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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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MAR 29 1996

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of)	
)	CC Docket No. 95-116
Telephone Number Portability)	RM 8535
)	
)	

NYNEX COMMENTS

I. INTRODUCTION

The NYNEX Telephone Companies (NYNEX)¹ submit these Comments in response to a Public Notice of the Federal Communications Commission (the Commission) requesting further comments on Telephone Number Portability, released in CC Docket 95-116 on March 14, 1996 (the Notice). The Commission specifically requests comment on how the passage of the Telecommunications Act of 1996 (the Act) on February 8, 1996 may affect the issues raised in the Commission's Telephone Number Portability NPRM, adopted July 13, 1995. Set forth below are NYNEX's views on this issue and NYNEX's concerns regarding the adoption of regulations for number portability.

¹ The NYNEX Telephone Companies are New England Telephone and Telegraph Company and New York Telephone Company.

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II. NYNEX's INITIAL COMMENTS ON THE NPRM ARE CONSISTENT WITH THE ACT.

The Act impacts the Commission's NPRM in that it resolves certain issues that the NPRM left open. The Act defines number portability as "service provider portability," *i.e.*, providing individuals staying at the same location the opportunity to change telecommunications carriers while retaining their telephone numbers. The Act further provides:

- all Local Exchange Carriers (LECs) are required to provide number portability, to the extent technically feasible, in accordance with requirements prescribed by the Commission;
- the cost of establishing number portability shall be borne by all telecommunications carriers on a competitively neutral basis as determined by the Commission; and
- that interim number portability (INP) is technically feasible and meets the requirements of the Act at this time.

The forgoing issues had not been resolved by the Commission pursuant to the NPRM.

In response to the Commission's NPRM, NYNEX filed Comments on September 12, 1995 and Reply Comments on October 12, 1995. In its pleadings, NYNEX emphasized that: (i) service provider portability is the most important type of number portability to the development of competition and thus should be dealt with first; (ii) all LECs should provide number portability if consumers are to gain the full advantage of competition; (iii) costs should be shared on a fair and reasonable basis, but that no industry group should bear the brunt of investment nor should any carrier's ability to compete be hampered; and (iv) interim number portability (INP) is the best technically feasible alternative currently available and as a temporary solution promotes competition pending the development of a technically feasible long term solution. NYNEX's Comments and Replies are essentially validated by the provisions of the Act set forth above.

The Act gives to the Commission the job of promulgating rules to deal with the important capability of number portability within the framework of the Act. To ensure the realization of the benefits of competition that are intended by the Act, as part of its rules implementing Sec. 251 the Commission should require all LECs, both new entrants and incumbents, to provide INP arrangements within a specific period of time of receiving a bona fide request. Only with this requirement placed on all service providers will the industry be able to deliver the competitive benefits made possible by number portability.²

III. AS THE COMMISSION DEVELOPS REGULATIONS FOR NUMBER PORTABILITY, IT SHOULD ADDRESS THE FOLLOWING CONCERNS.

As the Commission implements the Act, it should carefully consider the issues of cost recovery and the timing for implementation of a “long term” database solution for number portability.

From NYNEX’s perspective, significant issues concerning architecture and call processing flows remain to be resolved, especially if full feature functionality is to be preserved in the transition to number portability. Additionally, the design of this capability is in flux as the understanding of what is required to resolve particular issues continues to develop. Until this understanding is complete, it will be impossible to have a complete answer as to what costs will be associated with the implementation of number portability. NYNEX sees the activities currently underway in various states and within industry forums as being very valuable sources

² Although NYNEX believes the Act gives the states the right to apply appropriate pricing for INP in the first instance, the Commission may wish to include in its rules implementing Sec. 251 a requirement that rates for INP be consistent with Sec. 251(e)(2) of the Act.

of information as the Commission assesses the costs and timing of long term number portability deployment.³

Given the present uncertainty, much more will have to be known to resolve the cost quantification question. However, it is appropriate to begin consideration of how to provide for the recovery of these costs, including investment costs. Although NYNEX cannot be sure of the final costs at this stage, it does expect the costs to surpass by a wide margin the costs for the 800 Portability effort undertaken by the industry. The discussions surrounding the cost recovery for service provider number portability are expected to become contentious as the magnitude of the potential costs becomes more clearly defined. NYNEX therefore recommends that the Commission establish a Further Notice of Proposed Rulemaking to develop a comprehensive record on which to determine how costs can be borne by all telecommunications carriers on a competitively neutral basis. No single industry group - whether it be new entrants or incumbents - can be disadvantaged financially through the introduction of this capability into the public switched network.⁴

To ensure the requirements of the Act are met, the Commission should develop initial guidelines in the nature of "ground rules" for the establishment of cost recovery mechanisms.

³ To ensure that the need for a timely deployment is balanced with what is truly technically feasible, NYNEX recommends that the Commission direct ATIS (Alliance for Telecommunications Industry Solutions), in the form of INC (Industry Numbering Committee), and/or the NANC (North American Numbering Council): to develop a technically feasible solution as expeditiously as possible, utilizing state activities as input; to provide guidelines for the transition to this solution; and, commencing in mid 1997 with the FOAs (First Office Applications) of LRN, to provide the Commission with quarterly progress reports. NYNEX also suggests that the Commission direct its Chief Engineer to oversee and/or participate in these industry efforts as appropriate.

⁴ NYNEX also has concerns that the legislative mandate to provide this capability in the network may allow its equipment suppliers, through the pricing of their products, to take financial advantage of all service providers, especially the incumbent providers who have the most extensive networks. Service providers will have the requirement to deploy the necessary hardware and software ubiquitously to allow this capability to function in the network and thus will have no choice but to turn to the suppliers of their imbedded networks.

Two "ground rules" NYNEX recommends are that the actual cost of number portability should not be determined until a truly technically feasible solution and all related deployment requirements are identified and that any provider that wishes to benefit from use of the number portability capability must pay for its ability to participate. The timing of the transition to a database solution for number portability - and how that transition will be accomplished - are also issues that need to be addressed.

Some parties have concluded that number portability should be available in mid 1997 coincident with the availability of LRN.⁵ This view is apparently based on the erroneous conclusion that the AT&T "solution," Location Routing Number (LRN), will resolve all issues surrounding number portability. Unfortunately, LRN represents only part of the overall solution. LRN is an addressing scheme which, when integrated into an overall number portability platform, holds the best promise of any addressing scheme evaluated thus far to enable the industry transition to a long term database driven number portability arrangement. However, in and of itself, LRN does not ensure the continued viability of services that are available to customers today such as the proper operation of features like Automatic Recall and Automatic Callback.⁶ Of perhaps even greater concern, neither LRN nor any other current industry plan addresses the number portability issues surrounding Operator Services, especially those utilizing LIDB (Line Information Database).

⁵ Although AT&T's proposed LRN "solution" may be available from switch vendors in the time frame discussed above, wide scale deployment of the necessary software and hardware in switches will take significantly more time.

⁶ While the software being developed by vendors to provide LRN does not deny these features in the switches, the current SS7 (Signaling System Seven) infrastructure does not support the level of routing required to process these and other signaling related features properly.

Other significant issues exist concerning the ability of number portability to work within the existing telecommunications infrastructure. On the industry level a database administrator for the SMS (Service Management System), most probably a neutral third party, needs to be chosen and the database built.⁷ Operations, administration, maintenance and provisioning procedures - among interconnecting companies and within individual companies - do not exist and will need to be negotiated and/or developed.⁸ At the individual company level, networks will need to be built out - switches upgraded, signaling systems expanded, operational support systems modified, budgeting and other resources allocated. With many thousands of central office switches involved,⁹ the undertaking is immense and coordination critical.

NYNEX continues in its commitment to deploy a truly technically feasible long term solution and is working within the industry to facilitate development of a long term database driven number portability solution. NYNEX is actively testing such a technology and participating in industry forums to help design the solutions to the issues that remain to be resolved. Industry forums' work efforts and the activities of individual states have proven quite valuable in this regard and the Commission should continue to utilize their efforts, monitor their activities and provide the parties with oversight and guidance as necessary.

⁷ As examples of the potential complexities involved, the most efficient database architecture - national, regional, state, multistate, etc. - is unknown at this time. If a national approach is undertaken, the size of the database would far exceed any system currently deployed. Furthermore, how the architecture chosen would be administered and accessed is also unclear at this stage. For example, the industry will need to design and agree to database system access parameters, which in and of itself is no small task. NYNEX believes, however, the Commission should adopt a principle that all carriers' access to regional databases be allowed to the extent they have a business need to obtain information housed in the database for the completion of calls.

⁸ *E.g.*, maintenance work flows, billing agreements (*e.g.*, calling card, collect and bill to third calls), customer provisioning (especially those who change providers multiple times in a given period), trouble isolation and reporting, directory assistance, etc.

⁹ Over a thousand in NYNEX's territory alone.

Number portability must be done right. Its implementation can not be allowed to degrade the quality of service provided to customers. Uninterrupted call processing and the interworking of all services must be assured. Only when these criteria are met will the industry have a truly technically feasible long term number portability solution.

IV. CONCLUSION

NYNEX applauds the Commission's efforts to address the daunting issues surrounding number portability. NYNEX urges the Commission to move forward to prescribe regulations for number portability by developing a record on the issue of cost recovery; establishing ground rules for how that will take place; and determining when and how the industry should transition to a truly technically feasible long term database driven solution for number portability. Although the industry has made progress towards implementing number portability, much work remains to be done and a mid 1997 implementation date is overly optimistic at this time.

Respectfully submitted,

New England Telephone and
Telegraph Company

New York Telephone Company

By:


Deborah Haraldson

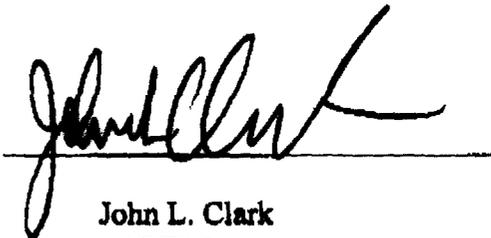
1095 Avenue of the Americas
New York, NY 10036
212/395-6183

Their Attorney

Dated: March 29, 1996
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CERTIFICATE OF SERVICE

I certify that I caused one copy of the attached NYNEX Comments to be served on each of the persons on the attached list by US Mail on March 29, 1996. The attached list includes designated representatives to the parties in Docket CC 95-116.

A handwritten signature in black ink, appearing to read "John L. Clark", is written over a horizontal line. The signature is cursive and stylized.

John L. Clark
NYNEX

Robert M. Wienski
Sam LaMartina, Esq.
Independent Telecommunications Network, Inc.
8500 W. 110th Street, Suite 600
Overland Park, KS 66210

Harold L. Stoller, Esq.
Richard S. Wolters, Esq.
Special Assistants Attorney General
Council for the Illinois Commerce Commission
527 East Capitol Avenue
P.O. Box 19280
Springfield, IL 62794-9280

GVNW, Inc./Management
c/o Sylvia Leese
Kraush & Leese
2120 L Street, N.W., Suite 520
Washington, D.C. 20037

William B. Berfield, Esq.
Jim O. Llewellyn, Esq.
BellSouth Corporation
Suite 1800
1155 Peachtree Street, NE
Atlanta, GA 30309

Rowland L. Curry, P.E.
Director, Telephone Utility Analysis Division
Public Utility Commission of Texas
7800 Shoal Creek Boulevard
Austin, Texas 78757-1098

Jeffrey S. Berk, Esq.
Dan L. Poole, Esq.
U S West, Inc.
1020 19th Street, N.W., Suite 700
Washington, D.C. 20036

Richard F. Nelson, Chair
Marion County Board of County Commissioners
9-1-1 System Support Department
2631 S.E. 3rd Street
Ocala Florida 34471-9101

Jody B. Burton, Esq.
Assistant General Counsel
Personal Property Division
General Services Administration
Office of General Counsel
Washington, D.C. 20405

Richard J. Metzger, Esq.
General Counsel
Association for Local Telecommunications Services
1200 19th Street, N.W., Suite 560
Washington, D.C. 20036

Jones Intercable, Inc.
c/o Paul Glist, Esq.
Christopher W. Savage, Esq.
John C. Dodge, Esq.
Cole Raywid & Braverman, L.L.P.
1919 Pennsylvania Avenue, N.W., Suite 200
Washington, D.C. 20006

Yellow Pages Publishers Association
c/o Albert Halprin, Esq.
Melanie Harstman, Esq.
Halprin, Temple, Goodman & Sagrus
1100 New York Avenue, N.W.
Suite 690, East Tower
Washington, D.C. 20005

Omnipoint Corporation
c/o Mark J. O'Connor, Esq.
Piper & Marbury L.L.P.
1200 19th Street, N.W., Seventh Floor
Washington, D.C. 20036

Fancin Fortin
Director of External Affairs
U.S. AirWaves, Inc.
10900 N.E. 8th Street, Suite 625
Bellevue, Washington 98004

U.S. AirWaves, Inc.
c/o Jeffrey H. Olson, Esq.
Paul, Weiss, Rinfold, Wharton & Garrison
1615 L St., N.W., Suite 1300
Washington, D.C. 20036

Genevieve Merelli, Esq.
Vice President and General Counsel
The Competitive Telecommunications Association
1140 Connecticut Avenue, N.W., Suite 220
Washington, D.C. 20036

Paul Rodgers, Esq.
Charles D. Gray, Esq.
James Bradford Ramsey, Esq.
National Association of Regulatory Utility
Commissioners
1102 ICC Building
P.O. Box 684
Washington, D.C. 20044

**Teleservices Industry Association
c/o Glenn S. Richards, Esq.
Fisher Wayland Cooper Leader & Zaragoza L.L.P.
2001 Pennsylvania Avenue, N.W., Suite 400
Washington, D.C. 20006**

**Lisa M. Zaina, Esq.
General Counsel
Organization for the Protection and Advancement
of Small Telephone Companies
21 Dupont Circle, N.W., Suite 700
Washington, D.C. 20036**

**Mark J. Golden
Vice President of Industry Affairs
Personal Communications Industry Association
1019 19th Street, N.W., Suite 1100
Washington, D.C. 20036**

**Robert C. Schoonmaker
Vice President
GVNW Inc./Management
2270 La Montana Way
Colorado Springs, CO 80918**

Citizens Utilities Company
Eastern Region Telephone Operations
Suite 500
1400 16th Street, N.W.
Washington, D.C. 20036

U.S. Intelco Networks, Inc.
& Seattle Local Area Number Portability Trial
c/o Stephen G. Kraskin, Esq.
Thomas J. Moorman, Esq.
Kraskin & Lesse
2120 L Street, N.W., Suite 520
Washington, D.C. 20037

J. Manning Lee
Gail Garfield Schwartz
Kenneth A. Shulman
Teleport Communications Group, Inc.
Two Teleport Drive, Suite 300
Staten Island, NY 10311

David L. Kahn
c/o Bellatrix International
4055 Wilshire Blvd., Suite 415
Los Angeles, CA 90010

Lucie M. Matza, Esq.
Theresa L. Cabral, Esq.
Sarah Rubenstein, Esq.
Pacific Bell
140 New Montgomery Street, Room 1526
San Francisco, CA 94105

James L. Wurtz, Esq.
Margaret E. Garber, Esq.
Pacific Bell
1275 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

The Brisson Corporation
c/o David C. Jellow, Esq.
Young & Jellow
2300 N Street, N.W., Suite 600
Washington, D.C. 20037

Bell Atlantic NYNEX Mobile, Inc.
c/o John T. Scott, III, Esq.
Crowell & Moring
1001 Pennsylvania Avenue, N.W.
Washington, D.C. 20004-2995

Jay C. Keithley
Norina T. Moy
Kent Y. Nakamura
Sprint Corporation
1850 M Street, N.W., Suite 1110
Washington, D.C. 20036

Betsy L. Anderson, Esq.
Duane K. Thompson, Esq.
Bell Atlantic
1320 N. Court House Road
Arlington, Virginia 22201

The Telecommunications Resellers Association
c/o Charles C. Hunter, Esq.
Kevin S. DiLallo, Esq.
Hunter & Mow, P.C.
1630 I Street, N.W., Suite 701
Washington, D.C. 20006

Larry A. Peck, Esq.
Frank Michael Panek, Esq.
Ameritech
2000 West Ameritech Center Drive, Room 4186
Hoffman Estates, IL 60196-1025

Jere W. Glover, Esq.
Bary Pinola, Esq.
Office of Advocacy
United States Small Business Administration
400 Third Street, S.W., Suite 7800
Washington, D.C. 20416

TDS Telecommunications Corporation
c/o Margaret Smalley Humphrey, Esq.
Katon & Nafalin
1150 Connecticut Avenue, N.W., Suite 1000
Washington, D.C. 20036

Cynthia E. Miller, Esq.
Associate General Counsel
Florida Public Service Commission
Capital Circle Office Center
2540 Sumner Oak Blvd.
Room 301, Gerald L. Gunter Building
Tallahassee, Florida 32399-0850

Mary E. Burgess, Esq.
Assistant Counsel
Office of General Counsel
NYS Department of Public Service
Three Empire State Plaza
Albany, New York 12223-1350

David J. Gudino, Esq.
GTE Service Corporation
1850 M Street, N.W., Suite 1200
Washington, D.C. 20036

MFS Communications, Inc.
c/o Andrew D. Lipman, Esq.
Russell M. Binn, Esq.
Swidler & Berlin, Chartered
3000 K Street, N.W.
Washington, D.C. 20007

Paging Network, Inc.
c/o Judith St. Ledger-Roy, Esq.
John W. Hunter, Esq.
Reed Smith Shaw & McClay
One Franklin Square
Suite 1100 East Tower
Washington, D.C. 20005

America's Carriers Telecommunication Association
c/o Charles H. Haleis, Esq.
Helsin & Associates, P.C.
8180 Greensboro Drive, Suite 700
McLean, Virginia 22102

AirTouch Paging and Arch Communications Group
c/o Carl W. Northrop, Esq.
Bryan Cave LLP
700 Thirtieth Street, N.W., Suite 700
Washington, D.C. 20005

Mark Stachiv
AirTouch Paging
Three Forest Plaza
12221 Merit Drive, Suite 800
Dallas, Texas 75251

Catherine R. Sloan, Esq.
Richard L. Frusherman, Esq.
Richard S. Whit, Esq.
WorldCom, Inc.
d/b/a LDDS WorldCom
1120 Connecticut Avenue, N.W., Suite 400
Washington, D.C. 20036

Michael F. Altschul, Esq.
Randall S. Coleman, Esq.
Brenda K. Pennington, Esq.
Cable Telecommunications Industry Association
1250 Connecticut Avenue, N.W., Suite 200
Washington, D.C. 20036

John A. Malloy, Esq.
Leo R. Fitzsimon, Esq.
GO Communications Corporation
201 North Union Street, Suite 410
Alexandria, Virginia 22314

Peter Arth, Jr., Esq.
Edward W. O'Neill, Esq.
Ethan S. Levine, Esq.
State of California and the Public Utilities
Commission of the State of California
505 Van Ness Avenue
San Francisco, CA 94102

Gregory M. Casey, Esq.
Victoria Schloinger, Esq.
Teleman International, Inc.
6797 Democracy Boulevard
Bethesda, Maryland 20817

David Cosson, Esq.
L. Marie Guillory, Esq.
National Telephone Cooperative Association
2626 Pennsylvania Avenue, N.W.
Washington, D.C. 20037

**Association of Public-Safety Communications
Officials International, Inc.**
c/o Robert M. Gura, Esq.
Wilkes, Artis, Hedrick & Lane, Chartered
1666 K Street, N.W. Suite 1100
Washington, D.C. 20006

Interactive Services Association
c/o Edwin N. Lavigne, Esq.
Darren L. Nunn, Esq.
Ginsburg, Feldman and Bross, Chartered
1250 Connecticut Avenue, N.W.
Washington, D.C. 20036

National Wireless Retailers Association
c/o Joel H. Levy, Esq.
Cohn and Martin
1333 New Hampshire Avenue, N.W., Suite 600
Washington, D.C. 20036

Mary McDermott, Esq.
Linda Kunt, Esq.
Charles D. Cannon, Esq.
United States Telephone Association
1401 H Street, N.W., Suite 600
Washington, D.C. 20005

Daniel L. Brunner, Esq.
Neal M. Goldberg, Esq.
David L. Nicoll, Esq.
National Cable Television Association
1734 Massachusetts Avenue, N.W.
Washington, D.C. 20036

Robert S. Fessner
Lawrence R. Kruver
Laura L. Holloway
Natal Communications, Inc.
800 Connecticut Avenue, N.W., Suite 1001
Washington, D.C. 20006

Roger W. Steiner, Esq.
Missouri Public Service Commission
P.O. Box 360
Jefferson City, Missouri 65102

Betty D. Montgomery, Esq.
Duane W. Luckey, Esq.
Ann E. Henshaw, Esq.
Public Utilities Commission of Ohio
180 E. Broad Street
Columbus, OH 43215-3793

Personal Communications Industry Association
c/o **R. Michael Senkowski, Esq.**
Jeffrey S. Linder, Esq.
Stephen J. Rosen, Esq.
Wiley, Rein & Fielding
1776 K Street, N.W.
Washington, D.C. 20006

National Emergency Number Association
c/o **James R. Hobson, Esq.**
Donelan, Cleary, Wood & Maser, P.C.
100 New York Avenue, N.W., Suite 750
Washington, D.C. 20005-3934

Alan J. Gardner
Jerry Yanowitz
Jeffrey Sinsheimer
Jennifer A. Johns
California Cable Television Association
4341 Piedmont Avenue
Oakland, CA 94611

California Cable Television Association
c/o **Donna N. Lambert, Esq.**
Christopher A. Holt, Esq.
Mintz, Levin, Cohn, Ferris, Glovsky and Popeo,
P.C.
701 Pennsylvania Avenue, N.W., Suite 900
Washington, D.C. 20004

PCS PrimeCo, L.P.
c/o **William L. Roughton, Jr., Esq.**
1133 20th Street, N.W.
Washington, D.C. 20036

Kathy L. Shebert
Director, Federal Affairs
General Communications, Inc.
901 15th Street, N.W., Suite 900
Washington, D.C. 20005

Time Warner Communications Holdings, Inc.
c/o Brian Conboy, Esq.
Sue D. Blumenfeld, Esq.
Thomas Jones, Esq.
Wilkie Farr & Gallagher
Three Lafayette Centre
1155 21st Street, N.W.
Washington, D.C. 20036

National Exchange Carrier Association, Inc.
c/o Richard A. Askoff, Esq.
100 South Jefferson Road
Whippany, New Jersey 07981

The Ad Hoc Coalition of Competitive Carriers
c/o Werner Hartenberger, Esq.
Laura H. Phillips, Esq.
J.G. Harrington, Esq.
Dow, Lohnes & Albertson
1255 Twenty-third Street, N.W., Suite 500
Washington, D.C. 20037

Sydney R. Pearson, President
Niagara Telephone Company
1133 Main Street
P.O. Box 3
Niagara, Wisconsin 54151-0003

MCI Telecommunications Corporation
c/o Lorena J. Garcia, Esq.
Donald J. Elardo, Esq.
1801 Pennsylvania Avenue, N.W.
Washington, D.C. 20006

Mark C. Rosenblum, Esq.
John J. Langhammer, Esq.
Charles K. Williams, Esq.
AT&T Corporation
293 North Maple Avenue, Room 3244J1
Basking Ridge, NJ 07920

Jones Intercable, Inc.
c/o Paul Glist, Esq.
Christopher W. Savage, Esq.
John C. Dodge, Esq.
Cole, Raywid & Braverman, L.L.P.
1919 Pennsylvania Avenue, N.W., Suite 200
Washington, D.C. 20006

Cincinnati Bell Telephone Company
c/o Thomas E. Taylor, Esq.
Christopher J. Wilson, Esq.
Frost & Jacobs
2500 PNC Center
201 East Fifth Street
Cincinnati, Ohio 45202

Robert M. Lynch, Esq.
Mary W. Marks, Esq.
J. Paul Walters, Jr., Esq.
SBC Communications, Inc.
175 E. Houston, Room 1262
San Antonio, Texas 78205

Gordon F. Scherer
Susan Drombetta
Scherers Communications Group, Inc.
575 Scherers Court
Westinghouse, OH 43085

Texas Advisory Commission on State Emergency
Communications
c/o Richard A. Muesel, Esq.
Assistant Attorney General
Consumer Protection Division
Public Agency Representation Section
P.O. Box 12548, Capitol Station
Austin, Texas 78711-2548