

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

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FEDERAL COMMUNICATIONS COMMISSION
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In the Matter of:)
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Petitions for Emergency Relief)
Regarding Release of the 855)
Toll Free Code)
)
)
Toll Free Access Codes)
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NSD File No. L-00-249

CC Docket No. 95-155

COMMENTS OF WORLDCOM, INC.

On November 17, 2000, one day before the scheduled release of the new 855 toll free code, Commission staff directed Database Service Management, Inc. (DSMI) to postpone that release until further notice.¹ This action was taken in response to petitions filed on November 9 and November 14, 2000 by, respectively, the Toll Free Number Coalition (TTFNC), and the Toll Free Commerce Coalition (TTFCC). These groups, which represent small Responsible Organizations (RespOrgs), toll free number service providers, and their customers, had sought an emergency deferral of the release of the 855 code for up to six months or longer, until such time as the Commission might resolve certain issues surrounding the performance of the toll free database administered by the SMS/800 Management Team and DSMI (toll free number administrators). WorldCom, Inc. (WorldCom) respectfully suggests that database performance

¹ Letter from L Charles Keller, Chief, Network Services Division, Common Carrier Bureau, to Mr. Michael Wade, President, Database Service Management, Inc.

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issues will not finally be resolved until the Commission completes the transition of toll free administration to impartial entities, as required by the Telecommunications Act of 1996. The Commission may find that the particular problems previously experienced by Petitioners are either unlikely to recur, or are a symptom of inherent shortcomings in the existing system. In either case, there is no reason to defer release of the 855 code for more than six months.

I. Background

Petitioners claim that the releases of the 877 and 866 codes were plagued by confusion and disorder, with some RespOrgs “locked out” of the database for extended periods of time, during which other RespOrgs successfully reserved numbers that those locked out were seeking.² One of the Petitioners alleges that many of the problems with the system are caused by alleged interface inequities -- i.e., that large RespOrgs with the Mechanized Generic Interface (MGI) are able to send so many requests to the system that it freezes out the smaller users of the Graphical User Interface (GUI) and Dial up access.³

TTFNC asks that the Commission delay release of the 855 code until such time as DSMI has demonstrated to the satisfaction of the Commission that it has adequately rectified the problems that allegedly marred the previous releases, and the new release will be administered in a fair, orderly, and non-discriminatory manner.⁴ TTFCC asks that the Commission delay release

² *See, e.g.*, TTFNC Petition at 3-5.

³ TTFCC Petition at 5.

⁴ TTFNC Petition at 5-6.

until it resolves Petitions for Reconsideration and other pending matters related to the *Fourth Report and Order*.⁵ Alternatively, TTFCC asks that the Commission direct DSMI temporarily to set aside the approximately 143,000 easily recognized codes (ERCs) that were requested in the first twelve hours following the 866 release.⁶ In either case, TTFCC proposes that MGI users “should be precluded from using that interface for the first six hours of a new SAC release.”⁷

The toll free number administrators assert that Petitioners ignore or misrepresent recent changes in the number reservation system that will ensure that any problems from the 866 release will not recur.⁸ They agree with Petitioners, however, that toll free resources are not in imminent danger of exhaustion, and that the Commission could allow further testing of the reservation system.⁹

II. Argument

A. The Commission should complete its investigation and allow the industry to proceed with release of the 855 toll free code within six months.

There is a clear disagreement between Petitioners and the toll free administrators over the facts alleged in the emergency petitions. WorldCom believes that the Commission can complete any needed investigation or further testing of the reservation system within six months. The

⁵ TTFCC Petition at 8.

⁶ *Id.*, 9.

⁷ *Id.*

⁸ Comments of the SMT and DSMI on the Petitions for Emergency Relief of the Toll Free Number Coalition and the Toll Free Commerce Coalition (filed November 16, 2000), 1.

⁹ *Id.*, 2.

Commission should announce its intention to do so and allow the industry to plan for release of the 855 code at the end of that period.

It is true that toll free numbering resources are not in imminent danger of exhaust. However, it would be naive to believe, as Petitioners appear to suggest, that the 855 roll out could be delayed until 2002, or even 2003. It is irresponsible to allow the resource to fully exhaust before proceeding with relief. RespOrgs, service providers, and customers all must be able to plan for relief that occurs on a timely basis and well in advance of the exhaust of existing resources. Thus, the Commission should commit itself to concluding its investigation such that industry can proceed with the 855 roll out in the first half of 2001.

B. There is no basis for depriving MGI users of the use of that interface.

TTFCC outrageously suggests that the Commission could preclude MGI users from use of the interface and systems on which they depend during the first six hours of the release of a new code. The purported justification for this draconian penalty is that alleged system “freezes” are “caused” by MGI users.¹⁰ There are no facts in the record to support this blatantly pretextual attempt by one group of RespOrgs to harm another. WorldCom has made substantial investments in hardware, software, systems, personnel, and training all to support use of the MGI interface. There is no barrier to similar investments by the members of TTFCC. Accordingly, there is no legitimate basis on which the Commission could deny WorldCom, and other MGI users, the use of the MGI interface.

¹⁰ TTFCC Petition at 5.

C. Toll free performance issues must ultimately be resolved by selection of an impartial entity or entities to administer toll free numbers.

The Telecommunications Act of 1996 required the Commission to create or designate one or more impartial entities to administer numbering resources.¹¹ The Commission has struggled to achieve this with respect to toll free numbers. However, the Commission has recently recognized the current SMS/800 system may not be the best way to administer toll free numbers.¹² The Commission has further indicated concern over whether “from a practical standpoint, ownership and control of the centralized database by any telecommunications service provider is an appropriate structure for toll free numbering administration because of service quality issues that have arisen and apparently remain unresolved.”¹³ Accordingly, the Commission has sought advice from the North American Numbering Council (NANC) on how to restructure the toll free system.¹⁴ While WorldCom has serious doubts that the NANC, which includes the incumbent toll free providers in its membership, will ultimately provide useful advice on this issue, WorldCom strongly supports the process which the Commission has initiated by which toll free administration will finally be transferred to an impartial entity or entities.

The Commission has correctly recognized that unresolved service quality issues are undoubtedly related to the existing ownership and structure of toll free administration. The

¹¹ 47 U.S.C. § 251(e)(1).

¹² *In the Matter of Toll Free Service Access Codes*, CC Docket No. 95-155, *Fifth Report and Order* (rel. July 5, 2000), ¶ 28.

¹³ *Id.*, ¶ 29.

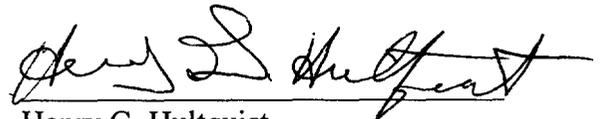
¹⁴ *Id.*, ¶ 30.

issues will not be fully resolved until the restructure of toll free administration is complete.

However, it is unlikely that this restructure will be completed during 2001. Thus, the Commission must plan for the release of the 855 code to precede the transfer of toll free ownership and administration to parties that are unaffiliated with any telecommunications service provider.

Respectfully submitted,

WorldCom, Inc.

A handwritten signature in black ink, appearing to read "Henry G. Hultquist", written over a horizontal line.

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December 13, 2000

CERTIFICATE OF SERVICE

I, Vivian Lee, do hereby certify that copies of the foregoing Comments In the Matter of Petitions for Emergency Relief Regarding Release of the 855 Toll Free Code, Toll Free Access Codes were sent via first class mail, postage paid, to the following on this 13th day of December, 2000.

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