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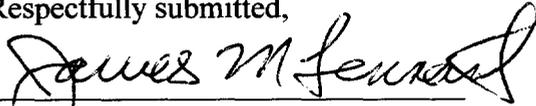
RE: In the Matter of the Use of N11 Codes) CC Docket 92-105
and Other Abbreviated Dialing Arrangements) NSD File No. L-98-139

**COMMENTS OF LOW TECH DESIGNS ON THE NANC RECOMMENDATION
CONCERNING ABBREVIATED DIALING ARRANGEMENTS**

Please find an original and four copies of the above filing in the above docket.

I have also provided a diskette submission as requested, in Word Perfect 5.1 format.

Respectfully submitted,



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Before the
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In the Matter of the Use of N11 Codes) CC Docket 92-105
and Other Abbreviated Dialing Arrangements) NSD File No. L-98-139

**COMMENTS OF LOW TECH DESIGNS ON THE NANC RECOMMENDATION
CONCERNING ABBREVIATED DIALING ARRANGEMENTS**

Throughout this docket, the FCC has repeatedly stated that “abbreviated dialing arrangements are telephone numbers of less than the standard 7 or 10 digits”¹. (Emphasis added.) The FCC also received extensive comments from various sources that caused the FCC to conclude that “the record shows that there is considerable interest in alternative abbreviated dialing arrangements”² and “that abbreviated dialing could clearly serve many useful purposes...”³ (Emphasis added.)

As a good faith participant in the drafting of the NANC Report, I can personally attest that the instant report before the Commission was not drafted with the FCC conclusions and statements outlined above in mind⁴. These errant recommendations fly in the face of the FCC’s previous findings and conclusions. The Majority Report constitutes a slap in the face to the FCC and Minority participant’s and should be summarily rejected.

¹ See In the Matter of the Use of N11 Codes and Other Abbreviated Dialing Arrangements *First Report and Order and Further Notice of Proposed Rulemaking*, CC Docket 92-105, para. 1, rel. Feb. 19, 1997.

² See Id., para. 60.

³ See Id., para. 61.

⁴ Low Tech Designs, Inc. is a small business as defined by the Small Business Administration. It is also a certificated new entrant telecommunications carrier that participated in the NANC Ad Hoc Working group meetings at great expense to assist the FCC with this effort.

RECOMMENDATION NOT A TELEPHONE NUMBER

The NANC Report recommends the unprecedented use of a non-numeric character or symbol in a telephone number, namely the “#” or pound sign. However, the FCC concluded that “if “#” were required in an abbreviated dialing arrangement, *dialing could not occur from millions of rotary telephones still in service*”⁵. (Emphasis added.)

Some consumers simply continue to prefer rotary dial instruments. The majority report ignores these existing users, while hypocritically continuing to provide the means for *their* existing rotary dial customers to activate abbreviated dialing arrangement based vertical service codes by using “11” as a substitute for the “*” button on a touch-tone telephone. The FCC recognized this critical issue when it said that “if it is not possible to use “*XX” dialing, for example with a rotary telephone, “11XX” is an alternative abbreviated dialing arrangement”⁶.

Not only are there still millions of happy rotary dial phone users, but this type technology is still being produced, either in the form of push-button dial-pulse instruments or as antique reproduction rotary dial sets⁷.

More importantly, no existing nationally administered telephone numbering resource currently requires a touch-tone symbol such as “*” or “#”. Telephone numbers are just that - *numbers*. Symbols will never be numbers, although the NANC Majority Report promotes this fallacy with their recommendation of a leading or trailing “#” for expanded abbreviated dialing.

⁵ See Id., para. 59.

⁶ See Id. It should be noted that ILECs have heavily advertised their *XX based services, such as *66 and *69, on a pay-per-use basis, usually at a cost of \$0.75 per activation. These services are provided on a no-presubscription-required basis, to both touch-tone and rotary dial users. Also, SNET, BellSouth and Bell Atlantic have all implemented innovative *94 and *99 based services using AIN technology.

⁷ See <http://www.getphones.com/p5.htm> for antique, vanity and novelty rotary dial phones being sold today in an e-commerce setting.

LITTLE, IF ANY, DEMONSTRATED NEED??

The FCC concluded that “the record shows that there is considerable interest in alternative abbreviated dialing arrangements” and “that abbreviated dialing could clearly serve many useful purposes”. Without any rational explanation, the Majority Report rejected this FCC conclusion and stated that “[t]he Working Group concluded that there appears to be little, if any, demonstrated need for additional nationally administered abbreviated dialing arrangements at this time”.

Once again, the NANC Report Majority wants to have their cake and eat it too. One of the participants in the working group, BellSouth Telecommunications, Inc., is the most hypocritical ILEC of all in this regard, as their initial request to the FCC for commercial use of unassigned N11 codes was the catalyst for this current investigation into abbreviated dialing arrangements⁸.

After receiving the FCC’s blessings on May 4, 1992, BellSouth succeeded in convincing the Louisiana, Georgia and Florida PSC’s to allow them to implement these unused N11 codes. In Georgia and Florida, BellSouth and its affiliated companies have directly benefitted by entering into joint ventures with local newspapers in major metropolitan areas⁹. These joint ventures all use the 511 code and heavily advertise their pay-per-use information services in BellSouth’s Yellow Pages and in the respective newspaper’s daily editions.

By opposing the competitive use of abbreviated dialing codes in this forum, but benefitting

⁸ This initial request was made on March 6, 1992. See *In the Matter of the Use of N11 Codes and Other Abbreviated Dialing Arrangements First Report and Order and Further Notice of Proposed Rulemaking*, CC Docket 92-105, para. 7, rel. Feb. 19, 1997.

⁹ Both the Florida and Georgia Commission’s assigned the unused N11 codes with the understanding that when more plentiful abbreviated dialing arrangements were available, N11 recipients would be required to convert to the more plentiful arrangements. Regretably, this requirement has served to delay and suppress the development of more plentiful abbreviated dialing arrangements, as BellSouth and their newspaper partners have no desire to retrain users to dial a different number from their easily remembered 511 code. This is the equivalent of asking 1-800 FLOWERS to change their number to a different number that no longer spells “flowers”.

from previous FCC and state commission abbreviated dialing decisions, BellSouth Telecommunications, Inc., along with its parent company and subsidiaries, continues to exhibit their intertwined and illegal monopoly ways. Abbreviated dialing arrangements are the last monopoly bottleneck. Incumbent LECs and wireless providers believe these numbers are their and theirs alone¹⁰.

BellSouth Telecommunications, Inc. shows additional hypocrisy when one reviews their Open Network Architecture mandated Advanced Intelligent Network (AIN) service offerings. Ironically, BellSouth will allow non-telecommunications carriers to promote, advertise and install the AIN Public Feature Code Trigger on BellSouth subscribers lines using an associated *XX abbreviated dialing arrangement, with no Public Service Commission approval¹¹. Of course, this tariffed offering is not the equivalent of the 511 service BellSouth offers to its own joint venture, as the AIN Public Feature Code Trigger is required to be assigned on a per-line-basis. Predictably, the 511 service offered by the BellSouth joint ventures with newspapers in Georgia and Florida is available for dialing by anyone - *without presubscription*.

PREVIOUS ATIS / IILC / RBOC / BELLCORE ACTIONS AND FAILURES TO ACT

It was precisely this type of *non-presubscribed* abbreviated dialing code that BellSouth and Cox Communications promoted for enhanced service providers in their Information Industry Liaison Committee (IILC - now NIIF) issue #036, initiated on April 23, 1992.

After “studying” the issue for over two years, the IILC Issue #036 Working Group

¹⁰ See Low Tech’s Minority Opinion to the NANC Report for the **punitive** manner in which BellSouth Mobility assigned the *11 abbreviated dialing arrangement in Atlanta, GA, immediately after Low Tech requested this wireline code.

¹¹ See Georgia AIN tariff at <http://cpr.bst.bellsouth.com/pdf/ga/a034.pdf>.

recommended, in September of 1994, that the Issue #036 documentation be used as input into the RBOC and Bellcore driven future AIN Release 1.0 (subset 0.1 and 0.2) planning process so that AIN development would include the functionality necessary to provide the services defined by ESPs in the #036 proceeding.

Instead of incorporating the non-presubscribed abbreviated dialing arrangement recommendation of the #036 Working Group into the AIN 0.1 and 0.2 planning process, these recommendations were simply forgotten and ignored by the industry. Today, there are no non-presubscribed abbreviated dialing arrangement AIN triggers defined or available, except for N11 codes. This is an excellent example of how the Alliance for Telecommunications Industry Solutions IILC/NIIF process was and still is a sham and waste of time for enhanced service providers working in a good faith manner.

The FCC recently terminated their long-standing AIN proceeding in Docket 91-346 (In the Matter of Intelligent Networks, *Order*, FCC 98-322, Rel. December 4, 1998). It remains to be seen if the FCC's previous stated goal of "making AIN the telephony equivalent of an open IBM PC programming environment" will ever become reality.

If the RBOC's, Bellcore and major switch manufacturers had followed through on the recommendations ***they created and agreed to*** in IILC Issue #036, over four years ago, this instant proceeding would probably not be required. AIN based services using abbreviated dialing arrangements would already be a reality and the many useful purposes the FCC identified could already be benefitting American consumers. More importantly, the incredible creative energies and innovations epitomized by the current Internet and computer revolution would have been unleashed into the creation of advanced telecommunications services, using AIN as the base for this innovation.

The opportunity for this type of innovation still exists, but only if the FCC takes the lead and orders the immediate implementation of abbreviated dialing arrangements combined with AIN service creation capability ¹².

TECHNOLOGY AVAILABLE TODAY

Based on ongoing negotiations with and incomplete technical disclosures by ILECs, Low Tech Designs believes that the capability to deploy *XXXX/AIN based abbreviated dialing arrangements exists today in the vast majority of switches now in service. In a letter from BellSouth Telecommunications, Inc., to Mr. James M. Tennant, dated September 9, 1998, BellSouth stated the following regarding the ability of an office-wide translated abbreviated dialing arrangement, in the form of *XX, to activate an AIN trigger on a non-presubscribed basis. Low Tech Designs specified a combination of network elements that are not disclosed here, but that will be provided to the FCC on a confidential, ex parte basis.

“Based on BellSouth’s reading of the documentation describing the [trigger], and BellSouth’s understanding of AIN, it appears that [the] trigger could possibly be used to initiate an AIN query as a result of the [specified combination of network elements]. . . . However, there may be unpredictable switch behaviors that would prevent this method from being used, since it is not the anticipated use of the trigger.”

Low Tech Designs has asked BellSouth to provide the network information documentation used to arrive at the previous conclusions. As of this date, BellSouth has refused to furnish Low Tech Designs with this “information about its network that a requesting telecommunications carrier

¹² Low Tech also believes third party AIN Service Control Points and Intelligent Peripherals must be allowed in order to break the continuing monopoly grip of ILECs on the AIN service management, creation and execution environment. This third party capability has already been ordered in several state commissions arbitration agreements. See AT&T/BellSouth arbitration decision in Georgia.

reasonably requires to identify the network elements that it needs in order to serve a particular customer". *See* 47 CFR 51.301(8)(I).

Additionally, this failure to address specific technical issues related to "how quickly abbreviated dialing arrangements could be deployed" as requested by the FCC, is indicative of the attitude held not only by BellSouth in their ongoing negotiations with Low Tech Designs, but also by the NANC Majority and the three major switch manufacturers during the entire process of preparing the instant report for submission to the FCC.

The FCC should order expanded abbreviated dialing arrangement deployment, adopt Low Tech's and MCI's minority opinions, and ignore the NANC Abbreviated Dialing Group Majority opinion. It is obvious that the industry will not open up these numbering resources themselves, as the FCC has hoped they would do in the past.

RELATED TELECOMMUNICATIONS ACT ISSUES

The FCC should also be aware that abbreviated dialing arrangements represent the last remaining monopoly bottleneck for competitive local exchange carriers. Low Tech Designs, a certificated CLEC, has repeatedly been denied non-discriminatory access to these telephone numbering resources by incumbent local exchange carriers.

This is in direct violation of the 14 point competitive checklist contained within the Telecommunications Act of 1996 and the dialing parity and unbundling provisions of Section 251 contained therein.

CONCLUSION

The FCC is responsible for insuring that telephone numbering resources and their deployment serve the public interest. Clearly, the refusal of the incumbent LECs and the wireless industry to allow for the non-discriminatory access to these telephone numbering resources has been exposed for what it represents - an attempt by the large network providers to monopolize a public resource and to stifle advanced telecommunications services innovation by smaller competitors such as Low Tech Designs.

It is time for this critical telecommunications resource to be unleashed and for the current illegal monopoly controls to be removed. Low Tech Designs, Inc. has also provided a NANC minority opinion with additional recommendations and refers the Commission to that submission for additional comments.

Respectfully submitted,



1-12-99

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