

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

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of

Telephone Number Portability

CC Docket No. 95-116

PETITION FOR WAIVER OF 60 DAY REQUIREMENT OF 47 CFR§52.3(d)

Southwestern Bell Telephone Company (SWBT) and Pacific Bell (Pacific) (collectively the SBC Companies) petition for relief from the 60 day requirement set forth in 47 C.F.R §52.3(d) originating in *Telephone Number Portability*, CC Docket No. 95-116, *First Report & Order*, 111 FCC Rcd 8393 (*First Report & Order*). In that order, the Commission delegated to the Chief of the Common Carrier Bureau "the authority to waive or stay any of the dates in the implementation schedule, as the Chief determines is necessary to ensure the efficient development of number portability."¹ The rules require that a carrier seeking to extend the time by which implementation will be completed must file a petition "at least 60 days in advance of the deadline."

The attached Petition seeks an extension of the March 31, 1998 deadline for Phase I due to certain defects found in the STP software supplied by a vendor. As shown in that Petition, these failures cannot be corrected in time for the mandated implementation deadline. We request permission to file the Petition within 60 days of the

¹ *First Report & Order*, at 85.

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implementation period since the information that led to the filing of this petition was not discoverable until very recently, and not prior to the expiration of the 60 day window.

The SBC Companies test very thoroughly all systems, software and hardware that are connected to our network. That testing goes through a progression to ensure that the network will not be adversely affected by any new upgrade. First, we begin with testing in the laboratory. We then connect to other systems in our network that are available in the laboratory. One node is then chosen in the network for installation. We "soak" the software in that node, permitting live traffic to go through the software. Two of the critical problems were identified after having been in service for over eight weeks.

We have known from the initial planning stages of LNP implementation that, given the very aggressive schedule mandated by the FCC, we could not complete testing of all systems and software prior to the expiration of the 60 day waiver window. In ex partes, we have kept the FCC apprised on the implementation schedule and challenges. We have been watching for some months the testing schedule with the STP vendor.² We remained hopeful that any problems would surface early in the testing process so that they could be resolved, or, if necessary, be subjected to the waiver process set forth by the FCC.

In this case, the STP feature at issue was not at the testing stage that involved live testing until January 21, 1998. After that, we noticed large numbers of LIDB failures. After investigation, we realized that the failures were originating from a particular switch in GTE's territory. After further investigation, we noted that GTE's software had changed a certain protocol relating to another upcoming Commission mandate, Carrier

² See, for example, November 19, 1997 ex parte of SBC. In that ex parte we stated that we could not absorb any further vendor slippages in the schedule.

Identification Code (CIC) expansion. Because the involved switch supplier implemented the SS7 protocol change different than our own supplier, the incompatibility was not discovered until after live production testing was underway.

A waiver of the Commission rules is justified when good cause is shown.³ An applicant for a waiver must demonstrate that special circumstances warrant a deviation from the general rule and that such deviation will serve the public interest.⁴ As shown above, and in the Declaration of Delbert Duncan, attached to the Petition for Extension of Time, the problems that surfaced with the STP software could not have been discovered prior to live testing in the network. Before we install any software on our network, particularly in the SS7 network, it must undergo full regression testing in order to meet reliability standards. Thus, the failures could not have been discovered prior to the expiration of the 60 day period.

In another instance, and one which directly affects Pacific, the FCC agreed to waive the 60 day requirement in 47 C.F.R. §52.3(d) as it relates to the NPAC/SMS vendor failure in the Southeast, Western and West Coast regions. On January 28, 1998, the Commission agreed to delay the filing requirements until March 1, 1998 for affected carriers.⁵ Pacific will be filing a waiver relating solely to the NPAC vendor failure pursuant to that order. However, since the STP failure also affects Pacific, the attached Petition applies to Southwestern and Pacific.

The public interest will be served by permitting us to file the attached Petition. Implementation in Phase I cannot occur with the current incompatibilities of the STP

³ *Northeast Cellular Telephone co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990).

⁴ *Id.*

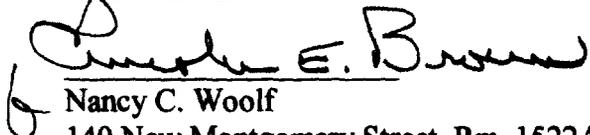
⁵ *Local Number Portability Phase I Implementation*, CC Docket No. 95-116, *Order*, released January 28, 1998.

software. Certain features which enable interactions between SS7 messages and LIBD and other databases, such as CLASS, AIN and Alternate Billing Services will not operate properly. This could result in customer-affecting call failures, could increase toll fraud for interconnecting carriers, and could adversely impact the SS7 backbone system. In addition, certain AIN based services in use for customers in the SWBT network would be misrouted under certain conditions. We must fix the software so that our customers do not experience service impairment.

Therefore, we request that the 60 day waiver period be waived to permit the filing of the Attached Petition.

Respectfully submitted,

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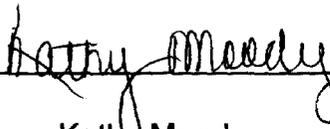
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Date: February 20, 1998

CERTIFICATE OF SERVICE

I, Kathy Moody, hereby certify that the foregoing "Petition for Waiver of 60 Day Requirement of 47 CFR §52.39d)" have been served on February 20, 1998, to the Parties of Record.



Kathy Moody

February 20, 1998

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