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MAR 16 1998

FEDERAL MAIL ROOM

March 13, 1998

**VIA OVERNIGHT EXPRESS**

Magalie R. Salas, Esquire  
Secretary  
Federal Communications Commission  
1919 M Street, NW  
Washington, DC 20554

Re: CC Docket 95-116

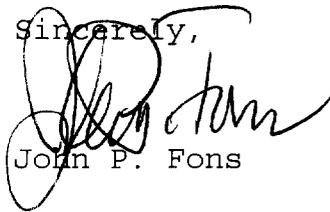
Dear Ms. Salas:

On behalf of Vista-United Telecommunications, enclosed for filing is an original and four copies of its Petition for Extension of Deployment Deadline in the above-referenced docket.

Also enclosed is an extra copy of the Petition. Please date stamp the copy and return it in the enclosed envelope.

If you have any questions, please contact me.

Sincerely,

  
John P. Fons

JPF/jh  
Enclosures  
cc (w/encl.): Barbara J. Bradford  
James T. Schumacher  
Service List

jjw\ltr\salas

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BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554

RECEIVED

MAR 16 1998

FCC MAIL ROOM

In the Matter of )  
 ) CC Docket No. 95-116  
Telephone Number Portability )

**PETITION FOR EXTENSION OF DEPLOYMENT DEADLINE**

Pursuant to 47 C.F.R. §§ 1.3 and 52.23(e), Vista-United Telecommunications, a Florida general partnership ("Vista"), hereby petitions the Federal Communications Commission ("Commission") to extend the time by which Vista must complete implementation of the Commission's approved long-term data base method for local number portability ("LNP") to a date 45 days after the date the Number Portability Administration Center ("NPAC") Region 4 Service Management System ("SMS") is delivered and certified for service in the Orlando metropolitan statistical area ("MSA").

I.

**Background**

1. Vista is an incumbent local exchange company ("ILEC") that serves approximately 14,000 access lines in the Orlando MSA. All of Vista's service territory is within the Orlando MSA and is served by Vista using a Nortel DMS 100/200 digital switch. Vista serves far fewer access lines than any other incumbent local exchange company ("LEC") in the Orlando MSA. BellSouth is the dominant LEC in the Orlando MSA.

2. Section 251(b) of the Communications Act of 1934, as amended, requires all LECs to provide, to the extent technically

feasible, number portability in accordance with requirements prescribed by the Commission.<sup>1</sup> The Commission adopted rules to implement the number portability provisions of the 1996 Act in its First Report and Order, dated June 27, 1996.<sup>2</sup>

3. The First Report and Order directs LECs to implement LNP in the 100 largest MSAs according to a phased deployment schedule that commenced October 1, 1997, and concludes December 31, 1998.<sup>3</sup> The Orlando MSA was included in Phase II of the Commission's original implementation schedule.<sup>4</sup>

4. Numerous parties filed petitions for reconsideration or clarification of the First Report and Order.<sup>5</sup> In its Reconsideration Order, the Commission revised the implementation schedule for the Orlando MSA and established a new deadline of May 15, 1998, for implementation of LNP therein.<sup>6</sup> Vista has undertaken significant activities to implement LNP on its network by the revised May 15, 1998 deadline; however, for reasons beyond

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<sup>1</sup> 47 U.S.C. § 251(b)(2). This requirement was added by the Telecommunications Act of 1996, Public L. No. 104-104, 110 Stat. 56, codified at 47 U.S.C. §§ 151 et. seq. ("1996 Act").

<sup>2</sup> Telephone Number Portability, First Report and Order and Further Notice of Proposed Rulemaking, 11 FCC Rcd 8352 (1996) ("First Report and Order").

<sup>3</sup> See First Report and Order, 11 FCC Rcd at 8361-62.

<sup>4</sup> See First Report and Order, 11 FCC Rcd at 8501-02, codified at Appendix to 47 C.F.R. Part 52.

<sup>5</sup> Telephone Number Portability, First Memorandum Opinion and Order on Reconsideration, 12 FCC Rcd 7236 (1997) ("Reconsideration Order").

<sup>6</sup> See Reconsideration Order, 12 FCC Rcd at 7284 (¶ 80).

Vista's reasonable control and common to the other ILECs in the Orlando MSA, the delivery and certification of the NPAC SMS for service in the Orlando MSA has been delayed such that Vista cannot meet the May 15, 1998 deadline.

5. Section 52.23(e) of the Commission's rules contemplates situations like this, and states:

(e) In the event a LEC is unable to meet the Commission's deadlines for implementing a long-term database method for number portability, it may file with the Commission at least 60 days in advance of the deadline a petition to extend the time by which implementation in its network will be completed. A LEC seeking such relief must demonstrate through substantial, credible evidence the basis for its contention that it is unable to comply with the deployment schedule set forth in the appendix to this part 52. Such requests must set forth:

(1) The facts that demonstrate why the carrier is unable to meet the Commission's 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.<sup>7</sup>

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<sup>7</sup> See 47 C.F.R. § 52.23(e). This rule was not modified by the Reconsideration Order. Indeed, in the Reconsideration Order, the Commission again noted that "[t]he 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 portability that LECs can document." 12 FCC Rcd at 7289-90 (¶ 92).

6. This petition seeks an extension of the implementation deadline pursuant to Rule 52.23(e) and Rule 1.3, which allows waivers of the Commission's rules for "good cause."

## II.

### **The Commission Should Grant Vista's Request for an Extension of Time for Implementation of LNP**

7. This Petition is timely filed 60 days before the prescribed deadline, and is supported by substantial, credible evidence. The factual matters forming the foundation for the showing required by Rule 52.23(e) are set forth below and are supported by the attached affidavit of David W. Campbell, an employee of Vista managing the implementation of LNP on Vista's network (Exhibit A), which is incorporated herein by reference.

#### **A. Facts Demonstrating Why Vista is Unable to Meet the Commission's May 15, 1998, Deadline**

8. The process of implementing LNP in Region 4 (Southeast) began in 1995 and has involved a variety of industry participants and regulatory authorities. The Southeast Region Number Portability Administration Company, L.L.C. ("Southeast LLC") was created for the purpose of preparing a request for proposal, selecting a number portability data base administrator and finalizing a contract with the successful bidder. Perot Systems was selected by the Southeast LLC to perform the NPAC data base administration functions. The Commission adopted the North American Numbering Council's ("NANC") recommendation that Perot

Systems serves as the LNPA for the Region 4 (Southeast) NPAC in its Second Report and Order.<sup>8</sup>

9. Perot Systems was obligated to deliver a functional NPAC regional SMS data base for Region 4 by October 1, 1997, but did not. On February 10, 1998, the Southeast LLC terminated its contract with Perot Systems and executed a new master agreement with Lockheed Martin as the new LNPA. Vista had nothing to do with Perot Systems' failure to timely deliver a functional NPAC SMS data base for service in the Orlando MSA.

10. As noted in numerous petitions for extension of time filed with the Commission by other LECs, the failure of Perot Systems to timely deliver a functional NPAC SMS data base, the termination of the Perot Systems' contract, the selection of Lockheed Martin as the new LNPA for the Southeast Region, and the related delay all combine together to prevent Vista and other affected LECs from implementing LNP in the Orlando MSA by May 15, 1998.

11. The undelivered Region 4 NPAC SMS is required by the Commission's rules to ensure the Commission's mandate that there be no impairment of quality, reliability or convenience when end users keep their telephone numbers, change service providers and remain at the same location.<sup>9</sup> Without the Region 4 NPAC SMS data base, the provision of LNP is not technically feasible because the NPAC

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<sup>8</sup> Telephone Number Portability, Second Report and Order, 12 FCC Rcd 12281, 12303 (1997) ("Second Report and Order") (¶ 33).

<sup>9</sup> See Second Report and Order, 12 FCC Rcd at 12317 (¶ 60).

SMS data base houses and controls the information on ported numbers and communicates with all of the participating carriers' routing data bases. Without the NPAC SMS data base, there can be no synchronization among carriers' routing data bases, and no common location for required data. Without the NPAC SMS data base, there can be no intercompany testing, which must precede commercial LNP availability. Simply put, without the NPAC SMS data base, implementing LNP as required by the Commission is impossible.

12. The new LNPA (Lockheed Martin) for the Southeast Region has advised that the current projected NPAC SMS delivery date for the Southeast Region is May 11, 1998, only 4 days prior to the deadline for implementing LNP in Phase II MSAs like Orlando. Based on the Petition to Extend Time for Network Implementation filed by BellSouth Corporation on March 2, 1998, BellSouth will not be able to certify the NPAC SMS until September 1, 1998. Vista will not be able to begin meaningful intercompany end-to-end testing until the NPAC SMS is delivered and certified for service in the Orlando MSA.<sup>10</sup> As explained further below, Vista should not be required to implement LNP on its network 45 days after the date the NPAC is delivered and accepted for service in the Orlando MSA by BellSouth.

**B. Detailed Explanation of the Activities Vista Has Undertaken to Meet the Implementation Schedule Prior to Requesting an Extension.**

13. Vista has undertaken substantial activities to meet the May 15, 1998 deadline before requesting this extension; however,

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<sup>10</sup>Since BellSouth is the dominant ILEC in the Orlando MSA, it is logical and efficient for BellSouth to be the ILEC to certify the NPAC SMS for service in the Orlando MSA.

because the failure of Perot Systems to timely deliver a functional NPAC SMS data base is not within Vista's reasonable control, those activities already undertaken and to be taken by Vista have no direct bearing on Vista's need for an extension. The need for an extension is based solely on the delay in the delivery and certification of the NPAC SMS for the Orlando MSA.

14. The activities undertaken by Vista thus far to meet the Commission's current implementation schedule include: purchasing and installing LNP system software (LET008) in its DMS 100/200 switch,<sup>11</sup> loading Vista's LRN numbers<sup>12</sup> into the Local Exchange Routing Guide ("LERG"), training employees on the translations needed to build the translation tables necessary for Vista's switch to operate with its new LNP software, upgrading its billing system by installing software (i.e., ICMS) that facilitates LNP, and employee training on the use of industry-standard Local Service Requests ("LSR"). In addition, employees of Vista have actively participated in the State of Florida's Local Number Portability Steering Committee, and are in the process of developing with another ILEC (i.e., Sprint-Florida, Inc.) the interfaces necessary for that LEC to process Vista's service order requests to the NPAC in a timely and efficient manner.

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<sup>11</sup>This software provides Vista with 100 side (end office) and operator side functionality for the FCC-approved Local Routing Number ("LRN") method for LNP.

<sup>12</sup>407/827-0000 for its Lake Buena Vista Exchange and 407/566-0000 for its Celebration exchange.

15. All of these activities are now complete or are under way and are scheduled to be completed by Vista on or before the May 15, 1998 deadline. Notwithstanding this request, Vista intends to continue working on these activities so they are all complete by May 15, 1998. Once completed, the activities will put Vista in a position to begin intercompany testing of the NPAC as soon as it is delivered and certified for service in the Orlando MSA.

**C. Identification of Specific Switches**

16. The switch for which an implementation deadline is requested is Vista's only switch, its DMS 100/200. This switch is located in the Orlando MSA in the State of Florida. The CLLI codes for the switch are:

100	LKBNFLXBDS0	Lake Buena Vista
200	LKBNFLXB03T	Lake Buena Vista

**D. Time Within Which Vista Will Complete Deployment**

17. Once the NPAC SMS is delivered and certified for service in the Orlando MSA, Vista estimates that it will take approximately 30 days to conduct the intercompany end-to-end testing needed to assure NPAC SMS and carrier SMS interoperability, as well as conformance with NANC recommended and FCC approved LNP performance criteria. Once the required intercompany end-to-end testing has been completed, Vista estimates that it will take a total of 15 days to implement LNP in its switch for commercial use. These time frames are reasonable and are consistent with the estimates prepared by other incumbent LECs. Consequently, Vista estimates that it can implement LNP on a commercial basis in its service

territory 45 days after the date the NPAC SMS is delivered and certified for service in the Orlando MSA by BellSouth.<sup>13</sup>

**E. Proposed Deployment Schedule With Milestones**

18. Based on the schedule proposed by BellSouth in its Petition to Extend Time for Network Implementation, dated March 2, 1998, Vista's proposed deployment schedule with milestones is set forth below. If the deadlines for delivery and certification of the NPAC SMS are changed, Vista's proposed deployment schedule with milestones would change as well. Vista estimates that it can implement LNP on a commercial basis in its service territory 45 days after the date the NPAC SMS is delivered and certified for service in the Orlando MSA, whatever that date may be. Vista reserves the right to seek an additional extension of time if circumstances warrant doing so.

<u>Date</u>	<u>Milestone</u>
May 11, 1998	NPAC SMS Delivery by Lockheed
August 3, 1998	Preliminary Certification by BellSouth
September 1, 1998	BellSouth NPAC SMS Final Certification
September 1, 1998	Begin Intercompany End-to-End Testing
September 30, 1998	Complete Intercompany End-to-End Testing
October 1, 1998	Begin Implementation in DMS 100/200 Switch

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<sup>13</sup>Vista notes that BellSouth's proposed implementation schedule for Phase II MSAs contemplates implementation beginning on November 15, 1998 and ending December 31, 1998. As noted above, Vista has a small presence in the Orlando MSA. Due to the interactive nature of the LNP system, it may not be commercially reasonable for Vista to implement LNP on its network before BellSouth and the other more dominant incumbent LECs in the Orlando MSA do so.

October 15, 1998      End Implementation in DMS 100/200 Switch

III.

Conclusion

Under Section 52.23(d) of the Commission's Rules, the Chief of the Common Carrier Bureau may waive or stay any of the dates on the LNP Implementation schedule as the Chief determines is necessary to ensure efficient development of number portability for a period not to exceed 9 months.<sup>14</sup> The Commission has established a process by which an LEC may request an extension of time to implement LNP, and defined standards under which such petitions may be granted by the Chief.<sup>15</sup> The Commission may also waive a rule for "good cause." As shown above, Vista has timely petitioned the Commission for an extension of time to implement LNP on its network and made the showing required by the Commission's rules. The Commission should find that Vista's Request for Extension of Time complies with the Commission's requirements therefor and should grant the request as set forth herein.

DATED this 13th day of March, 1998.

  
\_\_\_\_\_  
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ATTORNEYS FOR VISTA-UNITED  
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<sup>14</sup>47 C.F.R. § 52.23(d).

<sup>15</sup>47 C.F.R. § 52.23(e).

**Exhibit A**  
**to**  
**Vista's Petition for Extension**  
**of Deployment Deadline**

**Affidavit of David W. Campbell**

STATE OF FLORIDA  
COUNTY OF ORANGE

BEFORE ME, the undersigned authority, personally appeared David W. Campbell, who deposed and said:

1. My name is David W. Campbell. I am employed by Vista-United Telecommunications as Manager, Switching Network. My responsibilities include supervision of the implementation of local number portability by Vista. This affidavit is made based on my personal knowledge.

2. I have reviewed the factual statements contained in Section II of Vista's Petition for Extension of Implementation Deadline, and swear that the factual statements contained therein are true and correct to the best of my information and belief.

DATED this 12th day of March, 1998.

  
\_\_\_\_\_  
David W. Campbell

The foregoing instrument was acknowledged before me this 12th day of March, 1998, by DAVID W. CAMPBELL, who is personally known to me.

  
\_\_\_\_\_  
Notary

LYNN B. HALL  
\_\_\_\_\_  
printed name

NOTARY PUBLIC  
\_\_\_\_\_  
Title, Rank, Serial No., etc.

My Commission Expires:



LYNN B HALL  
My Commission CC471493  
Expires Jul. 23, 1999  
Bonded by ANB  
800-852-5878

**CERTIFICATE OF SERVICE**

I hereby certify that I have served all parties to this action with a copy of the foregoing Petition for Waiver by placing a true and correct copy of the same in the United States Mail, postage prepaid, or by Overnight Express (\*) addressed to the parties listed below on this 13th day of March, 1998:

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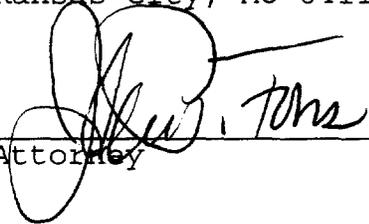
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