
10 page here. I'm not trying to misquote you. I don't
11 think I have. Take a look on your testimony at Page
12 17, Line 14. Maybe I just didn't understand what you
13 were saying.

14 A. Page 17, Line 14?

15 Q. Yes, sir. Take a look at the first
16 couple sentences there.

17 A. Yes, sir. This is exactly what I was
18 just explaining.

19 Q. I read no more than to be the same. Are
20 you just saying that virtual could be less than
21 cageless? Or cageless could be more than virtual?

22 A. I believe that's exactly what this says,
23 yes. That virtual collocation should be more than,
24 but it's certainly up to the Commission to decide
25 exactly what that timeframe should be.

1 Q. The next sentence sets up the basis for
2 that. They are physically -- they are set up
3 physically the same way?

4 A. Correct. That's something to point out
5 again, that because they are set up physically the
6 same way. And since we are talking about the time
7 being virtual, virtual collocation is something that
8 BellSouth maintains that space pretty much in a ready
9 status.

10 So the engineering involved is much less
11 than cageless, much less than caged. The
12 provisioning of that should take less time to
13 actually get that provision for a CLEC. So for those
14 reasons, virtual, you will should take the least
15 amount of time of all types of collocation to
16 provision.

17 Q. Tell me whether you agree or disagree
18 with the following statement: Cageless collocation
19 is basically caged collocation without the cage.

20 A. To go so far as to say basically.

21 Q. Take out the word basically.

22 A. It's a little bit more complicated than I
23 believe, than to say that without a cage that what
24 cageless is. Because caged collocation involves
25 setting aside, in some cases, a specific area. You

1 have to use different lighting. You may have to make
2 arrangements for your environmental such as the HVAC
3 systems. Whereas this caged collocation may be
4 placed. Cageless collocation, however, is usually
5 set up in the lineup or on the particular section of
6 the center office that is already conditioned.

7 And usually there is no such -- there is
8 no special lighting arrangements that are needed for
9 that. I'm not saying in all cases that happens, but
10 for the most part, that's the way cageless is
11 arranged.

12 Q. You aren't suggesting that BellSouth is
13 setting up cageless collocation in BellSouth's
14 lineup, like it does virtual collocation?

15 A. No, I'm not suggesting that. Its in
16 their lineup. What I'm suggesting is that the
17 cageless collocation that is provisioned for the
18 CLECs will resemble, physically, the BellSouth
19 virtual line-ups, which is their own equipment. And
20 naturally with their line-ups. But that is the way,
21 physically, the cageless collocation area is set up.

22 Q. You would agree with me that in a
23 cageless environment, the CLEC is responsible for
24 leasing space in the BellSouth central office?

25 A. Could you repeat that, please.

1 Q. If you have a cageless collocation
2 arrangement in a BellSouth central office, the CLEC
3 is required to lease space for that cageless
4 collocation arrangement?

5 A. That is correct. And I would like to
6 bring to the Commission's attention that the space
7 that is leased in a cageless arrangement is
8 specifically related to the amount of bays that you
9 are going to place. A bay is usually considered to
10 be two and a half square feet. And you have the
11 option of requesting one, two, three or 220, if you
12 prefer, any number of bays, as opposed to a caged
13 arrangement where you also lease space, but it's done
14 on a square-footage basis. You tell them how much
15 square feet you need at the time of request.

16 Q. Would you agree with me that the number
17 of square feet that you request in a caged
18 collocation arrangement is usually based upon the
19 number of bays that you are going to put into the
20 central office?

21 A. Well, that's very true. The amount of
22 space that you are requesting does depend greatly
23 upon the number of bays that you are going to place.
24 However, the configuration of those bays is
25 completely different.

1 If you are requesting a cageless
2 collocation arrangement, you will, again, be in a
3 lineup of bays down the isle, as it were.

4 With a caged arrangement, all caged
5 arrangements are not square. So you will not know
6 exactly what space is available. And when you do
7 find out what space is available, there are certain
8 standards that apply for the ability to walk around a
9 bay, as it were. If you place a cage, there is a
10 two-foot minimum that you need on either side of each
11 bay. So you can't butt a bay up against one of the
12 cages or up against a wall. So those considerations
13 are something that's looked at when you request a
14 caged location.

15 Q. Would you agree with me that in a
16 cageless collocation arrangement, the CLEC has
17 physical access to its equipment, as opposed to a
18 virtual collocation arrangement where BellSouth has
19 physical access to it, and you can only get to it
20 with permission.

21 A. Yes, I'll agree with that. That is what
22 you're up against.

23 Q. Also, in a cageless collocation
24 arrangement, the CLEC is responsible for the
25 installation, maintenance and repair of the equipment

1 that it puts in there, as opposed to a virtual
2 collocation arrangement where BellSouth is
3 responsible for the installation, maintenance and
4 repair of the equipment.

5 A. That is also correct.

6 Q. And you would agree with me that in that
7 cageless collocation arrangement, BellSouth usually
8 segregates, if not always, segregates that equipment
9 from the BellSouth equipment?

10 A. Cageless collocation is very new, and I
11 would say, yes, to date, that exactly the way it's
12 operated. In the future I don't know if that's going
13 to happen.

14 Q. All right. Just a couple of other topics
15 that you had. We'll try to go through these fairly
16 quickly so we can get out for lunch. One was the
17 issue of DC power in adjacent collocation
18 arrangements. Is that one of the issues you've
19 raised?

20 A. Yes, it is.

21 Q. All right. And basically, an adjacent
22 collocation arrangement is one where you have an
23 exhaust situation in a central office and the CLEC
24 has decided to -- or I guess if BellSouth had an
25 adjacent structure, you could actually use it, but

1 generally the CLEC has decided to build some type of
2 structure or arrangement on the property of BellSouth
3 which will be used to house telecommunications
4 equipment. Give me the expert version of that.

5 A. In theory, what you've said, the gist of
6 that is correct. I disagree that the CLEC has chosen
7 to build, as opposed to BellSouth would be the
8 adjacent collocation space.

9 But the rest of what you have said is
10 true. Adjacent collocation would only come into play
11 or be necessary once space has been exhausted within
12 the central office and the CLECs would be relegated
13 to the area outside of the central office.

14 Q. I'm sorry. I didn't mean to talk on top
15 of you. You would agree with me the CLECs are
16 allowed to build structures pursuant to FCC rules
17 where adjacent collocation. It is not just incumbent
18 upon BellSouth to do that?

19 A. Absolutely, it could go both ways.
20 BellSouth has the ability to build them, also
21 provision the CLECs to do so.

22 Q. You would agree with me that in the
23 statewide tariff that the Commission has adopted,
24 that it only provides for BellSouth to provide AC
25 power to adjacent collocation arrangements? If you

1 want to confirm that, you can look at Section 2.3.D
2 as in David, Subsection 4.

3 A. You say 2.3?

4 Q. I'm sorry.

5 A. It's 2.3.D, as in David. It's in hearing
6 Exhibit 84. Maybe the easiest thing to do is look on
7 where it says: Original page three, up in the upper
8 right-hand corner. Okay, I have read paragraph four
9 there.

10 Q. And that requires BellSouth to provide AC
11 power?

12 A. Yes. That's what it says, it requires to
13 provide AC power.

14 Q. You would agree with me that the FCC
15 rules that deals with adjacent collocation is
16 51.323K3?

17 A. Subject to check.

18 Q. Do you agree with me that the FCC does
19 not specify the type of power that has to be
20 provided, only it be done on a nondiscriminatory
21 basis?

22 A. I'll agree with that assessment. But
23 something that is interesting here is that it also
24 says that on a nondiscriminatory basis, that that the
25 facilities are subject to the same amount of

1 requirements that are out in any other physical
2 collocation.

3 And when you talk about any other
4 physical collocation, you're absolutely referring to
5 the collocation within the central office. Because
6 now we're regulated to adjacent space under the
7 premise that space has been exhausted in that central
8 office.

9 Well, within the central office, AC power
10 is not provided to collocators. It can be, if it is
11 requested, but typically DC power is provided to
12 collocators.

13 And most of the equipment, in fact, well,
14 I can't say all, but most of the equipment for
15 telecommunications runs on DC power. So that's why
16 DC power is provided to collocators. And we believe
17 that on a nondiscriminatory basis, if you provide DC
18 power within the central office, once you are
19 relegated to adjacent collocation space, then DC
20 power should also be provided.

21 Without that provision being made there,
22 is an extraordinary cost involved in conversion of AC
23 power to DC power, not to mention the space
24 requirements that would be involved for handling
25 power in that.

1 Q. Can you give me a single example in the
2 State of South Carolina, where BellSouth is providing
3 DC power to an adjacent collocation arrangement?

4 A. No. I could not within South Carolina,
5 no.

6 Q. And as far as BellSouth's own remote
7 terminals are concerned, we provide AC power to
8 those, and convert that AC power to DC power inside
9 the remote terminal?

10 A. That's correct. AC power is provided to
11 their terminals, to their equipment. They then
12 convert that power to DC, so they can run their
13 equipment.

14 Q. And to the extent MCI would like to
15 collocate within one of our remote terminals, we will
16 provide you DC power in that remote terminal.

17 A. That is correct.

18 Q. Just one last thing. This issue of the
19 security systems that you raised, and the pricing for
20 that, would you agree with me that's being handled in
21 the South Carolina UNE cost docket?

22 A. Yes. The prices are being handled in the
23 cost docket.

24 Q. Thank you.

25 A. But those prices should be considered --

1 the information that I'm providing for the Commission
2 to consider is that when deciding what the price
3 should be, it should be allocated on a pro rata basis
4 across all of the square footage that is used in the
5 central office, as opposed to on a per capita basis
6 the way that BellSouth suggests. And that one
7 collocator or two collocators may be hit with the
8 cost -- the entire cost for that security system,
9 when, in fact, the equipment and the space that they
10 have within that central office is minimal compared
11 to BellSouth's.

12 I mean, if you have 50,000 square-foot
13 building, let's say, and you got collocator, that's
14 leasing 200 square feet.

15 I'm not that quick with numbers, but I
16 think that's like 24 percent. And in that case, it
17 was based upon square footage, then the security
18 costs would be allocated to that particular
19 collocator and would depend on whatever the cost is.
20 And it's a suggestion that the Commission should take
21 that into consideration in allocating those costs.

22 Q. So, the answer was yes, the Commission is
23 considering this in the UNE docket?

24 A. Yes.

25 Q. And you made these arguments in the UNE

1 docket?

2 A. We may. I haven't personally made those.

3 Q. Sure, I didn't mean you personally.

4 A. Yes.

5 MR. EDENFIELD: Thank you, Mr. Bomer.

6 COMMISSIONER SAUNDERS: Commissioners?

7 COMMISSIONER SAUNDERS: Commissioner

8 Clyburn.

9 CROSS EXAMINATION

10 BY COMMISSIONER CLYBURN:

11 Q. Good afternoon?

12 A. Good afternoon.

13 Q. Just out of curiosity, you made mention
14 as it relates to AC and DC power, what type of -- in
15 terms of making the conversion for you, what kind
16 of -- what are we talking in terms of dollars and
17 cents in terms of what that adds to your costs?

18 A. I believe we are talking significant cost
19 to the adjacent collocation in the space, the
20 building, everything. Because if you are going to
21 put in adjacent collocation building, let's say the
22 CLEC is going to provide that building. That
23 building would be at first glance or on the first
24 engineering, say, that it's going to be 400, 500
25 square feet inside usable space.

1 Well, if you have to convert the AC
2 that's going to be run to this building by the power
3 company, then you now need more space to house the
4 rectifiers and also the batteries that will back up,
5 or a generator, if that's the way you would like, to
6 back up this system, and insure that you continually
7 have DC power available in the event of an outage.

8 That's going to drive your cost up, first
9 of all, just for the building, because now the
10 building must be larger. An second of all, the cost
11 of anything, you know, whether you're buying a car or
12 a set of glasses, you get better glasses, it is going
13 cost you more money. There's quite a few different
14 types of equipment out there.

15 Q. But based on that 400- to 500-square foot
16 building that you need for that taking into
17 account -- and you may not know, taking into account
18 the additional space and all the other conversion
19 costs, do you have a guesstimate, based on that 400,
20 500 square-foot facility or building, do you, in
21 terms of raw dollars and cents, do you know on
22 average what that is?

23 A. No, I cannot answer as far as raw dollars
24 and cents how much that would cost. It would be in
25 excess of what would normally be done.

1 Q. Thank you.

2 COMMISSIONER ATKINS: I have one.

3 COMMISSIONER SAUNDERS: Commissioner
4 Atkins?

5 CROSS EXAMINATION

6 BY COMMISSIONER ATKINS:

7 Q. Good afternoon.

8 A. Good afternoon.

9 Q. Does MCI have DC power provided to it in
10 any other states in the collocated facility outside
11 the central office that's adjacent?

12 A. To my knowledge, currently, there have
13 been no central offices that have been closed
14 completely to collocation and relegated to adjacent
15 collocation space. So, currently, there are no
16 adjacent collocations in the BellSouth territories.

17 Q. So this is -- I guess this concern is
18 looking way forward.

19 A. Yes, sir. That is a forward-looking
20 concern.

21 Q. Okay.

22 COMMISSIONER ATKINS: Thank you.

23 COMMISSIONER SAUNDERS: Mr. Woods?

24 MR. WOODS: Thank you Mr. Chairman.

25 REDIRECT EXAMINATION

1 BY MR. WOODS:

2 Q. Mr. Bomer, with respect to Exhibit 83,
3 excuse me, the one-page document that's entitled:
4 BellSouth Telecommunications, Inc. Files tariff
5 revisions?

6 A. Yes.

7 Q. Is there a date on that document, at
8 least a date indicating the date of this notice?

9 A. No. I don't see a date. Nor do I see a
10 letterhead.

11 Q. Is there any mention in this document of
12 collocation?

13 A. No, none, whatsoever.

14 Q. And with respect to the order on
15 collocation, which is also part of Exhibit 83, that
16 exhibit on the first page mentions a motion of
17 BellSouth Telecommunications. You see the reference
18 in the first paragraph?

19 A. The one sheet?

20 Q. It's the order.

21 A. Oh, the order, I'm sorry.

22 Q. That is dated October 17, 2000, correct?

23 A. Yes, yes, I see that.

24 Q. Do you have any knowledge as to whether
25 BellSouth served that motion on WorldCom, or for that

1 matter, anyone else?

2 A. No, I have no knowledge of that.

3 Q. Is WorldCom implying by your testimony
4 with regard to the proceedings before this
5 Commission, that the Commission did anything unfair?

6 A. No, absolutely not.

7 Q. What is the point then?

8 A. Well, the point, excuse me, the point is
9 that there are certain things that the Commission may
10 not have had an opportunity to hear, in different
11 concerns prior to the acceptance of BellSouth's
12 tariff. And these concerns, I tried to address a few
13 of them here in my testimony.

14 MR. WOODS: Thank you. No further
15 questions.

16 COMMISSIONER SAUNDERS: Mr. Edenfield.

17 MR. EDENFIELD: Chairman Saunders,
18 BellSouth has nothing else.

19 COMMISSIONER SAUNDERS: Mr. Edenfield,
20 you want to move your document into evidence at this
21 point?

22 MR. EDENFIELD: Yes, sir. At this point,
23 BellSouth would move its Exhibits 83 and 84 that have
24 been marked for identification into evidence.

25 MR. WOODS: Mr. Chairman, I'll accept

1 that the documents are what they purport to be, just
2 for the record. I would object to the extent that
3 their admission would imply that MCI had received no
4 notice of the proceedings.

5 COMMISSIONER SAUNDERS: Well, we note
6 your objection. We are going to overrule your
7 objection to that. And they will be 83 and 84
8 entered into evidence at this time.

9 MR. EDENFIELD: Thank you, Chairman
10 Saunders.