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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554

JUN - 8 1998

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, DC 20554

In the Matter of )  
 )  
Telephone Number Portability ) CC Docket No. 95-116  
 ) NSD File No. L-98-29

OPPOSITION TO PETITION FOR WAIVER

Pursuant to the Federal Communications Commission's ("Commission's") Public Notice,<sup>1</sup> MCI Telecommunications Corporation ("MCI"), by its attorneys, respectfully submits this opposition to the petition filed by the GTE Service corporation ("GTE") requesting that the Commission waive the Phase III June 30, 1998 implementation deadline for long-term local number portability ("LNP") in various cities in the Western and West Coast regions.<sup>2</sup>

INTRODUCTION & SUMMARY

MCI continues to oppose GTE's request for waiver of the Commission's Phase III LNP implementation deadlines. The Commission has long recognized 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 telecommunications users.<sup>3</sup> Because LNP is "essential to effective facilities-based competition in the provision of local exchange services,"<sup>4</sup> the Commission set an aggressive deployment schedule and has declined to

<sup>1</sup> Public Notice, CC Docket 95-116, DA 98-1033 (rel. June 1, 1998).

<sup>2</sup> GTE Service Corp., Request for Adjustment of Wireline Deadlines, NSD File No. L-98-29, *Telephone Number Portability*, CC Docket No. 95-116 (filed Mar. 2, 1998) ("Waiver Request"). Although GTE's Waiver Request was filed on March 2, 1998, the Commission deferred decision on the Phase III implementation deadlines and solicited comments in its June 1, 1998 Public Notice.

<sup>3</sup> *Telephone Number Portability*, First Report & Order, CC Docket No. 95-116, 11 FCC Rcd 8352, ¶ 30 (rel. July 6, 1996) ("First Report & Order").

<sup>4</sup> *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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waive LNP deadlines where proposed delay was based on "speculative and unspecified concerns about possible future technical concerns."<sup>5</sup>

As MCI demonstrated in its March 12, 1998 comments,<sup>6</sup> GTE's requested four-month delay for Phase III implementation, from June 30 to November 11 (affecting Orange County, CA, San Francisco, CA, Charlotte, NC and Portland, OR), fails to meet the Commission's rigorous standard for waiver of LNP deadlines. The experience since then strongly reinforces MCI's argument in its initial comments that inter-company testing does not require the substantial delay sought by GTE. Indeed, inter-company testing efforts undertaken since the initial round of comments on GTE's request further obviate the need for the delay requested by GTE.

#### DISCUSSION

Prior to granting 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."<sup>7</sup>

GTE's petition for a for Phase III waiver completely fails to meet this standard. Despite considerable successful and timely inter-company testing, GTE has not amended its

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<sup>5</sup> *Id.* ¶ 90.

<sup>6</sup> Comments of MCI Telecommunications Corp. in Opposition to Petitions for Extension of Time of US West, Pacific Bell and GTE, NSD File Nos. L-98-27, L-98-29, L-98-31, L-98-32, *Telephone Number Portability*, CC Docket No. 95-116 (filed Mar. 12, 1998) ("MCI Comments").

<sup>7</sup> First Report & Order, ¶ 85.

request for a substantial delay in Phase III implementation. Instead, GTE merely relies on the Commission's increasingly routine grant of implementation waivers, rather than making the necessary showings.

These generalized representations do not justify relief from the Phase III deadlines. First, the protracted testing schedule for LNP implementation is simply unnecessary. MCI Comments at 16-18. Therefore, MCI continues to believe that Phase III LNP implementation can be deployed, as scheduled, in the Commission's prior orders. *Id.* at 18. Second, GTE fails to show that for *any* reason, technical or otherwise, it is unable to comply with the Commission's deployment schedule. The only reason for requesting delay appears to be a matter of convenience to accommodate GTE's own preference for prolonged deployment of LNP.

Since the Commission initially received comments on GTE's waiver request, the industry and company testing experiences have been streamlined substantially. Specifically, the number of inter-company tests in the affected MSAs has been scaled back by over a third from the original tests listed in February for the West Coast and Western Regions. Likewise, the number of tests planned for the Portland MSA have been reduced. For Orange County and San Francisco, MCI anticipates that early this week, carriers will similarly reduce the number of required inter-company test, thereby considerably streamlining the testing timeframes for Phase III cities and eliminating the need for further delay in implementation of LNP.

Further, as MCI anticipated in its March comments, testing results have indicated that once a national company, such as GTE, has gained experience implementing LNP conversions, there is no reason to maintain lengthy intervals for inter-company testing. GTE has knowledgeable testing teams that have completed their tests in an expeditious manner well before the testing end-dates. GTE has also demonstrated that it can

quickly respond to correct or modify their processes when testing problems are discovered. Thus, time has borne out MCI's prediction that increased experience will enable GTE to streamline its testing procedures and responses. MCI Comments at 13-16.

While GTE is currently scheduled to meet the Phase II implementation dates of August 14, 1998 and August 18, 1998, it does not plan implementation of Phase III until November 30, 1998. Phase IV and Phase V, in turn, would be implemented one and two months later. Consequently, beginning with the Phase III implementation, GTE would implement LNP *significantly* later than the other ILEC in the MSA: in the Portland MSA by seven weeks, and in Orange County and San Francisco MSAs by eight weeks. It seems inconceivable—given GTE's testing efforts to date and the fewer number of tests required—that GTE continues to require over six weeks more than other ILECs to complete testing in the Phase III MSAs. There is no basis in GTE's waiver request, or the testing experience to date, to warrant such a substantial delay in Phase III LNP implementation.

At the very least, because GTE has not provided revised implementation details for the Phase III affected switches, the Commission should require that GTE implement LNP rollout in gradually throughout its MSAs, whether or not the Commission grants the delay GTE requests. Staggered LNP implementation will facilitate critical LNP porting activity, apart from inter-company network testing, essential to timely completion of our LNP implementation. A GTE "flash-cut" on the last day of the implementation interval established by the Commission for Phase III significantly diminishes MCI's ability to perform necessary porting "alpha" tests—additional pre-commercial testing to verify processes—prior to the completion of the MSA rollout and therefore adds delay to LNP deployment. Therefore, in order to further minimize LNP

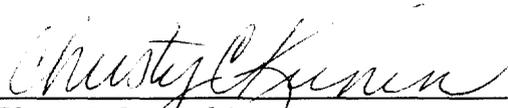
implementation deployment delay, MCI requests that the Commission require GTE roll out LNP implementation gradually during the implementation interval and not in a "flash cut" at the last possible day.

CONCLUSION

The Commission should deny GTE's petition for an extension of the deadline for Phase III LNP implementation in the West Coast and Western region switches and should require GTE to implement Phase III LNP gradually prior to the deadline in the identified switches.

Respectfully submitted,

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Dated: June 8, 1998

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## CERTIFICATE OF SERVICE

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