The proposed rule includes definitions pertinent to portability. Like the establishment of the overall framework discussed below, it also identifies but reserves for future definition other terms that will be pertinent for other new rules implementing the Act. The proposed rule also includes requirements regarding the quality of service with the use of any portability solution.

Recognizing that other rules will be developed in other dockets in order to implement the Act, the Commission is using this rulemaking to establish the overall framework for the new rules through the use of a new chapter 515-12-2. Therefore, the proposed new rule chapter includes the opening section regarding authority and scope of provisions, the definitions section that reserves terms for future definition, and sections that are identified and reserved for future development through rulemaking proceedings in other dockets.

The Act at O.C.G.A. § 46-5-168(d) includes the following provision:

> (d) In conducting any rule-making proceeding under this article, the commission shall consider the following factors:
>
> > (1) The extent to which cost-effective competitive alternatives are available to existing telecommunications networks and services; and
> >
> > (2) Requirements necessary to prevent any disadvantage or economic harm to consumers, protect universal affordable service, establish and maintain an affordable Universal Access Fund, protect the quality of telecommunications services, prevent anticompetitive practices, and prevent abandonment of service to areas where there is no competing provider of telecommunications service.

The proposed rule harmonizes with these objectives and requirements. It will enable more true cost-effective competitive alternatives to become available for customers. It contains provisions to help protect the quality of telecommunications services, and prevent anti-competitive practices. The development of portability should also help prevent abandonment of service by increasing the competitive alternatives available to customers.

The Act also states at O.C.G.A. § 46-5-168(b)(9) that the Commission's jurisdiction includes the authority to establish reasonable rules and methodologies for performing cost allocations among the services provided by a telecommunications company. The proposed rule includes guidelines to help ensure that cost allocations associated with the development and implementation of portability will be reasonable for companies and customers.

II. PROPOSED RULE

Pursuant to the requirements of the Georgia Administrative Procedures Act at O.C.G.A. § 50-13-4(a)(1), the Commission proposes to adopt new Rule Chapter 515-12-2, with text proposed for new rules 515-12-1, 515-12-2 and 515-12-7. This would introduce a new chapter entitled "Telephone Service Competition," with general provisions and with provisions related more specifically to local number portability. The full text of the proposed Rule Chapter 515-12-2, including proposed new rules 515-12-1, 515-12-2 and 515-12-7, of the Utility Rules of the Commission is set forth below.

PROPOSED RULE

RULES
OF
GEORGIA PUBLIC SERVICE COMMISSION
515-12 TELEPHONE SERVICE
CHAPTER 515-12-2
TELEPHONE SERVICE COMPETITION

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515-12-2-.01 Commission Authority and Scope of Provisions.

(1) Consistent with the Telecommunications and Competition Development Act of 1995 (S.B. 137), Official Code of Georgia Annotated (O.C.G.A.) § 46-5-160 *et seq.* (herein "the Act"), the telecommunications industry in Georgia is open to competition. The Act provides for a method of alternative regulation, and directs the Commission to implement and administer this new regulatory approach. The Commission accordingly adopts these rules to facilitate the transition of the telecommunications industry to alternative

regulation and competition, and to govern the market in order to protect customers, ensure fairness, prevent anti-competitive practices, and otherwise implement the provisions of the Act.

(2) The requirements of these rules shall apply to all telecommunications companies subject to the Commission's jurisdiction. The Commission shall grant a waiver from these rules only upon a finding that the waiver is:

(a) necessary in the public interest,

(b) will not unreasonably discriminate between telecommunications companies, and

(c) will not impede the emergence and development of a competitive telecommunications market in Georgia.

(3) The rules set forth in Rule 515-12-1-.01 shall continue to apply to and govern local exchange companies ("LECs") that obtained certificates prior to July 1, 1995 and that have not come under alternative regulation pursuant to the Act. Those rules also remain effective for all telecommunications companies subject to this Commission's jurisdiction, to the extent that they are consistent with or do not conflict with these rules' definitions and provisions.

(4) In the event of any conflict between the provisions of these rules and applicable provisions of the Official Code of Georgia Annotated, including O.C.G.A. § 46-5-160 *et seq.* as it may be amended from time to time, the applicable provisions of the O.C.G.A. shall take precedence. Any such conflict as to one provision of these rules shall not, however, void or nullify any remaining provisions of these rules.

Authority Ga. L. 1878-79, p. 125; 1907, pp. 72-81; 1922, pp. 142-147; 1964, p. 338; 1965, p. 283; 1973, pp. 677-681; 1975, Sec. 2, pp. 404-412; 1995, p. 630, Sec. 2; 1995, pp. 888-900. **Administrative History**. Original Rule was filed on _____, 199_; effective _____, 199_, as specified by Ga. L. 1975, p. 411.

515-12-2-.02 Definitions.

(1) Terms that are defined in the Telecommunications and Competition Development Act of 1995 (Section 2 of S.B. 137), O.C.G.A. §§ 46-5-160 *et seq.*, including the Act's definitions section at O.C.G.A. § 46-5-162, shall have the meanings assigned to them by that Act (including any amendments). In addition, as used in these rules, the following terms shall have the following definitions:

(a) Access service: *(reserved)*

(b) Act: Telecommunications and Competition Development Act of 1995 (Section 2 of S.B. 137), O.C.G.A. §§ 46-5-160 *et seq.*

(c) Basic local service: This term shall have the same meaning as "basic local exchange services" or "universal access local exchange services" under the Act. The initial definition shall be the provision to residential and single-line business customers in Georgia of services composed of a touch tone switched access line and dial tone, of a quality sufficient for two-way voice and 9600 baud data/fax communications. This service shall include 1+ dialing for access to competitive providers of telecommunications services by January 1, 1997. The elements of universal access local exchange services are subject to subsequent review and modification by the Commission.

(d) Basic network function ("BNF"): *(reserved)*

(e) Basic service: *(reserved)*

(f) Central office: *(reserved)*

(g) Commercial mobile services: *(reserved)*

(h) Competitive service: *(reserved)*

(i) Cost-effective competitive alternatives: *(reserved)*

(j) Cross-subsidy: *(reserved)*

(k) Customer's premises: *(reserved)*

(l) Discretionary service: *(reserved)*

(m) Economic cost: *(reserved)*

(n) End office: *(reserved)*

(o) Essential facilities: *(reserved)*

(p) Interconnection: The provision of access to a local exchange company's facilities for the purpose of enabling another telecommunications company to originate or terminate telecommunications service. "Interconnection service" is the service of providing such access.

(q) Local loop: *(reserved)*

(r) Network: *(reserved)*

(s) Network access: *(reserved)*

(t) North American Numbering Plan ("NANP"): A common industry telephone numbering plan that provides a consistent 10-digit telephone number format allowing for maximum direct dial capabilities. Telephone numbers are composed of the area code (NPA), the central office code (NXX), and the four-digit line number (XXXX).

(u) Portability: The technical capability that permits a customer to retain the same local number at the same customer location regardless of the provider of the local exchange service. This term shall have the same meaning as "service provider portability."

1. "Location portability" means that the customer can retain the same local number when switching service to a different location. Reference to "portability" throughout these rules shall not be taken to refer to location portability unless expressly stated otherwise.

2. "Service portability" means that the customer can retain the same local number when switching to a different type of service. The primary example of this would be switching from wireline to wireless service. Reference to "portability" throughout these rules shall not be taken to refer to service portability unless expressly stated otherwise.

(v) Portability solution: A method by which local number portability can be provided on a mid-term to long-term basis that is both technically and economically feasible. The solution shall include both a Call Model selection and an Implementation Plan.

(w) Ported number: A telephone number as to which the customer has obtained portability.

(x) Private local exchange service: *(reserved)*

(y) Radio-based local exchange service: *(reserved)*

(z) Resale: *(reserved)*

(aa) Service Management System ("SMS"): A computer database and associated administrative systems which provide the centralized (regional) telephone number and customer information, on a continually updated basis, to all network providers

in the region. The database relates or "maps" dialed ported numbers to terminating network addresses.

(bb) Signaling facilities: *(reserved)*

(cc) Switch: *(reserved)*

(dd) Tariff: The schedule or other writing filed with the commission that describes the rates, terms, and conditions of certain telecommunications services provided by the telecommunications company.

(ee) Total service long-run incremental cost ("TSLRIC"): The total additional cost that would be incurred by a telecommunications company to produce the entire current demand for a service, given that the telecommunications company already provides all of its other services. TSLRIC studies for retail services must reflect appropriate costs for underlying network functions, developed to reflect all function uses. Where such functions are tariffed or otherwise offered at wholesale rates, the TSLRIC study for retail services must reflect the cost of these underlying functions at the highest offered rate, rather than actual cost.

1. For a new service, TSLRIC is based on the least-cost, most efficient technology that is capable of being implemented at the time the decision to provide the service is made.

2. For an existing service, TSLRIC is based on the least cost, most efficient technology that is capable of being implemented during the study period.

(ff) Transport: *(reserved)*

(gg) Unbundling: *(reserved)*

(hh) Wire center: *(reserved)*

(ii) Wireline service: Telecommunications service that the customer initiates or receives through a wire-based link from the customer's premise to the service provider. It is sometimes called "landline" service. One example is ordinary residential service through copper wire.

(jj) Wireless service: Telecommunications service that the customer initiates or receives without a wireline link from the customer's premise to the service provider. Some examples are cellular and radio-based service.

(2) The definitions in Rule 515-12-1-.01 shall continue to apply to and govern local exchange companies ("LECs") that obtained certificates prior to July 1, 1995 and that have not come under alternative regulation pursuant to the Act. Those definitions also remain effective for all telecommunications companies subject to this Commission's jurisdiction, to the extent that they are consistent with or do not conflict with the Telecommunications and Competition Development Act of 1995 or with the definitions and provisions contained within this Chapter 515-12-2 of the Commission's rules.

Authority Ga. L. 1878-79, p. 125; 1907, pp. 72-81; 1922, pp. 142-147; 1964, p. 338; 1965, p. 283; 1973, pp. 677-681; 1975, Sec. 2, pp. 404-412; 1995, p. 630, Sec. 2; 1995, pp. 888-900. **Administrative History.** Original Rule was filed on _____, 199_; effective _____, 199_, as specified by Ga. L. 1975, p. 411.

515-12-2-.03 Certificates of Authority. ***(reserved)***

[Note: This will be the place for applicable rules through a rulemaking proceeding in Docket No. 5778-U. Currently these are governed by interim requirements adopted in that docket.]

515-12-2-.04 Alternative Regulation. ***(reserved)***

[Note: This will be the place for any rules on election of alternative regulation through a rulemaking proceeding in Docket No. 5777-U, as well as rules on general tariff filing requirements through a rulemaking proceeding in Docket No. 5833-U. Currently these matters are governed by interim requirements adopted in both dockets.

This is also the probable location for any basic local service pricing rules for incumbents that elect alternative regulation under the Act (such as any rules relating to Tier 2 companies' rate rebalancing in response to access charge reductions, and "indexing" (choice of an index if the GDP-PI is no longer available.]

515-12-2-.05 Provision and Pricing of Telecommunications Services. ***(reserved)***

[Note: This will be the place for rules on pricing to end users, plus any related anti-competitive pricing prohibitions, through a rulemaking proceeding in Docket No. 5882-U. It will also be the subject of a proposed rulemaking related to interconnection, unbundling and resale in Docket No. 5958-U.]

515-12-2-.06 Prevention of Market Abuse and Unfair Competition. ***(reserved)***

[Note: This will be the place for prohibitions of any non-price anti-competitive practices, which may be addressed in the rulemaking related to interconnection, unbundling and resale in Docket No. 5958-U, and any other existing or new rulemaking docket(s) as appropriate.]

515-12-2-.07 Local Number Portability.

(1) General Guidelines. The following general guidelines shall apply to the development and implementation of local number portability:

(a) Consistent with Official Code of Georgia Annotated ("O.C.G.A.") § 46-5-170, all local exchange companies ("LECs") shall make the necessary modifications to allow portability of local numbers between different certificated providers of local exchange service as soon as reasonably possible after such portability has been shown to be technically and economically feasible and in the public interest.

(b) The Commission finds that the development and implementation of local number portability, so long as it is technically and economically feasible, has been shown to be in the public interest because it will serve to foster a more competitive telecommunications market to the ultimate benefit of all customers in Georgia. Therefore, service provider portability shall be implemented on a mid-term to long-term basis, as soon as technically feasible (*i.e.*, works reliably according to the guidelines in these rules) and economically feasible (*i.e.*, cost-efficient).

1. The Commission establishes as a schedule goal that a mid-term to long-term service provider portability solution should be developed and begin to be implemented by the fourth quarter of 1996 in the service territories of incumbent LECs serving areas in which new, competing LECs have applied for a certificate to provide local exchange service.

2. Implementation should start with a selected group of wire centers, and based on success, branched to additional wire centers.

3. A mid-term to long-term solution is not expected to be an unchanging, static solution designed to solve all future technical challenges that may arise such as location portability, service portability, etc.

(c) Prior to the development and implementation of a mid-term to long-term portability solution, interim approaches based (for example) on Remote Call Forwarding, Direct Inward Dialing, Flexible Direct Inward Dialing, and/or the

Carrier Portability Code system, and developed through voluntary industry negotiations will be allowed and encouraged so long as they meet the following guidelines:

1. There shall be no impairment of 911/E911 service.

2. There shall be no impairment of the reliability or convenience of service, beyond the normal degradation imposed by Remote Call Forwarding, Direct Inward Dialing, and Flexible Direct Inward Dialing services available to customers of the local exchange company ("LEC") as of the effective date of these rules.

3. Interim portability methods shall be made available at the total service long-run incremental cost ("TSLRIC") of providing the service. Rates for interim number portability shall be set forth in LEC tariffs.

(d) Under a mid-term to long-term portability solution, transparency to the end user is essential. There shall be no loss of convenience, functionality, quality, reliability, or access to services caused by the implementation of a number portability solution. Call setup time shall be not impacted, or only minimally impacted so callers do not discern any difference. Users shall see the dialed number when necessary to identify the called or calling number (such as on bills and for Caller identification service). Access to 911, *E*911, telephone relay service, information, and other services shall remain available. The end-user customers of a LEC shall not be required to dial the telephone number of any other LEC's customers in any manner different from that required of the other LEC's customers.

(e) Use of existing network infrastructure and standards should be retained to the extent feasible and economical.

(f) Calls from non-number portability capable telecommunications providers must be accommodated. This includes completion of calls initiated over wireless carriers.

(g) The solution should allow for open competition in the vendor community. Any architecture or approach should be part of the open public domain, free of any licensing fees. Proprietary approaches, or approaches with associated licensing fees, will not be favored because they would limit the opportunity for open competition among providers of number portability solutions and the companies that purchase them.

(h) The solution should ensure that the existing local exchange company or companies and the new LECs are benefitted in the same way and are required to deploy the

same mandatory network capabilities, regardless of their network topologies and whether the customers are switching from the existing LEC to a new LEC, from a new LEC to the existing LEC, or from one new LEC to another new LEC.

(i) The solution shall immediately support portability of local numbers between different certificated wireline LECs. It should accommodate expanded volume usage, and future migration to permanent, national solutions including solutions that may integrate wireless networks. The solution should allow for future support of all types of number portability on a permanent basis.

(j) The solution shall not unduly accelerate the depletion of the numbering resource. The solution should conserve the North American Numbering Plan ("NANP"). Therefore, solutions that allow for the pooling of numbers (initially at the NXX level) shall be accorded more weight. Conversely, solutions that deplete the NANP shall be accorded less weight.

(k) The solution shall support a national effort, assuming that one emerges, to the fullest extent technically possible. This includes adaptation to any national standard for the call model and network routing. Development and implementation of the solution in Georgia, however, shall not be delayed by waiting for further efforts at the national level or in other jurisdictions.

(2) Selection and compensation for a portability solution and a service provider.

(a) The Commission may adopt a portability solution, including both a Call Model selection and an Implementation Plan, that it finds to be technically and economically feasible. Such a solution may be identified, recommended and presented to the Commission as a result of voluntary industry negotiations, subject to any hearing requirements under applicable law.

(b) The amounts, methods and rates of cost recovery among companies, if any, for a portability solution shall not unreasonably discriminate between telecommunications companies, and shall be negotiated in good faith among the telecommunications companies.

(c) A portability service provider should be an impartial third party that will operate a Service Management System ("SMS") supporting a database portability solution. The Commission may use a Request for Proposals or a Request for Bids process to select a service provider. The Commission may also accept a service provider identified through fair and reasonable voluntary industry efforts, subject to any hearing requirements under applicable law.

(d) The amounts, methods and rates for compensation of a service provider shall not unreasonably discriminate between telecommunications companies, and shall be negotiated in good faith among the telecommunications companies and with the portability solution service provider. A portability solution provider may enter into contractual arrangements with a voluntary industry consortium, or through other voluntary industry arrangements, in order to receive its compensation.

(e) In the event that the amounts, methods and rates for any cost recovery related to the portability solution, or for compensation of a service provider cannot be negotiated by the parties, the Commission shall determine the reasonable amounts, methods and rates for any such cost recovery or for compensation of the service provider.

(3) Development, implementation and administration of a number portability solution.

(a) All telecommunications companies in Georgia should cooperate and use their best efforts to design, develop and deploy the network functions, database(s) and signaling connections necessary to assist in developing and implementing a mid-term to long-term portability solution, including both a Call Model selection and an Implementation Plan.

(b) Updated records should be electronically or otherwise sent to the SMS by each network provider, and then transmitted or provided to all network providers by the SMS in order to keep network provider routing databases synchronized and updated with accurate information for all customers with ported telephone numbers.

(c) The manner in which a portability solution is implemented and administered shall not unreasonably discriminate between telecommunications companies and shall be negotiated in good faith among the telecommunications companies and with the portability solution service provider. In the event that the manner in which a portability solution is implemented and administered cannot be negotiated by the parties, the Commission shall determine the reasonable manner for implementation and administration.

(4) Waiver. The Commission shall grant a waiver from these rules only upon a finding that the waiver is:

(a) necessary in the public interest,

(b) will not impede the development and implementation of a mid-term to long-term number portability solution, and

(c) will not impede the emergence and development of a competitive telecommunications market in Georgia.

Authority Ga. L. 1878-79, p. 125; 1907, pp. 72-81; 1922, pp. 142-147; 1964, p. 338; 1965, p. 283; 1973, pp. 677-681; 1975, Sec. 2, pp. 404-412; 1995, p. 630, Sec. 2; 1995, pp. 888-900. **Administrative History**. Original Rule was filed on _____, 199_; effective _____, 199_, as specified by Ga. L. 1975, p. 411.

515-12-2-.08 Privacy Guidelines. ***(reserved)***

[Note: This will be the place for privacy rules developed through a rulemaking proceeding in Docket No. 6001-U.]

515-12-2-.09 Universal Access Fund. ***(reserved)***

[Note: This will be the place for Universal Access Fund rules developed through a rulemaking proceeding in Docket No. 5825-U.]

515-12-2-.10 Procedural Rules. ***(reserved)***

[Note: This will be the place for procedural rules, primarily for complaints under the Act. They can be developed either as part of a rulemaking proceeding in one of the existing S.B. 137 dockets, or in a new docket.]

[Note regarding service quality: This topic will probably be taken care of by using or amending the rules in Rule chapter 515-12-1. If any new rules need to be added in this chapter, they could be incorporated in a previous part of these rules (e.g., Alternative Regulation), or in a new section here.

Similarly, if any of the Commission's rules prior to S.B. 137 need to be amended, that can be done through a rulemaking proceeding to amend the rules in Rule chapter 515-12-1.]

Authority Ga. L. 1878-79, p. 125; 1907, pp. 72-81; 1922, pp. 142-147; 1964, p. 338; 1965, p. 283; 1973, pp. 677-681; 1975, Sec. 2, pp. 404-412; 1995, p. 630, Sec. 2; 1995, pp. 888-900. **Administrative History**. Original Rule was filed on _____, 199_; effective _____, 199_, as specified by Ga. L. 1975, p. 411.

* * * * *

The Commission shall consider the adoption of the foregoing proposed Rule at its Administrative Session to be held at 10:00 a.m. on December 19, 1995 at its offices located at 244 Washington Street, S.W., Atlanta, Georgia 30334.

All interested parties who desire to do so may submit comments, data, views, arguments or any other relevant matters in writing to the Commission concerning the proposed Rule. Such written material must be delivered to the Commission no later than December 7, 1995. The Commission requests that, where possible, comments include specific proposed edits to the Rule.

Any written materials are to be filed with:

Terri M. Lyndall, Executive Secretary
Georgia Public Service Commission
244 Washington Street, S.W.
Atlanta, Georgia 30334-5701

All persons interested in presenting views or arguments orally should present a written request for an oral hearing by December 8, 1995. If by December 8, 1995 twenty-five persons who will be directly affected by the proposed Rule request an oral hearing, or if a government subdivision or an association having not less than twenty-five members requests an oral hearing, then oral comments and remarks will be received by the Commission at its offices at the above address at 2:00 p.m. on December 12, 1995. Otherwise, the Commission shall consider only those written comments filed in accordance with the provisions of this notice.

The authority for adoption of this Rule is found in O.C.G.A. §§ 46-2-20, 46-2-21, 46-2-23, 46-2-30, 46-5-160 *et seq.* generally, 46-5-168(a) and (b)(10), and 46-5-170. Upon request by any interested party either prior to the adoption of the Rule or within thirty days thereafter, pursuant to O.C.G.A. § 50-13-4(a)(2), the Commission shall issue a concise statement of the principal reasons for and against adoption of the Rule and incorporating its reasons for overruling the considerations, if any, urged against its adoption.

WHEREFORE IT IS ORDERED that:

A. The Commission hereby issues this Notice of Proposed Rulemaking for consideration of a new proposed Rule concerning local telephone number portability pursuant to the Telecommunications and Competition Development Act of 1995; and generally establishing the framework for further rules for implementation and administration of the Act's provisions.

B. This Notice of Proposed Rulemaking shall be published in conformance with the requirements of the Administrative Procedure Act as provided in O.C.G.A. § 50-13-4.

C. Any motion for reconsideration, rehearing or oral argument or any other motion shall not stay the effective date of this Order, unless otherwise ordered by the Commission.

D. Jurisdiction over this matter is expressly retained for the purpose of entering such further Order or Orders as this Commission may deem just and proper.

The above by action of the Commission in Administrative Session on the 7th day of November, 1995.

Terri M. Lyndall
Executive Secretary

November 7, 1995
Date

Bob Durden
Chairman

11/7/95
Date

TML/BBK/DB/TLS/sj
a:\5840NOPR

APPENDIX H

COMMISSIONERS:

DAVE BAKER, CHAIRMAN
ROBERT B. (BOBBY) BAKER
MAC BARBER
BOB DURDEN
STAN WISE

WILLIAM J. DOVER
EXECUTIVE DIRECTOR
TERRI M. LYNDALL
EXECUTIVE SECRETARY

Georgia Public Service Commission

244 WASHINGTON STREET S.W.
ATLANTA, GEORGIA 30334-5701
(404) 656-4501 OR 1 (800) 282-5813

DOCKET NO. 5840-U

IN RE: **Local Telephone Number Portability Under Section 2 of the Telecommunications Competition and Development Act of 1995**

Record Submitted: February 7, 1996 Decided: February 20, 1996

RECEIVED
FEB 29 1996
Executive Secretary
Ga. Public Service Commission

APPEARANCES

On Behalf of The Commission Staff:

Nancy Gibson, Office of the Attorney General
David L. Burgess, Director, Rates and Tariffs

On Behalf of Consumers' Utility Counsel:

Bill Atkinson, Attorney
Joann Berry, Attorney

On Behalf of AT&T Communications of the Southern States, Inc. :

Roxanne Douglas, Attorney

On Behalf of BellSouth Telecommunications, Inc. :

Thomas Alexander, Attorney
William Ellenberg, Attorney

On Behalf of Airtouch Cellular of Georgia and Airtouch Paging:

Charles Gerkin, Attorney

On behalf of AT&T Wireless PCS, Inc., Georgia Public Communications Assoc.,Inc., Southern Directory Company:

Newton Galloway, Attorney

On Behalf of Cable Television Association of Georgia :

Laura Nix, Attorney

On Behalf of BellSouth Mobility/BellSouth Personal Communications, Inc. :

Michael Bradley, Attorney

On Behalf of Cox Enterprises, Inc. :

Margaret Fernandez

On Behalf of Georgia Telephone Association :

Stephen Kraskin, Attorney

On Behalf of LDDS Worldcom :

John Stuckey, Attorney

On Behalf of MCI Telecommunications Corporation :

David Adelman, Attorney
Michael J. Henry

On Behalf of MediaOne :

L. Craig Dowdy, Attorney

On Behalf of Sprint Communications :

Carolyn Roddy, Regulatory

BY THE COMMISSION:

The Georgia Public Service Commission ("Commission") is charged with implementing and administering Georgia's new Telecommunications and Competition Act of 1995 (Section 2 of S.B. 137), O.C.G.A. § 46-5-160 *et seq.* (hereafter "the Act") . As a part of this responsibility, the Commission shall establish the framework for the implementation and administration of portability of local telephone numbers.

Under O.C.G.A. § 46-5-162(13), 'portability' means the technical capability that permits a customer to retain the same local telephone number at the same customer location regardless of the provider of the local exchange service. The Act at O.C.G.A. § 46-5-170 also provides that all local exchange companies shall make the necessary modifications to allow portability of local numbers between different certificated providers of local exchange service as soon as reasonably possible after such portability has been shown to be technically and economically feasible and in the public interest. Pursuant to O.C.G.A. § 46-5-168(b)(10), the Commission's jurisdiction includes the authority to direct telecommunications companies to make investments and modifications necessary to enable portability.

In order to facilitate the implementation of a permanent number portability solution in Georgia, in its Administrative Session on August 12, 1995, the Commission voted to sponsor a series of Number Portability Workshop meetings. The stated mission of the Workshop process was to:

> "Obtain information and industry consensus to the extent possible on the necessary modifications to allow number portability as soon as reasonably possible, technically and economically. Also, obtain information and industry consensus to the extent feasible on access to local telephone number resources and assignments, recognizing the scarcity of such resources and adopted national assignment guidelines and Commission rules."

At the end of the workshop sessions three working subgroups were formed to continue evaluating potential portability solutions and identifying the critical issues regarding implementation of a recommended solution. On October 5, 1995, the Commission Staff issued a set of Number Portability Guidelines which further defined the scope and priorities for deployment of number portability in Georgia. In addition, the Staff recommended the formation of a voluntary Selection Committee with appropriate representation from all industry segments. On November 7, 1995, the Commission provided further guidance to the Selection Committee when it issued a Notice of Proposed Rulemaking identifying among other things, the service quality and reliability requirements of a mid-term to long-term number portability solution.

The Selection Committee was asked to evaluate the technical, cost, and implementation impacts of each potential call model proposal, and to make a recommendation to the Commission on the best call model for implementation in Georgia. Membership on the Selection Committee included BellSouth Telecommunications, Inc., AT&T Wireless Services, Airtouch Cellular, MFS Intelenet, MediaOne, Standard Telephone Company/Georgia Telephone Association, Sprint Communications, GTE Mobilnet, AT&T of the Southern States, Inc., MCI Metro/MCI Telecommunications and BellSouth Mobility.

On January 8, 1996, the Selection Committee submitted its report to the Commission (See Georgia Number Portability <Docket No. 5840-U> Selection Committee Report to the Georgia Public Service Commission, Attached hereto as Appendix A) outlining its recommendations for the selection of a permanent long term number portability solution and its associated implementation plan. On February 7, 1996, the Commission held a public hearing regarding the Selection Committee Report. Several parties provided testimony detailing the recommendations contained in the report and the necessary time frame for Commission action.

FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISIONS OF REGULATORY POLICY

Based on the Selection Committee Report and the entire record in this proceeding, including those matters incorporated by reference, the Commission hereby renders the following findings of facts, conclusions of law, and decisions of regulatory policy:

1.

Jurisdiction is proper with the Commission and the Commission has authority to render a decision in this matter pursuant to O.C.G.A. § 46-5-168 (b)(10).

2.

The Commission finds that AT&T's Local Routing Number (LRN) is recommended by the Selection Committee as the permanent long-term call model for database number portability in Georgia. This recommendation was supported unanimously by the Selection Committee with the caveats identified in the report (See Georgia Number Portability <Docket No. 5840-U> Selection Committee Report to the Georgia Public Service Commission, Section 2.5. Selection Committee Vote, Page 9, Appendix A).

3.

The Commission finds that the Selection Committee identified two implementation plan options; Option #1:LRN only implementation, and Option #2: Carrier Portability Code (CPC) to LRN implementation. The LRN only option provides that LRN be implemented as soon as it becomes fully available, which is currently planned for the June, 1997 time frame. The CPC to LRN option recommends the implementation of the CPC solution, as soon as it becomes available, which is currently planned for the March, 1997 time frame. CPC would then be transitioned to LRN as soon as it becomes available.

4.

The Commission finds that Option #1, LRN only, is supported by eight of the nine committee members voting. AT&T and MFS supported this option with caveats. MCI Metro is the only committee member voting for Option #2, CPC to LRN (See Georgia Number Portability <Docket No. 5840-U> Selection Committee Report to the Georgia Public Service Commission, Section 3.1. Selection Committee Vote, Page 12, Appendix A).

5.

The Commission finds that evidence is contained in the record which demonstrates there would be no significant tangible benefit derived from implementing an interim database solution (CPC) prior to implementing the permanent long term solution (LRN). There would be minimal advance in the deployment schedule (March, 1997 versus June, 1997); additional implementation cost incurred (which have not been quantified); and CPC has remaining technical deficiencies (support for CLASS features).

6.

The Commission finds that the Selection Committee unanimously recommends number portability be implemented on a phased-in basis in a manner determined jointly by the industry.

7.

The Commission finds that the Selection Committee unanimously recommends an implementation committee be established to project manage and work the issues associated with the implementation of database number portability in Georgia.

8.

The Commission finds that the Selection Committee unanimously recommends the Commission establish frequent checkpoints throughout the implementation process to evaluate the status of the effort, to make any required course corrections, and to ensure that the direction established remains the best course of action for Georgia.

9.

The Commission finds that the Selection Committee unanimously recommends that the industry work the cost recovery issues according to the process identified in the report.

WHEREFORE IT IS ORDERED that AT&T's Local Routing Number (LRN) proposal be selected as the permanent long-term call model for database number portability in Georgia.

ORDERED FURTHER, that Option #1, LRN only implementation plan is adopted along with its associated target dates.

ORDERED FURTHER, that number portability be implemented on a phased in basis in a manner determined jointly by the industry.

ORDERED FURTHER, that an implementation committee be established to project manage and work the issues associated with the implementation of database number portability in Georgia.

ORDERED FURTHER, that the Commission establish frequent checkpoints throughout the implementation process to evaluate the status of the effort, to make any required course corrections, and to ensure that the direction established remains the best course of action for Georgia. The implementation committee shall submit a monthly status report to the Commission outlining all activities undertaken, milestones achieved, and highlight any deviations or modifications made to the proposed implementation plan. The first status report is due on April 1, 1996.

ORDERED FURTHER, that the industry work the cost recovery issues according to the process identified in the report.

ORDERED FURTHER, that a motion for reconsideration, rehearing, or oral argument or any other motion shall not stay the effective date of this Order, unless otherwise ordered by the Commission.

ORDERED FURTHER, that jurisdiction over this matter is expressly retained for the purpose of entering such further Order or Orders as this Commission may deem just and proper.

The above action by the Commission in Administrative Session on the 20th day of February, 1996.

Terri M. Lyndall
Executive Secretary

Dave Baker
Chairman

2/29/96
Date

2/29/96
Date