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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: "Code Opening" Fees - CC Docket No. 96-98

Dear Ms. Alexander:

AirTouch Communications, Inc. ("AirTouch") hereby responds to the Commission's request for information, dated July 31, 1997, in Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, CC Docket No. 96-98.^{1/} In response to the Commission's inquiry, the following is respectfully shown:

Definition of Terms and Illustration of Functions

The Commission has requested that AirTouch submit definitions for, and distinguish between, the terms "assignment of CO codes," "activation of CO codes," and "CO code opening." The commission also requested that AirTouch identify the functions performed in connection with each of these activities. AirTouch will address each of these activities separately.

1. Assignment of Central Office Codes. Generally, assignment of central office ("CO") codes is performed by the code administrator for a particular area pursuant to the Central Office Code Assignment Guidelines (INC-95-0407-008). At the current time, the incumbent local exchange companies ("ILECs") perform, through their own employees, the assignment of CO codes to requesting carriers. These CO assignment tasks will be moved to an independent third party, the North American Numbering Plan Administrator ("NANPA"), pursuant to the NANP Order.^{2/} By way of illustration, as part of the assignment of a CO code, the CO code administrator performs the following functions:

^{1/} This response includes information pertaining to AirTouch's cellular and paging subsidiaries and affiliates.

^{2/} Administration of the North American Numbering Plan, Report and Order, 11 FCC Rcd. 2588 (1995).

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- Provide copies of the Central Office Code (NXX) Assignment Guidelines when requested by applicants, including timely notification of changes.
- Receive and process applications for CO codes (NXX) from within the geographic NPA for which the CO Code Administrator is responsible. Determine if the request is in compliance with code assignment policies and procedures.
- Respond within 10 working days from the date of receipt of an application form by completing the response portion that is part of the Central Office Code (NXX) Assignment Guidelines.
- In cases where a code application is denied, provide in writing specific reasons for the denial to the applicant and information regarding where and how to appeal the administrator's decision.
- Select an unassigned code for assignment.
- Maintain records on codes assigned plus those available.
- Collect and forward to the NANPA the "Central Office Code Utilization Survey (COCUS)".
- Concurrent with the assignment of an NXX to the code applicant, that NPA, NXX, and the Operating Company Number (OCN) of the code applicant are input to RDBS and BRIDS to indicate that a specific NXX has been assigned to an applicant.
- Analyze and help resolve problems related to misrouted calls and calls that cannot be completed.
- Ensure that the code applicant activates the code within the time frame specified in the Central Office Code (NXX) Assignment Guidelines.
- Notify Bellcore when code exhaustion is imminent.

The assignment of a CO code does not include the programming of the CO code into any telecommunications switch or updating of any translation table in a telecommunication switch. Once a CO code is assigned, there is generally little work that needs to be performed by the code administrator with respect to that CO code.

2. Activation of CO Codes. Once a CO code has been assigned by the code administrator and placed in the Local Exchange Routing Guide ("LERG"), the CO code assignee activates the CO code in its telecommunications switch. Generally this includes not only making the CO code available, but also turning on each individual number in the CO code. This allows the CO code assignee to both provide service to its customers and/or provide intercept messages when the number is not in service.

When a whole CO code is assigned, only the CO code assignee activates the code. In the case of partial CO codes, the whole CO code assignee has already activated the entire CO code in the end office serving the partial CO code assignee, and must input translations to indicate the routing scenario for the specific block of numbers assigned to the partial CO code assignee. The partial CO code assignee must input the line numbers for the specific block of numbers it has been assigned. Generally, once the code is activated no further work is required by the whole CO code assignee unless there is a change in the routing of the traffic by the partial CO code assignee.

By way of illustration, as part of the activation of a CO code, the CO code assignee performs the following functions:

- Develop switch and operational support system translation orders to activate new code (NXX).
- Input switch and operational support system translations to activate new code (NXX) as follows:
 - Input code (NXX) as a working NXX into the NXX table.
 - Input code (NXX) as a home NXX into the appropriate table.
 - Input line numbers (all 10,000 for a complete NXX or specific block numbers for partial NXX) into the Telephone Number (TN) Table.
 - Input routing translations for new code (NXX) into appropriate tables.

3. CO Code Opening. Whenever a CO code is assigned, every telecommunications service provider in the NPA which can originate traffic, and every facilities based interexchange telecommunications company (with respect to their switches serving the NPA) must update the translation table in its switch with the routing instructions contained in the LERG. The CO code assignee must also update the translation tables in its other switches in the NPA. Only when new NPAs are introduced are switches located outside the NPA affected and then only to add the

new NPA to their translation table. If a telecommunications carrier fails to update its switches, its customers are unable to complete calls to customers with those phone numbers.

When a whole CO code is opened, the other telecommunications carriers only place the routing information for the NXX in their switch. No specific routing instructions are necessary on a per number basis. When a block of numbers is assigned out of a code, the whole CO code assignee must update the translation table located only at the serving central office to provide the appropriate routing instructions to the partial CO code assignee switch. When this update is performed, it is generally done on a range, as opposed to an individual number, basis.

By way of illustration, as part of the activation of a CO code, the CO code assignee performs the following functions:

- Develop switch and operational support system translations.
- Input code (NXX) as a working NXX into the NXX table.
- Input routing translations for new code (NXX) into appropriate tables.

4. Translation Table Maintenance. While the Commission did not specifically request comment regarding the maintenance of translation tables, this maintenance comprises a portion of the functions performed with respect to CO codes. Translation table maintenance includes the functions performed by the ILEC and the whole CO code assignee to (1) ensure the accuracy of the tables, and (2) remedy problems experienced in the routing of traffic. As a general matter, CO codes require little maintenance and telecommunications carriers seldom revise the translation tables unless there is a maintenance problem or a specific request.

Charges Assessed with Respect to CO Codes

Attached is a table showing the various charges assessed by the ILECs for CO code opening, CO code activation, and translation table maintenance. Generally, there are no charges assessed to requesting carriers for the assignment of CO codes, thus those functions are not included in the attached table. As the Commission can see, many of the charges for code opening and translation table maintenance appear to be vastly out of proportion to the actual costs incurred by the ILEC to perform these functions. In many cases, the functions performed are performed equally by everyone in the market for all CO codes turned-up in an NPA (including those turned up by the ILEC), but only the ILECs charge other carriers for the functions performed.

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This issue was squarely addressed by both this Commission and the California Public Utilities Commission ("CPUC"). In the Second Report and Order, this Commission

forbid incumbent LECs from assessing unjust, discriminatory, or unreasonable charges for activating CO codes on any carrier or group of carriers ... [T]elephone companies may not impose recurring charges solely for the use of numbers.^{3/}

This prohibition was founded upon comments filed in that proceeding by numerous commercial mobile radio service ("CMRS") providers which demonstrated that ILECs were charging unreasonable fees, including recurring charges solely for the use of numbers.

Subsequent to the release of the Second Report and Order, the CPUC found that "no explicit charge should be imposed on carriers for the costs of opening NXX codes. Each carrier should treat its costs incurred for NXX code openings as part of its normal cost of doing business."^{4/} For purposes of the decision, "code opening" was defined as "the technical reprogramming which each carrier must perform to enable its own switches to recognize a new NXX code each time one is assigned to another carrier."^{5/} The CPUC found that the opening of additional CO codes is essential to competition, all carriers incur costs in connection with the opening of new

3/ Implementation of the Local Competition Provisions in the Telecommunications Act of 1996, Second Report and Order and Memorandum Opinion and Order, 11 FCC Rcd. 19392 (1996), para. 333 (emphasis added).

4/ Order Instituting Rulemaking on the Commission's Own Motion into Competition for Local Exchange Service, Opinion, R.95-04-043, I.95-04-044 (Cal. PUC December 20, 1996).

5/ Id. The Second Report and Order appears to use the terms "code assignment" and "code opening" interchangeably. It is not clear, based upon that language, that the Commission addressed the concerns expressed by paging companies regarding unreasonable charges in connection with code activation and code opening (as defined herein). The CPUC has interpreted the Second Report and Order as pertaining to code administration functions (which ILECs perform as code administrators), rather than code opening functions (which the CPUC describes as entailing reprogramming). The CPUC concluded that the Second Report and Order does not mandate the assessment of separate charges for the recovery of costs incurred by all telecommunications carriers in connection with code openings.

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CO codes, and any requirement that each carrier be reimbursed for such costs would be administratively complex and unwieldy. The CPUC concluded that each carrier should bear its own costs associated with CO code openings.

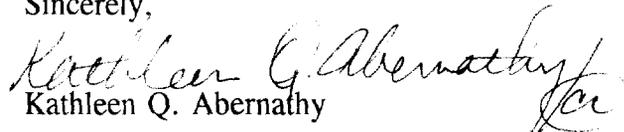
In addition, the CPUC prohibited discriminatory charges such as those historically imposed upon CMRS providers. The CPUC stated that:

... discriminatory fees of any type would be in violation of the general policies of the FCC as well as the Commission. Therefore, we conclude that Pacific's practice of charging code opening fees to cellular carriers and other CMRS providers is unacceptable since such charges are discriminatory. Since we are denying Pacific authority to charge CLCs for code openings, Pacific should likewise cease immediately any NXX code opening charges to all other categories of carriers, including CMRS providers.^{6/}

In light of the foregoing, AirTouch respectfully submits that ILECs should be prohibited from assessing charges for code assignment, code activation and code opening functions (as defined above). The Second Report and Order prohibits the assessment of unreasonable or discriminatory fees. The CPUC prohibits altogether the assessment of code opening fees, recognizing that all carriers incur costs associated with these functions and that each should bear those costs as normal costs of doing business. The Commission should take this opportunity to confirm that ILECs must cease immediately assessing these charges.

Should you have any questions in this regard, please do not hesitate to contact the undersigned.

Sincerely,


Kathleen Q. Abernathy

Attachment

cc: Geraldine Matisse
Gregory Cooke
Kent Nilsson
Erin Duffy

6/ Id.

WDC-103449.1

08/26/97 12:55 pm

LEC	Whole NXX Codes		Partial NXX Codes	
	Code Opening (Nonrecurring charges)	Translation Table Maintenance and Customer Requests (Recurring charges) **	Code Opening and Limited Code Activation (Nonrecurring charges)	Translation Table Maintenance and Customer Requests (Recurring charges) **
ALLTEL				\$11.26/trunk group
Ameritech	None	None	None	None
Bell Atlantic	None	None	None	None
Bell South (Florida)	None	\$50/NXX/month	\$15/100	\$0.05/100/month
Bell South (Georgia)	\$4745/NXX	\$50/NXX/month	\$47.45/100	\$.50/100/month
Bell South (Kentucky)	\$1930-\$4160 depending on LATA	\$50/NXX/month	\$18.75/100	\$.50/100/month
GTE	None	None	None	None
Cincinnati Bell	None	None	None	None
Nevada Bell	None	None	\$100 for first 100 \$75/100 thereafter	\$25/100/month
NYNEX	None	None	None	None
Pacific Bell	None	None	\$250 for first 100 \$65/100 thereafter	\$0.41/100/month
Rochester Telephone				\$14.04/100/month
SNET	None	None	None	None
Southwestern Bell	None	None	None	None
Sprint/United	None	None	\$150/100	\$.04/100/month
US West	None	None	\$1 per number	\$0.15/number/month

** These charges are assessed by the LECs (not Bellcore) as reflected herein. The charges represent charges assessed in connection with the LECs' updating and maintenance of the translation tables within their own switches.