FCC MAIL SECTION

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

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| In the Matter of | ) | |
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| 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 II | ) | |
| | ) | |
| AT&T Corporation | ) | NSD File No. L-98-40 |
| BellSouth Corporation | ) | NSD File No. L-98-27 |
| Electric Lightwave, Inc. | ) | NSD File No. L-98-52 |
| GTE Service Corporation | ) | NSD File No. L-98-29 |
| MediaOne, Inc. | ) | NSD File No. L-98-30 |
| Pacific Bell | ) | NSD File No. L-98-31 |
| Sprint Local Telephone Companies | ) | NSD File No. L-98-37 |
| Teleport Communications Group, Inc. | ) | NSD File No. L-98-38 |
| Time Warner Communications Holdings Inc. | ) | NSD File No. L-98-46 |
| US West Communications, Inc. | ) | NSD File No. L-98-32 |
| Vista-United Telecommunications | ) | NSD File No. L-98-39 |

## ORDER

Adopted: May 15, 1998 Released: May 15, 1998

By the Chief, Network Services Division:

## I. INTRODUCTION

1. In this Order, we grant petitions for extension of the Phase II deadline of May 15, 1998, for implementing local number portability (LNP) filed by eleven individual carriers in the Southeast, Western, and West Coast regions subject to the requirements and conditions contained herein. All of these petitions arise from the change of the LNP administrator in these three regions. We also grant several carriers' requests for Phase III and Phase IV waivers of the LNP implementation schedule in the Western and West Coast regions. In addition, we grant Electric Lightwave Inc.'s related petition to waive the requirement that

carriers must file a petition to extend the time to file an LNP implementation extension request 60 days prior to the deadline for which an extension is sought.

## II. BACKGROUND

2. A brief discussion of local number portability appears in the *Phase I Extension Order*, granted by the Network Services Division of the Common Carrier Bureau.[1] The petitions addressed in the *Phase I Extension Order* and the petitions addressed today are necessitated by the inability of Perot Systems, Inc. (Perot Systems) to provide a stable platform to support LNP in the Southeast, Western, and West Coast regions, and the subsequent change in LNP administrator to Lockheed Martin IMS (Lockheed Martin). A more thorough discussion of the effect of Perot System's inability to provide a stable LNP platform may be found in the *Phase I Extension Order*.[2]

3. Carriers were to have provided LNP in Phase I Metropolitan Statistical Areas (MSAs) by March 31, 1998, and in Phase II MSAs by May 15, 1998.[3] The deadline for implementing LNP in Phase III MSAs is June 30, 1998, in Phase IV the deadline is September 30, 1998, and in Phase V the deadline is December 31, 1998.[4]

## III. THE PETITIONS

4. Several of the same carriers who were granted an extension of the Phase I LNP deadline either filed a similar request to delay implementing Phase II,[5] or had addressed the

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[1] Telephone Number Portability, Petitions for Extension of the Deployment Schedule for Long-Term Database Methods for Local Number Portability, Phase I, *Order*, CC Docket 95-116, NSD File Nos. L-98-20, L-98-28, L-98-24, L-98-21, L-98-09, L-98-29, L-98-30, L-98-26, L-98-31, L-98-22, L-98-23, L-98-32, L-98-25, DA 98-614 (rel. March 31, 1998) (*Phase I Extension Order*).

[2] *Id.* at paras. 6-9.

[3] 47 C.F.R. Part 52, Appendix. Several carriers were granted extensions of the Phase I deadline due to the change in LNP administrator in the *Phase I Extension Order*. Waivers of the Phase II deadline are addressed in this Order.

[4] 47 C.F.R. Part 52, Appendix. As discussed below in this Order, we grant several carriers an extension of the Phase III and Phase IV deadlines in the Western and West Coast regions.

[5] AT&T Corp.'s Petition for Waiver filed March 16, 1998 (AT&T Petition); Sprint Local Telephone Companies' Petition for Waiver filed March 16, 1998 (Sprint Petition); Teleport Communications Group Inc.'s Petition for Waiver filed March 13, 1998 (TCG Petition).

Phase II deadline in their earlier petitions.[6] Some carriers that did not have any switches in Phase I MSAs have also filed petitions for extension of time.[7]

5. AT&T requests an extension of the Phase II implementation deadline until July 10, 1998, for its switches located in the Phoenix, Seattle, Fort Lauderdale/Miami, Orlando, Tampa, Jacksonville, San Diego, and Riverside MSAs.[8]

6. BellSouth requests an extension of the Phase II implementation deadline until September 30, 1998, for its switches located in the Miami, Fort Lauderdale, Orlando, and Tampa MSAs.[9]

7. ELI requests an extension of the Phase II implementation deadline until August 1, 1998, for its switches located in the Phoenix and Seattle MSAs.[10]

8. GTE requests an extension of the Phase II implementation deadline until October 2, 1998, but not fewer than 50 days after the completion of Phase I implementation.[11] The MSAs in GTE's Phase II territory are Riverside, Tampa, and Seattle.[12]

9. MediaOne requests an extension of the Phase II implementation deadline coincident with whatever extension is granted to BellSouth, Pacific Bell, and GTE.[13] The

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[6] BellSouth Corporation's Petition to Extend Time for Implementation filed March 2, 1998 (BellSouth Petition); GTE Service Corporation's Request for Adjustment of Wireline Deadlines filed March 2, 1998 (GTE Petition); MediaOne, Inc.'s Petition for Extension of Time filed March 2, 1998 (MediaOne Petition); Pacific Bell's Petition for Extension of time filed March 2, 1998 (Pacific Bell Petition); US West Communications, Inc.'s Petition for Extension of Time filed March 2, 1998 (US West Petition).

[7] Electric Lightwave, Inc.'s Petition for Waiver of LNP Phase II Implementation Deadline and 60-Day Advance Filing Requirement filed April 7, 1998 (ELI Petition); Time Warner Communications Holdings Inc.'s Petition for Extension of Time filed March 6, 1998 (TWComm Petition); Vista-United Telecommunication's Petition for Extension of Deployment Deadline filed March 16, 1998 (Vista-United Petition).

[8] AT&T Petition at 7.

[9] BellSouth Supplement to Petition to Extend Time for Network Implementation filed May 1, 1998, at 2 (Bell South Supplement).

[10] ELI Petition at 5.

[11] GTE Petition at 9.

[12] *Id.*

[13] MediaOne Petition at 8.

only affected MSA in MediaOne's Phase II territory is Fort Lauderdale.[14]

10. Pacific Bell requests an extension of the Phase II implementation deadline until August 18, 1998, for its switches located in the San Diego and Riverside MSAs.[15]

11. Sprint requests an extension of the Phase II implementation deadline for the Orlando MSA until BellSouth is able to implement LNP there, which BellSouth states will not be until September 30, 1998.[16] Sprint also requests a delay of the deadline for the Tampa MSA until GTE is able to implement LNP there, which GTE states will not be until October 2, 1998.[17]

12. TCG states that it is unable to forecast its LNP implementation date for the Phoenix, Seattle, San Diego, Miami and Fort Lauderdale MSAs. TCG states that it has not received an estimate from Lockheed Martin regarding when the Number Portability Administration Center/Service Management System (NPAC/SMS) will be available and without that information, and due to the testing which necessarily involves coordination with the dominant LECs in TCG's territories, it cannot provide a firm implementation date.[18]

13. TWComm requests an extension of the Phase II implementation deadline until five days after LNP testing is complete for its switches in the San Diego, Orlando, and Tampa MSAs.[19]

14. US West requests an extension of the Phase II implementation deadline until August 14, 1998, for its switches located in the Seattle and Phoenix MSAs.[20]

15. Vista-United requests an extension of the Phase II implementation deadline until October 15, 1998, for its switch in the Orlando MSA or 45 days after the NPAC/SMS is

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[14] MediaOne states that it requests a waiver for Pompano, which is located within the Fort Lauderdale MSA. MediaOne Petition at 5, n.4.

[15] Pacific Bell Petition at 21.

[16] Sprint Petition at 2.

[17] *Id.*

[18] TCG Petition at 2-3. *See also* TCG ex parte letter from Teresa Marrero, TCG, to Magalie Salas, FCC, dated March 26, 1998.

[19] TWComm Petition at 4.

[20] US West Petition at 11.

delivered and certified in the Orlando MSA by BellSouth.[21]

## IV. DISCUSSION

16. The Commission's rules prescribe that waivers of its rules may be granted upon a showing of "good cause."[22] 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 request if special circumstances warrant a deviation from the general rule and such a deviation will serve the public interest.[23]

Phase II Waivers for the Western and West Coast Regions

17. The parties agree generally that the failure of Perot Systems to provide a stable NPAC/SMS platform is the principal reason for any delays in meeting the Commission's May 15, 1998, Phase II implementation deadline. The Bureau granted similar extension requests on March 31, 1998, in the *Phase I Extension Order*. With few exceptions, that order granted carriers' extension requests upon a finding that the carriers had satisfied the good cause requirement of section 1.3 of the Commission's rules as well as section 52.23(e), which specifies the showing that carriers must make to warrant extending an LNP implementation deadline.[24]

18. We find that special circumstances were created as a result of the decision of the Limited Liability Corporations (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 LNP administrator. We find that this circumstance warrants a deviation from the general rule which requires that LNP for those MSAs within Phase II be implemented by May 15, 1998, and that extending the deadline for Phase II, as provided herein, will serve the

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[21] Vista-United Petition at 8-9.

[22] 47 C.F.R. § 1.3.

[23] *Northeast Cellular Tel. Co. 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)).

[24] *Phase I Extension Order* at paras. 34-37. 47 C.F.R. § 52.23(e) requires carriers seeking a delay of an LNP implementation deadline to show, through substantial, credible evidence: (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.

public interest.

19. Some commenters argue that testing sequences, time estimates, or the intervals carriers cite are too lengthy or are unnecessary. WorldCom argues that US West's proposal for an August 14, 1998, implementation date for LNP in its Phase II MSAs is unwarranted given that US West could assign staff to reduce this time and that experience with MSAs in other phases could preclude the need to test the operating systems.[25] In reply, US West states that the MSAs in its territory involve testing different Operational Support Systems (OSSs) with LNP requirements.[26] It notes that Phoenix and Seattle each have a different OSS that must meet LNP requirements.

20. MCI, in its Partial Opposition to ELI's Petition, states that ELI's requested delays are excessive and that carriers should be ready immediately to begin intercompany testing once NPAC turn-up testing is complete.[27] MCI notes that intercompany testing should take approximately seventeen days, and that, from its petition, it is unclear why ELI would require over fifty days after the NPAC is ready to complete its testing.[28] MCI also argues that the one-month period between completion of testing and LNP implementation should not be any longer than five days. ELI replies that, while it is not absolutely necessary to schedule 31 days between completion of testing and implementation, testing dates are inherently unpredictable because they depend on scheduling between multiple parties.[29] An interval of 31 days, according to ELI, allows for some flexibility for unforeseen delays in the testing process.[30] ELI also notes that its proposed implementation date is two weeks earlier than US West's, the main LEC operating in ELI's territories.[31]

21. Lockheed Martin has put in place a fully functional NPAC in the Western and West Coast regions, which became available on May 11, 1998.[32] This was only four days

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[25] WorldCom Comments at 9.

[26] US West Reply at 8 nn.15-16.

[27] MCI Partial Opposition to ELI's and Sprint's Petitions at 4.

[28] *Id.* at 4 (citing ELI Petition at 5).

[29] ELI Reply at 5.

[30] *Id.* at 5.

[31] *Id.*

[32] Letter from Joseph Franlin, Lockheed Martin IMS, to Magalie Salas, Secretary, FCC, dated May 15, 1998.

prior to the scheduled LNP Phase II implementation date. In light of this, the delay requested by most of the carriers represents a reasonable length of time to implement LNP in Phase II MSAs located in the Western and West Coast regions. As discussed in the *Phase I Extension Order*, in general we decline to second guess carriers' assessments of their additional time requirements to implement LNP.[33]

22. Because AT&T, ELI, Pacific Bell, TCG, TWComm, and US West have provided the information required by section 52.23(e), and because these carriers have met the showing of good cause required by section 1.3, we hereby grant the extensions requested by these carriers for the Western and West Coast regions as follows: AT&T until July 10, 1998; ELI until August 1, 1998; Pacific Bell until August 18, 1998; US West until August 14, 1998. Several carriers did not specify dates in their petitions, requesting instead that they be allowed to implement LNP on, or shortly after, the dominant LEC in a given MSA did so. TCG shall implement LNP by August 14, 1998, for its switches in the Western region, and by August 18, 1998, for its switches in the West Coast region. TWComm shall implement LNP for its switches in the West Coast region by August 18, 1998.

23. If for any reason, these carriers experience unanticipated further problems implementing LNP, they shall file a report with the Bureau making the showing required by section 52.23(e), and they shall implement LNP in the Phase II MSAs as soon as practicable, but in no event later than August 31, 1998.

Phase III and Phase IV Waivers in the Western and West Coast Regions

24. AT&T, MediaOne, Pacific Bell, and US West each requested in their earlier pleadings that they also be granted extensions of time to implement LNP in their Phase III and Phase IV MSAs. ELI requested delays beyond Phase II in its Phase II Petition.[34] TCG has filed a petition seeking a delay of Phase III LNP implementation for MSAs located in all three affected regions.[35] As discussed below, we address these carriers' petitions only for MSAs in the Western and West Coast regions.

25. In this Order and the *Phase I Extension Order*, we recognized that the failure of Perot Systems to provide a stable NPAC/SMS platform is the principal reason for any delays in meeting the Commission's phased LNP implementation deadlines. We find that the

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[33] *Phase I Extension Order* at para. 37.

[34] ELI Petition at 6.

[35] TCG's Petition for Waiver of Phase III Implementation Schedule filed May 1, 1998 (TCG Phase III Petition).

special circumstances created as a result of the change in LNP administrator from Perot Systems to Lockheed Martin warrants a deviation from the scheduled implementation dates for Phases III and IV. Extending the deadline for Phases III and IV in the Western and West Coast regions, as provided herein, will serve the public interest in providing dates certain for LNP implementation in these regions.

26. As an initial matter, we note that none of the carriers' proposed schedules seeks a delay beyond Phase IV. Thus, the various proposed schedules remain consistent with the ultimate goal of the Commissions' schedule that LNP exist within the top 100 MSAs by December 31, 1998. No party commenting on carriers' schedules beyond Phase II has raised any issue unique to Phases III and IV. We have considered parties' comments with respect to Phases I and II, and concluded that as a general matter we are reluctant to second guess carriers' estimates of the delay in implementation caused by the change in the LNP administrator. These carriers have met the requirements of section 52.23(e) and section 1.3 of the Commissions' rules. We therefore grant the delays requested by AT&T, ELI, MediaOne, Pacific Bell, and US West, as described below, in the Western and West Coast regions.

27. AT&T has indicated in its Petition that it could implement LNP in its Phase III MSAs by July 24, 1998.[36] It proposes a schedule in which Phases IV and V would be implemented in accordance with the Commission's rules.[37] For the reasons outlined above, we hereby grant AT&T an extension until July 24, 1998, to implement LNP in its Phase III MSAs located in the Western and West Coast regions.

28. ELI has requested that Phases III and IV be implemented on August 22, 1998, and September 5, 1998, respectively. For the reasons outlined above, we hereby grant ELI an extension until August 22, 1998, and September 5, 1998, for implementing LNP in its Phase III and IV MSAs, respectively for its switches in the Western and West Coast regions.

29. Pacific Bell has requested that Phases III and IV be implemented on September 18, 1998, and October 19, 1998. For the reasons outlined above, we hereby grant Pacific Bell an extension until September 18, 1998, and October 19, 1998, for implementing LNP in its Phase III and IV MSAs, respectively.

30. US West has requested that Phases III and IV be implemented September 21, and November 2, 1998. For the reasons outlined above, we hereby grant US West an extension until September 21, 1998, and November 2, 1998, for implementing LNP in its Phase III and IV MSAs, respectively.

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[36] AT&T Petition at 7.

[37] *See id.*

31. TCG has requested that LNP in its Phase III MSAs located in the Western and West Coast regions be implemented concurrently with US West and Pacific Bell.[38] For the reasons outlined above, we hereby grant TCG an extension until September 21, 1998, to implement LNP in its Phase III MSAs located in the Western region. We also grant TCG an extension until September 18, 1998, to implement LNP in its Phase III MSAs located in the West Coast region.

BellSouth's Petition and Other Southeast Region Waiver Petitions

32. BellSouth seeks an extension of the Phase II implementation deadline until September 30, 1998.[39] MediaOne seeks the same extension given BellSouth for its MSA in BellSouth's territory.[40] Sprint requests the same delay granted GTE for its switches in the Tampa MSA, and the same delay granted BellSouth for its switches in the Orlando MSA.[41] We will address Sprint's petition as we have GTE's, and thus grant Sprint a delay to the extent we grant BellSouth a delay for the Southeast region.[42]

33. Prior to the change of LNP administrator from Perot Systems to Lockheed Martin, all of BellSouth's territory was in the former Perot Systems region. BellSouth states that it requires substantial, additional time to implement LNP because it must upgrade its software from Perot Systems's NANC specification 1.1 to interface properly with Lockheed Martin's software, which was designed to meet NANC specification 1.8.[43] BellSouth further argues that more time is required to complete testing, because unlike other carriers, it did not have a previous business relationship with Lockheed Martin.[44] BellSouth states that because other carriers already had a relationship with Lockheed Martin because they were present in parts of the country for which Lockheed Martin served as the LNP administrator, these carriers had already tested programs based on NANC's 1.8 specification.[45]

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[38] TCG Phase III Petition at 3-4.

[39] BellSouth Supplement at 2.

[40] MediaOne Petition at 7.

[41] Sprint Petition at 2.

[42] *See infra* paras. 35-36.

[43] BellSouth Petition at 13.

[44] BellSouth Reply at 6-7.

[45] *Id.*

34. In the *Phase I Extension Order*, the Bureau summarized commenting parties' concerns with BellSouth's extended delay, and found that in fact BellSouth's circumstance was unique, given that most carriers, including AT&T, WorldCom, US West, and GTE had systems in areas of the country served by Lockheed Martin prior to the vendor change, and thus had previous experience connecting with Lockheed Martin's NPAC.[46] Since the *Phase I Extension Order* was released, BellSouth states that it has contracted with outside consultants who were individually and personally involved in the original development of Lockheed Martin's NPAC software.[47] According to BellSouth, it has identified a subset of the NANC's 1.8 specifications that is acceptable to Lockheed Martin and that will allow it to pass NPAC certification.[48] As a result, it has been able to shorten its development and testing intervals.[49] BellSouth now states that it expects to begin final industry end-to-end testing on July 15, 1998. The member companies of the Southeast Number Portability Administration Company, LLC, confirmed that service providers will begin industry testing with the NPAC on July 15, 1998.[50]

35. Accordingly, we grant BellSouth a waiver of the Phase II implementation date until September 30, 1998, subject to the following conditions: BellSouth must file with the Bureau two reports, one by July 15, 1998, and the other by August 15, 1998, describing the progress it and Lockheed Martin have made and are making with respect to BellSouth's interface with the Lockheed Martin NPAC, and on BellSouth's 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, and on BellSouth's progress with intercompany testing. The reports must set forth in detail the progress it has made and steps taken, including a detailed work plan for next steps. Finally, BellSouth has indicated that it believes it can complete testing with Lockheed Martin's NPAC using a "minimal subset" of the NANC's version 1.8 functionality.[51] Notwithstanding the minimal functionality required for testing, we note that BellSouth must comply with NANC requirements when it implements LNP, as required by

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[46] *Phase I Extension Order* at para. 41.

[47] BellSouth Supplement to Petition at 5.

[48] Letter from Theodore R. Kingsley, BellSouth, to A. Richard Metzger, Jr., dated May 8, 1998.

[49] *Id.*

[50] Letter from Pamela Connell, Southeast Number Portability Administration Company, L.L.C., to A. Richard Metzger, Jr.,

[51] BellSouth Supplement at 5-6.

section 52.25(d) of the Commission's rules.[52] BellSouth must also provide the same level of LNP service and functionality to its competitors as it does to itself.[53]

36. AT&T, GTE, MediaOne, Sprint, TCG, TWComm, and Vista-United all either operate wholly in the Southeast region, or have a presence in the Southeast region. These carriers rely, in part, upon BellSouth to implement number portability[54] and we find it appropriate to grant them the same extension granted BellSouth. We find that, with the exception of GTE and Vista-United, these carriers have satisfied the requirements of section 52.23(e) of the Commission's rules and accordingly grant them until September 30, 1998, to implement LNP in Phase II MSAs in the Southeast region. We hold that all carriers operating in the Southeast region prior to September 30, 1998, must implement LNP as soon as practicable, but in no event later than September 30, 1998. Those carriers that may not yet be operational in the Southeast region prior to September 30, 1998, must implement LNP consistent with the Commission's rules.[55] We deny Vista-United's request to delay implementation of LNP in the Orlando MSA until October 15, 1998. This delay is no longer justified given that Vista-United's schedule is partially based on an assumption that BellSouth would not begin intercompany end-to-end testing until September 1, 1998.[56] Given Vista-United's dependency on BellSouth's schedule, we grant Vista-United until September 30, 1998, to complete LNP implementation in its Orlando switches.

37. At this time, we decline to address BellSouth's request that we grant its revised LNP implementation schedule for the Southeast region beyond Phase II. When the Common Carrier Bureau partially granted BellSouth's waiver for Phase I LNP, it was based on representations from BellSouth that the extended delay it requested was due to the need to update its software to meet NANC specification 1.8.[57] BellSouth, however, has since filed a supplement to its petition noting that it can interface with Lockheed Martin's NPAC using a

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[52] "The NANC shall determine . . . the technical interoperability and operational standards." 47 C.F.R. § 52.25(d).

[53] *See* Letter from Ben Almond, BellSouth, to Magalie Roman Salas, Secretary, FCC, dated May 15, 1998, memorializing a conference call between Doug McDougal, Vish Emani, Randy Sanders, Bill Shaughnessy, David Frolio, and Ben Almond, BellSouth and Geraldine A. Matise, Chief, Network Services Division, Common Carrier Bureau, and Gayle Radley Teicher, Andre H. Rausch, Patrick E. Forster, and Jared Carlson, Network Services Division (BellSouth Conference Call Notes).

[54] *See* MediaOne Petition at 3; Sprint Petition at 2.

[55] *See* 47 C.F.R. § 52.23(b)(2).

[56] Vista-United Petition at 9.

[57] *Phase I Extension Order* at para. 39.

"minimal subset" of NANC 1.8 change orders.[58] In an *ex parte*, BellSouth states that it intends to add functionality from NANC's 1.8 specification periodically in updates to its own software throughout 1998.[59] BellSouth also states that the LNP ordering and provisioning ability it makes available to itself in the Atlanta MSA by August 31, 1998,[60] will be identical to that offered to CLECs.[61] Before we address BellSouth's requests for delays of Phase III and Phase IV LNP implementation, we will continue to monitor the progress BellSouth is making in implementing LNP consistent with the representations it has made to the Bureau that form the basis for granting the requested relief and in meeting the Commission's requirements.

38. In a future order, we will address BellSouth's request for delays in implementing LNP in the Phase III and Phase IV MSAs, as well as those of other carriers in the Southeast region.

GTE's Petition

39. In its Petition, GTE seeks a delay until October 2, 1998, but in no event less than 50 days following implementation in Phase I MSAs to implement LNP in its Phase II MSAs.[62] The October 2, 1998, date is based upon GTE's proposed revised schedule for LNP implementation in which all overlapping implementation of the Commission's phased deployment schedule is removed.[63] GTE states that complying with an LNP schedule in which deployment in Phases I, II, and III overlap will strain its resources, pose potential problems to order processing and provisioning systems, and possibly threaten network reliability.[64] MCI argues that as a national carrier, GTE has already tested LNP in the

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[58] BellSouth Supplement at 5-6.

[59] BellSouth states that it will build additional NANC 1.8 functionality into its own software, LNP G/W R1.7, which is scheduled for certification testing between September 7 and October 1, 1998. BellSouth states that it will incorporate more NANC 1.8 functionality into a later version of its software, LNP G/W R1.8, scheduled for certification testing between November 20 and December 7, 1998. BellSouth Conference Call Notes.

[60] The *Phase I Extension Order* granted BellSouth and other carriers until August 31, 1998, to implement LNP in the Atlanta MSA. *Phase I Extension Order* at para. 42.

[61] BellSouth Conference Call Notes.

[62] GTE Petition at 9.

[63] *Id.*

[64] *Id.* at 6.

Southwest region with several other national carriers and, if anything, benefits from experience deploying LNP in other phases.[65]

40. We note that a Commission order established the schedule for LNP implementation.[66] The Commission determined that the schedule, which included some overlap in implementing Phases I, II, and III, was reasonable, and that further delay of the implementation schedule was unnecessary.[67] We note that GTE has not attempted to describe in any detail how network reliability may be compromised or the magnitude of the cost it will bear as a result of complying with the Commission's LNP schedule. We understand that the delay associated with the change in LNP administrators has and will necessitate rescheduling and probably the expenditure of resources not within parties' contemplation when Perot Systems began work, but we will not alter the basic premises Commission's LNP schedule simply to make LNP implementation more convenient for a particular carrier.

41. Having determined that the Phase II implementation date requested by the dominant carriers in GTE's territories—US West, Pacific Bell, and BellSouth—are reasonable, we require GTE to implement LNP concurrently with those ILECs. Thus, in the Seattle MSA, GTE must implement LNP by August 14, 1998. In the Riverside MSA, GTE must implement LNP by August 18, 1998. In the Tampa MSA. GTE must implement LNP by September 30, 1998.

ELI Sixty-Day Advance Filing Waiver Request

42. In addition to requesting that it be granted until August 1, 1998, to implement LNP in the Phoenix and Seattle MSAs, ELI also seeks a waiver of the requirement contained in section 52.23(e) of the Commission's rules that petitions for delay of LNP implementation deadlines be filed at least 60 days prior to the deadline.[68] ELI states that it was under the mistaken impression from discussions among member companies of the West Coast and Western Region Limited Liability Companies that a joint waiver request would be filed with

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[65] *See* MCI Comments in Opposition to US West, Pacific Bell, and GTE at 15.

[66] Telephone Number Portability, *First Report and Order and Further Notice of Proposed Rulemaking*, CC Docket No. 95-116, 11 FCC Rcd 8352 (1996) (*First Report and Order*). This schedule was modified in Telephone Number Portability, *First Memorandum Opinion and Order on Reconsideration*, CC Docket No. 95-116, 12 FCC Rcd 7236 (1997).

[67] *See First Memorandum Opinion and Order on Reconsideration* at 7286.

[68] 47 C.F.R. § 52.23(e).

the Commission on behalf of all affected companies.[69] MCI commented that confusion and an inability to coordinate with other industry members does not constitute an adequate basis on which to grant a waiver.[70]

43. We find that the circumstances presented here satisfy the good cause requirement of our rules and that waiver of the 60-day requirement is warranted. ELI, which has no switches in a Phase I MSA, did not know when the NPAC would be ready for testing, and while attempting to accommodate the original schedule, ELI realized that it could not meet the Phase II implementation schedule after the 60-day deadline.[71] We believe ELI acted reasonably in filing its petition shortly after it learned that a joint petition on behalf of affected carriers in the Western and West Coast regions would not be filed.[72]

## V. ORDERING CLAUSES

44. IT IS THEREFORE ORDERED, pursuant to section 1.3 of the Commission's rules, 47 C.F.R. 1.3, and by the authority delegated in sections 0.91 and 0.291 of the Commission's rules, 47 C.F.R. §§ 0.91 and 0.291, that ELI's petition to waive the 60-day advance filing requirement is GRANTED.

45. IT IS FURTHER 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 the 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 deadline for implementing local number portability in Phase II MSAs, discussed in this Order, are GRANTED to the extent described herein.

46. IT IS FURTHER 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 the 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 deadlines for implementing local number portability in Phase III and Phase

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[69] ELI Petition at 3.

[70] MCI Partial Opposition to ELI's and Sprint's Petitions at 3.

[71] ELI Reply at 3.

[72] ELI's Petition was filed on April 7, 1998. The 60-day advance filing requirement necessitated filing a petition on or before March 16, 1998.

IV MSAs in the West Coast and Western regions, discussed in this Order, are GRANTED to the extent described herein.

FEDERAL COMMUNICATIONS COMMISSION

Geraldine A. Matise

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