10. Adjacent Structures
10.1 General

Unless otherwise specified herein, general regulations contained in Part A, Sections 1 through 4 and Part E, Sections 1 and 2 apply in addition to the regulations contained in this section.

10.1.1	Description
A.	In the event that the Telephone Company has no space available for physical collocation, the CLEC will be permitted to construct or otherwise procure controlled environment vaults (CEVs) or similar structures (adjacent structures) where technically feasible using Telephone Company approved vendors.

10. Adjacent Structures
10.2 Responsibility of the Telephone Company

10.2.1	Accommodations	
A.	The Telephone Company will perform the manhole breakout associated with the CLEC connection of the adjacent structure to the central office access manhole (manhole zero) or entrance facility. All building penetration will be done by the Telephone Company or its hired agent. The CLEC will procure, install and maintain all conduit from manhole zero to the adjacent structure.	
B.	The Telephone Company will extend its facilities to the CLEC to terminate on a CLEC provided point of termination located within the adjacent structure at a location designated by the CLEC. The Telephone Company reserves the right to inspect the CLEC's structure, and any non conformances must be remedied in accordance with regulations for collocation specified in this tariff.	(C) (D) (D)
C.	The Telephone Company will make available physical collocation support services to the CLEC in the same non-discriminatory manner as it provides to itself for the Telephone Company's own CEVs.	
D.	The Telephone Company will, on a case-by-case basis, evaluate with the CLEC alternative means of entry into the central office for adjacent structures. The Telephone Company will make the final determination of the most efficient method to enter the central office, subject to technical feasibility and satisfaction of all safety and technical specifications.	
1.	The Telephone Company will provide the CLEC with a detailed explanation of its final determination as to which means of entry is chosen. The CLEC may appeal to the DTE to resolve any dispute.	

10. Adjacent Structures
10.3 Responsibility of the CLEC

10.3.1	Accommodations
A.	The CLEC is responsible for restoring Telephone Company property to the condition that existed prior to any disruption resulting from construction of an adjacent structure (e.g., pavement, sidewalks, landscaping). If the CLEC vacates the adjacent structure, the CLEC is responsible for restoring the land to the original condition.
B.	The CLEC is responsible to contract directly with the local power company for all power requirements within its own structure.

10.3.2	Federal, State and Local Provisions
A.	The CLEC is responsible for complying with all zoning requirements, any federal, state or local regulations, ordinances and laws, and obtaining all associated permits. The Telephone Company may, where required, participate in the zoning approval and permit acquisitions. The CLEC is responsible for all related expenses of such activity and will reimburse the Telephone Company on a time and materials basis. The CLEC may not take any action in establishing an adjacent structure that will force the Telephone Company to violate any zoning requirements or any federal, state or local regulations, ordinances or laws.

10.3.3	Rights of Way	
A.	The CLEC is responsible for obtaining any rights of way necessary to implement the provisions of this tariff.	(C) (C)

10.3.4	Safety and Technical Standards
A.	Any construction by the CLEC on Telephone Company premises must comply with Telephone Company technical specifications as they relate to environmental safety and grounding requirements as set forth in Telephone Company technical specifications and Bellcore documentation. Any protection as it relates to fire, safety, electrical, bonding, grounding and risk hazard is the responsibility of the CLEC.
B.	In the event the distance limitations are exceeded for digital services, any required signal regeneration will be the responsibility of the CLEC.

10.3.5	Liability
A.	The CLEC is responsible for any fines, penalties and expenses for zoning, environmental, safety, sanitation, property infringement, noise, quality of life or property violations or law suits associated with the structure and its associated power and any additional tax assessment levied on the Telephone Company as a result of the adjacent structure.

10. Adjacent On-Site Collocation
10.4 Application of Rates and Charges

10.4.1	Nonrecurring Charges
A.	**Application Fee—** Applies per request, per adjacent structure, at a Telephone Company premises.
1.	If the Telephone Company determines adjacent structures are not permissible at a central office premises due to zoning laws, ordinances, available space or technical feasibility, the Telephone Company will refund the application fee less reasonable costs incurred.
B.	**Engineering and Administration Fee—**Applies per establishment of an adjacent structure.
C.	**Entrance Fee (OSP Facility Fee)—** The entrance facility NRC recovers the cost of the manhole breakout associated with the CLEC provided off-site fiber facilities to be connected to the arrangement at the designated manhole. Applies per request, per entrance facility.

10.4.2	Other Charges	
A.	**Labor Rates—**When contract work inspection is provided in conjunction with CLEC work installation, the Telephone Company will bill the CLEC for all such labor charges which may be incurred.	(T)
B.	**SAC Cable and Frame Terminations—** Apply per termination for the connection of the Telephone Company cable and frame terminations.	(T)
C.	**Space and Conduit** – The conduit rate for physical collocation applies.	(T)
D.	**Cable Rack Support** – The cable rack rate for physical collocation applies	(T)