



**MCI Telecommunications Corporation**

1801 Pennsylvania Avenue, NW  
Washington, DC 20006  
202 887 2017  
FAX 202 887 3175

**Donna M. Roberts**  
Senior Counsel  
Federal Law and Public Policy

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October 29, 1997

EX PARTE OR LATE FILED

Mr. Richard Metzger  
Chief, Common Carrier Bureau  
Federal Communications Commission  
1919 M Street, N.W.  
Washington, D.C. 20554

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OCT 29 1997  
FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Re: **EX PARTE**  
**Local Number Portability, CC Docket No. 95-116**

Dear Mr. Metzger:

Section 251(b)(2) of the Telecommunications Act of 1996 requires that local number portability (LNP) costs be borne by all carriers on a "competitively neutral basis." Over the last several months, many parties have urged the Federal Communications Commission (Commission) to implement a cost recovery mechanism, pursuant to Section 251(b)(2), that allows some LNP costs to be recovered through charges on interexchange carriers (IXCs).<sup>1</sup> Implementation by the Commission of a cost recovery mechanism that allows such recovery would violate Section 251(b)(2) because it would not be competitively neutral.

As an IXC, MCI is what is known as an "N-1" carrier for purposes of LNP. As an N-1 carrier, MCI will not use or subscribe to the capabilities of incumbent local exchange companies (ILECs) to perform call routing queries on the originating or terminating end of a long distance call. Rather, as an N-1 carrier, MCI will be the carrier in the call routing process that immediately precedes the terminating carrier. The Commission requires that all N-1 carriers ensure that their databases are queried to effectuate LNP, either by querying the LNP database themselves, or by arranging with another entity to perform database queries on their behalf.<sup>2</sup> In establishing this requirement, the Commission recognized that performance of these database

<sup>1</sup>In a September 12, 1997, *ex parte* letter, MCI summarized its preferences should the Commission elect to impose compensation on IXCs or their customers. MCI's fundamental position remains that these costs should not be recovered from IXCs or their customers.

<sup>2</sup>In the *Matter of Telephone Number Portability*, CC Docket No. 95-116, RM 8535, *Second Report and Order*, FCC 97-289 (rel. Aug. 18, 1997), at ¶ 73.

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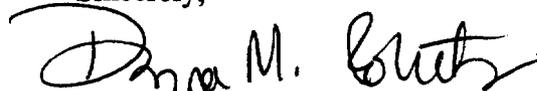
Mr. Richard Metzger  
Federal Communications Commission  
October 29, 1997  
Page Two

queries by N-1 carriers is critical to network reliability and the overall efficient provisioning of LNP, by ensuring that calls are not dropped due to uncertainty regarding who must perform database queries.<sup>3</sup>

MCI continues to make significant network investments in order to comply with the Commission's requirement that N-1 carriers arrange to query LNP databases. Specifically, MCI has invested millions of dollars in hardware, software and OSS systems, to enable it to perform routing queries for all calls for which it is the N-1 carrier. MCI has thus met the Commission's technical LNP obligations, as well as the obligation contained in Section 251 to bear a competitively neutral share of the costs of LNP.

As an N-1 carrier, MCI will not use or subscribe to the capabilities of ILECs to perform call routing queries on the originating or terminating end of a long distance call. The Commission simply must take this into account when structuring an LNP cost recovery mechanism, and must avoid implementation of a rule that violates Section 251(b)(2) by forcing MCI to pay more than its fair share of LNP costs.

Sincerely,

  
Donna M. Roberts

cc: Mr. James Schlichting  
Mr. Patrick Donovan  
Ms. Kathy Franco  
Mr. Paul Gallant  
Mr. Tom Boasberg  
Mr. James Casserly  
Mr. Neil Fried  
Mr. John Nakahata  
Ms. Carol Matthey

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<sup>3</sup>*Id.* at ¶ 74.