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

In the Matter of	)	
	)	
Telephone Number Portability	)	CC Docket No. 95-116
	)	
Cincinnati Bell Telephone Company's Provision of Local Number Portability in the Cincinnati Metropolitan Statistical Area	)	NSD File No. L-98-14
	)	
and	)	
	)	
Petitions for Extension of the Deployment Schedule for Long-Term Database Methods for Local Number Portability, Phase III:	)	
AT&T Corporation	)	NSD File No. L-98-74
BellSouth Corporation	)	NSD File No. L-98-27
GTE Service Corporation	)	NSD File No. L-98-29
Rio Virgin Telephone Company	)	NSD File No. L-98-72
Southern New England Telephone Company	)	NSD File No. L-98-71
Sprint Local Telephone Companies	)	NSD File No. L-98-73
Teleport Communications Group, Inc.	)	NSD File No. L-98-58
Time Warner Communications Holdings Inc.	)	NSD File No. L-98-78

FCC MAIL SECTION
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DISPATCH

ORDER

Adopted: June 26, 1998 Released: June 26, 1998

By the Chief, Network Services Division:

I. INTRODUCTION

1. In this Order, we grant petitions for extension of the Phase III deadline of June 30, 1998, for implementing local number portability (LNP) filed by eight individual carriers, subject to the requirements and conditions contained herein. 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. We also decide that Cincinnati Bell Telephone Company

(CBT) may elect to use only the Midwest Number Portability Administration Center (NPAC) database to offer LNP in the entire Cincinnati Metropolitan Statistical Area (MSA). In addition, we grant AT&T Corp.'s (AT&T) and Time Warner Communications Holdings Inc.'s (TWComm) related petitions to waive the requirement that carriers file petitions 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. Local exchange carriers are required to provide, to the extent feasible, number portability in accordance with the Commission's regulations.[1] A brief discussion of local number portability appears in the *Phase I Extension Order*, adopted by the Network Services Division of the Common Carrier Bureau.[2]

3. In several prior orders, we have granted extensions of time to implement LNP to certain carriers based on circumstances beyond their control. Carriers were to have provided LNP in Phase I 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 is September 30, 1998, and in Phase V is December 31, 1998.[4]

III. THE PETITIONS

4. In the *Phase II Extension Order*, we granted extensions of time only for Phase II MSAs in the Southeast region to BellSouth and other carriers operating in the Southeast

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[1] 47 U.S.C. § 251(b)(2). *See also* 47 C.F.R. Part 52, Subpart C.

[2] 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*).

[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*. In the *Phase II Extension Order*, several carriers were granted extensions of the Phase II deadline, as well as the deadline for Phases III and IV. Telephone Number Portability, Petitions for Extension of the Deployment Schedule for Long-Term Database Methods for Local Number Portability, Phase II, *Order*, CC Docket 95-116, NSD File Nos. L-98-40, L-98-27, L-98-52, L-98-29, L-98-30, L-98-31, L-98-37, L-98-38, L-98-46, L-98-32, L-98-39, DA 98-917 (rel. May 15, 1998) (*Phase II Extension Order*). Waivers of the Phase III LNP deadline, as well as several Phase IV waiver requests, are addressed in this Order.

[4] 47 C.F.R. Part 52, Appendix.

region.[5] At that time, we declined to address BellSouth's and other carriers' extension requests for relief beyond Phase II MSAs in the Southeast region. In this Order, we address BellSouth's request that the Phase III LNP implementation deadline be extended until October 31, 1998, and that the Phase IV deadline be extended until November 30, 1998. We also consider AT&T's, GTE Service Corporation's (GTE), Sprint Local Telephone Companies' (Sprint), Teleport Communications Group's (TCG), and TWComm's requests that they be granted the same delay granted BellSouth for implementing LNP in the Southeast region.[6]

5. In addition to MSAs located in the Southeast region, GTE seeks a delay in implementing LNP in certain Phase III and Phase IV MSAs located in the Western and West Coast regions. GTE requests that it receive the same extension granted to the incumbent local exchange carriers (ILECs) in those MSAs.

6. Rio Virgin seeks a waiver until October 31, 1998, to implement LNP in its Mesquite, Nevada switching complex.[7] Rio Virgin states that its equipment vendor is unable to update its switch so as to make LNP available by the June 30, 1998, deadline.[8]

7. SNET seeks a waiver until September 30, 1998, to implement LNP in one central office located in the Hartford MSA.[9]

8. TWComm seeks a waiver for implementing LNP in its Charlotte MSA until BellSouth has done so.[10] TWComm also seeks a waiver for implementing LNP in the Honolulu, Raleigh, and Memphis MSAs (each of which is a Phase IV MSA) until the ILEC in each MSA is required to implement LNP.[11]

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[5] *Phase II Extension Order* at paras. 32-38.

[6] AT&T Petition at 1; GTE Comments at 2; Sprint Petition at 3; TCG Petition at 4; TWComm Petition at 1.

[7] Rio Virgin Petition at 3.

[8] *Id.* at 7.

[9] *See* letter from Wendy S. Bluemling, SNET, to Magalie Roman Salas, FCC, dated June 25, 1998, at 2.

[10] TWComm Petition at 4.

[11] *Id.*

IV. DISCUSSION

9. The Commission's rules prescribe that waivers of its rules may be granted upon a showing of "good cause."[12] 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.[13]

GTE's and TWComm's Petitions for Western and West Coast MSAs

10. In the *Phase II Extension Order*, we declined to grant GTE's request that it implement LNP pursuant to the schedule it provided in its original filing.[14] We found GTE's proposed LNP implementation schedule unacceptable because it was based primarily on removing the overlap in the phased implementation schedule without providing an adequate explanation of the necessity of doing so.[15] At that time, we granted GTE an extension coincident with that granted to US West and Pacific Bell in the Western and West Coast regions, respectively. In comments filed following a public notice issued for comments on Phase III LNP extension requests, GTE states that it believes it can implement LNP in the Western, West Coast, and Southeast regions concurrently with the regional Bell operating company in each region.[16] In Honolulu, where GTE is the incumbent provider of local service, it proposes to implement LNP by September 30, 1998.[17]

11. In previous extension orders, we recognized that the failure of Perot Systems, Inc. (Perot Systems) to provide a stable NPAC/SMS platform was a principal reason for delays in meeting the Commission's phased LNP implementation deadlines.[18] We find that the special circumstances created as a result of the change in LNP administrator from Perot Systems to Lockheed Martin IMS (Lockheed Martin) warrants a deviation from the scheduled

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[12] 47 C.F.R. § 1.3.

[13] *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)).

[14] *Phase II Extension Order* at paras. 39-41.

[15] *Phase II Extension Order* at para. 40.

[16] GTE Comments at 2.

[17] *Id.*

[18] *See Phase I Extension Order* at para. 35; *Phase II Extension Order* at para. 18.

LNP implementation dates for Phases III and IV. Extending GTE's deadlines for Phases III and IV in the Western and West Coast regions, as provided herein, will serve the public interest by providing dates certain for LNP implementation in these regions. We have already determined that the LNP implementation schedule proposed by Pacific Bell and US West was reasonable for Phases III and IV in the *Phase II Extension Order* based on the change in LNP administrator. We find that GTE's revised schedule and the information provided in its original filing meets the showing required by section 52.23(e)[19] and warrants a waiver of our rules pursuant to section 1.3.[20] We hereby grant GTE an extension until September 18, 1998, to implement LNP in Phase III MSAs in the West Coast region, and until October 19, 1998, to implement LNP in Phase IV MSAs in the West Coast region, except for Honolulu. In Honolulu, we require GTE to implement LNP by September 30, 1998.[21] We grant GTE an extension until September 21, 1998, to implement LNP in Phase III MSAs in the Western region, and until November 2, 1998, to implement LNP in Phase IV MSAs in the Western region.

12. TWComm requests that it be granted the same extensions for LNP implementation established for the ILEC serving Phase III and Phase IV MSAs in which TWComm operates.[22] TWComm states that it would be costly and unnecessary for TWComm to expend resources to implement LNP when the dominant ILEC has not yet done so.[23] Because GTE has not requested a delay for the Honolulu MSA, we require TWComm to implement LNP in its Honolulu switch by September 30, 1998, consistent with the Commission's and GTE's schedule. We address below TWComm's Phase III and Phase IV MSAs located in the Southeast region.

Rio Virgin Petition

13. Rio Virgin, a local exchange carrier with operations in the Las Vegas MSA, requests that it be given until October 31, 1998, to implement LNP in its switching complex

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[19] 47 C.F.R. § 52.23(e).

[20] One party, MCI, submitted comments in opposition to GTE's request. These comments, however, were based on the schedule proposed by GTE on March 2, 1998, and did not reflect the revised schedule as proposed by GTE. In reply, GTE noted that it has called MCI's attention to its Comments filed June 1, 1998, reflecting GTE's revised proposed schedule. GTE Reply Comments at 2.

[21] GTE Petition at 2 n.5. Honolulu is a Phase IV MSA, and the deadline for Phase IV implementation is September 30, 1998.

[22] TWComm Petition at 1.

[23] *Id.* at 2.

located in Mesquite, Nevada.[24] Rio Virgin states that to provide LNP and meet the growing demands on its network, it will need to replace its Nortel DMS-10 switch with a DMS-100.[25] Rio Virgin states that it had planned to perform this replacement in the second quarter of 1998 to meet the June 30, 1998, LNP implementation deadline, but that Nortel informed it that installation of the new switch and LNP testing could not be completed until the end of the year.[26] Following discussions with Nortel, Rio Virgin stated that it was able to advance the proposed completion date to October 31, 1998.[27]

14. Although not dispositive of Rio Virgin's request, we note that in the *Phase II Extension Order*, we granted the dominant carrier in the West Coast region, Pacific Bell, an extension, based on the change in LNP administrator, until September 18, 1998, for its MSAs in the West Coast region.[28] Rio Virgin's request follows this date by six weeks. No parties commented on Rio Virgin's requested delay.

15. We find that a grant of an extension of time to Rio Virgin serves the public interest. Rio Virgin is unable to meet the Commission's LNP implementation deadline because to do so requires installation of a product that is effectively unavailable given written representations of its equipment vendor. A grant of additional time to comply with the Commission's requirements would better serve the public interest than a strict compliance with the Commission's rules. Rio Virgin has provided the information required by section 52.23(e) of the Commission's rules. It has demonstrated why it is unable to meet the Commission's LNP schedule and provided an explanation of what it has done to meet the schedule prior to seeking an extension. It has also identified which switch is affected, when it will complete deployment in the switch, and provided a time table for meeting the proposed extended deadline. Because granting Rio Virgin's request will potentially impact a small number of consumers,[29] and because Rio Virgin has demonstrated that it faces exceptional circumstances due to an unavoidable delay caused by its equipment vendor, we grant Rio Virgin an extension until October 31, 1998, to implement LNP in its Mesquite, Nevada switching complex.

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[24] Rio Virgin Petition at 1.

[25] *See* Rio Virgin Petition at 5.

[26] Rio Virgin Petition at 6.

[27] Rio Virgin Petition at 6.

[28] *Phase II Extension Order* at para. 29.

[29] Rio Virgin states that as of November 1997, it served 5,604 access lines from its Mesquite switching complex. Rio Virgin Petition at 5.

SNET Petition

16. SNET originally requested that it be granted until December 12, 1998, to implement LNP in its New Britain central office switch, one of thirty-four central office switches in the Hartford MSA.[30] According to SNET, the New Britain central office switch is undergoing modernization. SNET had scheduled to upgrade the switch to serve as one of a pair of Enhanced 911 (E-911) tandems.[31] In its original petition, SNET noted that this upgrade could not be completed until the end of October 1998, due to a delay in the delivery of Public Safety Answer Point (PSAP) customer premises equipment. The upgrade of the switch's PSAPs would have been completed by September 11, 1998, and extensive network testing of the E-911 system would not be completed until October 16, 1998. Following the E-911 upgrade, SNET would have upgraded the switch from a 1A ESS to a digital 5ESS, at which time the LNP functionalities would have been incorporated.[32] According to SNET, this effort was to be completed on December 12, 1998.

17. MCI filed comments in opposition to SNET's petition contending that SNET's proposed schedule of upgrading the switch to act as an E-911 tandem prior to replacing the switch with a 5ESS is purely a business decision, having nothing to do with its ability to implement LNP.[33] MCI further contends that SNET has provided no evidence that it could not have implemented LNP in the 1A ESS switch, and later upgraded to the digital 5ESS switch.[34] On June 25, 1998, SNET amended its petition and stated that due to a delay from its E-911 equipment vendor, it would implement LNP prior to performing the E-911 upgrades, and therefore implement LNP by September 30, 1998.[35] The September 30 date reflects the time it will take SNET's equipment vendor to upgrade the switch software to generic 1AE13 and for SNET to load and activate the switch translations to make it LNP capable.[36]

18. SNET is not able to meet the June 30, 1998, implementation date because it had originally planned to upgrade the New Britain switch first for E-911 capability and

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[30] SNET Petition at 1.

[31] SNET Petition at 2.

[32] SNET Petition at 3.

[33] *See* MCI Comments on SNET Petition at 3.

[34] *Id.* at 4.

[35] Letter from Wendy S. Bluemling, SNET, to Magalie Roman Salas, FCC, dated June 25, 1998, at 2.

[36] *Id.*

second for LNP. Although we do not address SNET's decision to establish these priorities, the circumstances have now changed and the priorities are reversed. Nonetheless, SNET will need additional time to implement LNP in the New Britain switch. We note also that the New Britain switch serves only 4.5% of the access lines in the Hartford MSA.[37] A grant of additional time to comply with the Commission's requirements would better serve the public interest than a strict compliance with those rules. We also find that SNET has satisfied the requirements of section 52.23(e), having demonstrated why it is unable to meet the Commission's LNP implementation schedule, by including an explanation of activities performed to attempt to meet the LNP schedule, showing which switch is affected, and specifying the time in which it proposes to implement LNP. Therefore, we grant SNET a waiver until September 30, 1998, to implement LNP in the New Britain switch.

BellSouth's Petition and Other Southeast Region Waiver Petitions

19. BellSouth seeks an extension of the LNP Phase III implementation deadline until October 31, 1998, and the LNP Phase IV implementation deadline until November 30, 1998.[38] AT&T seeks whatever extension is granted BellSouth for the Nashville, New Orleans, Greensboro, Charlotte and Jacksonville MSAs.[39] GTE requests an extension coincident with that granted BellSouth for the Charlotte and Raleigh MSAs.[40] Sprint seeks the same extension given BellSouth for the Greensboro MSA.[41] TCG requests the same delay granted

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[37] SNET Reply at 4.

[38] BellSouth Supplement at 2.

[39] In its Petition, AT&T also requests a waiver of LNP deadlines for Phase I and Phase II MSAs in the Southeast region. In the Phase I and Phase II Extension Orders, we granted all carriers with MSAs in the Southeast region the same extension granted BellSouth. *Phase I Extension Order* at para. 42; *Phase II Extension Order* at para. 36. AT&T asks that we clarify that it will be in compliance with the *Phase I Waiver Order* if it meets the August 31, 1998, Phase I deadline for the Atlanta MSA. We confirm that AT&T is correct, and that the delay granted BellSouth for Phase II MSAs until September 30, 1998, also applies to AT&T. AT&T also noted that its petition only addressed Phase I, II, and III MSAs. Jacksonville, however, which is listed in AT&T's list of switches for which an LNP waiver is sought, is a Phase IV MSA. Therefore, we include AT&T's Jacksonville switch in this Order.

[40] GTE Petition at Exhibit 1.

[41] Sprint Petition at 3.

BellSouth for its switches in the Nashville and Charlotte MSAs.[42] TWComm seeks the same extension given BellSouth for the Charlotte, Raleigh, and Memphis MSAs.[43]

20. 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 North American Numbering Council (NANC) specification 1.1 to interface properly with Lockheed Martin's software, which was designed to meet NANC specification 1.8.[44] BellSouth further argues that it requires more time to complete testing, because unlike other carriers, it did not have a previous business relationship with Lockheed Martin.[45] 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.[46]

21. We noted in the *Phase II Extension Order* that in the supplement BellSouth filed to its petition, BellSouth had identified a subset of NANC LNP change orders it reasoned was necessary to assure successful implementation of LNP in the time we had granted it for BellSouth's Phase I MSA, Atlanta.[47] We were concerned that, while BellSouth's original petition for an extension of time was supported by representations that it would take a substantial effort to implement all of the functionality described in the NANC 1.8 specifications, BellSouth had decided to implement something less than those specifications in order to meet the extension we had granted BellSouth. We therefore declined to grant BellSouth an extension in LNP implementation beyond the delay it requested for Phase II, and instead noted that we would continue to monitor BellSouth's performance in implementing LNP before we would consider granting extensions for Phase III and Phase IV MSAs.[48]

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[42] TCG Petition at 4-5.

[43] TWComm Petition at 1.

[44] BellSouth Petition at 13.

[45] BellSouth Reply at 6-7.

[46] *Id.*

[47] *Phase II Extension Order* at para. 34.

[48] *Id.* at 37.

22. BellSouth has since filed a status report dated June 8, 1998, which we find better describes the efforts BellSouth is taking to implement all of NANC's 1.8 LNP functionality. In particular, BellSouth has confirmed that all the NANC 1.8 functionality necessary to support the ordering and provisioning of LNP in Phase I and Phase II MSAs in the Southeast region will be available in its Number Portability Administration Center (NPAC) interface software when industry testing begins on July 15, 1998.[49] BellSouth noted that on May 18, 1998, it began turn-up testing of its final production software with the Lockheed Martin NPAC.[50] As of Friday, June 5, BellSouth had performed 76 of 84 test suites, all of which had passed.[51] BellSouth states that the success of these tests indicates that its schedule for meeting the requirements of the *Phase I Extension Order* and NPAC certification will be met.[52] Also, on June 23, 1998, Lockheed Martin submitted a letter verifying that BellSouth is progressing through the testing process on schedule to meet the requirements of the *Phase I Extension Order*.[53]

23. According to BellSouth, it will add remaining NANC 1.8 functionalities for certification testing by Lockheed Martin by October 1, 1998, thirty days before BellSouth's proposed LNP conversion deadline for Phase III MSAs in the Southeast region.[54] According to BellSouth's June 8 status report, there are 58 change orders, which represent the difference between the state of BellSouth's NPAC interface developed by Perot Systems and that of Lockheed Martin, which contains NANC 1.8 functionality.[55] Of these change orders, BellSouth identified three that were not necessary for the ordering, provisioning, or measuring processes necessary to implement LNP in its Phase I and Phase II MSAs.

24. According to BellSouth, two of these change orders address Numbering Plan Area (NPA) split functionalities, needed to address situations in which a permissive dialing period accompanies the introduction of a new area code.[56] The first area code split to affect

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[49] BellSouth June 8 Status Report at 1.

[50] *Id.* at 6.

[51] *Id.*

[52] *Id.*

[53] Letter from Joseph Franlin, Lockheed Martin IMS, to Patrick Forster, FCC, dated June 23, 1998.

[54] *Id.* at 1, 5.

[55] *Id.* at 3.

[56] *Id.* at 4.

BellSouth is the 504 area code (Baton Rouge, a Phase V MSA), which will affect three switches in New Orleans (a Phase III MSA). BellSouth states that it will have the NPA split functionalities in place in time to implement LNP in New Orleans pursuant to its proposed October 31, 1998, Phase III implementation date.

25. The third change order, NANC Change Order 144, relates to expanded filter functionalities, and, according to BellSouth, is unnecessary to provide LNP. Specifically, BellSouth states that Change Order 144 enables a regional NPAC to screen data in accordance with messaging capabilities programmed into a carrier's local Service Management System (SMS) software interfaces, thus screening out NPA/NXX activity broadcast by the LNP administrator that the carrier does not require. The advantage of this functionality, according to Bellsouth, is that carriers can reduce the size and complexity of their local SMS. BellSouth, however, being the incumbent local exchange carrier (ILEC) from whom most numbers will be ported throughout the Southeast region, will need to populate its SMS with essentially all the NPA/NXX activity for the entire Southeast region. BellSouth states that deferring development of NANC Change Order 144 will not adversely affect other carriers who may screen NPAC broadcasts without regard to what, or whether, BellSouth screens.[57] In any event, BellSouth states that it plans to implement NANC Change Order 144 concurrently with the NPA split functions identified above.[58]

26. Accordingly, we grant BellSouth a waiver of the Phase III implementation date until October 31, 1998, and a waiver of the Phase IV implementation date until November 30, 1998, subject to certain conditions. As the *Phase II Extension Order* required, BellSouth must file two reports with the Common Carrier Bureau, 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 its 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 its progress with intercompany testing. Today, we require BellSouth to file three reports by September 15, October 15, and November 15, 1998. These reports should detail the steps BellSouth has made and is making to implement all NANC 1.8 functionality as represented in BellSouth's June 8 status report, and confirm that LNP is being offered or will be offered in BellSouth's MSAs consistent with the extensions granted by this and prior extension orders.

27. AT&T, GTE, Sprint, TCG, and TWComm, all have a presence in the Southeast region. These carriers rely, in part, upon BellSouth to implement number portability and we

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[57] *Id.* at 5.

[58] *Id.*

find it appropriate to grant them the same extension granted BellSouth. We find that these carriers have satisfied the requirements of section 52.23(e) of the Commission's rules and accordingly grant them until October 31, 1998, to implement LNP in Phase III MSAs in the Southeast region, and until November 30, 1998, to implement LNP in Phase IV MSAs in the Southeast region. We hold that all carriers operating in the Southeast region prior to October 31, 1998, must implement LNP in Phase III MSAs as soon as practicable, but in no event later than October 31, 1998. Those carriers that may not yet be operational in Phase III MSAs in the Southeast region prior to October 31, 1998, must implement LNP consistent with the Commission's rules.[59] We further hold that all carriers operating in the Southeast region prior to November 30, 1998, must implement LNP in Phase IV MSAs as soon as practicable, but in no event later than November 30, 1998. Those carriers that may not yet be operational in Phase IV MSAs in the Southeast region prior to November 30, 1998, must implement LNP consistent with the Commission's rules.[60]

CBT NPAC Selection

28. On May 1, 1997, the North American Numbering Council (NANC) recommended to the Commission that the NPAC regions correspond to the original seven Regional Bell Operating Companies' territories.[61] CBT filed comments on June 2, 1997, requesting that it be allowed to select a single regional NPAC even though CBT's operating area is split between two NPAC regions, the Southeast and Midwest.[62] Cincinnati is one of only six MSAs that is split by an NPAC region boundary.[63] It is unique because in each of the other five MSAs, a different incumbent LEC provides service on either side of the NPAC regional boundary.[64] CBT argues that because it is operating in a single contiguous area, it would be less costly and complex for all carriers if CBT were permitted to select the Midwest NPAC for the purpose of fulfilling its number portability responsibilities.[65] The Commission directed the NANC to review CBT's request to select only the Midwest NPAC, and to make a

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[59] *See* 47 C.F.R. § 52.23(b)(2).

[60] *Id.*

[61] LNPA Working Group Recommendations released May 1, 1997.

[62] Cincinnati Bell Telephone Comments regarding NANC recommendation filed June 2, 1997.

[63] *See* Letter from Alan Hasselwander, NANC, to A. Richard Metzger, Jr., FCC, dated November 24, 1997, at Appendix A (NANC CBT Recommendation).

[64] *See* CBT June 2, 1997, Comments at 2; CBT March 17, 1998, Comments at 3; NANC Recommendation at 5, Section 3.1.

[65] CBT March 17, 1998, Comments at 5.

recommendation on whether LECs with contiguous operating areas that overlap more than one NPAC region should be allowed to select a single NPAC for the provision of number portability.[66]

29. On November 24, 1997, the NANC concluded that CBT's request that it be allowed to select one regional NPAC to implement LNP "does not raise technical difficulties with respect to local number portability implementation or have negative financial consequences for carriers responsible for conducting the queries necessary to route calls to the proper terminating carrier."[67] Thus, the NANC recommended that CBT's request be granted. The NANC further concluded that the question of whether LECs with contiguous operating areas that overlap more than one NPAC region should be allowed to select a single NPAC is too broad to be answered in a generic fashion, and that such instances should be addressed on a case-by-case basis.[68]

30. The Common Carrier Bureau, on March 3, 1998, sought comments on the NANC's recommendation and report.[69] In response to this public notice, AT&T filed comments that agreed with the NANC's recommendation that CBT's request to use a single NPAC in the Cincinnati MSA be granted. AT&T also agreed with the NANC's conclusion that any future requests to use a single NPAC when a LEC's contiguous operating area overlaps more than one NPAC region be addressed on a case-by-case basis.[70] CBT filed comments reiterating the advantages of selecting one regional NPAC for LNP purposes in the Cincinnati MSA.[71] CBT contends that if the Cincinnati MSA is combined into one NPAC region, LNP implementation costs will decrease for many carriers, and that no carriers will bear increased costs. CBT goes on to say that, if its request to consolidate the Cincinnati MSA into the Midwest NPAC region is granted, other carriers' LNP implementation would be simplified because these carriers would only have to connect to one NPAC, instead of interfacing with two separate NPACs.

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[66] Telephone Number Portability, *Second Report and Order*, FCC 97-289, CC Docket 95-116, 12 FCC Rcd 12281, at para. 22 (1997).

[67] NANC CBT Recommendation.

[68] *Id.*

[69] *See* Public Notice, DA 98-408 (Com. Car. Bur. rel. March 3, 1998).

[70] *See* AT&T Corp. Comments at p. 1.

[71] *See* Comments of Cincinnati Bell Telephone Company, pp. 1-2.

31. A grant of CBT's request to select the Midwest NPAC for the entire Cincinnati MSA will necessarily affect other providers desiring to provide service in Cincinnati. Any entrant to that portion of the Cincinnati MSA that lies in the Southeast NPAC region must interface with the Midwest NPAC in order to port telephone numbers between CBT and itself. The NANC considered this issue in fashioning its recommendation, and we received comments from only one provider other than CBT when the Commission requested public comment. To date, only one carrier has requested that any switches in the Southeastern portion of the Cincinnati MSA be made available for porting numbers.[72] CBT states that it already has an interconnection agreement with this carrier.[73] We note that this carrier did not comment on the NANC's recommendation that CBT be allowed to select one regional NPAC for purposes of fulfilling its number portability responsibilities.

32. CBT has stated that it would cost it an additional $400,000 to connect to two different regional databases than it would to connect to one database.[74] In light of these cost savings, and with due consideration to the findings of the NANC as well as the lack of any oppositions in response to our public notice, we find that allowing CBT to select one NPAC for its operations in the Cincinnati MSA will serve the public interest.

33. In granting CBT's petition, we note that in the event other carriers request similar relief, we will decide such requests on a case-by-case basis. The NANC considered CBT's request in light of the possibility that granting its request would lead to a disruptive number of similar requests in the future.[75] Specifically, the NANC's report to the Commission noted that similar requests could be disruptive to the industry and would generally advantage one service provider while negatively impacting others. We note that a significant factor in this particular case—that is, an in-place carrier with a presence on either side of a divided MSA, with no carriers in the MSA already having interfaced with a different NPAC—is that no carriers are negatively impacted.

AT&T and TWComm Sixty-Day Advance Filing Waiver Request

34. In addition to requesting extensions concurrent with that granted BellSouth for MSAs located in the Southeast, both AT&T and TWComm seek waivers of the requirement in section 52.23(e) of the Commission's rules that petitions for delay of LNP implementation

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[72] *See* letter from Patricia L. Rupich, CBT, to Magalie Roman Salas, Secretary, FCC, dated June 8, 1998.

[73] *Id.*

[74] CBT June 2, 1997, Comments at 3.

[75] NANC CBT Recommendation at 11, Section 4.1.

deadlines be filed at least 60 days prior to the deadline.[76] AT&T states that, when it filed petitions for extensions of time for its switches located in Phase I and Phase II MSAs, it expected that the Southeast region NPAC would be available for intercompany testing on May 11, 1998, as it was for the Western and West Coast regions. According to AT&T, it was not until May 7, 1998, that the Southeast Region LLC notified the Commission that the NPAC would not be available until July 15, 1998.[77] TWComm states that it assumed that the Bureau would not grant BellSouth a waiver for its Phase III MSAs. According to TWComm, however, the *Phase II Extension Order* raised that possibility.[78] TWComm states that because the *Phase II Extension Order* was released on May 15, 1998, it was already too late to comply with the Commission's rules.

35. 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. Both AT&T and TWComm filed their waiver petitions shortly after learning of events that necessitated their filing.[79] AT&T did not realize that the Southeast NPAC would not be available for testing until July 15, 1998, and TWComm, which has a relatively small presence in the Southeast (one switch in Charlotte), assumed that we would require BellSouth to comply with the remainder of the LNP implementation schedule in an order issued after the 60-day deadline had passed.

V. ORDERING CLAUSES

36. 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 AT&T's and TWComm's petitions to waive the 60-day advance filing requirement are GRANTED.

37. 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 III MSAs, discussed in this Order, are GRANTED to the extent described herein.

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[76] 47 C.F.R. § 52.23(e).

[77] AT&T Petition at 3. *See also* letter from Pamela Connell, Southeast Number Portability Administration Company, L.L.C., to A. Richard Metzger, Jr., FCC, dated May 6, 1998.

[78] TWComm Advance Filing Petition for Waiver at 4.

[79] AT&T's petition was filed May 12, 1998. TWComm's petitions were filed May 22, 1998.

38. 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 IV MSAs, discussed in this Order, are GRANTED to the extent described herein.

39. IT IS FURTHER ORDERED, pursuant to section 52.26(b)(3) of the Commission's rules, 47 C.F.R. § 52.26(b)(3), that CBT is allowed to use only the Midwest NPAC for fulfilling its number portability responsibilities in the Cincinnati MSA.

FEDERAL COMMUNICATIONS COMMISSION

Geraldine A. Matise

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