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March 18, 1998

RECEIVED

MAR 18 1998

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

**Ms. Magalie Roman Salas, Secretary**  
**Federal Communications Commission**  
1919 M Street, N. W. - Room 222  
Washington, D. C. 20554

Re: Ex parte, CC Docket No. 95-116, Telephone Number Portability

Dear Ms. Roman Salas:

The attached letter was delivered to Mr. Metzger's office today. Please include a copy of this letter in the record of the above-referenced proceeding.

Two copies of this Notice are being submitted to the Secretary of the Federal Communications Commission in accordance with Section 1.1206(a)(1) of the Commission's rules.

Sincerely,

**ATTACHMENT**

cc: T. Power  
J. Casserly  
K. Dixon  
K. Martin  
P. Gallant  
J. Jackson  
N. Fried  
L. Collier  
C. Barnekov

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March 18, 1998

Mr. A. Richard Metzger, Jr., Chief  
Common Carrier Bureau  
Federal Communications Commission  
1919 M Street, N.W. – Room 500  
Washington, D.C. 20554

Re: CC Docket No. 95-116, Telephone Number Portability

In its March 12, 1998 *ex parte* letter in the above-captioned proceeding,<sup>1</sup> SBC continues to argue that because it plans to perform unnecessary LNP queries for calls to NXXs as soon as they have been opened for portability, it therefore should be permitted to charge N-1 carriers for this utterly pointless “service.” SBC is, of course, free to perform unneeded queries within its own network, if it chooses to do so. However, the Commission’s LNP orders do not permit it to charge N-1 carriers for such queries.

As AT&T and other parties have shown in several recent pleadings,<sup>2</sup> the NANC Process Flows, which the Commission adopted in the LNP Second Report and Order, provide that queries need only be performed when at least one number has been ported from an NXX.<sup>3</sup> That is, N-1 carriers are not required to perform queries before delivering a call to an NXX unless at least one number in that NXX actually has been ported.

Figure 9 of the NANC Process Flows, a copy of which is attached to this letter, plainly shows two distinct timelines: The first timeline, captioned “NPA-NXX Code Opening,” depicts the process by which an NXX holder makes that NXX available for porting and

<sup>1</sup> Letter from Lincoln E. Brown, Director, Federal Regulatory, SBC Telecommunications, Inc., to Magalie Roman Salas, Secretary, Federal Communications Commission, March 12, 1998.

<sup>2</sup> See, e.g., Comments of AT&T Corp., filed March 9, 1998, pp. 10-14 in 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, NSD File No. L-98-16.

<sup>3</sup> See North American Numbering Council, Local Number Portability Administration Selection Working Group, LNPA Technical & Operational Requirements Task Force Report, April 25, 1997, Appendix B, Figure 9, (adopted by the Commission in Telephone Number Portability, CC Docket No. 95-116, Second Report and Order, FCC 97-289, released August 18, 1997, ¶ 52 (“LNP Second Report and Order”)).

notifies the NPAC/SMS that it has done so. A second, separate timeline in Figure 9, captioned "First TN Ported In NPA-NXX," indicates that after the first number is ported in an NXX, the NPAC/SMS broadcasts a "heads-up" notification to service providers, which then "complete the opening for the NPA-NXX code for porting in all switches." As a matter of simple logic, if SBC were correct that the NANC Process Flows require N-1 carriers to conduct queries for all calls to an NXX as soon as it is designated as portable, there would be no need for the second timeline in Figure 9. The requirement that service providers "complete the opening" of an NXX can only mean that they must then begin conducting queries for calls. Any other interpretation renders the NPAC's 'heads-up' notification superfluous, as it would merely alert N-1 carriers to continue doing what SBC asserts they should have been doing along, namely querying calls to that NXX.

Perhaps the most fundamental problem with SBC's approach to LNP queries is that it would require queries to be performed for no purpose whatsoever. The bottom line is this: until a number actually ports in an NXX, no LNP query is necessary to properly route any call to that NXX. The Commission implicitly recognized this fact in the LNP Second Report and Order, when it defined a "default routed call":

A 'default routed call' situation would occur in a Location Routing Number system as follows: when a call is made to a telephone number in an exchange with any ported numbers, the N-1 carrier (or its contracted entity) queries a local Service Management System database to determine if the called number has been ported.<sup>4</sup>

A LEC may only charge an N-1 carrier for querying a default-routed call when a call is placed to an NXX for which there exists some need to confirm the identity of the local carrier to which a particular number is assigned -- indeed, a "default-routed call" only occurs in that circumstance.

SBC's *ex parte* goes on to argue that activating LNP queries on an NXX-by-NXX basis would be "burdensome," and could create routing errors. This claim cannot be credited in light of the fact that Ameritech has made clear that it only intends to charge for LNP queries for calls to an NXX in which at least one number has ported.<sup>5</sup> But even accepting SBC's claims *arguendo*, they demonstrate nothing more than the fact that SBC has not planned its PLNP implementation in a manner that comports with the Commission's requirements. Carriers that have designed their LNP processes to perform queries only after they receive the NPAC "heads up" notification in accordance with the NANC Process Flows should not be penalized because SBC has designed its network processes differently. SBC states in its *ex parte* that "No carrier indicated that NXX's [sic] in a given switch would require LNP activation at any time other than the initial deployment of LNP in that switch." Given the clear requirements of the NANC Process Flows and the LNP Second Report and Order, there was simply no need for

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<sup>4</sup> LNP Second Report and Order, ¶ 76 (emphasis added).

<sup>5</sup> See Reply Comments of Ameritech, filed February 27, 1998, p. 14 ("Ameritech clarifies that it will only bill the Query Service rate on calls to a telephone number within a central office code (NXX) from which at least one number has been ported.") in Number Portability Query Services, CC Docket No. 95-116, CCB/CPD 97-46.

any carrier to so indicate. As AT&T stated above, if SBC believes that the manner in which it has chosen to implement LNP makes it necessary to query every call to an NXX that is open for portability (as Ameritech does not), it is free to do so. However, SBC may not charge N-1 carriers for unnecessary queries merely because it has elected to perform them.

SBC also attempts to argue that the dispute regarding its LNP query practices will not actually effect the amount it recovers in query charges. The March 12<sup>th</sup> *ex parte* contends that SBC's costs related to LNP query service will not be affected by the number of queries for which it can charge, and therefore that lowering the number of queries for which it can charge will simply make each query more expensive.

As a preliminary matter, this argument necessarily concedes a crucial point: SBC admits that performing queries only for calls to NXXs in which at least one number has been ported will not affect its costs. Accordingly, its protests that querying only such calls will require it to endure a "burdensome" process of activating each NXX for portability individually cannot be taken seriously, as by its own reckoning, any added "burden" will be so insubstantial that it will not cause any additional expense.

Further, SBC's argument that its proposal to charge N-1 carriers for unnecessary LNP queries will have no net cost effect fails to account for the fact that its proposal could affect the identity of its query service customers, not merely the per-query charge. Carriers such as AT&T that intend to perform their own LNP queries may nevertheless need to purchase LNP query service from other carriers if they are temporarily unable to perform queries for technical reasons. If LECs nationwide were to choose to perform LNP queries on all calls to NXXs designated as portable, an N-1 carrier that had designed its systems to comply with the NANC Process Flows might experience capacity and congestion problems until it could adjust to the sudden, tremendous volume of queries that it would be required to perform under SBC's new policy, and accordingly might be forced to purchase LNP query services that it otherwise could self-provision.

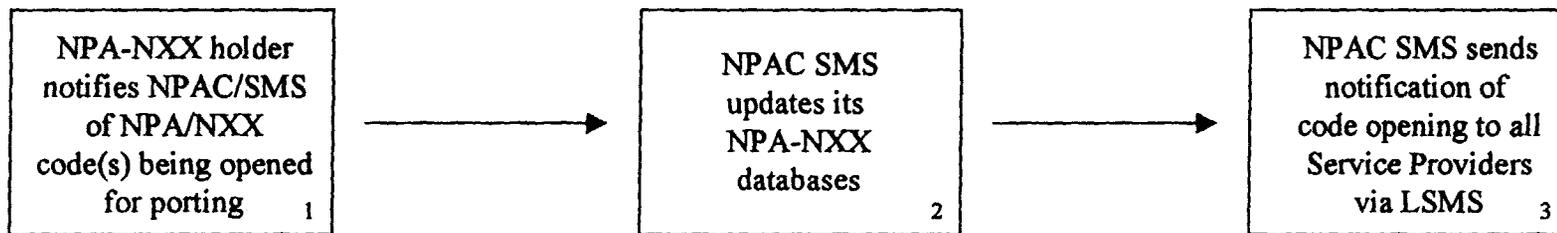
In summary, the Commission already has held that N-1 carriers are only required to perform (and to pay for) LNP queries for calls to an NXX in which at least one number has been ported, and should confirm that all tariffs for LNP query services must conform to this ruling.

Sincerely,



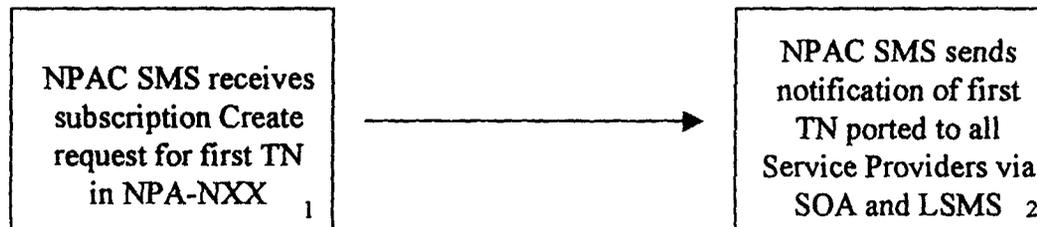
# INTER-SERVICE PROVIDER LNP OPERATIONS FLOWS - CODE OPENING PROCESSES -

## NPA-NXX Code Opening



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## First TN Ported in NPA-NXX



## Inter-Service Provider LNP Operations Flows

### Code Opening Processes Figure 9

#### *NPA-NXX Code Opening*

Step	Description
1. NPA-NXX holder notifies NPAC SMS of NPA-NXX Code(s) being opened for porting.	<ul style="list-style-type: none"><li>The service provider responsible for the NPA-NXX being opened must notify the NPAC SMS via the SOA or LSMS interface within a regionally agreed to time frame.</li></ul>
2. NPAC SMS updates its NPA-NXX databases	<ul style="list-style-type: none"><li>NPAC SMS updates its databases to indicate that the NPA-NXX has been opened for porting.</li></ul>
3. NPAC SMS sends notification of code opening to all Service Providers via LSMS.	<ul style="list-style-type: none"><li>The NPAC SMS provides advance notification of the scheduled opening of NPA-NXX code(s) via the LSMS interface.</li></ul>

#### *First TN Ported in NPA-NXX*

Step	Description
1. NPAC SMS receives subscription create request for first TN in NPA-NXX	<ul style="list-style-type: none"><li>Service Provider notifies NPAC SMS to create subscription for the first telephone number in an NPA-NXX.</li></ul>
2. NPAC SMS sends notification of first TN ported to all service providers via SOA and LSMS	<ul style="list-style-type: none"><li>When the NPAC SMS receives the first subscription create request in an NPA-NXX, it will broadcast a "heads-up" notification to all service providers via both the LSMS and SOA interfaces. Upon receipt of the NPAC message, all service providers, within five (5) business days, will complete the opening for the NPA-NXX code for porting in all switches.</li></ul>