

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C.**

In the Matter of)	DA 95-1580
)	CC Docket No. 94-97
Bell Atlantic Telephone Companies)	
Revisions to Tariff F.C.C. No. 1)	Transmittal No. 781

.ORDER

Adopted: July 13, 1995; Released: July 14, 1995

By the Chief, Tariff Division, Common Carrier Bureau:

1. On May 17, 1995, the Bell Atlantic Telephone Companies (Bell Atlantic) filed Transmittal No. 781 to revise their Tariff F.C.C. No. 1. Transmittal No. 781, which is scheduled to become effective on July 16, 1995, eliminates all tariff provisions related to physical collocation arrangements. Transmittal No. 781 provides that by July 16, 1995, all physical collocation arrangements will cease, and that all existing collocation arrangements will have been converted to virtual collocation arrangements.

2. On May 31, 1995, MFS Communications Company, Inc. (MFS) filed a petition to reject, or alternatively, to suspend and investigate, the Bell Atlantic transmittal. MFS maintains that the termination of physical collocation is premature in light of disputes currently pending before the Commission.¹ Until these disputes are resolved, says MFS, reasonable transition to virtual collocation arrangements cannot be guaranteed.² Additionally, MFS argues that Bell Atlantic should leave existing collocation equipment in place and should provide credit allowances for any outages caused by the transition from physical collocation to virtual collocation.³ MFS also states that Bell Atlantic is placing an unreasonable administrative burden on MFS by requiring access service requests for circuits that are transitioned to virtual collocation. MFS further claims that Bell Atlantic is providing central office space to other entities, such as interexchange carriers and large end user customers, on an off-tariff basis. Finally, MFS states that the tariff revisions are unreasonable to the extent that they apply a number of physical collocation requirements to virtual collocation in an

¹ See Written *Ex Parte* Submission by MFS Communications Company, Inc. in CC Docket No. 91-141 (May 5, 1995).

² MFS Petition at 3.

³ *Id.* at 3-5.

3. On May 31, 1995, MCI Telecommunications Corporation (MCI) filed a petition to suspend and investigate Bell Atlantic Transmittal No. 781. MCI contends that the tariff revisions appear to merely replace all references to physical collocation with virtual collocation which, in several cases, has caused inconsistencies and/or errors.⁵

4. On June 12, 1995, Bell Atlantic filed a reply. Bell Atlantic asserts that the Commission is without power to delay withdrawal of physical collocation.⁶ Bell Atlantic maintains that, in a virtual collocation environment, interconnector equipment must be located with the equipment with which it interfaces in order to ensure regular monitoring and efficient maintenance. Additionally, Bell Atlantic argues that it does not lease office space to any unaffiliated common carrier, and that real estate agreements that the company has with non-carriers in a few buildings are non-regulated agreements for the leasing of unused space.⁷ Bell Atlantic also argues that its use of access service requests has been streamlined to minimize the number of requests that must be submitted. Bell Atlantic further claims that credit allowances are inappropriate because the transition from physical to virtual collocation consists of terminating service from one tariff, and initiating service from another.⁸ Finally, Bell Atlantic contends that the errors in its filing raised by MCI and MFS have already been corrected.⁹

5. Bell Atlantic Transmittal No. 781 raises the same issues regarding rate levels, rate structures, and terms and conditions of service as those identified in the *Virtual Collocation Tariff Suspension Order*.¹⁰ Therefore, Transmittal No. 781 is suspended for one day, following the effective date, and will be subject to the investigation initiated in the *Virtual Collocation Tariff Suspension Order*. These rates will also be subject to an accounting order to facilitate any refunds that may later prove necessary.

⁵ MCI Petition at 2. MCI's petition also addresses Bell Atlantic Transmittal No. 780. Transmittal No. 780 will be addressed in a subsequent Order.

⁶ Bell Atlantic Reply at 6.

⁷ *Id.* at 9.

⁸ *Id.* at 7-9.

⁹ *Id.* at 10. Bell Atlantic cites to Transmittal No. 784 (filed June 1, 1995).

¹⁰ Ameritech Operating Companies, *et. al.*, CC Docket No. 94-97, Order, 10 FCC Rcd 1960 (1994) (*Virtual Collocation Tariff Suspension Order*).

6. Accordingly, IT IS ORDERED that the petition to reject, or suspend and investigate, Bell Atlantic Transmittal No. 781, Tariff F.C.C. No. 1, filed by MFS Communications Company, Inc., IS GRANTED to the extent indicated above, and otherwise IS DENIED.

7. IT IS FURTHER ORDERED that the petition to suspend and investigate Bell Atlantic Transmittal No. 781, filed by MCI Telecommunications Corporation, IS GRANTED.

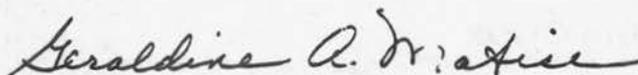
8. IT IS FURTHER ORDERED that, pursuant to Section 204(a) of the Communications Act of 1934, as amended, 47 U.S.C. § 204(a), and Section 0.291 of the Commission's rules, 47 C.F.R. § 0.291, the revisions to Bell Atlantic Telephone Companies F.C.C. No. 1, Transmittal No. 781, ARE SUSPENDED for one day and an investigation of the referenced tariff transmittal IS INSTITUTED.

9. IT IS FURTHER ORDERED that Bell Atlantic Telephone Companies SHALL FILE tariff revisions within five business days of the release date of this Order to reflect this suspension.

10. IT IS FURTHER ORDERED that, for these purposes, we waive Sections 61.56, 61.58, and 61.59 of the Commission's rules, 47 C.F.R. §§ 61.56, 61.58, and 61.59. Bell Atlantic Telephone Companies should cite the "DA" number of the instant Order as the authority for this filing.

11. IT IS FURTHER ORDERED that, pursuant to Section 204(a) of the Communications Act of 1934, as amended, 47 U.S.C. § 204(a), Bell Atlantic Telephone Companies shall keep accurate account of all amounts received by reason of the rates that are the subject of this investigation.

FEDERAL COMMUNICATIONS COMMISSION



Geraldine A. Matisse
Chief, Tariff Division
Common Carrier Bureau