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April 29, 1998

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APR 29 1998

Federal Communications Commission
Office of 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. 97-231 Applications by BellSouth Telecommunications, Inc. and BellSouth Long Distance, Inc. for Provisioning of In-Region, interLATA Service in Louisiana; Public Notice, DA 98-139 (rel. Jan. 17, 1998)

Dear Ms. Roman Salas:

Please be advised that on April 28, 1998 James Bolin, Pat Rosenkranz and the undersigned met Michael Pryor, David Kirschner, and William Bailey of the Common Carrier Bureau's Policy and Program Planning Division and Gregory Cooke of the Common Carrier Bureau's Network Services Division. The purpose of the meeting was to discuss Bell Operating Company compliance with the Communications Act's Section 271 "checklist" requirements for access to operator services and directory assistance. 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,

ATTACHMENTS

cc: M. Pryor
D. Kirschner
W. Bailey
G. Cooke

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APR 29 1998

Federal Communications Commission
Office of Secretary

Checklist Item (vii): Access to Directory Assistance and Operator Services

Statutory Language

BOC must provide "(vii) Nondiscriminatory access to ... (II) directory assistance services to allow the other carrier's customers to obtain telephone numbers; and (III) operator call completion services. 47 U.S.C. § 271(c)(2)(B)(vii).

[All LECs have t]he duty to provide dialing parity to competing providers of telephone exchange service and telephone toll service, and the duty to permit all such providers to have nondiscriminatory access to telephone numbers, operator services, directory assistance, and directory listing, with no unreasonable dialing delays. 47 U.S.C. § 251(b)(3).

[Incumbent LECs have t]he duty to provide, to any requesting telecommunications carrier for the provision of a telecommunications service, nondiscriminatory access to network elements on an unbundled basis at any technically feasible point on rates, terms, and conditions that are just, reasonable, and nondiscriminatory. 47 U.S.C. § 251(c)(3).

[Incumbent LECs have t] he duty to offer for resale at wholesale rates any telecommunications service that the carrier provides at retail to subscribers who are not telecommunications carriers.... 47 U.S.C. § 251(c)(4).

Checklist Item (vii): Access to Directory Assistance and Operator Services

I. METHODS OF ACCESS TO BOC'S OPERATOR AND DIRECTORY ASSISTANCE (OS/DA) SERVICES

1) BOC must make available, at requesting carrier's option, BOC's OS/DA services for resale or its OS/DA systems as a UNE.

2) BOC must route requesting carrier's local customers' calls to that carrier's platform (e.g., local OS/DA calls by CLEC customers -- 0, 411, 555-1212 -- routed to CLEC's network point of presence; CLEC then provides its own OS/DA services).

3) BOC also must permit nondiscriminatory access to databases that support local OS/DA services

FCC Decisions and Rules Re: Methods of Access to DA Data

A network element as defined by the Act includes "databases sufficient for billing and collection or used in the transmission, routing or other provision of a telecommunications service. . . the inclusion of the "other provision of a telecommunications service" meant Congress intended the unbundling of databases to be read broadly and could include databases beyond those used in the transmission or routing of a telecommunications service.
First Local Competition Order, ¶ 105.

Operator and directory assistance services ... generally use various adjunct information features, *e.g.*, rating tables or customer information databases. We recognize that without access to such information features, competing providers cannot make full use of such services. Thus, to ensure that competing providers can obtain nondiscriminatory access to operator services and directory assistance, we require LECs to make such services available to competing providers in their entirety. *Second Local Competition Order*, ¶ 105 (emphasis in original).

Checklist Item (vii): Access to Directory Assistance and Operator Services

II. NONDISCRIMINATORY ACCESS TO BOC OS/DA SERVICES VIA RESALE OR UNEs

BOC must demonstrate that requesting carrier's customers attempting to reach BOC's OS/DA platform:

- Can reach BOC OS/DA services by dialing the same number of digits as BOC customers (e.g., 411).
- Can reach BOC OS/DA services with no unreasonable dialing delays. Delay is measured from the time customer completes dialing sequence until s/he hears the first audible prompt from BOC's local OS/DA platform. BOC should provide comparative results for other carriers versus the BOC and its affiliates.
- Can reach a BOC OS/DA operator at least as rapidly as BOC's customers can. BOC should provide comparative speed of answer measures.
- Experience rates of OS/DA call abandonment that are no greater than for BOC customers. BOC should provide comparative call abandonment rates.
- Can obtain call completion service, if the BOC offers this service to its own customers.
- Can obtain accurate quotes of other carriers' OS/DA rates from BOC OS/DA operators.

FCC Decisions and Rules Re: Nondiscriminatory Access to OS/DA Services

The statutory language . . . places a duty upon LECs . . . to process all calls from competing providers, including calls to the LEC's operator services and directory assistance, on an equal basis as calls originating from customers of the providing LEC. *Second Local Competition Order*, ¶ 158.

A LEC shall permit telephone service customers to connect to the operator services offered by that customer's chosen local service provider by dialing "0," or "0" plus the desired telephone, regardless of the identity of the customer's local telephone service provider. 47 C.F.R. § 51.217(c)(2).

Permitting nondiscriminatory access to 411 and 555-1212 dialing arrangements is technically feasible.... *Second Local Competition Order*, ¶151.

Checklist Item (vii): Access to Directory Assistance and Operator Services

We conclude that section 251(b)(3) prohibits "unreasonable dialing delays" ... for nondiscriminatory access to operator services and directory assistance. *Second Local Competition Order*, ¶ 156.

For the same type of calls, dialing delay is "unreasonable" when the dialing delay experienced by the customer of a competing provider is greater than that experienced by a customer of the LEC providing dialing parity, or nondiscriminatory access to operator services or directory assistance. 47 C.F.R. § 51.5.

We are not persuaded . . . that the standard for non-discriminatory access should focus only upon "customer perception" of service quality. Such a standard overlooks the potential for a providing LEC to subject its competitors to discriminatory treatment in ways that are not visible to the customer ... such conditions can severely diminish a competitor's ability to provide exchange and/or toll service on the same terms." *Second Local Competition Order*, ¶ 103.

We conclude that a 'comparative' standard for identifying "unreasonable dialing delays" is necessary . . . We conclude that the dialing delays experienced by the customers of a competing provider should not be greater than that experienced by customers of the LEC providing dialing parity or nondiscriminatory access for identical calls or call types . . . this comparative standard is more appropriate . . . than a specific technical standard. *Second Local Competition Order*, ¶ 157.

In the event that a dispute arises between a competing provider and a providing LEC as to dialing delay, we conclude that the burden is on the providing LEC to demonstrate with specificity that it has processed the call on terms equal to that of similar calls originating from its own customers. Such "terms" include the amount of time a providing LEC takes to process incoming calls, the priority a LEC assigns to calls, and might also take into account the number of calls abandoned by the caller of the competing provider. *Second Local Competition Order*, ¶ 161.

Where ... call completion ... service is part of the service or service package an incumbent offers for resale, failure by an incumbent LEC to comply with reseller unbranding or rebranding request shall constitute a restriction on resale. 47 C.F.R. § 51.613(c).

Competitors' ability to provide service would be significantly impaired if they did not have access to the incumbent LEC's operator call completion services. *First Local Competition Order*, ¶ 540.

Checklist Item (vii): Access to Directory Assistance and Operator Services

Operator services are becoming increasingly automated and thus excluding access to automatic call completion from the obligations of 251(b)(3) could deny competitors access to a service that is essential to competing in telecommunications markets. *Second Local Competition Order*, ¶ 110.

Checklist Item (vii): Access to Directory Assistance and Operator Services

III. BRANDING OF OS/DA SERVICES

BOC must brand local OS/DA calls from requesting carrier's local customers with that carrier's desired announcement, unless BOC can demonstrate that branding is technically infeasible.

- Burden is on BOC to demonstrate infeasibility
- AT&T's experience to date indicates branding is technically feasible.

If it is technically infeasible for BOC to brand requesting carrier's calls, BOC must agree to remove its own brand.

- Burden is on BOC to demonstrate infeasibility
- BOC's brand may not be used at any time during the contact with the requesting carrier's customer.

Charges for implementing branding may only include the non-recurring cost of making a recording of the requesting carrier's desired announcement, if not supplied by the carrier, and the non-recurring cost to insert the announcement into BOC's network.

FCC Decisions and Rules Re: Branding

Unbranding or rebranding shall mean that operator, call completion, or directory assistance services are offered in such a manner that an incumbent LEC's brand name or other identifying information is not identified to subscribers, or that such services are offered in such a manner that identifies to subscribers the requesting carrier's brand name or other identifying information." 47 C.F.R. § 51.613(c)(2).

The refusal of a providing local exchange carrier (LEC) to comply with the reasonable request of a competing provider that the providing LEC rebrand its operator services and directory assistance, or to remove its brand from such services, creates a presumption that the providing LEC is unlawfully restricting access to its operator services and directory assistance. The providing LEC can rebut this presumption by demonstrating that it lacks the capability to comply with the competing provider's request. 47 C.F.R. § 51.217(d).

Checklist Item (vii): Access to Directory Assistance and Operator Services

Where operator, call completion, or directory assistance service is part of the service or service package an incumbent offers for resale, failure by an incumbent LEC to comply with reseller unbranding or rebranding request shall constitute a restriction on resale. 47 C.F.R. § 51.613(c).

Checklist Item (vii): Access to Directory Assistance and Operator Services

IV. LOCAL OS/DA CALL ROUTING

BOC must demonstrate that requesting carriers have nondiscriminatory access to BOC's engineering plans and other necessary information for each of its switches, so that carriers can determine how best to route local calls to their network.

BOC must demonstrate that any call routing option it implements does not create discriminatory dialing delays for requesting carriers' customers. BOC must provide comparative results for requesting carriers versus BOC and its affiliates.

Trunking

- BOC must cooperate with requests that BOC route local calls to requesting carrier's own OS/DA platform in a manner that permits that carrier to use its existing trunks to supply OS/DA services.

  --Vital to competitors' ability to optimize their networks and minimize network costs.

  --AT&T has successfully demonstrated that BOCs can route calls to AT&T's network from Lucent 5ESS and DMS-100 switches, and Siemens switches (EWSD) with the use of line class codes, (with SNET and BellSouth).

  --Call routing also has been successfully tested using Advanced Intelligent Network (AIN) software (with SBC and Bell Atlantic).

- At a minimum, BOC must demonstrate that it has collaborated with requesting carriers in good faith to jointly test potential call routing solutions.

Interoperability of Networks

- BOC must honor carriers operator requests for Busy Line Verify and Busy Line Interrupt.

FCC Decisions and Rules Re: OS/DA Call Routing

An incumbent LEC shall provide to a requesting telecommunications carrier technical information about the incumbent LEC's network facilities sufficient to allow the requesting carrier to achieve access to unbundled network elements consistent with the requirements of this section. 47 C.F.R. § 51.307(e).

Checklist Item (vii): Access to Directory Assistance and Operator Services

We conclude that customized routing, which permits requesting carriers to designate the particular outgoing trunks that will carry certain classes of traffic originating from the competing provider's customers, is technically feasible in many LEC switches. Customized routing will enable a competitor to direct particular classes of calls to particular outgoing trunks, which will permit a new entrant to self-provide, or select among other providers of, interoffice facilities, operator services, and directory assistance. .... An incumbent LEC must prove to the state commission that customized routing in a particular switch is not technically feasible." *First Local Competition Order*, ¶ 418.

We further conclude that we should state explicitly that busy line verification, emergency interrupt, and operator-assisted directory assistance are forms of "operator services" because they assist customers in arranging for the billing or completion (or both) of a telephone call. *Second Local Competition Order*, ¶ 111.

Checklist Item (vii): Access to Directory Assistance Data

Statutory Language

BOC must provide "(vii) Nondiscriminatory access to-- ... (II) directory assistance services to allow the other carrier's customers to obtain telephone numbers" 47 U.S.C. § 271(c)(2)(B)(vii).

[All LECs have t]he duty to provide dialing parity to competing providers of telephone exchange service and telephone toll service, and the duty to permit all such providers to have nondiscriminatory access to telephone numbers, operator services, directory assistance, and directory listing, with no unreasonable dialing delays. 47 U.S.C. § 251(b)(3).

[Incumbent LECs have t]he duty to provide, to any requesting telecommunications carrier for the provision of a telecommunications service, nondiscriminatory access to network elements on an unbundled basis at any technically feasible point on rates, terms, and conditions that are just, reasonable, and nondiscriminatory. 47 U.S.C. § 251(c)(3).

Checklist Item (vii): Access to Directory Assistance Data

I. METHODS OF ACCESS TO DIRECTORY ASSISTANCE (DA) DATA

BOC must make available two forms of access to its DA data, pursuant to Sections 251(b)(3) and 251(c)(3):

1) Read-only access to BOC's DA database for use on a per-call basis

- Must demonstrate that requesting carriers can route, access and complete DA database inquiries without unreasonable delays.
- Must demonstrate that requesting carriers have dial-up access to data that are identical to data the BOC uses for its own DA offering (preferably to the same database)

2) A copy of the BOC's DA database in "readily accessible magnetic tape or electronic formats in a timely fashion"

- Also must permit requesting carriers to obtain updates to DA data "in readily accessible tape or electronic form" at least as frequently as the BOC updates its own database.

Checklist Item (vii): Access to Directory Assistance Data

FCC Decisions and Rules Re: Methods of Access to DA Data

A LEC shall provide directory listings to competing providers in readily accessible magnetic tape or electronic formats in a timely fashion upon request. A LEC also must permit competing providers to have access to and read the information in the LEC's directory assistance databases. 47 C.F.R § 51.217(c)(3)(ii).

We conclude that section 251(b)(3) requires LECs to share subscriber listing information with their competitors, 'in readily accessible' tape or electronic formats, and that such data be provided in a timely fashion upon request. The purpose of requiring "readily accessible" formats is to ensure that no LEC, either inadvertently or intentionally, provides subscriber listings in formats that would require the receiving carrier to expend significant resources to enter the information into its systems. *Second Local Competition Order*, ¶ 141.

We further find that a highly effective way to accomplish nondiscriminatory access to directory assistance, apart from resale, is to allow competing providers to obtain read-only access to the directory assistance databases of the LEC providing access. *Second Local Competition Order*, ¶ 143.

[D]irectory assistance must be unbundled by incumbents LECs upon a request for access by a competing provider. In particular, the directory assistance database must be unbundled for access by requesting carriers. Such access must include ... the ability to read such a database so as to enable requesting carriers to provide operator services and directory assistance concerning incumbent LEC customer information. *First Local Competition Order*, ¶ 538.

Checklist Item (vii): Access to Directory Assistance Data

II. NONDISCRIMINATORY ACCESS TO DA DATA

Requesting carriers must be able to obtain "any listed number," including:

- BOC's customers
- ICO customers for whom the BOC provides DA services, and
- CLEC customers for whom the BOC provides wholesale local service
- Emergency numbers (poison control centers, fire departments, etc.)

Consistent w/ State regs.

Data must include an "unlisted" status indicator.

- Operators must not be forced to give a "can't find" response in cases where the BOC operator could inform callers of a number's unlisted status.

Emergency Situations? What do we want?

BOC must demonstrate that the data supplied to requesting carriers are at least as accurate, timely and complete as the data its own BOC DA operators use to provide DA services. As part of the § 271 application, BOC must:

- Provide process flows that demonstrate how BOC provides DA data to requesting carriers (both initially and for updates); compare frequency and timeliness of updates for other carriers, the BOC itself and any BOC affiliates and certify the comparative data.

- Certify that DA data provided to requesting carriers are as accurate as those the BOC uses for its own DA services.

- Certify that it has resolved any complaints that DA data files were not readable.

- Demonstrate process by which BOC ensures that DA data transmitted to requesting carriers is complete (e.g, number of records sent by the BOC match the number of records received), and certify comparative data demonstrating accuracy and completeness of data transfers.

- For access to BOC's DA database on a per-call basis: provide comparative data concerning the time required for requesting carriers to access DA data, versus speed of BOC's own internal access and that available to any BOC affiliates.

BOC must demonstrate that it does not discriminate in its rates, terms and conditions for access to DA data.

Checklist Item (vii): Access to Directory Assistance Data

BOC must certify that any charges for DA data requested pursuant to § 251(b)(3) are limited to:

- Direct cost of the data run (e.g., computer time and magnetic media) and reasonable shipping / handling costs (if any) for sending magnetic media to requesting party; or

- Direct costs of establishing and maintaining dial-up service and of data dips (e.g., computer time, cost to maintain data link).

BOC must certify that DA data are also available as a UNE, at applicable UNE pricing

FCC Decisions and Rules Re: Nondiscriminatory Access to DA Data

> We conclude that "nondiscriminatory access," as used in section 251(b)(3), encompasses both: (1) nondiscrimination between and among carriers in rates, terms and conditions of access and (2) the ability of competing providers to obtain access that is at least equal in quality to that of the providing LEC . . . such competing providers may include, for example, other LECs, small business entities entering the market as resellers, or CMRS providers." *Second Local Competition Order*, ¶ 101.

> [A]ny standard that would allow a LEC to permit access that is inferior to the quality of access enjoyed by that LEC itself is not consistent with Congress' goal to establish a pro-competitive policy framework. *Second Local Competition Order*, ¶ 102.

> Operator and directory assistance services, however, generally use various adjunct information features, *e.g.*, rating tables or customer information databases. We recognize that without access to such information features, competing providers cannot make full use of such services. Thus, to ensure that competing providers can obtain nondiscriminatory access to operator services and directory assistance, we require LECs to make such services available to competing providers in their entirety. *Second Local Competition Order*, ¶ 105 (emphasis in original).

> Under the general definition of 'nondiscriminatory access', competing providers must be able to obtain at least the same quality of access to these services that a LEC itself enjoys. Merely offering directory assistance and directory listing services for resale or purchase would not, in and or itself, satisfy this requirement, if the LEC, for example, only permits a 'degraded' level of access to directory assistance and directory listings. *Second Local Competition Order*, ¶ 142.

Checklist Item (vii): Access to Directory Assistance Data

III. REQUESTING CARRIERS' USES OF DA DATA

Use data to: Publishing Directories?

BOC must demonstrate that it has not sought to impose any unlawful restrictions or limitations on requesting carriers' use of DA data.

- BOC may not attempt to limit use of DA data by the requesting carrier or by any other users, including information services providers, or to prohibit its use in providing Internet-based or other innovative services.

- BOC may not attempt to limit use of DA data to specified geographical areas.

- BOC may not attempt to interpose purported intellectual property rights of third parties or assert its own alleged "ownership" of DA data in an effort to limit requesting carriers' right to use those data. [IXC issue]

FCC Decisions and Rules Re: Requesting Carriers' Uses of DA Data

[B]y requiring the exchange of directory listings, the Commission will foster competition in the directory services market and foster new and enhanced services in the voice and electronic directory services market. *Second Local Competition Order*, ¶ 141.

Checklist Item (vii): Access to Directory Assistance Data

IV. RELEVANT STATE COMMISSION RULINGS

Virginia

State Corporation Commission ordered Bell Atlantic-VA on May 8, 1997 to "furnish MCI its basic directory assistance data, on magnetic tape or some other suitable medium, provided that BA-VA's database is not exposed to unreasonable risk of destruction . . . [BA-VA] is required to provide daily updates to that data and MCI is required to pay BA-VA's efficiently incurred costs of providing that data. (Order in Case No. PUC960113, Page 7).

Maryland

Maryland Public Service Commission ruled on October 9, 1997 that "access to the underlying directory assistance database information should be provided as requested by MCI on a 'data dump' basis ..... [A]ccess to such information is unbundled and must be provided in a nondiscriminatory manner.... [T]he 'data dump' proposal of MCI will better enable MCI to develop its own directory services and enhance competition...." (Order 73725, Page 3).

Delaware

Public Service Commission ordered on December 16, 1997 that "There should be no limitation on the use of the DA information to local exchange service unless such limitation applies equally to MCI and BA-Del." (Order 97-323, Page 16).