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FEDERAL COMMUNICATIONS COMMISSION
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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)
) CC Docket No. 95-116
Telephone Number Portability) NSD File No. L-98-71

OPPOSITION TO PETITION FOR WAIVER

MCI Telecommunications Corporation ("MCI"), by its attorneys, respectfully submits this opposition to the petition filed by the Southern New England Telephone Company ("SNET") requesting that the Federal Communications Commission ("Commission") waive the Phase III June 30, 1998 implementation deadline for long-term local number portability ("LNP") in Hartford, Connecticut.¹

INTRODUCTION & SUMMARY

MCI opposes SNET's petition for a waiver of the Commission's implementation deadline for the Hartford-New Britain switch. The Commission has recognized from the outset that the ability of consumers to retain their telephone numbers when changing local service providers promotes competition, provides flexibility in the quality, price and variety of telecommunications services and benefits all users of telecommunications services.² It is precisely because LNP is "essential to effective facilities-based competition in the provision of local exchange services,"³ that the Commission set an aggressive implementation schedule for LNP deployment and has

¹ The Southern New England Telephone Company, Petition for Waiver of Local Number Portability Implementation Deadline, NSD File No. L-98-71, *Telephone Number Portability*, CC Docket No. 95-116 (filed Apr. 30, 1998) ("Petition").

² *Telephone Number Portability*, First Report & Order, CC Docket No. 95-116, 11 FCC Rcd 8352, ¶ 30 (rel. July 6, 1996) ("First Report & Order").

³ *Telephone Number Portability*, First Memorandum Opinion & Order on Reconsideration, CC Docket No. 95-116, 12 FCC Rcd 7236, ¶ 90 (rel. Mar. 11, 1997) ("First Memorandum Opinion").

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declined to waive LNP deadlines where delay was requested based on “speculative and unspecified concerns about possible future technical concerns.”⁴

These concerns are particularly acute where, as in the Hartford-New Britain market, CLECs are already serving customers through the switch for which an LNP waiver is requested. Under these competitive conditions, LNP implementation becomes especially important. MCI therefore urges that where CLECs are already serving customers from a switch, as they are at the New Britain switch, waiver requests should meet an even more stringent standard; LNP implementation should not be delayed except for reasonable technical concerns.

DISCUSSION

Prior to any waiver, the Commission must at the very least insist that the waiver standard set forth in the First Report and Order be strictly met. Specifically,

a carrier seeking relief must *present extraordinary circumstances beyond its control* in order to obtain an extension of time. A carrier seeking such relief must demonstrate through substantial, credible evidence the basis for its contention that it is unable to comply with our deployment schedule. Such requests must set forth: (1) the facts that demonstrate why the carrier is unable to meet our 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.”⁵

SNET’s petition completely fails to meet this standard. Instead, SNET relies on the Commission’s increasingly routine grant of implementation waivers rather than making the necessary showings. First, SNET fails to demonstrate any LNP-related circumstance that is “beyond its control.” Second, SNET fails to show that its is for any reason,

⁴ *Id.* ¶ 90.

⁵ First Report & Order, ¶ 85 (emphasis supplied).

technical or otherwise, unable to comply with the Commission's deployment schedule. The only reason for requesting delay appears to be a matter of convenience to accommodate SNET's own poor network planning.

The vendor delay relied on by SNET has nothing to do with LNP. SNET claims that the waiver extension is required in order to complete its planned upgrade of the New Britain central office as a 911 tandem and the coincident need to also upgrade associated Public Safety Answering Point ("PSAP") customer premise equipment to digital technology. Petition at 2. While this upgrade schedule may be SNET's preference, it is wholly irrelevant to Commission's consideration of a waiver extension. Clearly, the decision to upgrade the tandem is not, as SNET suggests, "beyond its control," but wholly self-determined. Further, in order to justify a waiver, SNET must demonstrate that the circumstances are specific and unique to implementation of LNP. Vendor delays in PSAP equipment delivery affect SNET's ability to upgrade the switch for 911, but have absolutely *nothing* to do with SNET's ability to implement LNP. SNET's internal, and completely controllable, decision to upgrade the New Britain switch may not be used as a justification to further delay the competitive benefits of LNP implementation.

Similarly, SNET's decision to replace the New Britain analog switch technology with digital switch technology platform cannot suffice to delay implementation of LNP. SNET fails to state whether it could have pursued plans to initially upgrade this switch to LNP with its current technology (1AESS) and then later migrate to the digital switch. SNET has been aware of competitive carriers' selection of the New Britain switch for LNP for some time, and thus could have made arrangements with its vendor to make LNP available in the current 1AESS Switch. MCI would not have opposed a nominal delay in the implementation date for the digital upgrade, but strongly opposes SNET's

latest proposed delay to accommodate its internal desire to upgrade of this switch to a 911 tandem. Significantly, SNET identifies no technical or other problem with the switch replacement effort, beyond its desire that the digital upgrade effort follow the 911 upgrade and testing effort.

Finally, the timing of SNET's petition fails to comport with the requested extension. The Commission has made clear that "carriers may file petitions for waiver of the deployment schedule more than 60 days in advance of an implementation deadline, and thus receive relief earlier, if they are able to present substantial, credible evidence at that time establishing their inability to comply with our deadlines."⁶ Despite this Commission directive, SNET filed its petition just 60 days prior to the June 30, 1998 deadline. Yet it asks for a delay of nearly six months in LNP implementation. Thus, it would appear that either the 911 tandem upgrade can be accomplished in significantly less time or SNET has known for some time that it would not be able to upgrade its switch as a 911 tandem in time for the LNP deadline. On its face, this appears to simply be a case of poor planning on the part of SNET.

The 911 upgrade is separate and apart from the Commission's LNP implementation directive and should not be used to delay LNP implementation of which SNET has had ample notice. LNP implementation deadlines should not be granted simply based on the parochial plans of a carrier to include other modernization efforts with the deployment of LNP, especially when these incidental efforts will delay LNP implementation. Rather, SNET should be required to proceed with LNP implementation on schedule, and subsequently implement the 911 upgrade. While it seems reasonable to expect that SNET would have determined the steps and time

⁶ First Memorandum Opinion, ¶ 92.

frames necessary to first upgrade the switch to a digital 5ESS with LNP and then upgrade the switch later to also serve as a 911 tandem, SNET presents no such evidence in its petition. Likewise, SNET presents no evidence that there would be any technical difficulty in reversing the sequence to first implement LNP, upgrade to digital and then implement the 911 upgrade. This approach is reasonable given the delay SNET is experiencing in upgrading its 911 call handling platform and the critical importance of LNP implementation to CLECs already serving customers from the New Britain switch.

SNET's petition completely fails to meet the Commission's standard for entitlement to an extension of the LNP deployment schedule. Where as here, the petition raises at most "speculative and unspecified concerns about possible future technical concerns,"⁷ it should be denied.

CONCLUSION

The Commission should deny SNET's petition for an extension of the deadline for Phase III LNP implementation in the Hartford-New Britain switch.

Respectfully submitted,

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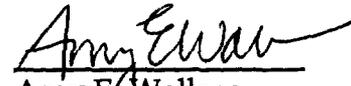
Dated: June 1, 1998

Counsel for MCI

⁷ *Id.* ¶ 90.

CERTIFICATE OF SERVICE

I, Amy E. Wallace, do hereby certify that on this 1st day of June, 1998, that I have served a copy of the foregoing document via *messenger and U.S. Mail, postage prepaid, to the following:


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