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

AUG 19 1998

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

_____)	
In the Matter of)	
Administration of the)	
North American Numbering Plan,)	CC Docket No. 92-237
Carrier Identification Codes (CICs))	
_____)	

OPPOSITION OF AT&T CORP.

Pursuant to the Commission's Public Notice, DA 98-1638, released August 14, 1998, AT&T Corp. ("AT&T") hereby opposes the Petition for Emergency Stay filed by MCI Telecommunications Corp. ("MCI") of the September 1, 1998 phase-out deadline for blocking of three-digit carrier identification codes ("CICs") under the Commission's May 1, 1998 Declaratory Ruling (DA 98-828) in this proceeding. MCI's request for a stay is the latest in its persistent attempt to delay or circumvent the full implementation of four-digit CICs, and thereby continue to maximize its dial around revenues at the expense of other parties.¹

¹ See, e.g., MCI's March 17, 1998 *Ex Parte*, seeking to delay the conversion, and Declaratory Ruling, paras. 21-22.

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In the CIC Code Reconsideration Order,² the Commission determined that the transition for conversion from three-digit Feature Group D CICs to four-digit CICs will end for interexchange carriers ("IXCs") on June 30, 1998.³ In reaching this determination, the Commission found that shortening the transition period during which both the three-digit and four-digit CICs and their respective five-digit and seven-digit carrier access code ("CAC") dialing arrangements would be recognized will serve the procompetitive purposes of the 1996 Telecommunications Act.

In consideration of the needs of IXCs and others to educate their customers about the new dialing arrangement, the Commission created a two-step transition, requiring local exchange carriers ("LECs") with equal access capability to recognize four-digit CICs by January 1, 1998 and IXCs by June 30, 1998, after which time only CICs four-digits in length would be recognized (para. 4).

² In the Matter of Administration of the North American Numbering Plan Carrier Identification Codes (CICs), CC Docket No. 92-237, Order on Reconsideration, Order on Application for Review, and Second Further Notice of Proposed Rulemaking, FCC 97-386, paras. 4, 20, 25-27, released October 22, 1997 ("CIC Reconsideration Order").

³ The three-digit CIC is part of a five-digit carrier access code (10XXX), whereas the four-digit CIC is part of a seven-digit carrier access code (101XXXX). During the transition period, both three-digit and four-digit CICs could be utilized. Once the transition period is over, all customers would be required to use the four-digit CIC (thus, AT&T's carrier access code would then become "10-10-288").

In response to BellSouth's clarification request, and at the insistence of MCI and other dial around carriers using three-digit CICs, the Declaratory Ruling (paras. 2-3) then clarified that LECs may not begin blocking of three-digit CICs earlier than July 1, 1998 and waived the deadline, where necessary, for complete blocking of all three-digit CICs until September 1, 1998. The Commission expressly declined to extend the permissive dialing period, stating:

"we continue to be concerned about the dialing disparity that exists when both three and four-digit CICs are in use, that a sufficient number of CICs remains available for assignment during the transition, and the harm that is caused by uncertainty as to when the transition will end. To eliminate any confusion, we clarify that the June 30, 1998 end of the permissive dialing period will not be extended." Declaratory Ruling, para. 22.

Contending that certain LECs' intercept announcements are subject to a delay of 3 to 20 rings, thereby leaving callers who dial "10-321" (instead of the now required "10-10-321"), with the impression that there is something wrong with MCI's service, MCI now demands that the Commission "immediately halt CIC transition-related activity until the Bureau determines that dial around service integrity is maintained." MCI at 9. Rather than delay the transition, the Commission should ensure that LECs' rectify any delays in the intercept message. At bottom, any confusion that MCI's customers may experience is due to MCI's own delay in failing to advertise "10-10-321" until May 25, 1998, only a few weeks before the end of the

transition -- despite the fact that MCI has been on notice since the October 22, 1997 Second Reconsideration Order that the transition would end on June 30, 1998.⁴

It could not be clearer that MCI has not and cannot meet the requirements for a stay. The four-part test for a stay requires MCI, as the movant, to demonstrate that: (1) it is likely to prevail on the merits, (2) it will suffer irreparable harm if a stay is not granted, (3) other interested parties will not be harmed if the stay is granted, and (4) the public interest favors grant of a stay.⁵

First, contrary to its contention, MCI is not likely to prevail on the merits because LECs are, indeed, cutting over to exclusive use of four-digit CICs, as required by the Commission's orders. In fact, this is exactly the source of MCI's problem -- that some callers are unable to complete dial around calls over its network because LECs have begun to block calls using three-digit

⁴ According to AT&T's records, MCI did not begin running advertisements informing consumers of the need to dial "10-10-321" until May 25, 1998 -- fully seven months after the Second Reconsideration Order held that the transition to four-digit CICs would end on June 30, 1998.

⁵ Virginia Petroleum Jobbers Ass'n v. FPC, 259 F.2d 921, 925 (D.C. Cir. 1958); Washington Metropolitan Area Transit Comm'n v. Holiday Tours, 559 F.2d 841, 843 (D.C. Cir. 1977).

CICs and MCI's customers have not been appropriately educated to use "10-10-321."

Second, far from irreparable injury, MCI's situation is of its own making. MCI continued to litigate extensions of the permissive dialing period, while delaying advertising "10-10-321" until May 25, 1998, barely five weeks before the conversion. Had MCI not waited until the eleventh hour to inform customers that dialing patterns were changing, very few customers would now be experiencing any difficulties. And if MCI undertakes now the customer education efforts it should have completed months ago, even the harm it alleges would be mitigated.

Third, MCI is flatly wrong that other parties would not be harmed by grant of a stay. As the Commission has repeatedly found, competitive neutrality requires the prompt end to the permissive dialing period because carriers with four-digit CICs are disadvantaged when MCI's customers can complete calls using a shorter dialing pattern. Indeed, the Commission just reiterated this fact in disposing of Vitelco's waiver request.⁶

Fourth, the public interest would not be served by grant of a stay because it would only perpetuate the dialing disparities among carriers using different length codes.

⁶ Virgin Islands Telephone Corporation Request for Extension of the Four-Digit Carrier Identification Code (CIC) Implementation Schedule, NSD File No. 98-86, DA 98-1613, para. 8, released August 12, 1998.

The need to adhere to the June 30, 1998 conversion date is compelling. The Commission decided to end the transition as soon as practicable to lessen any negative effects of the disparity that may arise during the transition.⁷ The Commission's ultimate solution is to put all carriers at parity by requiring identical dialing patterns.⁸ MCI has shown no valid basis for disturbing these findings.

Many dial around carriers have made substantial investments in timely advertising to inform customers of the need to use four-digit CICs. Any delay in the transition to four-digit CICs at this late date would simply reward MCI for its failure to prepare for a regulatory change it has been aware of for almost ten months. Moreover, the Commission has already changed the timetable for CIC conversion several times. To again alter this schedule would engender confusion among both the public and carriers, and would once again force carriers to hastily rearrange

⁷ In the Matter of Administration of the North American Numbering Plan Carrier Identification Codes (CICs), CC Docket No. 92-237, Second Report and Order, FCC 97-125, para. 32, released April 11, 1997 ("Second Report").

⁸ See also Pennsylvania Public Utility Commission Petition for Expedited Waiver of 47 CFR Section 52.19 for Area Code 412 Relief, CC Docket 96-98, Order, DA 97-675, released April 4, 1997, para. 15 (recognizing the inherent competitive advantage of dialing fewer digits), citing Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, CC Docket No. 96-98, Second Report and Order, FCC 96-333, 61 Fed. Reg. 47284, 47330 (1996).

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their business plans. AT&T strongly urges the Commission to permit the industry to at last complete an orderly transition to four-digit CIC codes, and to reject MCI's latest attempt to gain a regulatory advantage for its own 10-321 service.

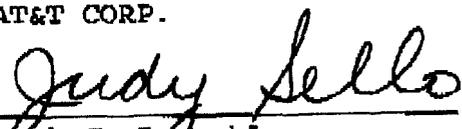
CONCLUSION

For all of these reasons, the Commission should deny MCI's stay request.

Respectfully submitted,

AT&T CORP.

By sa


Mark C. Rosenblum
Judy Sello

Room 3245I1
295 North Maple Avenue
Basking Ridge, New Jersey 07920
(908) 221-8984

Its Attorneys

August 19, 1998

CERTIFICATE OF SERVICE

I, Ann Marie Abrahamson, do hereby certify that on this 19th day of August, 1998, a copy of the foregoing Opposition of AT&T Corp. was served by U.S. first class mail, postage prepaid, to the attached service list.


Ann Marie Abrahamson

SERVICE LIST

Robert McDowell
ACTA
Via Fax (703) 714-1330

Marie Breslin
Bell Atlantic
1300 I St., NW, Suite 400 West
Washington, DC 20005

Genevieve Morelli
CompTel
1900 M St, NW, Suite 800
Washington, DC 20036

Jim Smith
Attn.: Connie Bryer
Excel Communications, Inc.
1133 Connecticut Ave. NW, Suite 750
Washington, DC 20036

Mary DeLuca
MCI Telecommunications Corp.
1801 Pennsylvania Ave., NW
Washington, DC 20006

Glenn B. Manishin
Christy C. Kunin
Blumenfeld & Cohen -
Technology Law Group
1615 M St., NW, Suite 700
Washington, DC 210036
Counsel for MCI Telecommunications Corp.

Jerry James
Thrifty Call
401 Carlson Circle
Dallas, TX 78666

Becky Gibson
VARTEC
3200 West Pleasant Run Road
Lancaster, TX 75146

Richard S. Whitt
WordCom, Inc.
1100 Connecticut Ave., NW, Suite 400
Washington, DC 20036