EX PARTE OR LATE FILED

Frank S. Simone
Government Affairs Director

Suite 1000
1120 20th Street, N.W.
Washington, DC 20036
202 457-2321
FAX 202 457-2165
fsimone@lgamgw.attmail.com

March 26, 1998

RECEIVED
MAR 26 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; Public Notice, DA 98-139 (rel. January 17, 1998)

Ms. Roman Salas:

Please be advised that on March 25, 1998, Joyce Davidson, Harry Sugar, James Bolin, and the undersigned met with Michael Pryor, Susan Launer, Gayle Radley Teicher, Gregory Cooke, Les Selzer, Patrick Forster, and Andre Rausch of the Commission's Common Carrier Bureau staff in connection with the above-referenced proceedings. The purpose of the meeting was to discuss AT&T's views as they relate to Bell Operating Company compliance with the Communication Act's Section 271 "checklist" requirements for dialing parity, number administration, and number portability. The attached documents outline AT&T's position in this matter.

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

Sincerely,

ATTACHMENT

cc: M. Pryor
S. Launer
G. Radley Teicher
L. Selzer
A. Rausch
P. Forester
G. Cooke

No. of Copies rec'd 0+2
List ABCDE

Recycled Paper

Section 271 "Checklist" Provisions

Dialing Parity -- Checklist Item 7

- § 271(c)(2)(B)(xii): Nondiscriminatory access to such services or information as are necessary to allow the requesting carrier to implement local dialing parity in accordance with the requirements of section 251(b)(3).

- § 153(15): The term 'dialing parity' means that a person that is not an affiliate of a local exchange carrier is able to provide telecommunications services in such a manner that customers have the ability to route automatically, without the use of any access code, their telecommunications to the telecommunications services provider of the customer's designation from among 2 or more telecommunications services providers (including such local exchange carrier).

Section 271 "Checklist" Provisions

Number Administration -- Checklist Item 9

- § 271(c)(2)(B)(ix): Until the date by which telecommunications numbering administration guidelines, plan, or rules are established, nondiscriminatory access to telephone numbers for assignment to the other carrier's telephone exchange service customers. After that date, compliance with such guidelines, plan, or rules.

Section 271 "Checklist" Provisions

Number Portability -- Checklist Item 11

- § 271(c)(2)(B)(xi): Until the date by which the Commission issues regulations pursuant to section 251 to require number portability, interim telecommunications number portability through remote call forwarding, direct inward dialing trunks, or other comparable arrangements, with as little impairment of functioning, quality, reliability, and convenience as possible. After that date, full compliance with such regulations.

- § 153(30): The term 'number portability' means the ability of users of telecommunications services to retain, at the same location, existing telecommunications numbers without impairment of quality, reliability, or convenience when switching from one telecommunications carrier to another.

Requirements for Checklist Compliance
Dialing Parity

- BOC must establish that end-users can complete local calls by dialing the same number of digits as BOC customers, with no unreasonable dialing delays and without being required to utilize an access code, without regard to the identity of the local service provider for the calling or called party
  - NPA overlay plans must require 10-digit dialing for all local calls "to ensure that competition will not be deterred in overlay area codes as a result of dialing disparity." (Second Local Competition Order, ¶ 287)
  - Segregation of carriers based on technology -- e.g., wireless-only NPAs -- also would create local dialing disparity by forcing callers to dial ten-digits to reach users of other technologies in different NPAs
- BOCs must not seek to disadvantage competitors by encouraging or supporting efforts to implement NPA relief plans that would create dialing disparities

Requirements for Checklist Compliance
Dialing Parity

- BOC also must demonstrate that it is providing intrastate intraLATA toll ("local toll") dialing parity in full compliance with applicable requirements. (See § 251(b)(3); § 271(e)(2)(B))

- If no existing state requirements mandate intrastate intraLATA dialing parity, BOC must demonstrate that it will provide that capability by the date interLATA relief is granted (See § 251(b)(3); § 271(e)(2)(A))

Requirements for Checklist Compliance Numbering Administration

- Prior to transfer of CO Code (NXX) Administration functions to Lockheed Martin, BOC must demonstrate that it administers numbering resources in a nondiscriminatory manner and complies with the Commission's rules, and the INC's CO Code Administration and NPA Relief Guidelines. A BOC must:
  - demonstrate that it permits competing providers access to numbers that is identical to the access it provides to itself. (Second Local Competition Order, ¶ 106)
    - » CLECs may not be required to begin number pooling before the incumbent BOC, as they would then obtain numbers in block of 1,000, while the BOC obtained full NXXs
  - "apply identical standards and procedures for processing all numbering requests, regardless of the identity of the party making the request." (Second Local Competition Order, ¶ 334)
  - demonstrate that any fees it charges to unaffiliated entities seeking to obtain numbers are the same as those it charges "to all carriers, including itself and its affiliates," and that it does not "assess[] unjust, discriminatory, or unreasonable charges for activating CO codes." (Second Local Competition Order, ¶ ¶ 328, 333)

Requirements for Checklist Compliance Numbering Administration

- BOCs' responsibilities as CO Code Administrators include obligation to plan for NPA relief and avoid need for NXX rationing.

- BOCs must demonstrate that they have not unreasonably allowed NPAs to reach "jeopardy," or otherwise sought to deny numbers to competitors.
  - BOCs can rely on "warehoused" numbers, and so have incentive to delay implementation of new NPAs. (Second Local Competition Order, ¶ 289)
  - BOC must not encourage or support adoption by state commissions of numbering administration policies that are noncompliant with the Commission's rules or the INC's guidelines

- Commission will address this checklist item on a "a case by case basis" and "will look specifically at the circumstances and business practices governing CO code administration in each applicant's state to determine whether the BOC has complied with section 271(c)(2)(B)(ix)." (Second Local Competition Order, ¶ 345)

Requirements for Checklist Compliance Number Portability

- Prior to implementation of permanent local number portability ("PLNP") in a particular switch, a BOC must provide interim portability ("ILNP") through remote call forwarding, direct inward dialing, route indexing, and any other reasonable, technically feasible method requested by a competitor (First LNP Order, ¶ 115)

- BOC must show that its ILNP charges comply with the Commission's rules

- BOC must provision ILNP within a reasonable period following a competitor's request for that service, and must not place unreasonable or discriminatory conditions on its provisioning

- Upon implementation of PLNP, BOC must cooperate with its competitors to transition numbers from interim to permanent portability methods.
  - Must continue to support ILNP until transition is complete
  - Must allow a reasonable period to develop and test electronic interfaces for PLNP provisioning before requiring transition to PLNP, so that transition process can be automated

Requirements for Checklist Compliance Number Portability

- BOC must show that PLNP has been timely deployed as required by the Commission's implementation schedule, and will be timely deployed in other MSAs and requested switches
  - Must provide schedule and status for testing and implementation
  - Implementation plans must not be designed to disadvantage competitors (e.g., does BOC plan to delay deployment until as late in schedule as possible, or to delay deployment in most densely populated areas?) (See LNP Reconsideration Order, ¶ 82)
- BOC may not delay or condition implementation except as expressly permitted by the Commission's rules
  - e.g., BOC may not delay PLNP implementation until the Commission issues cost recovery rules

Requirements for Checklist Compliance Number Portability

- BOC must provision PLNP within a reasonable period following a competitors' request for that service, and must not place unreasonable or discriminatory conditions on its provisioning
  - Provisioning must conform to NANC Process Flows adopted in LNP Second Report and Order
  - Provisioning must be available through an automated interface that is at least as robust as analogous OSS pre-ordering and ordering functions that the BOC provides to itself

Checklist Compliance
Number Portability

- Failure to timely deploy PLNP means that BOC cannot comply with § 271(c)(2)(B)(xi) until it demonstrates PLNP implementation in all MSAs is back on schedule
  - Any other result makes noncompliance costless for BOC, and eliminates incentive to timely deploy PLNP
  - "Rewards" incompetence in implementing PLNP -- and creates a perverse incentive

- Exceptions should be made only for delays attributable solely to problems that require the Commission to modify its rules establishing the LNP schedule for the entire industry or region -- e.g., delayed NPAC/SMS availability.

- Delays attributable to a BOC's (or vendor's) failure to timely deploy or modify its own internal systems or network necessarily prevent it from achieving "full compliance with such [LNP] regulations."
  - Receipt of a waiver shows only that a BOC's noncompliance will not result in fines and damage awards

Learnings Applicable to Other Checklist Items

- Measurable Criteria for Compliance

- Industry cooperation in addressing and resolving technical issues
  - Number Administration: NANC and NANPA Working Group, INC
  - Number Portability: State workshops, NANC and LNPA Working Group

- Commission Orders with Technical Specificity, based on industry input
  - Number Administration: CC Dockets 92-237 and 96-98
  - Dialing Parity: CC Docket 96-98
  - Number Portability: CC Docket 95-116

- Many disputes resolved through NANC or other industry groups, rather than via regulatory bodies or the courts