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BEFORE THE
Federal Communications Commission
WASHINGTON, D.C.

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)	CC Docket No. 95-116
Long-Term Telephone Number)	
Portability Tariff Filings)	RM 8535
)	
Southwestern Bell Telephone)	
Tariff F.C.C. No. 73)	Transmittal No. 2745
)	
Pacific Bell Tariff F.C.C.)	
No. 128)	Transmittal No. 2029

PETITION TO SUSPEND FOR ONE DAY AND SET FOR INVESTIGATION

Pursuant to Section 1.773 of the Commission's rules, Time Warner Telecom Holdings Inc. d/b/a Time Warner Telecom ("TWTC"), by its attorneys, hereby files this petition to suspend and investigate the long-term telephone number portability tariffs filed by Southwestern Bell Telephone Company ("SWBT") (Transmittal No. 2745) and Pacific Bell (Transmittal No. 2029).

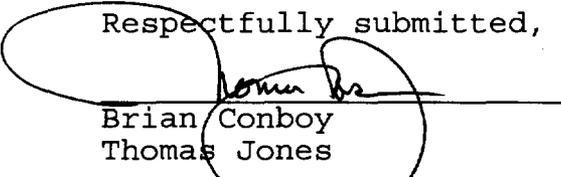
Notwithstanding TWTC's repeated request that they do so, SWBT and Pacific Bell have not clarified in the instant Transmittals whether they intend to impose default query charges on calls to NXXs in which no telephone number has yet been ported. The Transmittals only state that default query charges will be imposed on all calls to NXXs classified as number portable, an ambiguous term.¹ As TWTC has explained at length in this proceeding, the FCC should declare unlawful any LNP tariff

¹ See Pacific Bell Tariff F.C.C. No 128, section 13.3.16(A), (B) (1) (b); SWBT Tariff F.C.C. No. 73, section 34.1 and section 34.2.1(B).

that imposes default query charges on calls to NXXs in which no number has yet been ported.² In this regard, it is especially noteworthy that Ameritech, which is in the same position as SWBT and Pacific Bell in terms of LNP upgrade requirements, has decided not to impose default query charges on calls to NXXs with no ported numbers.³

The Commission should therefore investigate whether SWBT and Pacific Bell intend to charge for default queries to NXXs for which no telephone number has been ported. If either carrier does intend to adopt this approach, its tariff should be rejected as unlawful

Respectfully submitted,



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January 21, 1998

² See Ex Parte Letter from Thomas Jones to Magalie Roman Salas, CC Docket No. 95-116, RM 8535; CCB/CPD; CCB/CPD 98-25; CCB/CPD 98-17; CCB/CPD 98-23 (June 16, 1998).

³ See Ameritech Tariff F.C.C. No. 2, section 6.4.2(B)(1).

CERTIFICATE OF SERVICE

I, Catherine M. DeAngelis, do hereby certify that on this 21st day of January, 1999, copies of the foregoing "Petition to Suspend for One Day and Set for Investigation of Time Warner Telecom" were hand delivered, unless otherwise indicated, to the following parties:

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