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 Before the
 Federal Communications Commission
 Washington, D.C. 20554

In the Matter of Local Number)	CC Docket No. 99-35
Portability Tariff Filings of)	
)	
Bell Atlantic Telephone Companies)	Transmittal Nos. 1111 and 1114
)	
NYNEX Telephone Companies)	Transmittal Nos. 539 and 540

**RECONSIDERATION OF DECISION TO SUSPEND AND INVESTIGATE TARIFF
 FILINGS OF BELL ATLANTIC LOCAL TELEPHONE COMPANIES**

Adopted: April 14, 1999

Released: April 15, 1999

By the Chief, Competitive Pricing Division:

I. BACKGROUND

1. In this Reconsideration Order, we reconsider, on our own motion, our decision to suspend and initiate an investigation into the tariff transmittals filed by Bell Atlantic Telephone Companies and NYNEX Telephone Companies (collectively, Bell Atlantic) seeking to establish rates, terms, and conditions for local number portability query services and end-user charges. The Bell Atlantic tariff transmittals for its end-user charges were filed on March 2, 1999, with an effective date of March 17, 1999.¹ On March 9, 1999, AT&T filed a petition to reject or suspend Bell Atlantic's filings² and Bell Atlantic filed a reply on March 15, 1999.³ We suspended Bell Atlantic's tariff transmittals on March 16, 1999.⁴

2. Bell Atlantic filed Bell Atlantic Transmittal No. 1114 and NYNEX Transmittal No. 540 on March 15, 1999, seeking to establish rates, terms and conditions for Bell Atlantic's local

¹ Bell Atlantic Transmittal No. 1111, filed March 2, 1999; NYNEX Transmittal No. 539, filed March 2, 1999.

² AT&T Petition to Reject or Suspend Tariff, filed March 9, 1999.

³ Bell Atlantic Reply, filed March 15, 1999.

⁴ See In the Matter of Local Telephone Number Portability Tariff Filings of Bell Atlantic Companies, Memorandum Opinion and Order, DA 99-519 (rel. Mar. 16, 1999) (*Bell Atlantic Query Services Suspension Order*).

number portability query services, with a scheduled effective date of March 30, 1999.⁵ Bell Atlantic filed therewith a petition for waiver of the Commission's requirement that carriers that previously filed long-term number portability query services rates must refile their query services rates at the same time that they file their end-user charges.⁶ On March 22, 1999, AT&T filed a petition to reject or suspend Bell Atlantic Transmittal No. 1114 and NYNEX Transmittal No. 540 for one day and make them subject to the investigation set for Bell Atlantic Transmittal No. 1111.⁷ On March 23, 1999, Bell Atlantic filed Transmittal No. 1118, revising the material filed under Transmittal No. 1114 to correct supporting documentation and the resulting rates, but retained the same March 30 effective date.⁸ We suspended Bell Atlantic's tariff transmittals on March 24, 1999.⁹ We also granted Bell Atlantic's request for a waiver.¹⁰

3. On April 12, 1999, Bell Atlantic filed Transmittal No. 1122, revising Bell Atlantic Transmittal Nos. 1114 and 1118, and Transmittal No. 1123, revising Bell Atlantic Transmittal No. 1111.¹¹ Bell Atlantic also filed Transmittal Nos. 547 and 548, revising NYNEX Transmittal Nos. 539 and 540.¹² These revised transmittals modify all previously filed Bell Atlantic local number portability end-user and query services tariff transmittals.

II. DISCUSSION

3. Pursuant to sections 1.108 and 0.291 of the Commission's rules, 47 C.F.R. §§ 1.108, 0.291, we reconsider on our own motion our decision in the *Bell Atlantic Suspension Order* to suspend and initiate an investigation into Bell Atlantic's local number portability tariffs. In that order, we found that Bell Atlantic's tariffs raised substantial questions of lawfulness and

⁵ See Bell Atlantic Transmittal No. 1114, filed March 15, 1999; NYNEX Transmittal No. 540, filed March 15, 1999.

⁶ See *In the Matter of Number Portability Query Services, Order*, CC Docket No. 98-14, 13 FCC Rcd 16117 (1998) (*Query Services Order*).

⁷ AT&T Petition to Reject or Suspend, filed March 22, 1999 (AT&T Petition).

⁸ Bell Atlantic Transmittal No. 1118, filed March 23, 1999.

⁹ *In the Matter of Long-Term Telephone Number Portability Tariff Filings of Bell Atlantic Telephone Companies and NYNEX Telephone Companies*, CC Docket No. 99-35, *Memorandum Opinion and Order*, DA 99-576 (rel. Mar. 24, 1999) (*Bell Atlantic and NYNEX Suspension Order*).

¹⁰ *Id.* at para. 5.

¹¹ Bell Atlantic Transmittal Nos. 1122 and 1123, filed April 12, 1999.

¹² NYNEX Transmittal Nos. 547, 548, filed April 12, 1999.

warranted an investigation.¹³ We specifically raised issues concerning the following: whether Bell Atlantic's method of identifying eligible Operations Support Systems (OSS) costs is unreasonable; whether Bell Atlantic's calculation of its overhead factors is unreasonable; whether Bell Atlantic's inclusion of building and power costs in its calculation of number portability costs is unreasonable; and whether Bell Atlantic's overall level of costs for local number portability is unreasonable. We also found that AT&T's petitions to suspend and investigate Bell Atlantic's long-term number portability tariffs raised questions of lawfulness, similar to those we identified, and further supported the investigation of these tariffs.

4. In its revised transmittals, Bell Atlantic modifies several aspects of its previously-filed number portability tariff transmittals. In Transmittal No. 1122, Bell Atlantic lowers its query rates, eliminating a substantial mark-up that it had previously applied. In Transmittal No. 1123, Bell Atlantic removes several elements of OSS costs. In addition, Bell Atlantic has clarified aspects of its previously-filed cost support, including the manner in which it developed and used "cost factors," its inclusion of building and power costs, and its overall cost levels. Transmittal Nos. 547 and 548 make corresponding modifications to NYNEX Transmittal Nos. 539 and 540.

5. We find that Bell Atlantic has provided reasonable explanations for its cost recovery actions, and that, with the modifications described in Transmittal Nos. 1122, 1123, 547 and 548, Bell Atlantic's number portability tariffs no longer raise substantial questions of lawfulness that warrant investigation under section 204(a) of the Act. We therefore decline to investigate these tariffs.

III. ORDERING CLAUSES

6. **ACCORDINGLY, IT IS ORDERED** that, pursuant to sections 0.291 and 1.108 of the Commission's rules, 47 C.F.R. §§ 0.291, 1.108, we reconsider on our own motion our decision in the *Bell Atlantic and NYNEX Suspension Order*, DA 99-576 (rel. Mar. 24, 1999) to suspend and investigate the rates, terms, and conditions for local number portability query service and end-user charges in relation to Bell Atlantic Telephone Companies and NYNEX Telephone Companies.

FEDERAL COMMUNICATIONS COMMISSION



Jane E. Jackson
Chief, Competitive Pricing Division
Common Carrier Bureau

¹³ *Bell Atlantic and NYNEX Suspension Order* at para. 3.