MCI Communications Corporation

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December 23, 1996

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

Mr. William F. Caton
Secretary
Federal Communications Commission
Room 222
1919 M Street, N.W.
Washington, D.C. 20554

Re: In the Matter of: Implementation of the Local Competition Provisions in the Telecommunications Act of 1996, CC Docket No. 96-98/Interconnection between Local Exchange Carriers and Commercial Mobile Radio Service Providers, CC Docket No. 95-185, Opposition to US WEST Communcations, Inc.'s Request for Waiver

Dear Mr. Caton:

Enclosed herewith for filing are the original and four (4) copies of MCI Telecommunications Corporation's Opposition in the above-captioned proceeding.

Please acknowledge receipt by affixing an appropriate notation on the copy of the MCI Comments furnished for such purpose and remit same to the bearer.

Sincerely yours,

Roy Lathrop
Regulatory Analyst

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RCL

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

In the Matter of:	)	
	)	
Implementation of the Local Competition Provisions in the Telecommunications Act of 1996	)	CC Docket No. 96-98
	)	
Interconnection between Local Exchange Carriers and Commercial Mobile Radio Service Providers	)	CC Docket No. 95-185

OPPOSITION TO US WEST COMMUNICATIONS INC.'s REQUEST FOR WAIVER

MCI Telecommunications Corporation ("MCI"), hereby files its Opposition to the Petition for Waiver of US West Communications Inc., ("USWC") filed in the above-captioned proceeding on December 11, 1996. In its petition, USWC seeks a waiver of the Commission's requirement that incumbent local exchange carriers ("ILECs") provide electronic interfaces to their Operational Support Systems ("OSS") functions by January 1, 1997. As MCI will discuss below, grant of this waiver would not be in the public interest and would only serve to delay the development of competition in the local markets now served by USWC. MCI therefore urges the Commission to reject this request.

I. BACKGROUND

In its First Report and Order[1] (the "First Order"), the Commission concluded that an incumbent LEC ("ILEC") is required to provide access to OSS functions pursuant to its obligation to offer access to unbundled network elements under section 251(c)(3), as well as its obligation to furnish access on a nondiscriminatory basis to all unbundled network elements and services made available for resale under section 251(c)(3) and (c)(4). The Commission further concluded that access to OSS functions is technically feasible, necessary for meaningful local competition, and that failure to provide such access would significantly impair the ability of requesting telecommunications carriers to provide competitive local telephone service.[2] Importantly, the Commission also concluded that an ILEC that provisions network resources electronically does not discharge its obligation under section 251(c)(3) by offering competing providers access that involves human intervention.[3]

On December 13, 1996, the Commission issued its Second Order on Reconsideration ("Reconsideration Order"), declining to extend the January 1, 1997

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[1] Implementation of the Local Competition Provisions in the Telecommunications Act of 1996; Interconnection Between Local Exchange Carriers and Commercial Mobile Radio Service Providers, CC Docket Nos. 96-98 and 95-185, First Report and Order, FCC 96-325 (released Aug. 8, 1996).

[2] *Id* at para. 520 - 522.

[3] *Id* at para. 523.

deadline established in the First Order for providing access to OSS functions.[4] The Commission correctly determined that such an extension would delay the development of competition in the local exchange market. Therefore, in its Reconsideration Order, the Commission explicitly mandated that compliance with its obligation to offer access to OSS functions as an unbundled network element by January 1, 1997, requires an ILEC, at a minimum, to establish and make known to requesting carriers, the interface design specifications that the ILEC will use to provide access to OSS functions.[5]

USWC requests a waiver with respect to electronic access to OSS functions for "design services" (services other than Plain Old Telephone Service, or "POTs"), and, if necessary, a waiver for electronic interfaces to OSS functions supporting the provisioning and billing of unbundled network elements. Specifically, USWC asserts that in order to support OSS capabilities for unbundled network elements and resold design service circuits, and for enhanced trouble management for POTS resale, it will need an extension of the January 1, 1996 deadline to July 1, 1997. In addition, USWC has requested an extension to November 1, 1997 for providing electronic interfaces for OSS to support enhanced trouble management for unbundled network elements and design services.

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[4] Implementation of the Local Competition Provisions in the Telecommunications Act of 1996; Interconnection Between Local Exchange Carriers and Commercial Mobile Radio Service Providers, CC Docket Nos. 96-98 and 95-185, Second Order on Reconsideration, FCC 96-476 (released Dec. 13, 1996).

[5] *Id* at para. 8.

II. USWC'S ASSERTION THAT THE LACK OF NATIONAL STANDARDS JUSTIFIES THE GRANT OF A WAIVER OF THE JANUARY DEADLINE IS UNFOUNDED

In the First Order, the Commission indicated that, with respect to access to OSS, it would be "ideal" if national standards were developed and used.[6] USWC contends that its ability to comply with the Commission's deadline is hindered because national standards have not been developed for electronic access to the OSS functions for ordering and maintaining unbundled network elements.[7] Yet, as the Commission recognized in the First Order, industry efforts to develop national standards have made significant progress.[8]

The Ordering and Billing Forum ("OBF") of the Carrier Liaison Committee ("CLC") of the Alliance for Telecommunications Industry Solutions ("ATIS") has, for the last year focused its efforts on developing national guidelines for OSS, specifically to ensure the development of local competition. Interestingly, USWC has served as a full participant in both the monthly and quarterly meetings of the OBF. (Attachment A addresses recent actions of the OBF.)

The Commission must not allow incumbent LECs to use delays in the standards-setting process as an excuse to postpone new entrants' electronic access to OSS functions. If the deployment of electronic interfaces is linked to the progress of standards-setting groups, incumbent LECs will only have further

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[6] First Order at para. 527.

[7] USWC Petition at page 6, Affidavit at para. 20.

[8] First Order at para. 525.

incentive to delay the work of these groups. Moreover, the standards-setting groups have made significant progress in the development and coordination of national OSS guidelines. USWC's contention that its failure to meet its obligation is a result of the nonexistence of a national standard is unacceptable. Further, it should be recognized for what it really is -- a poorly disguised attempt to thwart local competition in direct contravention of Congress's mandate as established in the Telecommunications Act of 1996.

III. USWC's CLAIM THAT ITS ATTEMPTS TO MEET THE NEEDS OF MULTIPLE PURCHASERS WITH A SINGLE "GENERAL PURPOSE" SOLUTION JUSTIFIES A WAIVER IS UNFOUNDED

In its waiver request, USWC asserts that its failure to meet the deadlines set forth in the First Order is attributable to its efforts to devise a single solution for multiple purchasers, which requires it to take into account specific customer needs in terms of interface design and deployment.[9] MCI has and continues to advocate compliance with the established industry guidelines and technical specifications supporting the development of local competition developed and agreed to in ATIS-sponsored forums. MCI is investing development monies for OSS in the technical interface solutions developed by the industry through the OBF. Both USWC and MCI have been full participants within the ATIS-sponsored forums charged with developing these OSS technical specifications in an effort to ensure local competition in the provision of local service.

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[9] USWC Petition at page 4.

It appears that USWC's request rests not on its inability to meet the deadlines set in the Order, but rather on its efforts to develop non-standard OSS interfaces that do not conform to the OBF-approved EDI Data Format. It also appears that USWC has independently decided to abandon these industry specifications in favor of technologies other than EDI for which it has neither sponsored nor served to develop common technical specification through a recognized open industry forum. In particular, USWC proposes, as the means to comply with the Commission's mandate for electronic access to OSS, to deploy a type of electronic interface that is simply a Web Page on the Internet.[10] This does not meet any of MCI's or the industry/OBF requirements for OSS.

The Commission specifically contemplated the use of nationally recognized OSS standards to further the development of local competition.[11] If USWC attempts to develop an independent OSS specification, it is certain that other ILECs will seek to follow the same course. Such action would only serve to exacerbate the anticompetitive impact of delay in the local marketplace. ILECs will be encouraged to seek waivers to develop individualized OSS specifications that will force new entrants to incur great time and expense to meet. The Commission expressly recognized the adverse consequences that would ensue from such actions,

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[10] USWC Affidavit, at Attachment C.

[11] Ideally, each incumbent LEC would provide access to support systems through a nationally standardized gateway. Such national standards would eliminate the need for new entrants to develop multiple interface systems, one for each incumbent. First Order at para. 527.

discouraged such tactics and considered actions to monitor the progress of industry organizations in implementing access to OSS.[12]

USWC's efforts to circumvent and dismiss national guidelines supporting local competition is a deliberate attempt to make it more expensive for carriers to conduct business with USWC by forcing carriers to develop non-standard interfaces for which no industry technical documentation exists. Use of this strategy to eliminate potential competitors in the local market must not be condoned by the Commission.

IV. USWC'S PROPOSAL REQUIRES HUMAN INTERVENTION AND LACKS INTERFACE DESIGN SPECIFICATIONS, IN CONTRAVENTION OF COMMISSION ORDERS AND THUS DOES NOT JUSTIFY A WAIVER

USWC's proposed "electronic interface" requires competing LECs to submit a Local Service Request ("LSR") electronically to USWC, after which a USWC order writer will translate the service request manually into a USWC service order. USWC's proposal also requires that similar manual processes will be used for order confirmation and status checking. USWC states that "for some period of time, manual processes will be in place with respect to pre-ordering and ordering functions."[13]

USWC's proposal therefore requires that every order submitted must be re-keyed by a USWC order writer. This manual link in an otherwise electronic process interjects unnecessary delay and the potential for human error into each and every

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[12] First Order at para. 528.

[13] USWC Petition at 5.

service order processed by USWC, thereby eliminating the primary benefit of investing in and deploying electronic interfaces. Ironically, USWC appears to believe that this system fulfills its obligations, despite the Commission's clear statement that LECs provisioning network resources electronically do not discharge their obligations by offering competing providers access that involves human interaction.[14]

In addition to these defects, USWC fails to provide sufficiently detailed information to comply with the Commission's requirement in the Reconsideration Order.[15] Indeed, USWC fails to include any information regarding the elapsed time for completing the manual re-entry of LSRs, the elapsed time for USWC to confirm an entry, and the process and elapsed time for identifying and correcting errors. In addition, USWC fails to include information regarding the conduct of maintenance and repair during the interim period before it expects to make access to electronic OSS functions available for resale of all services as well as for unbundled network elements.

In the end, were USWC permitted to employ the system that it proposes, it would fail to meet the Commission's requirements for providing clear design specifications and eliminating human intervention where the LEC provisions electronically. Further, grant of a waiver to allow USWC its continued use would

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[14] First Order at para. 523.

[15] ILECs must establish and make known to requesting carriers, the interface design specifications that the ILEC will use to provide access to OSS functions. Reconsideration Order, para. 8.

amount to a clear barrier to entry.

V. USWC SHOULD BE REQUIRED TO REPORT REGULARLY ON THE STATUS OF PROGRESS IN MEETING OSS DEADLINES

USWC's non-compliance with industry specifications that have been developed is the primary reason why it is not able to meet the FCC mandated January 1, 1997 implementation date for OSS. MCI recommends that USWC, and all ILECs, be required to report regularly on the status of their implementation of electronic access to OSS functions. Incumbent LECs should be required to submit monthly reports showing on a qualitative and quantitative basis that requesting carriers are obtaining non-discriminatory access to incumbent LECs' OSS functions. In light of USWC's waiver request, MCI urges the Commission to adopt such a reporting requirement to ensure continued progress toward the deployment of OSS industry-standard interfaces in the near term.

VI. CONCLUSION

In conclusion, MCI requests that the Commission, for the reasons stated herein, deny USWC's petition for waiver. USWC is engaging in anticompetitive behavior by using individual, non-standard technical specifications as a barrier to entry for new companies to engage in local competition within USWC territory. Its efforts are nothing more than a deliberate and undisguised attempt to impede emerging competition and an attempt to guarantee retention of its competitive advantage as a dominant carrier within its territory for years to come.

Respectfully Submitted,

Roy Lathrop
Amy Zirkle
Lisa B. Smith
MCI Telecommunications Corporation
1801 Pennsylvania Avenue, N.W.
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STATEMENT OF VERIFICATION

I have read the foregoing and, to the best of my knowledge, information, and belief, there is good ground to support it, and it is not interposed for delay. I verify under penalty of perjury that the foregoing is true and correct. Executed on December 23, 1996.

Roy Lathrop
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ATTACHMENT A

On October 24, 1996, the OBF Ordering and Provisioning Committee completed its work on the initial version of its Local Service Ordering Guidelines ("LSOG"). This industry support interface ("ISI") document has been available in draft format since August 29, 1996 when it reached Initial Closure at the OBF meeting #55 (third quarter of 1996). These technical specifications have been published expeditiously by Bellcore in final format as Special Reports:

SR STS-471070	Local Service Ordering Overview
SR STS-471071	Local Service Request Form Preparation Guide
SR STS-471072	End User Information Form Preparation Guide
SR STS-471073	Loop Service Form Preparation Guide
SR STS-471074	Interim Number Portability Form Preparation Guide
SR STS-471075	Loop Service with Interim Number Portability Form Preparation Guide
SR STS-471076	Resale Services Form Preparation Guide
SR STS-471077	Port Services Form Preparation Guide
SR STS-471098	Usage Rule Table Guide
SR STS-471099	Local Service Request Confirmation Notice Form Preparation Guide

In addition, the following OBF OSS Technical Specifications are available in draft format from Bellcore:

SR STS-471101	Directory Service Request Form Preparation Guide
SR STS-471102	Directory Listing Form Preparation Guide
SR STS-471109	Directory Service Request Confirmation Notice Form Preparation Guide

All the technical specifications noted above are being mechanized using the OBF and industry-approved Electronic Date Interchange ("EDI") data format by the Telecommunications Industry Forum ("TCIF") EDI Service Order Sub-Committee

("SOSC") of the ATIS.

Importantly, this effort is based on EDI Transaction Sets and technical specifications that have been available for years. These specifications include American National Standards Institute ("ANSI") Accredited Standards Committee ("ASC") X12 Version 3040 Electronic Data Interchange ("EDI") Transaction Sets ("TS") 850 - Purchase Orders, and TS 855 - Purchase Order Verification. Enhancements to these existing Transaction Sets to fully support all of the OBF approved documentation have been ongoing for some time. Completion of these enhancements are scheduled for the end of 1996.

CERTIFICATE OF SERVICE

I, Martha R. Bishop, do hereby certify that on this 23rd day of December 1996, I have caused a copy of the foregoing Opposition to Waiver to be served via hand-delivery upon the persons listed on the attached service list.

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