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

In the Matter of)	
)	
Telephone Number Portability)	CC Docket No. 95-116
)	
Petitions for Extension of the Deployment)	
Schedule for Long-Term Database)	
Methods for Local Number Portability,)	
Phase I)	
)	
Allegiance Telecom, Inc.)	
AT&T Corporation)	NSD File Nos. L-98-20, L-98-28,
BellSouth Corporation)	L 98-27, L-98-24, L-98-21, L-98-09,
ITC DeltaCom)	L-98-29, L-98-30, L-98-26, L-98-31,
GST Telecom of California, Inc.)	L-98-22, L-98-23, L-98-32, L-98-25
GTE California Incorporated)	
GTE Service Corporation)	
MediaOne, Inc.)	
NextLink California, LLC)	
Pacific Bell)	
Sprint Local Telephone Companies)	
Teleport Communications Group)	
US WEST Communications, Inc.)	
WorldCom, Inc.)	

ORDER

Adopted: March 31, 1998

Released: March 31, 1998

By the Chief, Network Services Division, Common Carrier Bureau:

I. INTRODUCTION

1. In this Order, we grant the petitions for extensions of the Phase I deadline of March 31, 1998 for implementing local number portability (LNP) based on the change of Number Portability Administration Center (NPAC), filed by thirteen individual carriers in the Southeast, Western, and West Coast regions, subject to the requirements and conditions

contained herein. In addition, we grant the petition of GTEC for an extension of the Phase I implementation deadline for reasons unrelated to the change of NPAC.¹

II. BACKGROUND

2. On June 27, 1996, the Commission adopted the *First Report and Order and Further Notice of Proposed Rulemaking (First Report and Order)*,² which implemented the provisions of section 251 of the Communications Act of 1934, as amended, that relate to telephone number portability.³ Section 251(b)(2) requires all local exchange carriers (LECs) to provide, "to the extent technically feasible, number portability in accordance with requirements prescribed by the Commission."⁴ The Commission determined, among other things, that it has authority under section 251 to promulgate rules regarding long-term and currently available number portability, as well as to establish cost recovery methods for each.⁵ Among other things, the Commission required LECs operating in the 100 largest Metropolitan Statistical Areas (MSAs)⁶ to offer long-term number portability pursuant to a phased deployment schedule.⁷ The Commission adopted a phased implementation schedule for the deployment of long-term number portability by wireline carriers.⁸

¹ 47 C.F.R. Part 52, Appendix. We note that some of the Petitioners also requested extensions of Phases II - V. These requests will be addressed in future orders.

² *Telephone Number Portability First Report and Order and Further Notice of Proposed Rulemaking*, CC Docket No. 95-116, 11 FCC Rcd 8352 (1996), *recon.*, 12 FCC Rcd 7236 (1997), *further recon. pending, appeals pending sub nom. Bell Atlantic NYNEX Mobile, Inc. v. FCC et al.*, No. 97-9551 (10th Cir. filed May 30, 1997), *US WEST, Inc. v. FCC et al.*, No. 97-9518 (10th Cir. filed Apr. 24, 1997).

³ 47 U.S.C. § 251. Section 251 was added by the Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56 (1996) (1996 Act). "Number portability" is defined by the 1996 Act as "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." 47 U.S.C. § 153(30).

⁴ 47 U.S.C. § 251(b)(2).

⁵ *First Report and Order*, 11 FCC Rcd at 8370-71, 8409-8411, 8415, 8455, ¶¶ 36-37, 110-112, 121, 199.

⁶ MSAs are geographic areas designated by the Bureau of Census for purposes of collecting and analyzing data. The boundaries of MSAs are defined using statistics that are widely recognized as indications of metropolitan character. *See Policy and Rules Concerning Rates for Dominant Carriers*, CC Docket No. 87-313, Memorandum Opinion and Order, FCC 97-168 (rel. May 30, 1997) at ¶ 17 n.26. Section 52.23(b)(1) provides that "[a]ll LECs must provide a long-term database method for number portability in the 100 largest Metropolitan Statistical Areas (MSAs) by December 31, 1998, in accordance with the deployment schedule set forth in the Appendix to this part, in switches for which another carrier has made a specific request for the provision of number portability, subject to paragraph (b)(2) of this section." 47 C.F.R. §§ 52.23(b)(1).

⁷ *First Report and Order*, 11 FCC Rcd at 8393, ¶ 77, App. F.

⁸ *Id.* at 8355, ¶ 3. In the *First Report and Order*, the Commission required all cellular, broadband personal communications services (PCS) and covered specialized mobile radio (SMR) providers to have the capability of delivering calls from their networks to ported numbers anywhere in the country by December 31,

3. The Commission concluded also in the *First Report and Order* that regionally deployed data bases for number portability would best serve the public interest, and that such data bases should be administered by one or more neutral administrators.⁹ The Commission directed the North American Numbering Council (NANC), an advisory committee established pursuant to the Federal Advisory Committee Act,¹⁰ to recommend one or more independent, non-governmental entities to serve as a local number portability administrator (LNPA).¹¹ The Commission also directed the NANC to make recommendations regarding, among other things, the duties of the LNPA, the location of regional databases, and the technical specifications for the databases.¹² The NANC submitted its recommendations to the Commission on May 1, 1997.¹³ The Common Carrier Bureau sought comment on the recommendations on May 2, 1997.¹⁴

4. On March 6, 1997, the Commission modified the number portability implementation schedule in a *First Memorandum Opinion and Order on Reconsideration (First Order on Reconsideration)*.¹⁵ The Commission extended the completion dates for the

1998, and to offer service provider portability, including the ability to support roaming, throughout their networks by June 30, 1999. In the *First Order on Reconsideration*, the Commission concluded that these commercial mobile radio service (CMRS) providers need only deploy LNP by the June 30, 1999, deadline in switches in the 100 largest MSAs for which they receive a request at least nine months prior to the deadline. *First Order on Reconsideration*, 12 FCC Rcd at 7313-14, ¶ 137. The Commission currently has received two petitions, both from the Cellular Telecommunications Industry Association (CTIA), seeking extensions of the CMRS number portability deadlines. See *Wireless Telecommunications Bureau Seeks Comment On CTIA Petition to Extend Implementation Deadlines of Wireless Carriers*, Public Notice, CC Docket No. 95-116, DA 97-2579, (rel. December 9, 1997); *Wireless Telecommunications Bureau Seeks Comment On CTIA Petition Requesting Forbearance from CMRS Number Portability Requirements*, Public Notice, CC Docket 95-116, DA 98-11 (rel. Jan. 22, 1998).

⁹ *First Report and Order*, 11 FCC Rcd at 8399-8401, ¶¶ 91-92.

¹⁰ See 5 U.S.C. App. 2 (1988).

¹¹ *First Report and Order*, 11 FCC Rcd at 8401, ¶ 93.

¹² *Id.* at 8402, 8403-04, ¶¶ 95, 99.

¹³ Letter from Alan Hasselwander, Chairman, North American Numbering Council, to Reed E. Hundt, Chairman, FCC, dated May 1, 1997, transmitting the NANC Local Number Portability Administration Selection Working Group Report, dated April 25, 1997.

¹⁴ See *NANC Issues Recommendations Regarding The Implementation of Telephone Number Portability; 60 Day Time Period During Which States May Elect To Opt Out of Regional Database System Commences; Common Carrier Bureau Seeks Comments on NANC's Recommendations*, Public Notice, CC Docket No. 95-116 (rel. May 2, 1997) (NANC Recommendation Phase). A copy of this public notice was published in the Federal Register on May 8, 1997. See 62 Fed. Reg. 25157 (1997).

¹⁵ *First Order on Reconsideration*, 12 FCC Rcd 7236 (1997). The Commission set out the new implementation schedule in Appendix E. Phase I -- 10/1/97 - 3/31/98; Phase II -- 1/1/98 - 5/15/98; Phase III -- 4/1/98 - 6/30/98; Phase IV -- 7/1/98 - 9/30/98; and Phase V -- 10/1/98 - 12/31/98. The *First Order on Reconsideration* addressed three primary issues. First, the Commission concluded that Query on Release (QOR)

first two phases of the implementation schedule and clarified that LECs need only provide number portability in switches for which another carrier has made a specific request for the provision of portability, within the 100 largest MSAs.¹⁶ The Commission found that such a modification would "allow carriers to take appropriate steps to safeguard network reliability."¹⁷

5. On August 18, 1997, the Commission released a *Second Report and Order* in which it adopted, with minor modifications, recommendations of the NANC regarding the selection and duties of the LNPA, the locations of regional databases, and technical specifications for the regional databases.¹⁸ The Commission adopted the NANC's recommendation that Lockheed Martin IMS (Lockheed Martin) and Perot Systems, Inc. (Perot Systems) serve as the NPAC administrators for the regional number portability databases. The Commission also adopted, on an interim basis, the NANC's recommendation that the regional limited liability companies (LLCs), already established by carriers in each of the original BOC regions, manage and oversee the LNP administrators, subject to review by NANC.¹⁹

6. On January 21, 1998, the Chairman of the NANC informed the Chief of the Common Carrier Bureau (Bureau) that the Phase I implementation schedule for LNP deployment will be significantly affected in the Southeast, Western, and West Coast regions²⁰ by the failure of Perot Systems to provide a stable platform to support LNP.²¹ In the letter, NANC recommended that the Commission extend the time period in which carriers in these

is not an acceptable long-term number portability method because it violates one of the performance criteria established in the *First Report and Order*. Second, the Commission extended the long-term number portability implementation schedule for wireline carriers, clarified the requirements imposed thereunder, and addressed issues related to rural LECs and certain other parties. Third, the Commission affirmed and clarified the long-term number portability implementation schedules for wireless carriers. *Id.* at 7237, ¶ 1.

¹⁶ *First Order on Reconsideration*, 12 FCC Rcd at 7273, 7283-84, ¶¶ 60, 78-80. Pursuant to the revised implementation schedule, the deployment deadline of Phase I was extended until March 31, 1998, and until May 15, 1998 for Phase II.

¹⁷ *Id.* at 7283, ¶ 78.

¹⁸ *Telephone Number Portability Second Report and Order*, 12 FCC Rcd 12281 (1997) (*Second Report and Order*).

¹⁹ *Id.* at 12283-84, ¶ 3.

²⁰ The Southeast region consists of Florida, Georgia, North Carolina, South Carolina, Tennessee, Kentucky, Alabama, Mississippi, and Louisiana. The Western region consists of Washington, Oregon, Montana, Wyoming, North Dakota, South Dakota, Minnesota, Iowa, Nebraska, Colorado, Utah, Arizona, New Mexico, Idaho, and Alaska. The West Coast region consists of California, Nevada, and Hawaii.

²¹ Letter from Alan Hasselwander, Chairman, North American Numbering Council, to A. Richard Metzger, Jr., Chief, Common Carrier Bureau, FCC, January 21, 1998 (NANC January 21 Letter).

regions may file any necessary petitions for waiver of the Commission's rules requiring implementation of permanent LNP from January 29, 1998 until March 1, 1998.²²

7. The Bureau issued a public notice concerning the NANC recommendation on January 21, 1998.²³ On January 28, 1998, the Chief of the Bureau's Network Services Division issued an order granting carriers in the Southeast, Western, and West Coast regions a thirty day limited extension of time to file petitions for extension of the March 31, 1998 Phase I deadline.²⁴

8. On February 20, 1998, the Chairman of the NANC informed the Bureau Chief that the LLCs for the Southeast, Western, and West Coast regions had reported to the NANC that it was necessary to terminate their contracts with Perot Systems, with whom they had experienced repeated performance problems, and to enter into contracts with Lockheed Martin to serve as the LNPA. The NANC members supported unanimously the decision to change vendors as "essential in successfully implementing [number portability] in these regions."²⁵

9. On March 2, 1998, Allegiance Telecom, Inc., (Allegiance), BellSouth Corporation (BellSouth), ITC DeltaCom Communications Inc., (ITC DeltaCom), GST Telecom of California, Inc., (GST), NextLink California, LLC (NextLink), Sprint Local Telephone Companies (Sprint), Teleport Communications Group, Inc., (Teleport) WorldCom, Inc., (WorldCom) AT&T Corporation (AT&T), GTE Service Corporation (GTE), MediaOne, Inc., (MediaOne), Pacific Bell, and US WEST Communications, Inc., (US WEST) filed petitions

²² NANC January 21 Letter. Section 52.23(e) of the Commission's regulations provides that "[i]n 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."

47 C.F.R. § 52.23(e).

²³ See *Common Carrier Bureau Seeks Comment on the NANC Recommendation to Delay Filing of 47 C.F.R. § 52.3(e), Waiver Requests by Individual Carriers for Local Number Portability Phase I Implementation*, Public Notice, DA 98-109, (Com. Car. Bur., rel. Jan. 21, 1998).

²⁴ 47 C.F.R. § 52.23(e). *In the Matter of Telephone Number Portability: Order Extending Time to File Waivers for Phase I Implementation*, CC Docket No. 95-116, DA 98-152 (Com. Car. Bur. rel. Jan. 28, 1998) (*January 28 Waiver Extension Order*).

²⁵ Letter from Alan C. Hasselwander, Chairman, North American Numbering Council, to A. Richard Metzger, Jr., Chief, Common Carrier Bureau, FCC, February 20, 1998 (NANC February 20, 1998 Letter).

seeking a delay of the Phase I implementation deadline of March 31, 1998 based on the substitution of Perot Systems with Lockheed Martin as the NPAC in the Southeast, Western, and West Coast regions.²⁶ The Bureau issued two public notices concerning the extension requests on March 4 and 5, 1998.²⁷

10. On January 29, 1998 GTE California Inc. (GTEC) filed a petition seeking a delay of the Phase I implementation deadline for one switch located at the University of Southern California (USC) in Los Angeles.²⁸ The Bureau issued a public notice concerning the extension request on March 3, 1998.²⁹

11. Section 52.23(d) provides that the Bureau Chief may waive or stay any of the dates in the implementation schedule.³⁰ Section 52.23(f) requires the Bureau Chief to monitor implementation of number portability, and permits the Chief to take such actions as are necessary to ensure compliance with the deployment schedule.³¹

III. PETITIONS

12. Thirteen carriers in the Southeast, Western, and West Coast regions seek extensions of the Phase I implementation deadline of March 31 based on the change of NPAC from Perot Systems to Lockheed Martin. Lockheed Martin states that it is on schedule to begin providing an operational Number Portability Administration Center/Service Management

²⁶ NSD File Nos. L-98-20, L-98-28, L-98-27, L-98-24, L-98-21, L-98-29, L-98-30, L-98-26, L-98-31, L-98-22, L-98-23, L-98-32, L-98-25.

²⁷ See *Common Carrier Bureau Seeks Comment on Petitions for Extension of Time of the Local Number Portability Phase I Implementation Deadline*, Public Notices, DA 98-449, DA 98-451 (Com. Car. Bur., rel. March 4 and 5, 1998) (*Implementation Waiver Petitions*). Comments on the petitions were due by March 12, and reply comments by March 17, 1998. Comments were filed by AT&T, BellSouth, MCI Telecommunications Corporation (MCI), SBC Companies (SBC), and WorldCom on March 12, 1998. Replies were filed by AT&T, BellSouth, Concord Telephone Company (Concord), GTE, MCI, Pacific Bell, SBC, Sprint, and US WEST on March 17, 1998.

²⁸ NSD File No. L-98-09.

²⁹ See *Common Carrier Bureau Seeks Comment on GTEC's Request to Extend the Implementation Time for its University of Southern California (USC) Switch for Local Number Portability Phase I Implementation*, Public Notice, DA 98-406, (Com. Car. Bur., rel. Mar. 3, 1998). No comments or replies were filed in this matter.

³⁰ 47 C.F.R. §§ 52.23(d). Section 52.23(d) provides that "[t]he Chief, Common Carrier Bureau, may 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, for a period not to exceed 9 months (i.e., no later than September 30, 1999)."

³¹ 47 C.F.R. §§ 52.23(f). Section 52.23(f) provides that "[t]he Chief, Common Carrier Bureau, shall monitor the progress of local exchange carriers implementing number portability, and may direct such carriers to take any actions necessary to ensure compliance with the deployment schedule set forth in the appendix to this part 52."

System (NPAC/SMS) on May 11, 1998 in the Western and West Coast regions.³² The petitioners base their extension requests on this NPAC/SMS "live" date.³³

Implementation Waiver Petitions based on the Change of NPAC

13. GST states that it is a local exchange provider with a switch in the Los Angeles MSA.³⁴ GST requests an extension of the Phase I implementation deadline to June 11, 1998.

14. Sprint states that it is a local exchange provider with fifteen switches in the Minneapolis MSA. Sprint requests an extension of the Phase I implementation deadline to permit a phased-in implementation by July 13, 1998.³⁵

15. WorldCom states that it is an interexchange carrier as well as a competitive local exchange provider and an information service provider with switches in the Los Angeles, Atlanta, and Minneapolis MSAs. WorldCom requests an extension of the Phase I implementation deadline to June 15, 1998.³⁶ WorldCom notes that the LLC members have not agreed on new deployment deadlines.³⁷ WorldCom asserts that the Commission should review whether extension requests beyond June 15 are warranted.³⁸

16. AT&T requests an extension of the Phase I implementation deadline to June 26, 1998 for switches located in the Los Angeles, Atlanta, and Minneapolis MSAs.³⁹ AT&T also notes that the LLC members have not agreed on new deployment deadlines.⁴⁰

³² Letter from Joseph F. Franlin, Vice President, Operations, Communications Industry Services, Lockheed Martin IMS, to Geraldine A. Maise, Chief, Network Services Division, Common Carrier Bureau, FCC, Mar. 23, 1998 (Lockheed Martin Letter). Lockheed Martin notes that it is providing the letter in response to a request from Commission staff. It notes that the process described is a generic process that it employs in conducting its responsibilities. It cautions that the letter does not purport to comment on the petitions, and emphasizes that the testing intervals are very rough averages based upon its experience to date with its original four regions. Finally, Lockheed Martin notes that it believes that the actual amount of testing varies substantially by carrier, MSA, and region. Lockheed Martin Letter at 1.

³³ *Id.* at 7-8.

³⁴ GST Petition at 2.

³⁵ Sprint Petition at 2 and Attachment A.

³⁶ WorldCom Petition at 2, 4; Letter from Anne J. La Lena, Assistant Director, Regulatory, WorldCom, to Ms. Magalie Roman Salas, Secretary, filed March 26, 1998.

³⁷ WorldCom Petition at 5.

³⁸ *Id.* at 7.

³⁹ AT&T Petition at 1, 4, and Exhibit I.

⁴⁰ *Id.* at 5-6.

17. NextLink requests an extension of the Phase I implementation deadline to permit a phased-in implementation by July 1, 1998 for switches located in the Los Angeles MSA.⁴¹

18. US WEST requests an extension of the Phase I implementation deadline for switches located in the Minneapolis MSA to July 17, 1998 and also seeks extension of phases two through four.⁴²

19. Pacific Bell requests an extension of the Phase I implementation deadline for switches located in the Los Angeles MSA to July 19, 1998 and also seeks extension of phases two through four.⁴³

20. GTE requests an extension of the Phase I implementation deadline to permit a phased-in implementation for switches located in the Los Angeles and Minneapolis MSAs by July 31, 1998 and also seeks extension of phases two through four.⁴⁴

21. Allegiance states that it is a local exchange provider in Georgia and requests an extension of the Phase I implementation deadline to either October 1, 1998 or to whatever implementation date is granted to BellSouth for a switch located in the Atlanta MSA.⁴⁵

22. ITC DeltaCom states that it is a local exchange provider in Georgia, not yet operational, and requests an extension of the Phase I implementation deadline to either December 1, 1998, or to sixty days after whatever implementation date is granted to BellSouth for a switch located in the Atlanta MSA.⁴⁶

23. MediaOne seeks an extension of the Phase I implementation deadline for switches located in the Atlanta and Los Angeles MSAs, coincident with the extensions granted to Pacific Bell and GTE, and also seeks extension of phases two through five, coincident with the extensions granted to BellSouth, Pacific Bell and GTE.⁴⁷

⁴¹ NextLink Petition at 3; Supplement to NextLink California, L.L.C.'s Petition for Limited Waiver of the Implementation Deadline for Number Portability in the Los Angeles Metropolitan Statistical Area, filed March 26, 1998.

⁴² US WEST Petition at 2, 11-12, Affidavit of Timothy E. Mason.

⁴³ Pacific Bell Petition at 3, 19-20, 21, Exhibit C.

⁴⁴ Letter from F. Gordon Maxson, Director, Regulatory Affairs, GTE, to Ms. Magalie R. Salas, Secretary, FCC, March 24, 1998 (GTE Letter); GTE Petition at 5-7, 9 and Exhibit I.

⁴⁵ Allegiance Petition at 2, Declaration of Robert W. McCausland.

⁴⁶ ITC DeltaCom Petition at 1-2, Declaration of Steve Moses; Letter from Morton J. Posner, Attorney for ITC DeltaCom, to Magalie R. Salas, Esq., Secretary FCC, dated March 25, 1998.

⁴⁷ MediaOne Petition at 3, 5, 8; Letter from Elridge A. Stafford, US WEST, Executive Director, Federal Regulatory, to Magalie Roman Salas, Secretary, filed March 25, 1998, providing CLLI (Common Language Location Identification) Codes for MediaOne switches.

24. Teleport requests an extension of the Phase I implementation deadline for switches located in the Los Angeles MSA. Teleport states that it has not received an estimate from Lockheed regarding when the system will be commercially available.⁴⁸

25. BellSouth requests an extension of the Phase I implementation deadline for switches located in the Atlanta MSA to November 14, 1998 and also seeks extension of phases two through five.⁴⁹ Specifically, following the delivery of NPAC SMS by Lockheed Martin on May 11, 1998, BellSouth anticipates 16 weeks to perform "turn-up" testing, to be completed on September 1, 1998,⁵⁰ plus 30 days for intercompany end-to-end testing, to be completed on September 30, 1998; plus 45 days for a phased implementation of Phase I, to be completed on November 14, 1998.⁵¹ BellSouth identifies the switches for which extension is requested in an extensive Switch List attached to its petition.⁵²

26. In its petition, BellSouth explains in detail why it proposes a prolonged Phase I implementation schedule. BellSouth states that Perot Systems, as the Region 4 LNP administrator, was solely responsible for the Southeast Region database and explains that Perot Systems' original October 1, 1997 completion date was postponed, first to mid-December 1997 and then to July 6, 1998. BellSouth notes that on February 10, 1998, the Southeast LLC terminated its contract with Perot Systems and initiated a new contract with Lockheed Martin.⁵³ Its petition further indicates that the claimed need for additional time is due not only to postponed delivery dates, but also to the fact that Perot Systems had contracted to deliver an NPAC built to different, older, specifications (NANC specification 1.1) than Lockheed Martin had developed (NANC specification 1.8).⁵⁴

27. BellSouth indicates that, as a consequence of these events, it now must not only interface with the Lockheed Martin NPAC on a delayed date, but also must write detailed software requirements reflecting seven software release upgrades from NANC specification 1.1 to 1.8, develop the software, and perform network integrity and reliability testing.⁵⁵ BellSouth states that it will only be halfway through the re-engineering efforts by May 11,

⁴⁸ Teleport Petition at 2; Letter from Teresa Marrero, Attorney for Teleport, to Ms. Magalie Roman Salas, Secretary, filed March 26, 1998.

⁴⁹ BellSouth Petition at i-iii, 2-3, 15, 22.

⁵⁰ *Id.*, Affidavit of Gordon McDougal, Exhibit 2.

⁵¹ *Id.* at iii, 2-3, 21-22.

⁵² *Id.*, Affidavit of Michael F. Donze.

⁵³ *Id.* at 11-12.

⁵⁴ *Id.* at 12-13.

⁵⁵ *Id.* at 13; McDougal Affidavit.

1998, and that it is not in a position to complete the efforts until after June 30, 1998.⁵⁶ Further, BellSouth's LNP "Gateway Service Management System" (SMS) must then interface not only with the NPAC SMS but also with its pre-existing systems built during 1996 and 1997, including its local Advanced Intelligent Network (AIN) SMS (which, like the interface with the NPAC SMS, must also be upgraded to NANC specification 1.8),⁵⁷ its Service Order Control System, its Product and Services Information Management System, and its Customer Revenue Information Systems.⁵⁸

28. In its petition, BellSouth argues that a 35-week work effort is absolutely necessary to prevent malfunction risks.⁵⁹ After recent consultation with Lockheed Martin, however, BellSouth states in a recent *ex parte* letter that steps may be taken to shorten the proposed timeline, such as the creation of parallel testing teams with Lockheed Martin, the performance of preliminary turn-up testing, and a reduction in the number of turn-up test cases performed.⁶⁰ Also, in an attempt to shorten the timeline, BellSouth notes that it has investigated the possibility of obtaining the required NPAC interface from other NPAC software interface vendors, but that it has not fully explored this alternative.⁶¹

GTEC Implementation Waiver Petitions

29. This waiver petition is unrelated to the change of NPAC. GTEC requests an extension of the Phase I implementation deadline to June 1, 1998 for its switch located on the campus of USC in the Los Angeles MSA. GTEC states that on December 29, 1997 it acquired a base unit and two remote switches (that previously had been privately owned by USC) which were incapable of providing number portability. GTEC explains in detail its efforts to upgrade the switch.⁶²

⁵⁶ *Id.* at 14. BellSouth also states that, for Phases I-V and all 21 MSAs in the Southeast Region, it would not be prudent to implement a 90-day "flashcut" in order to meet the Phase V implementation deadline on December 31, 1998.

⁵⁷ *Id.* at 20.

⁵⁸ *Id.* at 15; McDougal Affidavit. An "advanced intelligent network" is defined in section 51.5 of the Commission's rules as a telecommunications network architecture in which call processing, call routing, and network management are provided by means of centralized databases located at points in an incumbent local exchange carrier's network. 47 C.F.R. § 51.5. Services available with an AIN include selective forwarding of calls, location-dependent call forwarding, and enhanced number translation services.

⁵⁹ BellSouth Petition at 28; McDougal Affidavit.

⁶⁰ Letter from Theodore R. Kingsley, Attorney for BellSouth, to Geraldine A. Matisse, Chief, Network Services Division, FCC, filed March 25, 1998, at pp. 3-4 (BellSouth Letter).

⁶¹ BellSouth Letter at 6.

⁶² GTEC Petition at 1, 4-5.

The Testing and Turn-Up Process

30. The following is a brief summary of the testing and deploying LNP process as described by Lockheed Martin in its capacity as an NPAC services supplier.⁶³ There is a single NPAC/SMS for each of the regions served. The NPAC is connected to specific systems with participating carriers over a standardized interface. The systems involved are the Local Service Management System (LSMS) and Service Order Administration (SOA) system. The LSMS/SOA systems in a carrier are typically part of an Operation[s] Support System (OSS) network, which provides support services for network elements such as switches and LNP Service Control Points (SCPs).⁶⁴

31. Testing the NPAC by the Administrator Lockheed, as the NPAC administrator indicates that its NPAC system is thoroughly tested for each new release of the NANC's specified "Interoperable Interface Specification" (IIS). Once Lockheed is satisfied with its internal testing of a new release, that release is then subjected to external "regression" testing by the carriers and by Lockheed to ensure that errors have not been introduced in the new releases. Regression testing, which attempts to forecast future events by analyzing past events, may identify problem areas in the implementation of LNP, thereby allowing the carrier to minimize the probability that technical problems will affect the reliability of the network. Once regional NPAC turn-up testing is completed in a region, Lockheed designates the NPAC live or operational for that region. In a live NPAC, the LNP database for that region is subject to NPAC LNP business processes and standard methods and practices, so that when the system is activated, commercial porting may begin.

32. Carrier Certification Before porting takes place, each participating carrier must be certified. Certification means that each carrier's system has been thoroughly tested and verified so that end to end interoperation of LNP may take place. The extensions of the prescribed implementation dates established by the Commission are being sought by the petitioners because each carrier is required to test and receive certification on the Lockheed NPAC instead of the Perot system. According to Lockheed, LNP certification testing is accomplished in three distinct phases.

(a) Interoperability testing First, the carrier's individual components are tested and verified in isolation. This is commonly referred to as "Interoperability Testing" and is essentially a testing of interoperability of the Lockheed and carrier's platforms. Here each carrier or system developer tests its SOA and LSMS software for compatibility with the NPAC interface. The current Lockheed IIS is currently at release level 1.8 whereas when Perot discontinued its activities it was still testing release 1.1. Once a carrier's or developer's LSMS/SOA product has been certified, it does not need to be retested as it is deployed in the network, unless the carrier's or developer's software is revised as a new release. In that case it must be recertified. Lockheed indicates that it takes an average of eight weeks to complete this phase of testing.

⁶³ See Lockheed Martin Letter.

⁶⁴ *Id.* at 2-3.

(b) Turn-Up Testing The second phase of certification is termed "turn-up testing." In this phase a carrier connects its platform to a Lockheed NPAC testbed to verify the carrier's ability to interact correctly with the NPAC production platform while attempting to perform all the functions that the carrier will need to perform during live NPAC operation. Lockheed advises that the NPAC production platform for the three prior Perot regions will be deployed by approximately April 16, 1998. Lockheed Martin states that the turn-up schedule for the Southeast region has not been finalized pending one carrier's development schedule to complete a necessary update of their system software.⁶⁵ Each carrier will perform between 40 and 200 test cases against the test bed, depending on the carrier's experience and whether the platform previously had been subjected to this testing phase. Once a carrier completes the test cases, the carrier must test its ability to interoperate with at least two other previously certified carriers in what is called service provider to service provider or SP to SP testing. Finally a carrier being certified must connect its system to the regional NPAC production platform.

Turn-up testing involves both establishing normal connectivity and establishing disaster or "fail-over" connectivity with Lockheed's backup NPAC production facility. Lockheed notes that the turn-up testing is performed in two circumstances: once when a new region is being first tested with one incumbent and two other carriers (NPAC live), and once for each carrier that enters a live NPAC region. It states that it expects to complete turn-up testing for the West Coast and Western regions by May 11, 1998. The average time a carrier requires to complete turn-up testing is about a month.

(c) Field Trial/Network Testing - The field trial/network testing phase takes place after the NPAC is designated live. The primary purpose of this phase of testing is to provide one or more carriers in a region with a final opportunity to test completely end-to-end LNP number porting to include all necessary downstream and other network element provisioning necessary to prove that the number has been fully ported and tested.⁶⁶ Lockheed expresses the view that carriers typically wish to conduct this testing phase prior to beginning live porting of actual customers in an NPAC region, or in a new MSA within that region. Lockheed Martin notes that this phase is defined, organized, and conducted by the carriers with minimal assistance from Lockheed Martin test engineers and may take approximately 4-8 working weeks to complete for the first MSA activated in a region.⁶⁷

⁶⁵ *Id.* at 8.

⁶⁶ *Id.*

⁶⁷ Lockheed Martin cautions that it is only tangentially involved in the network testing, as the NPAC services it delivers are otherwise live at this point. It states that in its experience, the actual amount of testing varies substantially by carrier, MSA, and region and notes that a number of factors influence testing time. *Id.* at 8-9.

IV. DISCUSSION

33. Pursuant to section 1.3 of the Commission's rules, the Commission may grant a waiver of a provision of its rules upon a showing of "good cause." 47 C.F.R. § 1.3. As construed by the U.S. Court of Appeals for the District of Columbia Circuit, section 1.3 allows the Commission to grant a waiver if special circumstances warrant a deviation from the general rule and such a deviation will serve the public interest.⁶⁸

Implementation Waiver Petitions based on the Change of NPAC

34. The parties agree generally that the failure of Perot Systems to provide a stable platform is the principal reason for any delays in meeting the Commission's March 31, 1998 Phase I implementation deadline. In the *January 28 Waiver Extension Order*, the Chief of the Bureau's Network Services Division noted that the LLCs in the Southeast, Western and West Coast regions were still evaluating the impact of the failure and negotiating to resolve issues associated with the expected delayed deployment.⁶⁹ That order granted affected carriers a thirty day limited extension of time to file petitions for extension of the Phase I deadline on the basis that there was too much uncertainty to expect carriers in the affected regions to evaluate fully the situation.⁷⁰ On February 20, 1998, the Chairman of the NANC notified the Bureau Chief that the NANC members unanimously supported the decision of the LLCs to terminate their contracts with Perot Systems and to enter into contracts with Lockheed Martin to serve as the LNPA as essential in successfully implementing NNP in Southeast, Western, and West Coast regions.⁷¹

35. We find that special circumstances were created as a result of the decision of the LLCs for the Southeast, Western, and West Coast regions to terminate their contracts with Perot Systems and enter into contracts with Lockheed Martin to serve as the LNPA. We find that this circumstance warrants a deviation from the general rule which requires that Phase I be implemented by March 31, 1998, and that extending the deadline for Phase I, as provided herein, will serve the public interest.⁷²

36. Some commenters argue that the testing sequences, time estimates, or intervals carriers cite are too lengthy or unnecessary. MCI argues, for example, that there is no reason for US WEST to delay testing after May 11, 1998, because implementation should be a

⁶⁸ *Northeast Cellular Telephone Co., L.P. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) (citing *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969), cert. denied, 409 U.S. 1027 (1972)); *Industrial Broadcasting Co. v. FCC*, 437 F.2d 680, 683 (D.C. Cir. 1970).

⁶⁹ See *January 28 Waiver Extension Order* at 1-3, citing NANC January 21 Letter.

⁷⁰ See *Id.* at 1-3.

⁷¹ NANC February 20, 1998 Letter.

⁷² See *Id.*

continuation of previous testing.⁷³ MCI further argues that GTE's graduated implementation is not warranted, because there have been no testing problems that cause outages.⁷⁴ WorldCom argues that after Pacific's June 10, 1998 network testing is complete, porting should begin over all switches, not phased-in.⁷⁵ GTE asserts that sixty days for Phase I implementation is prudent, because failure in one part of the network may result in numerous defaults to other locations, concerns that will be reduced in subsequent Phases.⁷⁶ Sprint argues that it is wrong to assume that because NPAC interacts correctly with one switch in one MSA, it will respond the same with every switch.⁷⁷

37. In general, we decline to second-guess carrier's assessments of their additional time requirements. We believe that the time requested by the carriers will allow for rigorous intra-company and inter-industry testing, which is needed to ensure efficient and problem-free implementation. Most of the carriers, WorldCom, AT&T, NEXTLINK, Sprint, US WEST, Pacific, MediaOne, and GTE request extensions of the Phase I implementation deadline, ranging from June 15, 1998 through July 31, 1998. Teleport has not specified a date. Subject to the requirements and conditions discussed herein, we find that the timing appears to be reasonable and conclude that the requirements of section 52.23(e) of the Commission's rules are satisfied.⁷⁸ Accordingly, we grant the petitions for extensions of the Phase I deadline of March 31, 1998 for implementing LNP in the Western and West Coast regions, for WorldCom, AT&T, NEXTLINK, Sprint, US WEST, Pacific, GTE, and MediaOne as follows: World Com until June 15, 1998; AT&T until June 26, 1998; NEXTLINK until July 1, 1998; Sprint until July 13, 1998; US WEST until July 17, 1998; Pacific until July 19, 1998; GTE, until July 31, 1998; MediaOne (until July 19, 1998 in Pacific's territory and until July 31, 1998 in GTE's territory); and Teleport until July 19, 1998. If, for any reason, however, Lockheed Martin is delayed and does not provide a "live" NPAC on May 11, 1998, these carriers shall implement permanent LNP in the Western and West Coast regions as soon as practicable within sixty days after the NPAC is made available, but in any event no later than July 31, 1998.

38. BellSouth seeks an extension of Phase I until November 14, 1998. Allegiance and MediaOne seek the same extension as BellSouth, while ITC DeltaCom seeks an extension until sixty days after BellSouth.

39. Prior to the change of LNPA from Perot Systems to Lockheed Martin, all of BellSouth's territory was in the former Perot Systems region. BellSouth states that it requires

⁷³ MCI Comments at 9-10.

⁷⁴ *Id.* at 13.

⁷⁵ WorldCom Comments at 7.

⁷⁶ GTE Reply at 2-5, n.3.

⁷⁷ Sprint Reply at 2.

⁷⁸ 47 C.F.R. § 52.23(e).

substantial, additional time to implement LNP since it must upgrade from Perot System's NANC specification 1.1 to Lockheed Martin's software, which was designed to meet NANC specification 1.8. It argues that more time is required to complete testing, because unlike some other carriers, it did not have a previous business relationship with Lockheed Martin.⁷⁹ It explains that its software was designed to interface with the NANC 1.1 specification required by Perot Systems. Other carriers, such as AT&T, WorldCom, US WEST, and GTE, had pre-established business relationships with Lockheed Martin in other regions of the country and consequently, already had tested and certified 1.8 programs to interface with Lockheed's NPAC. BellSouth argues that this distinguishes it from other carriers, since other carriers already are certified for NANC specification 1.8 and do not need to undergo the certification process set forth generally above.

40. Several commenters argue that BellSouth should have known of the need for upgrades since a November 1997 NANC meeting where it was discussed that Perot System's software was built only to specification 1.1.⁸⁰ Arguing that the databases of Perot System and Lockheed Martin are different and not fungible, BellSouth explains that until the LLCs terminated the contractual relationship with Perot Systems and entered into one with Lockheed Martin, BellSouth was legally obligated to implement LNP in the Southeast region in accordance with Perot Systems' specifications.⁸¹ AT&T argues that implementation means only being prepared to accept and fulfill orders, and download routing information from an NPAC/SMS to a local SMS.⁸² US WEST disputes this, contending that the specifications of Perot Systems and Lockheed Martin are not identical.⁸³

41. Subject to the conditions discussed herein, we find that BellSouth has satisfied the requirements of section 52.23(e) of the Commission's rules.⁸⁴ We find that BellSouth has demonstrated unique circumstances that justify additional time to implement number portability, in part, because carriers, such as AT&T, WorldCom, US WEST, and GTE, have systems in other regions of the country, and thus have previous experience working with the Lockheed Martin's NPAC. Accordingly, we grant BellSouth a waiver of the Phase I implementation date to August 31, 1998 subject to the following conditions: BellSouth must file with the Bureau, two reports, by May 8, 1998 and June 8, 1998, on the progress it and

⁷⁹ See BellSouth Comments at 4, 6-7.

⁸⁰ See MCI Comments at 4-5; WorldCom Comments at 4-5; AT&T Comments on DA 98-449 at 7-9, and Exhibit I, to the 11/13-14/97 NANC meeting minutes. AT&T further argues that BellSouth does not detail what the 1.1-1.8 upgrade actually requires. It asserts that the vast majority of changes for the upgrade involves documentation, not coding changes, and that there are only two coding changes - "port to original" (cancel the order) and "NPA spits" (permitting area code updating). AT&T notes that these changes were specifically identified in the 11/13-14/97 NANC minutes. AT&T Comments on DA 98-449 at 10-11.

⁸¹ BellSouth Reply at 6-9, 11-15.

⁸² AT&T Comments on DA 98-449 at 13-15.

⁸³ US WEST Reply at 11.

⁸⁴ 47 C.F.R. § 52.23(e).

Lockheed Martin have made and are making with respect to BellSouth's interface with the Lockheed Martin NPAC, and its progress on updating BellSouth's SMS interface with its internal systems, including its AIN SMS, Service Order Control System, Product and Services Information Management System, and its Customer Revenue Information Systems. The reports must set forth in detail progress it has made and steps taken, including a detailed work plan for next steps.⁸⁵ In addition, BellSouth must notify the Bureau Chief by letter, as soon as Lockheed Martin establishes an NPAC live date in the Southeast region. We believe that this approach strikes an appropriate balance between BellSouth's need for additional time based on its unique circumstances and the need to implement LNP without greater delay, other than that encountered as a result of the change from Perot Systems to Lockheed Martin.

42. Allegiance, AT&T, ITC DeltaCom, MediaOne, and WorldCom operate in the Southeast region. Allegiance, ITC DeltaCom, and MediaOne rely upon BellSouth to implement number portability and it is appropriate to grant them the same extension as BellSouth. We find that Allegiance, ITC DeltaCom, and MediaOne satisfy the requirements of section 52.23(e) of the Commission's rules and accordingly, grant them until August 31, 1998 to implement Phase I.⁸⁶ As stated above, we grant the petitions of WorldCom for extension of the Phase I deadline in the Western and West Coast regions until June 15, 1998 and AT&T until June 26, 1998. Although WorldCom and AT&T have not requested comparable extensions to that given to BellSouth, we hold that all carriers operating in the Southeast region prior to August 31, 1998 must implement LNP as soon as practicable, but in any event, no later than August 31, 1998. Carriers, such as ITC DeltaCom, that may not yet be operational in the Southeast region prior to August 31, 1998, must implement LNP consistent with the Commission's rules.⁸⁷ All carriers in the Southeast region must notify the Bureau Chief by letter, as soon as Lockheed Martin establishes an NPAC live date for the Southeast region. In addition all carriers in the Southeast region must file with the Bureau by May 8, 1998, a report describing their architectural arrangements for number porting. We deny ITC DeltaCom's petition to extend its implementation of permanent number portability sixty days beyond BellSouth's implementation deadline because we reasonably expect it to implement LNP on the same schedule as BellSouth, or consistent with the Commission's rules.

GTEC Implementation Waiver

43. No party opposes the petition for extension of the implementation deadline filed by GTEC. We find that GTE has demonstrated that it has taken reasonable steps to modernize the switch once it came under its control and that it satisfies the requirements of section 52.23(e) of the Commission's rules.⁸⁸ Accordingly, we grant GTEC an extension of

⁸⁵ See BellSouth Letter at 4; AT&T Comments on DA 98-449 at 7-8 and 12-13.

⁸⁶ 47 C.F.R. § 52.23(e).

⁸⁷ See 47 C.F.R. § 52.23(b)(2).

⁸⁸ 47 C.F.R. § 52.23(e).

the Phase I implementation deadline to June 1, 1998 for its switch located on the campus of USC in the Los Angeles MSA.

44. Some of the Petitioners also requested extensions of Phases II - V.⁸⁹ We limit our discussion in this Order to delays in implementing Phase I and will address extensions of Phases II - V in future orders.

V. ORDERING CLAUSES

IT IS THEREFORE ORDERED, pursuant to sections 1.3 and 52.23(e) of the Commission's rules, 47 C.F.R. §§ 1.3 and 52.23(e), and by authority delegated in sections 0.91 and 0.291 of the Commission's rules, 47 C.F.R. §§ 0.91 and 0.291, that the Petitions for extensions of the Phase I for implementing local number portability, discussed in this Order ARE GRANTED, subject to the requirements and conditions provided herein. We DENY ITC DeltaCom's petition to extend implementation sixty days beyond BellSouth's implementation deadline.

FEDERAL COMMUNICATIONS COMMISSION



Geraldine A. Matis
Chief, Network Services Division
Common Carrier Bureau

⁸⁹ BellSouth petition at 22; GTE petition at 9-10; Pacific petition at 21; and US WEST petition at 11-12.