Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of	)	
	)	
Deployment of Wireline Services Offering	)	CC Docket No. 98-147
Advanced Telecommunications Capability	)	

MEMORANDUM OPINION AND ORDER

Adopted: November 7, 2000 **Released:** November 7, 2000

By the Chief, Common Carrier Bureau:

I. INTRODUCTION

1. In this Order, we address requests that the Commission clarify or waive certain aspects of its *Collocation Reconsideration Order*,[1] including the requirements for statements of generally available terms and conditions (SGATs) and physical collocation tariffs. For the reasons stated below, we clarify that the November 9, 2000 deadline for amending SGATs and collocation tariffs applies only to the extent a state has not affirmatively set its own application processing and provisioning standards for physical collocation. We also clarify that a state commission does not set such standards when it permits application processing and provisioning intervals to take effect without an affirmative determination that they comply with section 251(c)(6) of the Communications Act of 1934, as amended (Communications Act or Act).[2] In addition, we grant Verizon, SBC, and Qwest conditional waivers of certain aspects of the *Collocation Reconsideration Order* pending Commission action on these carriers' petitions for reconsideration of the 90-day provisioning interval. These waivers are conditioned on Verizon's, SBC's, and Qwest's implementation of alternative interim collocation provisioning standards, as set forth below.

II. BACKGROUND

2. On August 10, 2000, the Commission released the *Collocation Reconsideration Order*, which, among other actions, established national standards for processing physical collocation applications and provisioning physical collocation arrangements. Specifically, the

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[1] *Deployment of Wireline Services Offering Advanced Telecommunications Capability*, CC Docket No. 98-147, Order on Reconsideration and Second Further Notice of Proposed Rulemaking, 20 WL 1128623 (rel. Aug. 10, 2000) (*Collocation Reconsideration Order*). A summary of the *Collocation Reconsideration Order* was published at 65 Fed. Reg. 54433 (Sept. 8, 2000) (*Collocation Summary*).

[2] 47 U.S.C. § 251(c)(6).

Commission required that, where neither the state nor the parties to an interconnection agreement set a different standard, an incumbent local exchange carrier (incumbent LEC) must tell the requesting telecommunications carrier whether a collocation application has been accepted or denied within ten calendar days after receiving the application.[3] The Commission also required that, except to the extent a state sets its own collocation provisioning standard or an interconnection agreement between an incumbent LEC and a requesting carrier sets an alternative standard, an incumbent LEC must complete physical collocation provisioning within 90 calendar days after receiving an acceptable collocation application.[4]

3. In the *Collocation Reconsideration Order*, the Commission recognized that an incumbent LEC may have filed with the state commission an SGAT or a tariff that sets forth the rates, terms, and conditions under which the incumbent LEC provides physical collocation. The Commission required that an incumbent LEC must file with the state commission any amendments necessary to bring its SGAT or physical collocation tariff into compliance with the national standards. The Commission specified that these amendments would be due within 30 days after the *Order's* effective date (*i.e.*, by November 9, 2000).[5] The Commission also specified that the national standards would take effect within 60 days after the amendments' filing for SGATs (*i.e.*, by January 8, 2001), and at the earliest point permissible under state law for tariffs, except to the extent the state commission specifies other application processing or provisioning intervals for a particular type of collocation arrangement.[6]

III. DISCUSSION

A. Filing Requirements

4. The Commission's goal in the *Collocation Reconsideration Order* was to ensure that incumbent LECs provide physical collocation on terms and conditions that are just, reasonable, and nondiscriminatory in all states, rather than just those states that have established their own application processing and provisioning standards for physical collocation.[7] Accordingly, the Commission explained that the national standards for processing physical collocation applications and provisioning physical collocation arrangements would not apply to the extent that a state sets different standards.[8] To effectuate the standards set forth in the

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3 *Collocation Reconsideration Order*, *supra* note 1, at ¶ 24.

4 *Id.* at ¶ 29.

5 *See id.* at ¶ 36; *see also Collocation Summary*, 65 Fed. Reg. at 54433 (establishing an October 10, 2000 effective date for certain rules adopted in the *Collocation Reconsideration Order*); *Deployment of Wireline Services Offering Advanced Telecommunications Capability*, 65 FR 57291 (Sept. 22, 2000) (establishing the same effective date for the remaining rules adopted in that *Order*).

6 *Collocation Reconsideration Order*, *supra* note 1, at ¶ 36.

7 *Id.* at ¶¶ 20-22.

8 *Id.* at ¶¶ 24 & 29.

Collocation Reconsideration Order, the Commission required that incumbent LECs "must file with the state commission any amendments necessary to bring a tariff or SGAT into compliance with the national standards."[9] The Commission did not, however, state explicitly whether incumbent LECs must file SGAT or collocation tariff amendments in states that have set their own application processing and provisioning standards for physical collocation. BellSouth requests clarification that an incumbent LEC need not file SGAT or collocation tariff amendments in these states.[10] AT&T and DSLnet maintain that incumbent LECs should file SGAT or collocation tariff amendments in all states so that the state commissions may reevaluate in light of current information any application processing and provisioning standards previously adopted for physical collocation.[11]

5. We agree with BellSouth that requiring the filing of SGAT or collocation tariff amendments in states that have set their own application processing and provisioning standards for physical collocation would be inconsistent with the Commission's goal of having national standards that apply in the absence of state standards.[12] To eliminate any potential for confusion in this area, we clarify that an incumbent LEC need not file SGAT or tariff amendments pursuant to the *Collocation Reconsideration Order* in states that have affirmatively established such standards on either an interim or permanent basis. In all other states (that is, in all states that have not affirmatively established application processing and provisioning intervals for physical collocation), the *Collocation Reconsideration Order* requires that incumbent LECs amend their SGATs and collocation tariffs to the extent necessary to bring them into compliance with the national standards.[13]

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9 *Id.* at ¶ 36.

10 BellSouth Petition for Clarification or in the Alternative for a Waiver, CC Docket No. 98-147, at 2-3 (filed Oct. 4, 2000) (BellSouth Petition).

11 *See* Opposition of AT&T Corp. to Petitions for Reconsideration, CC Docket No. 98-147, at 4 (filed Nov. 1, 2000); Opposition of DSLnet Communications, LLC to Petitions for Reconsideration filed by Verizon, SBC, Qwest, and BellSouth, CC Docket No. 98-147, at 2-4 (filed Nov. 1, 2000).

12 We note that, because the filings due November 9, 2000 must include any amendments necessary to bring the incumbent's SGAT and tariff filings into compliance with the national standards, *see* part III.B, *infra*, AT&T's and DSLnet's position would cause the national standards to supersede state standards absent an affirmative determination by the state commission that the state standards should be retained. Such a result would be contrary to the Commission's intent in the *Collocation Reconsideration Order*.

13 *Collocation Reconsideration Order*, *supra* note 1, at ¶ 36. We note that the deadline for reply comments in connection with BellSouth's petition is November 13, 2000. Because BellSouth's petition concerns a November 9, 2000 filing deadline, however, we find good cause to waive reply comments in connection with that petition. We believe that since we rule in BellSouth's favor, no one will be prejudiced by the lack of an opportunity to respond to AT&T's and DSLnet's arguments.

B. Effect of State Commission Inaction

6. As stated above, the *Collocation Reconsideration Order* requires that an incumbent LEC "file with the state commission any amendments necessary to bring a tariff or SGAT into compliance with the national standards."[14] In adopting this requirement, the Commission made clear that an incumbent LEC could request, in conjunction with its SGAT or collocation tariff amendment filing, that the state commission set application processing or provisioning intervals for physical collocation different from the national standards. The Commission stated, however, that "[f]or an SGAT, the national standards shall take effect within 60 days after the amendment's filing except to the extent the state commission specifies other application processing or provisioning intervals for a particular type of collocation arrangement."[15] This deadline was based on section 251(f)(3) of the Communications Act, which specifies that a state commission must permit an SGAT to take effect no later than 60 days after receiving it, unless the state commission completes its review of the SGAT under section 252(f)(2) of the Act or the incumbent LEC agrees to an extension of the review period.[16] Qwest requests clarification that longer provisioning intervals proposed by an incumbent LEC in an SGAT may supersede the national standard where the state commission simply fails to act within the statutory 60-day period.[17] We disagree with Qwest's proposed interpretation.

7. Qwest's position is based on a misunderstanding of what an incumbent LEC must include in the SGAT and tariff amendment filings required by the *Collocation Reconsideration Order*. Specifically, those filings must include any amendments necessary to bring the incumbent LECs' SGATs and tariffs into compliance with *the national standards*. It is those standards that take effect when the state commission permits the amendments to take effect through operation of law. The *Collocation Reconsideration Order* does not permit an incumbent LEC to set unilaterally different standards by incorporating time periods of its own choosing into its SGATs and tariffs and having those standards take effect through inaction by the state commission. Indeed, such an approach would eviscerate the Commission's intent in the *Collocation Reconsideration Order* to establish national standards applicable except where specifically modified through interconnection agreement negotiations or deliberative processes of a state commission.

8. The Commission's underlying goal in the *Collocation Reconsideration Order* was to make sure that incumbent LECs process physical collocation applications and provision physical collocation arrangements within reasonable time frames. To make this happen, the

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[14] *Id.* at ¶ 36.

[15] *Id.* (*citing* 47 U.S.C. § 252(f)(3)).

[16] 47 U.S.C. § 252(f)(3). Under section 252(f)(2), a state commission may not approve an SGAT containing unjust and unreasonable terms and conditions for physical collocation. *Compare* 47 U.S.C. § 251(c)(6) *with* 47 U.S.C. § 252(f)(2).

[17] Qwest Petition for Waiver at 3; *see also* Petition of Qwest Corporation for Clarification or, in the Alternative, Reconsideration, CC Docket No. 98-147, at 2 (filed Oct. 10, 2000).

Commission adopted national standards that apply except to the extent a state commission has affirmatively set alternative standards.[18] Because section 252(f)(3) of the Act mandates that SGATs shall become effective no later than 60 days after the incumbent LEC files with the state commission, Qwest's position would permit the incumbent LEC to displace the national standards without any finding, by either a state commission or this Commission, that the alternatives meet statutory requirements. We find that such an approach is inconsistent with the Commission's intent in the *Collocation Reconsideration Order* to establish national standards in the absence of affirmative determinations by a state commission that different intervals are appropriate.[19]

C. Waiver Requests

9. We also grant, in part, the petitions of Verizon, SBC, and Qwest for conditional waivers of certain aspects of the *Collocation Reconsideration Order* pending Commission action on their petitions for reconsideration of that *Order*.[20] Specifically, each of the petitioners requests waiver of the 90-day provisioning interval set by the Commission in the *Collocation Reconsideration Order* and the filing requirements the Commission adopted to effectuate that interval pending Commission reconsideration of that interval. Each of the petitioners proposes that its waiver would be conditioned on their compliance with alternative application processing and provisioning standards for physical collocation.[21] Accordingly, we condition these waivers on each petitioners' adoption of the alternative intervals they propose and subject to certain modifications detailed below. We conclude that the equities favor the grant of the waivers only because we find that the alternative intervals upon which we condition the waivers will not create substantial additional delay in the provisioning of physical collocation space to competitors. Thus, by granting these waivers, we in no way retreat from the Commission's determination that a national standard for such intervals is essential in the absence of state commission action on such intervals.

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[18] *See Collocation Reconsideration Order*, *supra* note 1, at ¶¶ 20-23. Thus, a state commission does not affirmatively specify a state standard if it does no more than allow an interconnection agreement, SGAT, or tariff containing application processing and provisioning intervals for physical collocation to take effect without making a specific finding that those intervals are consistent with section 251(c)(6).

[19] The actions we take in this *Order* do not affect the Supplemental Final Regulatory Flexibility Analysis set forth in the *Collocation Reconsideration Order*, *supra* note 1, at ¶ 134 & Appendix C.

[20] In these petitions for reconsideration, Verizon, SBC, and Qwest argue that the 90-day provisioning interval is too short for at least some physical collocation arrangements. We do not address these petitions for reconsideration in this *Order*.

[21] AT&T Corp. (AT&T), Sprint Corporation (Sprint), and WorldCom, Inc. (WorldCom) oppose Verizon's, SBC's, and Qwest's waiver petitions, and the Association for Local Telecommunications Services (ALTS), Covad Communications Company (Covad), and DSLnet Communications, LLC (DSLnet) oppose SBC's and Qwest's waiver petitions. The United States Telephone Association (USTA) supports Verizon's, SBC's, and Qwest's waiver petitions, and BellSouth Corporation and BellSouth Telecommunications, Inc. (BellSouth) support Verizon's petition.

10. The Commission may waive any provision of its rules for good cause shown.[22] In their petitions for reconsideration of the *Collocation Reconsideration Order*, Verizon, SBC, and Qwest raise issues as to whether the 90-day interval is appropriate, either generally or for particular types of arrangements. We also note that these petitions for reconsideration and the comments on them greatly expand the record on reasonable physical collocation intervals beyond what was available to the Commission when it adopted the *Collocation Reconsideration Order*.[23] While we express no opinion on the merits of these petitions for reconsideration or on what action the Commission might take in response to them, this greatly expanded record countenances a moment of pause before we insist on absolute compliance with that *Order*.

11. This is especially true because, in adopting the application processing and provisioning standards, the Commission specified that an incumbent LEC need not comply with them to the extent a state sets its own standards for physical collocation.[24] Granting interim waivers will give the state commissions additional time to evaluate whether different intervals are more appropriate in their states, as contemplated in the *Collocation Reconsideration Order*. At the same time, we believe that it would be unfair to competitive local exchange carriers (competitive LECs) to allow any incumbent LEC to continue the collocation provisioning performance that led us to adopt the national application processing and collocation provisioning standards. That performance, as the Commission determined in the *Collocation Reconsideration Order*, has substantially delayed many competitive LECs' efforts to obtain physical collocation and has impeded competitive LECs' ability to provide facilities-based service in much of the country.[25]

12. We therefore conclude that the public interest would be best served by conditioning waiver on their commitments to meet reasonable alternative provisioning intervals. Accordingly, we condition our grant on petitioners' adoption of interim application processing and provisioning intervals in accordance with the procedures specified in part III.C.3 of this Order. These intervals will remain in effect pending Commission action on the petitions for reconsideration of the *Collocation Reconsideration Order*, except to the extent a state sets its own intervals. To be deemed reasonable, Verizon's, SBC's, and Qwest's commitments must include application processing and provisioning deadlines for physical collocation that are significantly shorter than those prevalent prior to the *Collocation Reconsideration Order*. The

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[22] 47 C.F.R. § 1.3. A rule may be waived where the particular facts make strict compliance inconsistent with the public interest. *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) (*Northeast Cellular*). In addition, we may take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis. *WAIT Radio v. FCC*, 418 F.2d 1153, 1157 (D.C. Cir. 1969), *cert. denied*, 409 U.S. 1027 (1972) (*WAIT Radio*).

[23] We note that reply comments regarding the petitions for reconsideration of the *Collocation Reconsideration Order* are due November 14, 2000.

[24] *Collocation Reconsideration Order*, *supra* note 1, at ¶¶ 24 & 29.

[25] *Id.* at ¶¶ 20-21.

commitments thus will provide meaningful relief to many competitive LECs, without forcing Verizon, Qwest, or SBC to implement the national standards prior to any federal or state consideration of their arguments that the current standards are unreasonably short. Moreover, we find that this waiver test is consistent with the Commission's goal, in the *Collocation Reconsideration Order*, of substantially reducing the delays competitive LECs encounter in seeking to use physical collocation to compete against incumbent LECs.[26] We now turn to Verizon's, SBC's, and Qwest's specific requests.

1. Verizon and SBC

13. Verizon and SBC request that we suspend the November 9 filing deadline for SGATs and physical collocation tariffs in those states where these incumbent LECs offer physical collocation consistent with application processing and provisioning interval standards set for Verizon by the New York Public Service Commission (New York Commission).[27] The New York Commission requires Verizon to notify a requesting carrier whether its request can be accommodated within eight business days (roughly, 11 calendar days) of Verizon's receipt of a physical collocation application. Competitive LECs that have properly forecast their collocation demands are entitled to obtain physical collocation space within 76 business days (roughly, 105 calendar days) when conditioned space is available. The New York Commission requires Verizon to provision arrangements involving major construction or special applicant requirements within 91 business days (roughly, 126 calendar days).[28] These provisioning intervals can be extended for 20 business days (roughly, 28 calendar days) if collocation space is not readily available and up to three months if the competitive LEC has not properly forecast its collocation demands.[29] The New York Commission also requires that Verizon provision augments to existing collocation arrangements within 45 business days (roughly, 63 calendar days) of receiving a competitive LEC's application.[30]

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[26] *See id.* at ¶ 20-23.

[27] Verizon Petition for Waiver at 1; Motion to Supplement SBC's Petition for Conditional Waiver, CC Docket No. 98-147, at 1 (filed Oct. 27, 2000). We note that SBC proposes the New York Commission standards as alternatives to the interim standards proposed in SBC's Petition for Waiver. *See id.* In view of our action regarding the New York Commission standards, we do not address the interim standards proposed in that petition.

[28] Verizon Petition at Attachment C.

[29] Verizon Petition at Attachment C. We note that the New York Commission standards provide for no penalty for inaccurate competitive LEC forcasts, other than an increase in provisioning intervals.

[30] *Proceeding on Motion of the Commission to Examine Issues Concerning the Provision of Digital Subscriber Line Services, Opinion No. 00-12*, Opinion and order Concerning Verizon's Provision of DSL Capabilities, 8-10 (New York PSC, Oct. 31, 2000) (*New York PSC Opinion No. 00-12*).

14. As the Commission observed in the *Bell Atlantic New York Order*,[31] the New York Commission has conducted an active and thorough review of the terms and conditions under which Verizon provides physical collocation in the State of New York. As a result of that review, the New York Commission's application processing and provisioning intervals generally are significantly shorter than those prevalent in the industry prior to the *Collocation Reconsideration Order*. Accordingly, we conclude that the New York Commission's standards are generally consistent with the Commission's goals, as set forth in the *Collocation Reconsideration Order*.

15. We are concerned, however, that the New York Commission's standards may result in excessively long intervals in instances where a competitive LEC has not properly forecast its collocation demands. For instance, under the New York standards, a failure to submit a timely and accurate forecast could subject a competitive LEC to intervals as long as 195 days for arrangements that do not involve major construction or special applicant requirements. In the context of this interim waiver order, we find that this aspect of the New York standard would unfairly disadvantage competitors, and we modify the conditions we place on the waivers accordingly.

16. In the *Collocation Reconsideration Order*, the Commission made clear that an incumbent LEC could require a competitive LEC to forecast its physical collocation demands. The Commission stated, however, that absent state action requiring forecasts, a requesting carrier's failure to provide a timely forecast would not relieve an incumbent LEC of its obligation to comply with the national standards.[32] We believe that extended delays for failure to forecast would be particularly unfair to competitors in the context of this interim waiver where competitors will not necessarily be on notice that forecasting is important in getting timely provisioning. We therefore will allow Verizon and SBC to increase the provisioning interval for a proposed physical collocation arrangement by no more than 60 calendar days in the event a competitive LEC fails to provide a timely and accurate forecast.[33] We expect Verizon and SBC to use their best efforts to minimize any such increases, particularly during the initial implementation period when many competitive LECs may still be in the process of preparing their forecasts. In addition, absent a competitive LEC's express approval, Verizon and SBC must use collocation forecasts obtained from the competitive LEC only for purposes of providing that carrier with reasonable and nondiscriminatory collocation arrangements.[34]

17. Subject to these modifications, we find that the New York Commission standards, including the 45 business day interval for augments, meet our criterion for an interim waiver of the national standards. Accordingly, pending Commission action on reconsideration of the

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[31] *Application of Bell Atlantic New York for Authorization under Section 271 of the Communications Act To Provide In-Region, InterLATA Service in the State of New York*, 15 FCC Rcd 3953, ¶ 74 (1999) (*Bell Atlantic New York Order*), *aff'd sub nom. AT&T Corp. v. FCC*, 220 F.3d 607 (D.C. Cir. 2000).

[32] *Collocation Reconsideration Order*, *supra* note 1, at ¶ 39.

[33] We take similar action with regard to Qwest's waiver request. *See* Part III.C.2, *infra*.

[34] 47 U.S.C. § 222.

Collocation Reconsideration Order, Verizon and SBC need not file SGAT or tariff amendments pursuant to that *Order* in those states where Verizon or SBC implements the application processing and provisioning intervals these interim standards in accordance with the procedures set forth in part III.C.3, below. To the extent any state has affirmatively specified different application processing or provisioning intervals for Verizon's or SBC's operations within that state, Verizon or SBC, of course, must implement the alternative intervals in that state.

2. Qwest

18. Qwest proposes that we condition its waiver on alternative standards that provide for a ten-day application processing and either a 45-day or a 90-day provisioning interval when the requesting carrier has provided a collocation forecast to Qwest at least 60 days prior to submitting its physical collocation application. Qwest proposes, however, a 20-day application processing interval and provisioning intervals ranging from 90 to 240 days when the requesting carrier has not provided a collocation forecast within that timeframe. The longest provisioning intervals are for arrangements requiring the installation of a power plant (180 days), diesel generator (240 days), or heating, ventilation, or air conditioning equipment (150 to 210 days depending on vendor and equipment availability).[35]

19. To a large extent, the application processing and provisioning intervals Qwest proposes are equal to or shorter than the intervals adopted as national standards in the *Collocation Reconsideration Order*. Accordingly, this set of relatively short intervals meets our waiver criterion. We also find Qwest's proposed reliance on forecasts reasonable as an interim measure to the extent it permits a 60-day increase in interval length when the carrier requesting collocation has failed to provide a timely and accurate forecast. We therefore will allow Qwest to increase the provisioning interval for a proposed physical collocation arrangement no more than 60 calendar days in the event a competitive LEC fails to timely and accurately forecast the arrangement, unless the state commission specifically approves a longer interval.[36] We expect Qwest to use its best efforts to minimize any such increases, particularly during the initial implementation period when many competitive LECs may still be in the process of preparing their forecasts. In addition, absent a competitive LEC's express approval, Qwest must use collocation forecasts obtained from the competitive LEC only for purposes of providing that carrier with reasonable and nondiscriminatory collocation arrangements.[37]

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[35] Qwest Petition for Waiver at 3 & Attachment B. We note that Qwest proposes no penalty for inaccurate competitive LEC forcasts, other than the increases in the application processing and provisioning intervals.

[36] We note that under Qwest's proposals, 150 days is the maximum time a carrier that submits a timely forecast would have to wait between the forecast's submission and completion of a collocation arrangement. *Id.* Specifically, a carrier that submits an acceptable collocation application to Qwest 60 days after submitting a forecast would be entitled to a provisioning interval of no more than 90 days. *Id.* For purposes of Qwest's interim plan, we think this maximum also should apply in the absence of a forecast, unless the state commission specifically approves a longer interval.

[37] 47 U.S.C. § 222.

20. Subject to these conditions, we find that the intervals Qwest proposes meet our criterion for an interim waiver of the national standards. Accordingly, pending Commission action on reconsideration of the *Collocation Reconsideration Order,* Qwest need not file SGAT or tariff amendments pursuant to that *Order* in those states where Qwest implements these interim standards in accordance with the procedures set forth in part III.C.3, below. To the extent any state has affirmatively specified different application processing or provisioning intervals to Qwest's operations within that state, Qwest must implement the alternative standards in that state.

3. Implementing Procedures

21. In order to implement the conditions discussed above and thereby effectuate the requested waivers, Verizon, SBC, and Qwest must offer to provide all forms of physical collocation in accordance with those intervals, except to the extent a state has affirmatively specified its own application processing and collocation interval deadlines. These offers must be consistent with the procedures set forth in the *Collocation Reconsideration Order*.[38] Verizon, SBC, and Qwest also must file with the state commissions any amendments necessary to bring its SGATs or collocation tariffs into compliance with the interim standards.[39] Verizon, SBC, and Qwest will have fifteen days from the release of this Order to file these amendments. The interim standards shall take effect within 60 days after the amendments' filing for SGATs, and at the earliest point permissible under state law for tariffs, except to the extent the state commission affirmatively specifies other application processing or provisioning intervals for a particular type of collocation arrangement.[40]

IV. ORDERING CLAUSES

22. Accordingly, IT IS ORDERED, pursuant to sections 1-4, 201, 202, 251-254, 256, 271, and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151-154, 201, 202, 251-254, 256, 271, and 303(r), and authority delegated under sections 0.91 and 0.291 of the Commission's rules, 47 C.F.R. §§ 0.91 and 0.291, that this *Memorandum Opinion and Order* IS ADOPTED.

23. IT IS FURTHER ORDERED, pursuant to sections 1-4, 201, 202, 251-254, 256, 271, and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151-154, 201, 202, 251-254, 256, 271, 303(r), and authority delegated under sections 0.91 and 0.291 of the Commission's rules, 47 C.F.R. §§ 0.91 and 0.291, that the Petitions for Conditional Waiver filed October 11, 2000 by the Verizon Telephone Companies, October 17, 2000 by SBC Communications Inc., and October 18, 2000, by Qwest Corporation ARE GRANTED TO THE EXTENT STATED HEREIN AND OTHERWISE ARE DENIED, subject to the conditions stated in part III.C of this *Memorandum Opinion and Order*. Verizon and SBC must implement

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[38] *See Collocation Reconsideration Order, supra* note 1, at ¶¶ 33-34.

[39] *Id.* at ¶ 36.

[40] *Id.* The conditional waivers we grant Verizon, SBC, and Qwest in this *Order* will take effect immediately upon this Order's release.

the application processing and provisioning intervals for physical collocation described in Attachment C to Verizon's Petitions for Conditional Waiver, as modified by the New York Commission in Opinion No. 00-12, subject to the modifications set forth in this Order. Qwest must implement the application processing and provisioning intervals for physical collocation described in Attachment B to Qwest's Petitions for Conditional Waiver, subject to the modifications set forth in this Order.

24. IT IS FURTHER ORDERED, pursuant to sections 1-4, 201, 202, 251-254, 256, 271, and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151-154, 201, 202, 251-254, 256, 271, 303(r), and authority delegated under sections 0.91 and 0.291 of the Commission's rules, 47 C.F.R. §§ 0.91 and 0.291, that the conditional waivers granted in part III.C of this *Memorandum Opinion and Order* ARE EFFECTIVE IMMEDIATELY UPON RELEASE.

25. IT IS FURTHER ORDERED, pursuant to sections 1-4, 201, 202, 251-254, 256, 271, and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151-154, 201, 202, 251-254, 256, 271, 303(r), and authority delegated under sections 0.91 and 0.291 of the Commission's rules, 47 C.F.R. §§ 0.91 and 0.291, that the Motion to Supplement SBC's Petition for Conditional Waiver filed October 27, 2000, by SBC Communications Inc., IS GRANTED.

26. IT IS FURTHER ORDERED that the Commission's Consumer Information Bureau, Reference Information Center, SHALL SEND a copy of this *Memorandum Opinion and Order* to the Chief Counsel for Advocacy of the Small Business Administration.

FEDERAL COMMUNICATIONS COMMISSION

Dorothy T. Attwood
Chief, Common Carrier Bureau