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November 19, 1996

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Mr. William F. Caton  
Acting Secretary  
Federal Communications Commission  
1919 M Street NW - Room 222  
Washington, D.C. 20554

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**RE: Ex Parte Meeting  
CC Docket 95-116**

Dear Mr. Caton:

The purpose of this letter is to inform the Commission that Paul Hart, Jim Lowell, and Chuck Cosson of USTA, Stuart Polikoff of OPASTCO, and Pam Fusting of NTCA met today with Mindy Littell, Susan McMaster, Jeannie Su and Vaikunth Gupta of the Policy and Program Planning Division, Common Carrier Bureau.

The discussion was consistent with the Petition for Reconsideration, and comments in support of that Petition, filed by USTA, and the Joint Petition for Clarification and/or Reconsideration and Reply to Oppositions filed by OPASTCO and NTCA. The attached document was used as a basis for discussion.

Pursuant to Section 1.1206(a)(1) of the Commission's rules, two copies of this ex parte notice are being filed in the Office of the Secretary today. Please include this notice in the public record of these proceedings.

Respectfully submitted,

Charles D. Cosson

cc: Mindy Littell  
Susan McMaster  
Jeannie Su  
Vaikunth Gupta  
CC Docket 95-116 Service List

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## **CC Docket 95-116 - Local Number Portability**

### **Joint Ex Parte of NTCA, OPASTCO and USTA**

**\* The Absence of a Competing Carrier Warrants  
Modification or Waiver of the Deployment Schedule**

This is supported by the Conference Report language which notes that the obligations of Section 251(b) [including number portability] make sense only in the context of a “specific request from a telecommunications carrier or any another person who actually seeks to connect with or provide services using the LEC's network.”  
Conference Report at 121.

**\* The LNP Order Intended To Adopt A Deployment  
Schedule for Long-term Number Portability Which  
Accommodates the Actual Pace of Competitive Entry in  
Different Geographic Areas**

To the extent that the MSAs are an imperfect proxy for areas in which competitive entry is occurring, modifications and waivers are warranted. See LNP Order, paras. 81-82.

Based on these policy principles, we recommend that the Commission modify its LNP Order in three respects:

- \* Where no party has submitted a request for LNP in an end office by April 1, 1997, deployment is not required in that office until 9 months from a bona fide request;
- \* Where a carrier is either exempt from the Section 251(c) obligations, or those obligations have been suspended by order of a state commission, that carrier is not required to deploy LNP under the FCC deployment schedule. Under Section 251(f), a bona fide request for interconnection triggers proceedings by a state commission; deployment of number portability should not be required until that state commission has reached a decision.

Upon termination of such exemption or suspension by order of a state commission, that state commission order should also specify the time by which the LEC involved must deploy LNP. This is consistent with a state commission's authority to grant suspensions or modifications of the Section 251(b) requirements, independent of a particular LEC's obligations under Section 251(c).

- \* Where a LEC has a de minimis presence in one of the top 100 MSAs, it should be treated as if it was outside the MSA. We believe that LECs with either less than 5% of the subscribers in a given MSA, or with only 10% of their total access lines within the MSA should be treated as if they were outside the MSA, and subject to that deployment schedule ;

### **Other Factors Support Modification of the Deployment Schedule:**

Small and rural LECs will not be able to simply obtain the functionalities required for long-term number portability from a neighboring BOC, e.g., through infrastructure sharing, or from an alternative database and transport service provider such as Illuminet. Rather, number portability requires all LECs to make real investments in network switching, signalling transport, and operational support systems.

Additionally, cost recovery mechanisms have not been established. There is uncertainty as to whether small and rural LECs will generate sufficient revenues from additional services to justify the needed investments in AIN, SS7 and other functions; nor is it agreed upon that prices for such services should subsidize local number portability.

These considerations also support modifications of the deployment schedule for smaller telephone companies.