

Rights of Way

ISSUE III.13

This issue is common to AT&T and WorldCom.

What rates should Verizon charge AT&T for access to its poles, ducts, conduits and rights-of-way?

Witness: E. Christopher Nurse
Attorney: Michael McRae

AT&T's Position:

Verizon is limited by the Act to charging "just and reasonable" rates for use of its poles, ducts, conduits and rights-of-way under 47 U.S.C. § 224(b)(1).

Proposed Remedy:

Section 16.0 of AT&T's proposed agreement sets forth contract terms and conditions that are necessary and appropriate concerning rates for the use of Verizon's poles, ducts, conduits, and rights-of-way.

Verizon's Position:

Verizon's claims that its proposed rates for access to poles and conduits comply with current FCC formulation and state tariff requirements. According to Verizon, the fact that Verizon Virginia advocates the use of current FCC standards conclusively proves, in its view, that its proposed rates are "just and reasonable" as required by the Act.

With respect to conduits, Verizon disagrees that AT&T is statutorily entitled to receive certain rates for access to conduits pursuant to the FCC formula. It cites § 224(c)(1), of the Telecommunications Act of 1996, which states:

Nothing in this section shall be construed to apply to, or to give the Commission jurisdiction with respect to rates, terms, and conditions or access to poles, ducts, conduits, and rights-of-way as provided in subsection (f) of this section, for pole attachments in any case where such matters are regulated by a State.

Thus, Verizon claims, the fact that the Virginia SCC has already approved Verizon Virginia's tariffed rate for conduits precludes AT&T from complaining here that its rates do not meet the "just and reasonable" standard.

Finally, Verizon asserts that the rates for access to rights-of-way, unlike the rates for poles and conduits, must be handled on a case-by-case basis. According to Verizon, neither the FCC nor the Virginia Commission regulates the rates assessed for use of rights-of-way, nor has the FCC adopted a formula for determining the appropriate rates.

Relevant Authorities:

47 U.S.C. § 224(b)(1).

47 C.F.R. §§ 1.1417-1418.

In the Matter of Implementation of Section 703(e) of the Telecommunications Act of 1996; Amendment of the Commission's Rules and Policies Governing Pole Attachments, CS Docket No. 97-151, 13 FCC Rcd 6777; 1998 FCC LEXIS 628; 11 Comm. Reg. (P & F) 79 (FCC 98-20) (rel. February 6, 1998).

In the Matter of PROMOTION OF COMPETITIVE NETWORKS IN LOCAL TELECOMMUNICATIONS MARKETS; Wireless Communications Association International, Inc. Petition for Rulemaking to Amend Section 1.4000 of the Commission's Rules to Preempt Restrictions on Subscriber Premises Reception or Transmission Antennas Designed to Provide Fixed Wireless Services; IMPLEMENTATION OF THE LOCAL COMPETITION PROVISIONS IN THE TELECOMMUNICATIONS ACT OF 1996; REVIEW OF SECTIONS 68.104, and 68.213 OF THE COMMISSION'S RULES

CONCERNING CONNECTION OF SIMPLE INSIDE WIRING TO THE TELEPHONE NETWORK, WT Docket No. 99-217, CC Docket No. 96-98, CC Docket No. 88-57 (rel. October 25, 2000).

Explanation of AT&T's Position, Including Discussion of Relevant Authority:

The Act limits the amount of compensation that Verizon can recover for the use of its poles, ducts, conduits and rights-of-way to what is fair and reasonable.²²⁹ This can only mean that Verizon's rates for access should bear a rational relationship to the costs associated with the physical incursion onto the pole or into the duct, conduit and/or right-of-way. Moreover, the compensation charged must be non-discriminatory and competitively neutral. Simply put, this nondiscrimination obligation precludes Verizon from charging AT&T more than it charges itself, its affiliates or other CLECs for the same access arrangements.

Thus, any rate that exceeds the cost-based, maximum rates set by the FCC rules at 47 C.F.R. §§ 1.1417-1418 would, by definition, not be "fair and reasonable," nor could it be nondiscriminatory *vis a vis* the costs Verizon itself incurs for the same access. The FCC rules establish that the maximum rates equal the sum of the unusable and usable rate factors, which are calculated using the FCC's formula. For poles, the "unusable space" factor = $2/3 \times$ (the percentage of the total pole space that is unusable) \times (the attacher's share of the bare costs of maintaining the pole) \times (carrying charges). The "usable space" factor = (the percentage of total usable space occupied by the attacher) \times (the percentage of total pole space that is usable) \times (net costs of the bare pole) \times (carrying charges). For conduits, the "unusable space" factor = $2/3 \times$ (net linear costs of unusable space divided

²²⁹ 47 U.S.C. § 224(b)(1).

by the number of attachers) x (carrying charges). The "usable space" factor for conduits = $1/2 \times (1 \text{ duct divided by the average number of ducts less adjustments for maintenance ducts}) \times (\text{linear cost of usable conduit space}) \times (\text{carrying charges})$. Verizon must be able to document the carrying charges for the relevant poles and conduits to show that its rates are just and reasonable.

AT&T (and other CLECs) will benefit from requiring strict compliance with the FCC formula because Verizon currently charges significantly more than the cost of providing access to its poles, ducts, conduits and rights-of-way. AT&T believes that if Verizon is compelled to adhere to the Commission cost formulation, its rates will drop considerably.

Other Proceedings:

AT&T is currently investigating which, if any, state statutes and judicial and regulatory decisions address this issue.

Number Porting

Issue V.12. This is an issue exclusive to AT&T.

Should Verizon Be Required To Support Off Hours Porting?

Witness: Bill Solis
Attorney: Stephanie Baldanzi; Ellen Schmidt

AT&T's Position:

Verizon should provide AT&T with number porting and provisioning for simple POTS residential lines during off-hours in order to provide AT&T with a meaningful opportunity to compete in the facilities-based residential market. The vast majority of AT&T's facilities-based residential customers wish to port their numbers. Moreover, these residential customers generally prefer the convenience of weekend and evening appointments. Customers want service installed during these off-hours.

The vast bulk of the work necessary to enable Verizon to support porting numbers during off-hours is system- and software-dependent, and is already in place. Only minimal modification to current methods and procedures would be necessary to provide technical support for those instances where a port were unsuccessful, thus requiring restoration of service to Verizon to assure the end-user maintains dial tone.

Proposed Remedy:

Schedule 14.2.9.1 of AT&T's proposed agreement sets forth contract terms and conditions that are necessary and appropriate to support off-hours porting.

Verizon's Position:

Verizon does not provide technical support over the weekend for porting. In purported support of its refusal to document an off-hour support process, Verizon has stated that it does not install any new service orders for its own customers over the weekend. Verizon does provide "minimum advanced coordination" which allows AT&T to offer weekend porting. Regardless of the "weekend porting solution" which Verizon does offer in some states, Verizon has refused to document the process in the interconnection agreement.

Relevant Authorities:

No authorities have addressed off-hour porting.

Explanation of AT&T's Position, Including Discussion of Relevant Authority:

Many residential customers want installation of service during the more convenient evening and weekend hours. AT&T's Saturday installation appointments are always full for weeks in advance. There is no reason to believe that Virginia consumers would not line up for the same convenient installation dates. In response to this demand, and in an effort to increase its market share, AT&T would install service for customers seven days a week, if Verizon would provide full support for off-hour porting.

Clearly, it is not in Verizon's interest to provide this support. Off-hours installation will enable AT&T to more effectively compete with Verizon in the facilities-based residential market. Verizon has no incentive to facilitate AT&T's off-hour installations. Instead, Verizon hides behind the "parity" argument to justify its refusal to

provide adequate support for off-hours porting. Specifically, Verizon states that, because it does not offer off-hour installation to most of *its* customers,²³⁰ it should not be required to provide support to enable AT&T to provide off-hour installations. Verizon misses the point. Verizon still retains virtually all of the local service customers in Virginia. Therefore, unlike AT&T, it does not have a business need to offer the convenience of off-hour porting as a tool to increase market share. In fact, because the vast majority of porting moves customers away from Verizon, it is in Verizon's best interests to limit porting hours as much as possible.²³¹ Parity has nothing to do with this issue. Verizon's refusal to fully support off-hour porting is simply anti-competitive and anti-consumer.²³²

When one balances the benefits to the competitive market with the minimal cost and effort required to facilitate off-hours porting, it is clear that Verizon should be required to provide AT&T with the ability to port a number to a customer on a Saturday,

230 Verizon states that it only does off-hour installation for "large customers with public safety concerns."

231 The FCC recognized the importance of number portability to competitive entry. In its First Report and Order it acknowledged that number portability is one of the operational barriers to competition. It stated that the elimination of operational barriers is essential if there is to be a fair opportunity to compete in the local exchange and exchange access markets. With respect to number portability, it stated that it expected that moving customers from one local carrier to another rapidly, will be essential to fair competition. *Implementation of the Local Competition Provisions in the Telecommunications Act of 1996*, 11 FCC Rcd 15499 (1996) at ¶ 18.

232 Verizon's parity argument provides that all customers receive inferior service. This result is in direct contradiction to one of the primary goals of introducing competition to the local market, *i.e.*, higher levels of service provided to customers by competing carriers. Mandating that Verizon provide minimal support to assist off-hour customer installation would further promote some of the promised benefits of competition. Failure to order Verizon to provide off-hour porting maintains the status quo, *i.e.*, no off-hours porting for residential customers.

on a Sunday, or on a weekday evening. In return, AT&T would commit, on a reciprocal basis, to provide off-hour porting for numbers that are ported away from AT&T to another carrier, including Verizon.²³³

For porting simple POTS lines during Verizon “business hours,” carriers need simply to make software adjustments. For example, AT&T sends a local service request (“LSR”) to Verizon requesting that a number be ported on a certain date. Within twenty-four hours, Verizon is obligated by industry standards to provide a Firm Order Confirmation (“FOC”) confirming the port date. Once AT&T has that FOC, AT&T contacts NPAC and issues the Create Subscription order. Verizon has eighteen hours after the Create Subscription order to either confirm or deny the port date with NPAC. If Verizon does nothing within the eighteen hours, the Create Subscription order is automatically confirmed and AT&T can port the number on the requested date. In addition, sometime prior to the port date, Verizon must set the unconditional 10-digit trigger in its switch. This will allow AT&T to port the number away on the requested due date and will delete the number from Verizon’s switch at 11:59 pm on the requested due date. The software work involved with setting the 10-digit trigger can be done at any time and is relatively simple to perform. Given the relatively simple efforts involved with porting numbers, Verizon should be able to and should be required to permit and support off-hour porting.

Regardless, Verizon continues to refuse to detail an off-hours number porting process in the interconnection agreement. Verizon’s persistent refusal is curious. Today,

²³³ While this offer may not seem like much to Verizon now, when it still retains virtually all of the local customers, this offer will look more attractive to Verizon as competition

in Pennsylvania and Massachusetts, Verizon facilitates weekend number porting for AT&T's local telephony operations on a business-to-business basis. Although the solution offered is not complete, it works relatively well and permits AT&T to install customers on Saturdays in these areas.

While Verizon has created a process to permit a limited number of simple ports, Verizon has refused to put this process in writing. AT&T ports numbers on Saturdays in these markets under the terms and conditions of an unwritten agreement. The ad hoc nature of this process is a wholly inadequate way to conduct business. In addition to the unreliability of an unwritten process, a few other problems demonstrate the incomplete nature of the currently proffered "solution." For example, the billing overlaps. AT&T begins billing as of the date the port begins, Saturday. But, without an agreement on this point, Verizon's billing does not necessarily end until Verizon performs the disconnect on Monday.²³⁴

In addition, without a written agreement detailing the process for off-hours porting, there is the potential for customer confusion regarding repair issues. In Verizon's records, Verizon is the provider of record until Verizon disconnects the service on Monday. As a result, should the customer have a problem with the phone between the installation and the disconnection and should the customer mistakenly call Verizon, there could be a good deal of confusion in attempting to repair the problem. A written process addressing this issue would eliminate this potential for customer confusion.

develops and Verizon wins customers from AT&T.

²³⁴ This billing issue has not yet been a problem because, during the nascent stages of competition, AT&T has been giving the first month of service away for free. The

Despite Verizon's acknowledgment that it facilitates Saturday porting, albeit in an incomplete manner, Verizon remains unwilling to detail the off-hours number porting process in its interconnection agreement with AT&T. Given customer demand for off-hours porting, Verizon should be obligated to include in its interconnection agreement a detailed process for off-hours porting.

To that end, the good news is that a detailed process does not require a significant amount of work from Verizon. To allow AT&T full off-hour porting capability (not the incomplete solution currently offered), Verizon must implement four simple and technically feasible changes. One, Verizon must allow AT&T to send orders into Verizon's systems with a Saturday or a Sunday due date listed on the LSR. Currently, if AT&T sends an order into Verizon's system with a Saturday or a Sunday due date, Verizon's system will reject the order and send it back to AT&T for correction.²³⁵ This is unnecessary. Verizon should be able to reconfigure its systems to accept an order for a Saturday or a Sunday port with minimal cost and effort.

Two, Verizon must provide AT&T with limited technical support. There will be occasions where AT&T is scheduled to install a customer at 7 pm on a Monday night or at 2 pm on a Sunday afternoon, but for one reason or another, *e.g.*, an error in AT&T's or Verizon's system or a customer cancellation at the last minute, the install does not occur. In these instances, to insure that the end user customer does not lose dial tone and the ability to receive inbound calls, AT&T will need a Verizon technician to stop the

magnitude of this issue, however, will increase if AT&T were to no longer offer one month's free service as an incentive to sign up with AT&T.

port.²³⁶ Specifically, Verizon will need to stop the 10-digit trigger that would otherwise have taken the end user customer's number out of Verizon's switch at 11:59 pm on the due date.²³⁷

To resolve this issue, AT&T requests that Verizon shall maintain personnel on a standby basis to assist in any emergency repairs or restoration required during the off-business hour porting process, including at the time that the 10-digit trigger and customer translations are removed. AT&T may compensate Verizon for incremental Verizon personnel made available on outside of business hours for purposes of handling troubles

235 Even with Verizon's "weekend porting solution," AT&T does not send an order with a Saturday due date. AT&T sends an order with a Monday due date and a notice that AT&T will be installing the customer on the Saturday before the Monday due date.

236 Stopping the port on or close to the requested due date is typically referred to as a "snapback." If Verizon's systems checked with NPAC to verify that the AT&T actually ported the number prior to disconnecting the number itself, AT&T would need technical support only in the very rare case where AT&T activated the port in error. For example, if AT&T erroneously activated the port before having the line ready, AT&T would need a Verizon personnel sitting in front of a computer to contact NPAC and confirm with NPAC that Verizon would accept the customer's number. This is a very unlikely scenario that only rarely occurs.

237 Under Verizon's current, incomplete porting solution, Verizon sets the unconditional 10-digit trigger for Monday at 11:59 pm. This means that, when AT&T ports a customer's number on Saturday, Verizon does not remove the customer's number from its switch until Monday night. For Saturday and Sunday ports, setting the trigger for Monday night helps avoid a customer's loss of dial tone. Should something go wrong with the port on Saturday or Sunday, AT&T and Verizon can work together on Monday to insure that the number remains in Verizon's switch and the customer loses neither dial tone nor the ability to receive inbound calls. However, for an off-hour port that occurs, for example, Monday at 7 pm, the customer's number will be removed from Verizon's switch unless the translations work is reversed before 11:59 pm Monday. Having a Verizon technician on call would enable AT&T to port a customer's number in the evening without risk of the customer losing dial tone or inbound calling. Similarly, if Verizon were to verify with NPAC that the port had actually occurred before removing the number from its switch, Verizon would not even need to provide this limited support.

related to off- hour ports.²³⁸ All AT&T is looking for is some limited technical support to address any potential troubles that may result from a failed install. This is not unlike the limited technical support that Verizon acknowledges it currently provides for its own customers during off-hours to conduct repairs for troubles that occur over the weekend. If it is important to make sure that existing Verizon customers maintain their dial tone, it should also be important that AT&T's new customers retain their dial tone — and their 911 access — as well. Verizon's refusal to provide limited technical support for troubles related to AT&T's ports is anti-competitive and amounts to a discriminatory term and condition of interconnection in violation of § 251 (c)(2)(D) of the Act.

Three, Verizon shall ensure that its Service Order Administration (“SOA”) connectivity to NPAC is available for processing all required number portability activities at all times, other than agreed upon maintenance windows scheduled to be concurrent with NPAC maintenance windows.²³⁹ Given that it is an industry standard practice for carriers to have their SOA connectivity up and running, this should not be a significant issue.

Finally, to avoid double-billing the end user customer, Verizon must discontinue billing a ported customer at the date and time the port is activated, as reported by NPAC to Verizon. This change should be easily implemented given that Verizon currently

238 This would not include Verizon personnel involved in removal of the 10-digit trigger and customer translations or any repairs and restoration required at such time.

239 One Sunday every month, NPAC shuts down its systems from 6am to noon central time for maintenance. Verizon should coordinate its maintenance window with NPAC's. Although AT&T would not be able to provision ports during this one monthly maintenance window, the fact that NPAC is unavailable to process ports for a few hours a month should not absolve Verizon of the duty to provide off-hour porting generally and to allow AT&T to install service to customers at the customers' preferred times.

follows this rule for ports that occur Monday through Friday during business hours.

In conclusion, Verizon's refusal to make the minimal system adjustments, and provide the limited technical support necessary to support AT&T's request for off hours porting cannot be legally supported. The issue is not one of porting parity – of whether Verizon provides installs for its residential customers during the time frames requested by AT&T – rather the issue is one of discriminatory treatment with respect to addressing troubles for certain categories of customers during off hours. Moreover, it is an issue of competitive fairness; a refusal by Verizon to remove an unnecessary impediment to competitive entry. When one examines the facts based on these standards it is clear that AT&T's request should be granted. Verizon should be required to support off-hour porting.

Other Proceedings:

AT&T is currently investigating which, if any, state statutes and judicial and regulatory decisions address this issue.

Issue V.12.a. This is an issue exclusive to AT&T.

Should Verizon Commit To A Three Calendar Day Porting Interval?

Witness: Bill Solis
Attorney: Stephanie Baldanzi; Ellen Schmidt

AT&T's Position:

Verizon should provide number porting and provisioning to AT&T for ports of simple POTS lines within three calendar days in order to facilitate AT&T's ability to promptly serve a broad array of customers. The vast bulk of the work necessary to support the ability to port numbers within three days is system- and software-dependent, and can reasonably be accomplished within three days.

Proposed Remedy:

Section 14.2 of AT&T's proposed agreement sets forth contract terms and conditions that are necessary and appropriate to shorten the number porting and provisioning time to three calendar days.

Verizon's Position:

To date, Verizon has refused to shorten the number porting and provisioning time to three calendar days. Verizon insists on a four-day interval.

Relevant Authorities:

NANC's 3rd *Report on Wireless/Wireline Integration from the Local Number Portability Administration Working Group (LNPAWG)*, November 29, 2000.

Explanation of AT&T's Position, Including Discussion of Relevant Authority:

In today's fast-paced world, customers want service installed quickly and AT&T wants to be able to install that service quickly. Once a customer places an order with AT&T for service, AT&T wants that customer on AT&T's service as quickly as possible. An unnecessarily long timeframe within which to transfer customers from Verizon to AT&T only benefits Verizon. The longer a customer has to wait to transfer service from one company to another, the more unlikely it is that the customer will choose to remain with Verizon. That same unnecessarily long timeframe delays the customer's desired installation and delays AT&T's generation of revenues from that customer. Being able to take a customer's order and provision service within three days, the shortest timeframe reasonably possible given today's systems, wins customers. Verizon's refusal to reduce the porting interval for simple POTS lines is both anti-competitive and anti-consumer.

Current guidelines for porting numbers between wireline carriers allow for a four-calendar day interval.²⁴⁰ Specifically, upon receipt of an LSR from a CLEC, the ILEC has a 24-hour period within which to send the CLEC a FOC confirming the port date. Once the CLEC receives the FOC, the CLEC contacts NPAC and issues the Create Subscription order. Verizon has eighteen hours after the Create Subscription order to either confirm or deny the port date with NPAC. If Verizon does nothing within the

²⁴⁰ Current porting intervals for the wireline industry are documented in NANC's "LNPA Technical & Operational Requirements Task Force Report," dated April 25, 1997.

eighteen hours, the Create Subscription order is automatically confirmed and AT&T can port the number on the requested date. In addition, between the receipt of the LSR and the requested port date, the ILEC must set its unconditional ten-digit trigger. These steps will allow a simple POTS line to be ported.

The only immutable timeframes in the port process for a simple POTS line are the 24-hour window within which the ILEC must return a FOC and the 18-hour window within which the ILEC may change its mind and deny the port date with NPAC. Given those two timeframes, a port could occur as quickly as 36 hours after an LSR is submitted. Double that time, three days, is certainly a reasonable window within which two carriers with automated systems can port a simple POTS line.²⁴¹

Verizon's insistence on a four-day interval is nothing more than another attempt to slow down AT&T's ability to gain market share. To permit AT&T to install a customer's service promptly is a reasonable request and thus the porting interval for simple POTS lines should be reduced to three days.²⁴²

241 Despite this reality, the Local Number Portability Association Working Group ("LNPAWG"), acting as technical consultant to the North American Numbering Council (NANC), recently issued a report recommending, among other things, that the standard 4-day porting interval not be reduced to three days at this time. Specifically, the report focused on the integration of the wireless industry into the number portability process. Given the public's desire to have cell phones turned up almost immediately, the wireless industry pressed for a shorter, three-day porting interval. At the request of the FCC and NANC, the LPNAWG evaluated whether the porting interval could be shortened from four days to three days. The LPNAWG's evaluation is set forth in the third report. NANC LNPAWG Third Report on Wireless/Wireline Integration (November 28, 2000) at 8-15. First, the LNPAWG's recommendation that the interval not be shortened at this time is not final. Second, Parties are not required to follow these intervals, they are only guidelines and Parties are free to agree to different intervals. In addition, Verizon did not present any information at NANC that it cannot meet the shortened intervals.

242 When AT&T ports simple residential POTS lines away from AT&T to another carrier, AT&T can commit to this three-day interval.

Other Proceedings:

AT&T is currently investigating which, if any, state statutes and judicial and regulatory decisions address this issue.

Issue V.13. This is an issue exclusive to AT&T.

Should Verizon be required to receive confirmation of a port from NPAC prior to disconnecting a ported number?

AT&T's Position:

Verizon should be required to receive confirmation of a port from NPAC prior to disconnecting a ported number. Requiring Verizon to take this step would protect consumers from losing dial tone in the event that a port is not successful, whether it was Verizon or AT&T that failed to perform a task needed for the port. Verizon could modify its systems to automatically detect when NPAC confirms that a port has occurred. Only upon detecting that confirmation would Verizon disconnect the ported number in its switch.

Proposed Remedy:

Schedule 14.2.9.1 of AT&T's proposed agreement sets forth contract terms and conditions that are necessary and appropriate to require Verizon to obtain confirmation of the successful port from NPAC prior to removing the customer's number from its switch.

Verizon's Position:

To date, Verizon continues to disconnect ported numbers at the end of the porting window without obtaining verification from NPAC that the port completed successfully.

Relevant Authorities:

There are no relevant authorities addressing whether a carrier should obtain

confirmation of the port prior to removing the ported number from its switch.

Explanation of AT&T's Position, Including Discussion of Relevant Authority:

It is AT&T's intention to provide excellent customer service for Virginians. To further that goal, AT&T is proposing that Verizon be required to receive confirmation of a port from NPAC prior to disconnecting a ported number. Currently, Verizon disconnects the ported number in its switch at the end of the port window, regardless of whether it has obtained confirmation from NPAC that the port was successful. By disconnecting service prior to obtaining confirmation, Verizon is jeopardizing consumers and their dial tone. For this reason, Verizon should be required to obtain confirmation of the port prior to actually disconnecting the ported number in its switch.

Requiring Verizon to verify with NPAC that the port was completed prior to removing the number from Verizon's switch protects the customer and fairly distributes the responsibility of protecting the consumer's dial tone between the winning carrier and the losing carrier. Several different reasons can lead to a number not being ported on the requested due date. There could be an error in AT&T's systems. There could be an error in Verizon's systems. The customer could reschedule or cancel the installation order at the last minute. In persisting in its refusal to verify that the port has completed, Verizon is foisting upon AT&T the responsibility for protecting that customer's dial tone, regardless of the reason why the port was unable to go through as scheduled. In so doing, Verizon is totally relinquishing its responsibility to ensure that the port is successful. Instead, it is requiring AT&T to spend its resources in protecting customer dial tone in all instances, including instances of cancellations when the customer has decided to remain

with Verizon. Once again, Verizon is proposing a porting procedure that unfairly disadvantages AT&T. This Commission should require Verizon to fairly share the responsibility for protecting customer dial tone by obligating it to verify the completion of the port with NPAC prior to removing the customer's number from its switch.

AT&T adheres to this basic customer protection measure today. Under AT&T's current procedures, AT&T does not disconnect a number in its switch until one day after the due date, and AT&T only disconnects the ported number upon obtaining confirmation from NPAC that the port was successful. For example, if AT&T agreed to port a number on Monday, on Tuesday, AT&T would search NPAC's systems to verify that the port was successful.²⁴³

Once AT&T has found the NPAC confirmation of the port, AT&T will disconnect the ported number in the switch. AT&T's procedures are designed to protect the end user customer.²⁴⁴ Systems can and should be configured to verify that the port

243 NPAC does not send confirmation of port completion to either carrier. Carriers must link to NPAC's systems to obtain the confirmation. Carriers involved in porting are already linked to NPAC's systems for other aspects of the port process. While it can be labor intensive to continually search NPAC's systems for confirmations of successful ports, Bell South, for one, has configured its systems to perform this function electronically. *See* Section 5.3.6 of Bell South LNP Reference Guide: Interconnection Services ("BellSouth LCSC does not issue the Disconnect service order until notification of CLC Activate SV is received from NPAC for all TNs on the LSR. This is done to avoid disruption to end-user service.").

244 This reciprocal treatment may not seem like much to Verizon today, when it has virtually all of the local customers in Virginia, but it will be more and more valuable to Verizon as Verizon begins to port more and more customers from AT&T back to Verizon.

has completed. This simple fix will protect consumers and their dial tone in the coming competitive market and will not unfairly burden AT&T and other CLECs.²⁴⁵

Other Proceedings:

AT&T is currently investigating which, if any, state statutes and judicial and regulatory decisions address this issue.

²⁴⁵ AT&T notes that if Verizon made this change, it would not only benefit AT&T, but other CLECs that are struggling to enter the local exchange market.

Local Number Portability

Issue V.7 This issue is exclusive to AT&T.

Should Verizon Commit To Specific Intervals For Local Number Portability Provisioning For Larger Customers?
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AT&T's Position:

Verizon should provide number porting and provisioning to AT&T for business customers with a large quantity of numbers to be ported in an established five (5) calendar day porting interval, similar to what Pac Bell is doing in California. Verizon currently sets limitations on the number of business lines that can be ported in the standard porting interval (*i.e.*, four days). However, Verizon classifies any Local Number Portability (“LNP”) order that exceeds those limitations (e.g. 100+ lines) as “projects” for which Verizon “negotiates” the due date with AT&T once the porting request is made. This, of course, places AT&T at a significant disadvantage in selling service to larger business customers, because until Verizon “negotiates” the due date, AT&T cannot provide the business customer with a provisioning due date. To further aggravate matters — and to state the obvious — Verizon has no incentive to provision such orders in any kind of reasonable interval. Requiring Verizon to provide number porting and provisioning for business customers with a large quantity of numbers to be ported within an established 5 calendar day interval will enable AT&T to provide business customers with the reliable and timely service they want.

Proposed Remedy:

Schedule 14 of AT&T’s proposed agreement sets forth contract terms and

conditions that are necessary and appropriate to require Verizon to provision LNP orders for business customers with a large quantity of telephone numbers to be ported within an established five calendar day interval.

Verizon's Position:

Verizon will negotiate a due date for porting a business customer with more than 100 numbers to be ported. Verizon refuses to agree that such customers should be ported within an established interval.

Explanation of AT&T's Position, Including Discussion of Relevant Authority:

In today's fast-paced world, business customers want service installed quickly, and AT&T wants to be able to install that service quickly. Once a business customer places an order with AT&T for service, AT&T wants that customer on AT&T's service as quickly as possible.

The impact on AT&T's sales is obvious. If AT&T cannot tell a business customer the provisioning due date at the time of the sale, the customer is unlikely to switch to AT&T. The uncertainty reflects poorly on AT&T, not Verizon.

Verizon clearly understands this point, which is why it refuses to reduce the porting interval for AT&T's business customers. The fact that Verizon confirms its customers' due dates within seconds of receiving the order, while it "negotiates" provisioning dates with AT&T, gives it a huge marketplace advantage.

Verizon should not be permitted to engage in this form of discrimination. It should be required to give AT&T firm provisioning dates for porting large customers'

numbers, so that AT&T will be able to give its customers provisioning dates at the time of the sale.

It is not hard to port numbers. Indeed, it is possible to increase the quantity of numbers to be ported without significantly increasing the physical work needed to provision the order.²⁴⁶ Verizon's claim that larger orders need to be "projects" which require individual, time-consuming attention is simply an anti-consumer and anti-competitive tactic to impede AT&T's ability to serve large customers.

What AT&T requests can be done. Pacific Bell has established LNP intervals and project quantities that permit AT&T and other CLECs to inform business customers that their service can be ported within an established timeframe.

To resolve this issue, AT&T requests that Verizon be required to establish a five-calendar day interval for porting a large quantity of numbers for a business customer.

Other Proceedings:

AT&T is currently investigating which, if any, state statutes and judicial and regulatory decisions address this issue.

²⁴⁶ In fact, AT&T's provisioning centers, which work with various ILEC operations groups during LNP cut-overs, are able to process blocks of numbers as readily as they can process individual number orders.