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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C.

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
) CC Docket No. 95-116
) NSD Nos. L-98-29, L-98-32
) L 98-31 and L98-27
Telephone Number Portability)

**COMMENTS OF MCI TELECOMMUNICATIONS CORPORATION
IN OPPOSITION TO PETITIONS FOR EXTENSION OF TIME OF
U S WEST, PACIFIC BELL AND GTE**

MCI Telecommunications Corporation (MCI), by counsel, hereby opposes the Petitions For Extension of Time filed by U S WEST Communications, Inc. (U S West), Pacific Bell and GTE Service Corporation (GTE), each filed on March 2, 1998.¹ Each of those carriers seeks a delay of the Local Number Portability (LNP) implementation schedule ordered by the Federal Communications Commission (Commission).²

U S WEST, Pacific Bell and GTE (collectively referred to as "petitioners") claim that their request to significantly delay LNP deployment is attributed solely to the failure of Perot Systems (Perot), the entity originally selected by the each of the Limited Liability Corporations (LLCs) in the regions served by petitioners, to meet its obligation to supply a certified Number Portability

¹Public Notice, Common Carrier Bureau Seeks Comment on Petitions For Extension Of Time Of The Local Number Portability Phase I Implementation Deadline, CC Docket No. 95-116, NSD File Nos. L-98-32, L-98-31, L-29 (rel. Mar. 5, 1998). Public Notice, Common Carrier Bureau Seeks Comment on Petitions For Extension Of Time Of The Local Number Portability Phase I Implementation Deadline, CC Docket No. L-98-27 (rel. Mar. 4, 1998).

²See *In the Matter of Local Number Portability*, First Memorandum Opinion And Order On Reconsideration (rel. Mar. 11, 1997) (First Memorandum Opinion).

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Administration Center (NPAC) to the LLCs by December 15, 1997. And each carrier, without exception, has requested entirely too much additional time to deploy LNP under the circumstances.

There is no doubt that the delays introduced into the LNP process by virtue of Perot's failure to meet its contractual obligations must be taken into account, and that some delay of the Commission's schedule is warranted. Delay beyond what is absolutely necessary, and what is requested by petitioners, is unreasonable and unacceptable, and the Commission should deny each petitioner's request to the extent it seeks more than a minimum of additional time to deploy LNP.

I. THE IMPORTANCE OF LNP TO LOCAL COMPETITION CANNOT BE OVERSTATED.

The Commission's First Report and Order and Further Notice of Proposed Rulemaking recognizes that the ability of consumers to retain their telephone numbers when changing local service providers promotes competition, provides flexibility in the quality, price and variety of telecommunications services and benefits all users of telecommunications services.³ The Commission has specifically stated that interim LNP methods are "far inferior" to the long-term Location Routing Number (LRN) LNP mechanism in that they are inefficient, often unreliable, wasteful of numbering resources and require new entrants to depend entirely on the networks of incumbent local exchange carriers (ILECs), such as the petitioners, to provide service to customers.⁴

It is precisely because LNP is "essential to effective facilities-based competition in the

³ *In the Matter of Telephone Number Portability*, First Report And Order And Further Notice of Proposed Rulemaking, CC Docket No. 95-116, ¶ 30 (rel. July 6, 1996) (First Report and Order).

⁴ *Id.*, ¶ 115.

provision of local exchange services”⁵ that the Commission set an aggressive implementation schedule for LNP deployment. In fact, the Commission has declined to delay LNP in the past where delay was requested based on “speculative and unspecified concerns about possible future technical concerns.”⁶ The Commission has also declined to grant requests of LECs to obtain a waiver “if they cannot meet the schedule for reasons beyond their control.”⁷ In so doing, the Commission reasoned that the established waiver procedures for extending LNP deployment deadlines, coupled with the fact that the Commission extended the original deployment schedule for Phases I and II,⁸ allowed sufficient time for ILECs to take proper and timely steps to deploy LNP on schedule, and to notify the Commission at least 60 days in advance of the deployment deadline if it appeared that any particular deadline could not be met. Specifically, the Commission stated:

The waiver procedure established in the *First Report & Order* for extending deployment deadlines as necessary provides an effective vehicle for addressing any problems in implementing number number portability that LECs can document. We note that carriers may file petitions for waiver of the deployment schedule more than 60 days in advance of an implementation deadline, and thus receive relief earlier, if they are able to present substantial, credible evidence at that time establishing their inability to comply with our deadlines.⁹

⁵*In the Matter of Telephone Number Portability*, First Memorandum Opinion And Order On Reconsideration, CC Docket No. 95-116, ¶ 90 (rel. Mar. 11, 1997) (First Memorandum Opinion).

⁶*Id.*

⁷ *Id.*, 92.

⁸*Id.* ¶¶ 78, 80.

⁹*Id.*, ¶ 92. (Footnote omitted.)

The importance of timely deployment of LNP around the country cannot be overstated, and the Commission has made clear that the standard a carrier must meet in order to obtain a delay is extremely high indeed. Specifically, the Commission has held:

that carriers are expected to meet the prescribed deadlines, and a carrier seeking relief must present extraordinary circumstances beyond its control in order to obtain an extension of time. A carrier seeking such relief must demonstrate through substantial, credible evidence the basis for its contention that it is unable to comply with our deployment schedule. Such requests must set forth: (1) the facts that demonstrate why the carrier is unable to meet our deployment schedule; (2) a detailed explanation of the activities that the carrier has undertaken to meet the implementation schedule prior to requesting an extension of time; (3) an identification of the particular switches for which the extension is requested; (4) the time within which the carrier will complete deployment in the affected switches; and (5) a proposed schedule with milestones for meeting the deployment date.¹⁰

In light of these significant pronouncements, it is incumbent upon the Commission to closely examine each petitioner's claims of inability to deploy LNP in a timely and expedient fashion.

The Commission has mandated that when waivers of the LNP deployment schedule are requested, an explanation of activity and time lines should be provided in the filing. The timelines provided by the petitioners are woefully inadequate in this regard, and fail to substantiate the need for the extensive delays they have requested. MCI will show that, when the Commission undertakes its responsibility to closely examine and scrutinize these petitions, it will quickly discover that none of the petitioners requires anywhere near the amount of time requested to deploy LNP in the affected metropolitan statistical areas (MSAs). The Commission should thus grant limited extensions of time only, and should severely restrict the petitioners'

¹⁰First Report and Order, ¶ 85.

ability to insert further delay into the process by deploying LNP in the dilatory fashion they have requested.

A. Providers Can Be NPAC Certified Earlier Than May 11

The petitioners all assert that NPAC testing will not complete until May 11, 1998. The May 11 date was simply an estimate of the maximum amount of time it should take for each service provider to become certified.

MCI agrees that carriers must be certified before network testing can occur. The May 11 date was a conservative estimate only and was not specific data estimating how long the certification process would take. The NPAC is already certified. Thus, it is the carriers themselves that must now become certified by installing and testing connections to the NPAC. During discussions with other LLC members in each region, MCI took the position that this installation and testing process could be compressed into a very short timeframe. MCI continues to believe that earlier testing and certification is possible if all carriers use their best efforts to perform these steps.

The petitioners seek to use the May 11 date as the earliest date upon which inter-company network testing can begin, and also, propose performing this testing for at least 30 days. MCI's position is that May 11 should be the latest date by which ILECs can complete NPAC certification, and thus, their proposed schedules are based on the latest date possible, rather than the earliest. Using their proposals, testing would not complete until June 10, and thus, porting could not start until at least that date.

MCI has attached as Appendix A the Lockheed Martin (Lockheed) NPAC User Interconnection and Turn-Up Plan, Version 0.2. That plan will be used to indicate the activity

and proposed time frames that will guide the service providers being certified with the NPAC. MCI took this position during industry discussions. The Pacific Bell, GTE and U S WEST filings use a May 11 date for completing NPAC testing. That date was reached via industry meetings between the Southeastern, Western and West Coast regions, and should not be considered the date that everyone agreed the NPAC was to be ready to test the porting process. In fact, MCI does not agree, and believes the schedule can be compressed.

It is significant to note that of the three petitioners, two of them have previous experience with Lockheed, the new NPAC. GTE tested with Lockheed in other regions, and Pacific Bell's parent company, Southwestern Bell, tested with Lockheed, and been certified in the Southwest region of the country. Only US West had no previous experience with Lockheed prior to December 1997, and since then, they, along with the rest of the industry, have interacted with Lockheed on a regular basis to ease the transition from Perot to Lockheed. The details of that interaction may differ from company to company, but whatever the case, with a good faith effort on behalf of each carrier, including increasing staff and working extended hours, the testing period between now and May 11 can be shortened.

As a new entrant, MCI is understandably eager to complete LNP testing. Perhaps just as understandably, the incumbents are not. They have sought delays throughout the deployment process at industry group meetings, and now, have filed these petitions, which serve to perpetuate their delay tactics. The Commission should ensure that to the extent any delay is granted, it is allowed only to the extent absolutely necessary to test the new NPAC. When viewed in that context, it is clear that the petitioners seek entirely too much additional time, and each of their proposed testing and deployment schedules can and should be significantly shortened.

For example, if it takes three days for SOA/SMS Test Readiness (establish Associations, Create Network Data and Test FTP process), then the next step of the testing – turn up testing - should proceed immediately, instead of waiting two days to begin turn-up testing. Set forth below are specific examples of how this schedule may be improved, thus allowing an earlier start to testing. Many of these activities will simply repeat what service providers have already encountered with Perot. There is thus no reason to insert extra delays to repeat these tests. With the expected level of knowledge that was developed during testing with Perot, the following intervals should not be as long as the schedule shows. Experience with NPAC certification in other regions has shown that even the initial testing time was not required.

Any time gained in the testing schedule with Lockheed should be used to start inter-company network testing earlier in the appropriate MSA. For example, if a carrier is certified by May 4, then network testing should begin on May 5 at that location. The entire schedule for testing and implementation should be accelerated accordingly.

By the time these service providers make their NPAC connections, Lockheed Martin will have turned up a significant number of service providers and will carriers not need all the time shown on the schedule. The petitioners who established connections to Perot's NAPC will be able to use that experience to connect to Lockheed Martin's NPAC. Also, the experience that Lockheed has developed while turning up four other regions should be put to good use by requiring NPAC deployment before May 11.

As outlined below, referencing the NPAC User Interconnection and Turn-Up Plan, network connection activity has continued since February 2, 1998, and will continue through mid-April. The following items lend themselves to shorter intervals:

1) ID 43, SOA/SMS Test Readiness activity of 5 days, including ID 44 through 47, may be shortened by 1 day due to being a repeated activity. This will gain one 1 day for the start of Service Provider to NPAC Turn-UP Testing.

2) ID 48, the Service Provider NPAC Turn-Up interval is scheduled for 20 days. The experience of the other regions has indicated that this interval could be shortened by at least 5 days, if not more, since this is activity that was performed earlier.

3) ID 49, Service Provider to Service Provider (round robin testing is scheduled for 5 days. Other regions have demonstrated that this activity can be shortened but the test duration depends on the number of tests to be performed. Still, the potential exists to save time in this portion of testing.

4) Interim Production Platform Established (ID 52) has three 3 days of testing scheduled followed by Database Cleanup (ID 55) for two 2 days. The database cleanup has taken only one day in other regions, saving another day.

As indicated, at least 7 working days, and possibly more, can be saved from the schedule, and the NPAC should be available on April 29. There is simply no need to wait until May 11.

I. U S WEST's REQUEST

U S WEST seeks a delay of LNP deployment, based on the projected May 11 availability of the NPAC from Lockheed, in four of the Commission's LNP deployment. According to U S WEST, it needs the requested extension in order to conduct further testing, and it cannot do so in an expedient manner because of limited personnel resources.

U S WEST's Petition attaches the affidavit of Timothy E. Mason.¹¹ Mr. Mason claims

¹¹U S WEST Petition, Attachment 1.

that Lockheed is to deliver a stable NPAC/SMS system by May 11, 1998.¹² That date was established in industry forums as a very conservative date. Actual connectivity will be in place before that time, and the NPAC should become live to US WEST on or before May 11, particularly if U S West uses its best efforts to deploy LNP. U S WEST's dates indicate that inter-company network testing will start on May 18 for Phase I.¹³ But since the May 11 date is a conservative one, and since U S WEST admits that it has been on track for implementing LNP up to this point, there is no good reason to delay testing for a single day after May 11, and LNP should be tested and deployed sooner if the NPAC is ready before then.

It is important to note that the NPAC is actually ready for LNP today. Lockheed has been the NPAC provider in four regions of the country since October 1997, and is now ready to interact with carriers' systems to provide LNP throughout the country. MCI does not dispute that, in some situations, if a carrier can substantiate, by credible evidence, the need for an additional short period of time for deployment, so be it. U S WEST has not done so.

The onus is on U S WEST to deliver its systems, not on the NPAC to deliver its systems. The NPAC systems are already in production and providing service, and have deployed LNP successfully in several parts of the country. U S WEST must demonstrate by substantial, credible evidence why it needs more time. It has not done so, and its petition should be denied.

U S WEST states that it will complete Phase I implementation by July 17, 1998.¹⁴ Inter-company testing should end on or before May 28th (30 days after the start of inter company

¹²Affidavit of Timothy E. Mason (Mason Aff.), p. 4.

¹³Mason Aff., p. 5.

¹⁴U S WEST Petition, p. 2.

testing on April 28th). The NPAC's availability should easily be much earlier than May 11, as a result. The amount of time requested by U S WEST to complete Phase I implementation, 67 days, is excessive, under any circumstance. To implement LNP after inter company network testing is a relatively straightforward task since it is simply a continuation of previous testing activities.

U S WEST in its filing makes the statement that in order to deploy LNP, within 60 days of the NPAC contract signing date, a plan to achieve 25 Transactions Per Second (TPS) must be completed.¹⁵ U S WEST cannot substantiate this alleged need. In fact, this very issue is now a subject of discussion in the national industry forums, where U S WEST has actually agreed, as part of their acceptance of Lockheed to replace Perot, that 25 TPS is not a constraining factor. There is an industry team working to determine the timing of when the performance level of 25 TPS is necessary, and there will be a gradual vamp-up to that standard. There have been no indications, however, that this high performance standard is immediately necessary.

U S WEST states that it has limited personnel resources with which to deploy LNP, and as a result, is entitled to an extension of time.¹⁶ Of all the arguments put forth by any carrier for an extension of the LNP deployment dates, this is the most obscene. It is neither substantial nor credible for U S WEST, a full two years after passage of the Telecommunications Act, to claim that, because it has not managed its human resources in an efficient and responsible manner, the public and other carriers should now pay for it in the form of delayed LNP deployment. U S WEST supports its three regions in a variety of different platforms, each with its own unique set

¹⁵Mason Aff., p. 3.

¹⁶U S WEST Petition, p. iii

of requirements and characteristics. U S WEST supports each of these individual technical platforms with different support personnel, yet, U S WEST claims that for LNP, it lacks the resources it needs to comply with Commission's schedule.

This argument is abhorrent, and should be rejected. U S WEST would have the Commission believe that the public interest would be best served if it is allowed to play a shell game with its resources, placing whatever business interests and priorities it chooses ahead of complying with the Telecommunications Act's LNP requirements and the Commission's implementing regulations. If U S WEST's position is endorsed by the Commission, meaningful local competition will never materialize. In point of fact, all carriers could find more efficient ways to invest their limited resources, each of which would support their individual companies' specialized interests in one way or another. The precise reason why Congress required LNP is to avoid this outcome, because LNP is so critical to the development of local competition. The Commission should not endorse U S WEST's position.

U S WEST argues that it does not wish to conduct concurrent testing in all of its regions, but, instead, wants to complete US WEST's Eastern Region inter-operability testing by May 15, and its Western and Central Regions by June 8.¹⁷ But other carriers have been conducting concurrent tests in their regions consistently for the past year. The Commission has previously denied requests for extension of the LNP deployment deadlines in cases where the request is for any period of time "after the technology has already been tested and installed in the initial markets."¹⁸ By the same token, the Commission should deny U S West's request to the extent it

¹⁷U S WEST Petition, p. 5.

¹⁸First Memorandum Opinion Order, ¶ 85.

is based on U S West's selfish desire to divide itself up for purposes of its internal testing process. Stated another way, MCI and other new entrants should not suffer because U S West wants to conduct intra-company testing in a particular manner.

Regional deployment on a concurrent basis has always been the most efficient way to test LNP capabilities, since it allows for earlier identification and correction of local operational variations, and results in standardization of all company operations. This standardization is critical since deployment and operation of LNP in different manners in different regions is, in itself, an inefficient and wasteful use of resources. It is neither MCI's problem, nor the problem of other carriers that U S WEST has poorly planned its resources.

II. GTE's REQUEST

GTE claims that its request to significantly delay LNP deployment is attributed solely to the failure of Perot.¹⁹ It seeks the following delays:

Phase I delay requested from March 31 to August 13 (affecting Los Angeles, CA, Minneapolis, MN.);

Phase II delay requested from May 15 to October 2 (affecting Riverside, CA, Seattle, WA and Tampa, FL);

Phase III delay requested from June 30 to November 1 (affecting Orange County, San Francisco, CA, Charlotte, NC and Portland, OR); and

Phase IV delay requested from September 30 to December 1 (affecting San Jose, Fresno, CA, Raleigh, NC, and Honolulu, HI).

GTE has requested a realignment of all switch phases due to the failure of Perot, but quotes nebulous concerns about several various and sundry topics as the reasons for more delay.

¹⁹GTE's Petition seeks an extension in the southeast, west coast and western regions, each of which was originally to be served by Perot.

GTE claims that network reliability is its paramount concern, and the primary motivation for its request for an extension of time to deploy LNP.²⁰ It therefore claims to require a “graduated implementation schedule for the selected switches within each MSA.”²¹ But GTE’s intangible comments in support of network reliability cannot substitute for the very real lack of any evidence whatsoever that LNP has caused, or may cause, a network outage in the MSAs served by GTE. The inter-company network testing, which has been performed in several regions, is designed to find all inconsistencies in ordering and call routing. There have been no testing problems that have caused or threatened to cause a network outage. It is GTE’s burden to support its request with substantial and credible evidence.²² It has not done so.

GTE claims that graduated implementation will allow it to identify and resolve unexpected deployment problems early in a particular deployment Phase.²³ This is nothing more than a transparent attempt by GTE to obtain additional delays in the Commission’s LNP deployment schedule. The Commission has already allowed a testing period to find LNP problems. The Commission has also spoken extensively, after reviewing comments filed by a host of carriers, including GTE, about LNP deployment. There is no need at this time to raise

²⁰GTE Petition, p. 5

²¹*Id.*

²²The few problems that have surfaced have basically involved Global Title Translation problems or order process problems that in no way affect the basic call process, and instead, interfere only with the ability to handle one customer, not the whole network. Global Title Translation problems only affect, for example, CLASS™ services such as automatic callback and recall and Line Interface Database queries to validate credit cards or Operator services calls. These functions do not affect a “basic” A to B call.

²³GTE Petition, p. 5.

these fundamental questions of "possible problems" again. The Commission should reject GTE's argument, and GTE should move forward with the business of deployment of LNP.

The Commission extended the period for deployment in Phases I and II due to the cry of incumbent monopolists for more time to complete testing before deployment. GTE has thus been afforded more than enough time to complete its planning and testing activities. If the Commission agreed with GTE's unsubstantiated claims, it would be a slippery slope, akin to granting GTE permission to determine, on its own, whether and when local competition of any kind should occur. Moreover, GTE has the motivation and incentive to delay deployment of LNP, and local competition in general, for as long as possible. It would therefore continue to identify potential problem after potential problem, *ad nauseum*, if it could get away with it, and if it would thwart competition. The Commission allowed for adequate preparation time in previous orders, and the Commission did not intend that companies would continue to find problems after implementation of LNP. Moreover, at least three areas - Northeast, Mid-Atlantic and Midwest - are already in service with LNP, before testing has even begun in Los Angeles and Minneapolis. It is thus hard to believe that new problems will surface during implementation in each area.

Of course, MCI does not suggest that there is no need for tests to be performed in Los Angeles. But surely, deployment in Los Angeles and Minneapolis can be accelerated now that all carriers have a certain confidence level as a result of the successful testing and deployment of LNP in other MSAs. LNP has been successfully tested in Chicago, Detroit and Houston. LNP has also been tested and is commercially available in New York and Philadelphia. Moreover, GTE has had ample time to test its networks and systems. Any problems that are discovered

during inter-company testing should be minor if GTE has prepared properly for LNP deployment. GTE's request for gradual deployment of LNP is without merit and should be denied.

GTE argues that "the resulting simultaneous overlapping and compression of the Phases will strain GTE's testing and implementation resources, pose potential problems to order processing and provisioning systems, and threaten compromise of network reliability with a flood of new signaling messages appearing virtually overnight."²⁴ But GTE, as a national carrier, has already tested in the Southwest region with several other national carriers. It has thus grossly overstated its testing burden. Additionally, because the Southwest region has already tested LNP, testing activities should be less intense than under the original LNP schedule for Phase I, when all regions had to be implemented at one time.

GTE's comment that there could be a "flood of new signaling messages appearing virtually overnight" is incredulous on its face, and disingenuous in its intent to falsely raise the specter of reliability problems. GTE's planning for LNP should have been based on the anticipated maximums of additional message and SS7 traffic generated by LNP. This planning is no different than what was necessary to roll-out GTE's CLASS™ caller ID services. Further, GTE is being totally misleading unless it has failed to prepare for LNP, because SS7 network elements cannot be put into place overnight, if the message flood GTE alludes to were to overload its network. Thus, it is a specious argument to say that SS7 messages are a concern. If GTE had prepared correctly, it should not matter if LNP SS7 messages occur all at once.

GTE claims that "[I]n its first major implementation, GTE will convert all its offices in the Los Angeles MSA, one of the most concentrated areas of telecommunication traffic in the

²⁴GTE Petition, p. 6.

world. GTE is seriously concerned that it has not been able to perform testing involving its network under real or simulated peak or even normal conditions for what is arguably the largest single network change ever undertaken by the telecommunications industry."²⁵ There is a provision for testing in Los Angeles, and GTE will be involved in that testing. MCI is not suggesting that there is no need for testing in Los Angeles. Once the testing is finished, however, GTE should be ready to deploy LNP and implementation should not be further delayed.

Testing of LNP has been completed within four regions of the country, and the need to test and the duration of the testing should decline, as more areas become LNP-capable. Since four regions may have implemented commercial LNP before Los Angeles finishes testing, the testing within Los Angeles, and the West Coast implementation, should be expedited as much as possible.

GTE's schedule states that 30 additional days are needed to test LNP in Phase I cities, regardless of the successful testing and implementation taking place in other areas of the country. Number Portability has been successfully tested in Chicago, Detroit and Houston. It is also commercially available in New York City, Gaithersburg and Philadelphia. While GTE does need to test Inter-Company processes with other providers in Los Angeles and Minneapolis, GTE does not need 30 days to test LNP in each of those cities.

Below is a suggested schedule of testing that MCI believes can be accomplish in LA and MN resulting in a much shorter time frame. The initial testing of LNP was required to test the concept as well inter-company procedures. The technical basis of LNP is already in service, and what remains to be tested is inter-company processes and any new network elements.

²⁵GTE Petition, p. 8.

Sample Inter-company Testing Timeline:

Item	Start Day	End Day	Task
A	1	1	NPAC Ready Date
B	1	1	Service Providers (SPs) send sample local service requests (LSRs) to testing partners
C	2	2	SPs receive firm order confirmations (FOCs) from testing partners
D	2	7	1 st numbers are ported
E	8	13	Test calls are made on ported numbers
F	3	8	Order cancellation
G	3	8	Conflict resolution
H	14	17	Final orders – port numbers to original SPs
I	17	17	End

This timeline identifies the activities involved in inter-company testing.

- A) This is the date Lockheed sets as the commercial availability date, which is on or before May 1, 1998.
- B) SPs send an LSR requesting service for a sample customer.
- C) Within 24 hours, the current SP sends a confirmation to the new SP acknowledging receipt of the LSR.
- D) The test numbers are ported. Process flows identify this as an activity that takes between 3 and 5 days.
- E) SPs make test calls (tests are a subset of what was tested during the FCC Field Test) to ensure the ported phone numbers ring at the proper place.
- F) As soon as the FOC is received, testing the order cancellation and conflict resolution processes can begin. These tasks run concurrently with the test calls. This could take a few minutes to a few days.
- G) See F.
- H) SPs port test numbers back to the original SP.
- I) End

As shown in this example, a 30-day testing period is not required, as GTE has alleged.

Testing can be completed in fifteen business days.

Immediately upon completion of testing, LNP should be made commercially available within the Los Angeles and Minneapolis MSAs in all chosen switches. Phase II need not be delayed past the testing in Phase 1. Since GTE is ready on schedule with implementation, Phase

II should be implemented when Phase I testing is complete. Any providers who must wait until Phase II implementation to test, should test concurrently with LNP deployment in the Phase II markets. Phases III through V can be deployed as scheduled in the Commission's LNP deployment orders.

IV. PACIFIC BELL'S REQUEST

Pacific Bell claims that its request to significantly delay LNP deployment is attributed solely to the failure of Perot.²⁶ Specifically, Pacific Bell seeks a timeframe of LNP deployment of seven and one-half months from the time the new NPAC, Lockheed Martin, delivers a certified NPAC to the LLC.²⁷ According to Pacific Bell, if the NPAC is delivered on May 11, 1998, Pacific Bell should be allowed to delay implementation of LNP, from June 15, 1998, to December 31, 1998,²⁸ as follows:

Phase I delay requested from March 31 to July 18 (affecting Los Angeles, CA);

Phase II delay requested from May 15 to August 18 (affecting Riverside and San Diego, CA);

Phase III delay requested from June 30 to September 17 (affecting Orange County, Oakland, and San Francisco, CA); and

Phase IV delay requested from September 30 to October 19 (affecting San Jose, Sacramento and Fresno, CA).

A great deal of the pages within Pacific Bell's Petition are devoted to describing the well-known fact that Perot missed its contractual deadline to provide a certified NPAC to the LLC by

²⁶See Pacific Bell Petition, p. 5.

²⁷Pacific Bell Petition, pp. ii,

²⁸*Id.* at pp. ii, 2.

mid-December 1997. This fact is undisputed, and MCI does not take issue with the assertion that lack of an NPAC has had an adverse impact on the ability of carriers to deploy LNP. Obviously, without a tested and certified NPAC, no useful interaction for purposes of LNP can occur. MCI disagrees, however, with the steps Pacific Bell claims it needs to take as a result of the delayed NPAC, and strongly opposes Pacific Bell's request to exacerbate the problem by dragging its feet in deploying LNP. The timeframe proposed by Pacific Bell is extended and unreasonable, and LNP's importance to fair competition is far too critical to allow Pacific Bell, or any other carrier, to delay LNP deployment even a single day longer than is absolutely necessary. Thus, the Commission must look behind the rhetoric put forth by Pacific Bell, and shine a spotlight on those issues which are indisputably related to Pacific Bell's ability to successfully deploy LNP. It must disregard the extraneous matter contained in Pacific Bell's Petition, and there is quite a bit of it. Only by sifting through Pacific Bell's assertions can the Commission fulfill its obligation to ensure that consumers on the west coast of the United States have truly meaningful choices among local service providers sooner rather than later.

Pacific Bell claims that its Petition "demonstrate[s] the substantial work underway in the Pacific network, and why it is solely the failure of the LLC-selected vendor that has caused [it] to be unable to meet the [Commission]-mandated schedule."²⁹ It further states that: "the DSC issues in the 2/20 petition do not require additional time in the schedule. By the time the NPAC is in place we fully expect the [Signal Transfer Points] to be ready."³⁰ Finally, Pacific

²⁹Pacific Bell Petition, p. 5.

³⁰*Id.*, p. 2. (Emphasis in original.) Pacific Bell's statement regarding the "2/20 petition" is related to its filing on February 20 of a petition for extension of time to deploy LNP in its region, based on the alleged defects associated with an STP switch supplied by its vendor, DSC Corporation.

Bell states that "[w]ith the exception of the NPAC, the upgrades and functionality required to support the introduction of LNP in Los Angeles, and all other areas covered by the mandate, are progressing satisfactorily,"³¹ and that, with the exception of the NPAC delays, it has been "on track" toward successful and timely LNP deployment.³² Pacific Bell thus admits that the implementation of LNP is on schedule for the Commission-mandated dates, and is only delayed because of NPAC problems.

In the face of this admission, however, Pacific Bell claims to require 30 additional days to test LNP in Los Angeles, regardless of the successful testing and implementation taking place in other areas of the country. As MCI has noted, LNP has been successfully tested in Chicago, Detroit and Houston, and is commercially available in New York City, Gaithersburg and Philadelphia. While Pacific Bell does need to test inter-company processes with other providers in Los Angeles, Pacific Bell does not need 30 additional days to test LNP in Los Angeles. Below is a suggested schedule of testing that MCI believes could be accomplished in Los Angeles during a much shorter time frame. The technical basis of LNP is already in service and what remains to be tested is inter-company processes and any new network elements, as indicated below.

Below is a suggested schedule of testing that MCI believes can be accomplish in LA and MN resulting in a much shorter time frame. The initial testing of LNP was required to test the

MCI has opposed that petition, pursuant to the Commission's public notice. *See Public Notice, Common Carrier Bureau Seeks Comment on SBC Companies Petition For Waiver Under 47 C.F.R. § 52.3(d) And Petition For Extension of Time Of The Local Number Portability Phase I Implementation Deadline, CC Docket No. 95-116, N.D. File No. L-98-16 (rel. March 3, 1998).*

³¹*Id.*, p. 17.

³²*See* Affidavit of Sally D. Swan, p. 3, attached to Pacific Bell's Petition as Exhibit A.

concept as well inter-company procedures. The technical basis of LNP is already in service, and what remains to be tested is inter-company processes and any new network elements. ample

Sample Inter-company Testing Timeline:

Item	Start Day	End Day	Task
A	1	1	NPAC Ready Date
B	1	1	Service Providers (SPs) send sample local service requests (LSRs) to testing partners
C	2	2	SPs receive firm order confirmations (FOCs) from testing partners
D	2	7	1 st numbers are ported
E	8	13	Test calls are made on ported numbers
F	3	8	Order cancellation
G	3	8	Conflict resolution
H	14	17	Final orders – port numbers to original SPs
I	17	17	End

This timeline identifies the activities involved in inter-company testing.

- A) This is the date Lockheed sets as the commercial availability date, which is on or before May 1, 1998.
- B) SPs send an LSR requesting service for a sample customer.
- C) Within 24 hours, the current SP sends a confirmation to the new SP acknowledging receipt of the LSR.
- D) The test numbers are ported. Process flows identify this as an activity that takes between 3 and 5 days.
- E) SPs make test calls (tests are a subset of what was tested during the FCC Field Test) to ensure the ported phone numbers ring at the proper place.
- F) As soon as the FOC is received, testing the order cancellation and conflict resolution processes can begin. These tasks run concurrently with the test calls. This could take a few minutes to a few days.
- G) See F.
- H) SPs port test numbers back to the original SP.
- I) End

As shown in this example, a 30-day testing period is not required, as Pacific Bell has alleged.

Testing can be completed in fifteen business days.

Immediately upon completion of testing, LNP should be made commercially available in

Los Angeles in all chosen switches. Phase II need not be delayed past the testing in Phase I. Since Pacific Bell is ready on schedule with implementation, Phase II should be implemented when Phase I testing is complete. Any providers who must wait until Phase II implementation to test, should test concurrently with LNP deployment in the Phase II markets. Phases III through V can be deployed as scheduled in the Commission's LNP deployment orders.

Pacific Bell has requested, in the West Coast Testing Committee, that two different porting sequences be executed. While the NPAC was on schedule, MCI was not enthusiastic about this request but did not actively oppose it. Now that implementation is delayed, this extra testing is superfluous.

Moreover, assuming *arguendo* that Pacific Bell needed 30 days to test for LNP, under no circumstances can it assert with a straight face that it needs an additional nine days after that, as stated in its Petition,³³ before making the first Los Angeles switch available for porting. In fact, since Pacific Bell admits that 99% of the Los Angeles switches now actually provisioned with LNP software, there is no reason whatsoever to further delay LNP deployment for even a single day after testing has concluded. The Commission should reject Pacific Bell's thinly veiled request to delay introduction of meaningful choice to consumers of telecommunications services in its region.

In fact, Pacific Bell has plenty of additional time to prepare its network for LNP, even in the face of the NPAC delay. After the Inter-Carrier Network testing is completed, the Phase I and Phase II MSAs can be easily made available for commercial LNP. Southwestern Bell, Pacific

³³See Pacific Bell Petition, p. 3 (wherein Pacific Bell claims to need 39 days after availability of the NPAC to deploy LNP.)

Bell's parent company, has petitioned to implement commercial LNP in Houston on May 22, 1998. Southwestern Bell has always planned to implement commercial portability in Houston on a single date. With the experience which Pacific can glean from the Houston availability, Los Angeles can be implemented more easily. These additional days have no purpose whatsoever, and serve only to delay the advent of local competition in Pacific Bell's region.³⁴

For all phases of LNP deployment, Pacific Bell's Petition seeks not only to delay LNP based on the NPAC failure, but seeks, for no good reason, to implement a "metered" approach to deployment.³⁵ After the initial testing and implementation, however, Phases III and IV can be fully implemented on schedule. Pacific Bell's referral to its proposed deployment plan as "metered" does nothing more than seek to place a legitimate label on an illegitimate goal. The Commission should see Pacific Bell's approach for exactly what it is -- an unnecessarily "delayed" approach to LNP deployment and require Pacific Bell open all switches to commercial LNP immediately upon completion of testing.

Pacific Bell has utterly failed to produce a scintilla of credible evidence to substantiate its alleged need for a delayed approach to LNP deployment. Experiences in other states does not demonstrate a need for such an approach to accommodate any potential pent up demand of LNP orders, which Pacific Bell seems to believe will suddenly and without warning stampede into

³⁴The lack of sincerity in Pacific Bell's position is readily apparent when one recognizes that not once in its petition does Pacific Bell state that if LNP testing proceeds without problems, Pacific Bell will accelerate its switch availability schedule, so that LNP is available to the maximum number of consumers in as expedited a fashion as possible.

³⁵See Pacific Bell Petition, p. 3 (containing the chart indicating Pacific Bell's desire to have a "start" date and a "finish" date for Phase of LNP deployment.

Pacific Bell's order processing department the second LNP is made commercially available.³⁶ In any event, even if there were an avalanche of orders, MCI and the rest of the industry would work with Pacific Bell, just like they have up to this point, to ensure a manageable and smooth order process flow based on the industry ordering and billing forum process.³⁷ It benefits neither party to overload the other's ordering system. Pacific Bell's delayed switch implementation approach imposes a substantial hardship on the new entrants to confirm, on a switch by switch basis, what customers can be converted to LNP. This approach is sought to be imposed by Pacific Bell for the sole purpose of controlling what switches will become open to competition first, and unnecessarily and unfairly intrude on competitor's marketing plans and strategies.

Pacific Bell claims that cooperative testing with the other carriers in the region cannot be conducted until the NPAC is certified and available for use,³⁸ and that, further, after the certified NPAC is delivered, an additional 30 days will be needed for cooperative industry testing, testing defined by the OPI (Operations and Implementation Committee of the California LNP Task Force), and testing of Pacific Bell's internal functions.³⁹ But while network integrity and preservation of high service quality is of prime importance as this transition unfolds, once the

³⁶ Although Pacific Bell's Petition does not specifically make reference to such "pent up" demands for LNP, at industry meetings, Pacific Bell representations consistently suggested that a "metered" approach to LNP deployment was necessary in order to accommodate "pent up" demands.

³⁷ Specifically, carriers will work together to implement the agreed upon process of activation of porting requests upon receipt by the gaining carrier of a local service request followed by firm order confirmation, and negotiation as necessary as LNP is made commercially available in applicable MSAs.

³⁸ Pacific Bell Petition, pp. 18, 19.

³⁹ *Id.*, p. 20.

testing proves that LNP works, and this has been proven time and time again around the nation, with testing in the Midwest, Southwest, Northeast and Mid-Atlantic, testing can be completed more quickly in the delayed areas.⁴⁰ Such re-testing is necessary to validate inter-company processes, but should not be so rigorous that it delays commercial portability even more. In each subsequent region, fewer new elements are added to the network, and this can result in a much shorter testing window. There is thus no reason to doubt the future success of porting, and thus, no reason to delay implementation of LNP in the first place, as requested by Pacific Bell.

Since LNP testing has successfully completed in four regions of the country, the duration of tests should decline as more areas become LNP capable. There is absolutely no good reason to delay LNP past the testing date as requested by Pacific Bell, the Mid-Atlantic and Northeast areas have implemented commercial LNP. The Midwest region will implement LNP on or before March 31, 1998. The Southwest is delayed by the SBC STP problems, but will implement LNP by May 22, 1998, at the latest. Therefore, Los Angeles in particular, and the West Coast implementation in general, should be expedited as much as possible.

⁴⁰During meetings of the California LNP task force, Pacific Bell has made several unsuccessful attempts to force other carriers to participate with Pacific Bell in certain "mandatory" testing. Pacific Bell knows that there is not now, nor has there ever been, consensus in the California LNP Task Force that Pacific Bell, or any carrier, can dictate their competitors' testing schedules. The Commission should reject Pacific Bell's back door attempt to obtain from the Commission what it could not obtain through the cooperative efforts of other carriers, none of which saw the wisdom or the efficacy of controlling other carrier's testing in this way.