

implement this change in the SOP/DOE system by the first quarter of 2002.⁴⁶⁶ As a short-term fix to minimize TISOC retyping directory listing information for “loop/LNP” and “LNP only” LSRs where the LSR direction from the CLEC is to leave the migrated customer’s listings “as is,” Verizon PA will require TISOC employees, wherever practicable, to copy and paste listing information set forth on the directory listing portion of the end user’s customer service record onto the service order.

To remove the possibility that an end-user customer’s listing would be inadvertently dropped from the white page directories, Verizon PA offers to change its Business Rules and the TISOC order entry system. When a CLEC submits “loop/LNP” and “LNP-only” LSRs for customers migrating from Verizon PA, Verizon PA’s proposed solution is to require the CLEC to provide a positive response in the directory portion of the LSR to indicate what the CLEC wants Verizon PA to do with the customer’s listing(s).⁴⁶⁷ Verizon PA’s proposal calls for this change in LSOG5 (software program) scheduled for implementation in October 2001, subject to CLEC approval in the Change Management process.⁴⁶⁸ At the Change Control meeting held Friday, May 11, 2001, CLECs rejected the Verizon PA proposal (dubbed CR # 2079) in favor of a more comprehensive counter-proposal made by AT&T (dubbed CR #2073).⁴⁶⁹ Verizon PA is willing to consider the scope and requirements of the AT&T proposal in future Change Control meetings. In addition, Verizon PA commits to meet further with CLECs to initiate business scenarios attempting to fix the problem of inadvertent omissions of directory listings. Regardless of whether Verizon PA gains CLEC approval of certain

⁴⁶⁶ Id. at 48; Supp. Cklist Dec. at ¶153; 4/26/01 Tr. at 339.

⁴⁶⁷ Id. at 47-8; Supp. Cklist Dec. at ¶ 153.

⁴⁶⁸ Supp. Cklist Dec. at ¶ 153.

⁴⁶⁹ “Change Control Disposition of CR # 2079,” an e-mail message from Daniel Monagle, Esq., representing Verizon PA, to Pennsylvania’s Small Business Advocate, Bernard J. Ryan, Esq., and others, dated May 14, 2001, at 5:45 p.m.

business scenarios, Verizon PA commits to finalizing certain business scenarios to address this problem for release by February 2002.⁴⁷⁰

Verizon PA's proposal also addresses two other issues, the request to eliminate the "middle man" and the request for an accuracy metric. Verizon PA is not willing to have CLECs bypass the TISOC in an effort to make corrections to the directory prior to publication. Since CLECs typically receive the first indication of a Verizon PA typographical error only 30 days prior to directory publication, and to insure that the correction reported by CLECs are processed in a timely and efficient manner, Verizon PA will also create a group within the TISOC to serve as the single point of contact for receiving Listing Verification Report corrections from CLECs. Finally, Verizon PA offers to work with interested parties in the forthcoming metrics and remedies proceeding to develop an appropriate metric, within the present OR-6 Order Accuracy metric, to measure the accuracy of CLEC directory listing information which would involve a daily sampling of manually processed "loop/LNP" and "LNP only" LSRs and DSRs.⁴⁷¹

b. Competitors' Position

(1) XO

XO submits that it has experienced problems with the manner in which Verizon PA processes XO's directory listings. When XO enters directory listing orders into Verizon PA's Web GUI, and the orders are processed by Verizon PA's TISOC, Verizon PA then manually re-enters the information contained in XO's orders into Verizon PA's

⁴⁷⁰ Verizon PA Supp. Resp. to 5/23/01 Staff Data Req. 3 (received 6/5/01).

⁴⁷¹ "White Pages Settlement Conference," an e-mail message from Daniel Monagle, Esq., representing Verizon PA to PAPUC, Maryanne R. Martin, Esq., and others dated May 2, 2001, at 5:54 p.m.

directory listing database before sending a confirmation of the order to XO.⁴⁷² XO believes that if it wins a customer from Verizon PA and the customer wishes to retain its directory listing “as is,” then the listing should not be retyped (or if it is retyped, that the listing should appear in the directory as it was typed by XO personnel and not as it is retyped by Verizon PA’s TISOC personnel). XO demonstrated that it spends a great deal of time correcting typographical errors shown in the LVR for customers who wish their listings to remain “as is.” XO believes Verizon PA should automate directory listing inputs to eliminate this problem.⁴⁷³ XO has identified multiple typographical errors in its listing information for Philadelphia, Allentown and Harrisburg directories.⁴⁷⁴ The customer is most likely to attribute the errors to the CLEC, not Verizon PA, and the total impact on the CLEC’s reputation is very hard to quantify. As XO aptly testified, customers tend to talk to their neighbors and it is very hard to quantify the impact of word-of-mouth.⁴⁷⁵

XO strongly disagrees that VIS has “built-in, automated features to detect and edit listing errors,” and that such automated corrective actions equally apply to the directory listing of CLEC end-user customers.⁴⁷⁶ XO claims that it confirmed during the technical conferences that certain types of its directory orders to Verizon PA were subject to manual intervention and retyping prior to the transmittal of these orders to the directory service organization.⁴⁷⁷ XO also states that it has documented that ILECs other than Verizon PA can deal directly with VIS and the Verizon PA white pages organization

⁴⁷² XO 2/12/01 Comments at 10; 4/26/01 Tr. at 324 (XO claims that most of its orders result in manual processing because it is a facilities-based carrier completing LSRs of six lines or more.)

⁴⁷³ 3/21/01 Tr. at 29-30.

⁴⁷⁴ XO Exh. 3, 4 & 5; 3/1/01 Tr. at 175-77.

⁴⁷⁵ 4/27/01 Tr. at 513.

⁴⁷⁶ XO 4/18/01 Brief at 16.

⁴⁷⁷ 4/26/01 Tr. at 327.

unlike XO and other CLECs that must process their directory listing orders through the Verizon PA TISOC.⁴⁷⁸ Moreover, XO claims that Verizon PA's Web GUI goes down two to three times a week, becoming unavailable to XO personnel for entry of directory listing orders.⁴⁷⁹ Finally, XO claims that directory listing problems caused by Verizon PA's own internal process can easily undermine the competitive position of XO and other CLECs in the marketplace.⁴⁸⁰

(2) CTSI

CTSI states that it also has experienced problems with Verizon PA's directory listing process. Approximately 30 business days before the date a particular white page directory is due to be published, CTSI receives from Verizon PA a LVR containing all of CTSI's customers' listing information that will be included in the upcoming directory. The LVR is the first opportunity CTSI has to review its listing information and provide updates and/or revisions to Verizon PA prior to publication of the directory.

CTSI has identified a considerable amount of errors in its listing information for the Lancaster, Wyoming Valley and Hazleton directories.⁴⁸¹ CTSI does not agree with Verizon PA's claim of 98% accuracy in the test of KPMG Consulting on directory listing. CTSI points out that KPMG Consulting reviewed 156 directory listings to support compliance with Checklist item number 8. CTSI states that this sampling represent only 0.03% of the total CLEC and reseller listings in Verizon PA's database.⁴⁸²

⁴⁷⁸ XO 4/18/01 Brief at 16; 3/1/01 Tr. at 159-190.

⁴⁷⁹ XO 2/12/01 Comments at 11; XO 4/18/01 Brief at 16-17; 3/1/01 Tr. at 184.

⁴⁸⁰ 3/21/01 Tr. at 27-28.

⁴⁸¹ CTSI 4/18/01 Final Comments at 3-4 (CTSI demonstrates that it recently identified and provided corrections for 82 errors on the LVR for Hazleton, 205 errors on the LVR for Lancaster, and 1,004 for Wyoming Valley. CTSI further states that it attempted to correct Verizon PA's errors but over 200 of them were not corrected when Verizon PA published the final directories.)

⁴⁸² Id. at 6.

Also, CTSI claims this sampling is only slightly more than the number of errors that Verizon PA admitted it made with respect to CTSI's and XO's directory listings for only five of the 108 Pennsylvania directories and significantly less than the total number of errors CTSI and XO identified for only a few of their directories.⁴⁸³

CTSI also points out that Verizon PA admitted on the record that it does not track the corrected information provided by CTSI or other CLECs to confirm whether the requested corrections have been made or even to determine how Verizon PA is performing with respect to a particular CLEC or all CLECs *vis à vis* Verizon PA's performance for its own retail customers.⁴⁸⁴ Also, CTSI points out that it experienced approximately 1300 errors in the year 2000 which represent more errors than Verizon PA identified for all of its own retail customers in that same year.⁴⁸⁵

CTSI recommends that the PAPUC order the development of a performance metric that measures the accuracy of directory listings and that violation of the metric subject Verizon PA to penalties payable to the affected CLEC. CTSI also states that the implementation of such a performance metric should be one of the conditions attendant to any favorable recommendation on Verizon PA's section 271 request. CTSI also recommends that the PAPUC order Verizon PA to produce page proofs for directory listings prior to publication with sufficient time for review before the directory print date. In addition, CTSI recommends that an "as is" functionality be made available upon request for all CLEC customers being migrated from Verizon PA to reduce the possibility of CLEC customers' directory listings being dropped from directories. Finally, CTSI

⁴⁸³ *Id.*; 3/21/01 Tr. at 154-55; 4/26/01 Tr. at 315 (CTSI calculates an error rate for Verizon PA of 18.9% in the Wyoming Valley directory. This rate was calculated by originally identifying 1,004 errors in the LVR with 188 errors getting into this same directory.)

⁴⁸⁴ CTSI 4/18/01 Final Comments at 4-5; 3/1/01 Tr. at 32-33; 3/21/01 Tr. at 125; 4/26/01 Tr. at 318-19.

⁴⁸⁵ CTSI 4/18/01 Final Comments at 4.

recommends that requesting CLECs be permitted to interact directly with VIS employees in lieu of being required to submit directory listings information through the TISOC.⁴⁸⁶

(3) AT&T

AT&T complains that Verizon PA routinely makes mistakes in the provisioning of the orders it places, including directory listings. Through test calls to directory assistance, AT&T has determined that Verizon PA routinely fails to update the directory assistance database. AT&T also has problems in using the Web GUI to place an order requesting that a customer's telephone number and address be listed in D/A and in the white pages telephone book which are often down or functionally unavailable due to slow response times.⁴⁸⁷ One key adverse impact of the Web GUI downtime is the delayed entry of a new or changed customer's listing into the D/A database.⁴⁸⁸

(4) Responses of XO, CTSI, and AT&T

In response to the Staff Data Request of May 7, 2001, on Verizon PA's proposed remedies to the problems with the processing of white pages listings, XO, CTSI, and AT&T state that Verizon PA's proposals are insufficient to resolve the current problems faced by CLECs. The competitors also state that Verizon PA appears to have attempted to address some CLECs' concerns regarding white pages listings but they remain concerned that Verizon PA's efforts are insufficient to resolve the enumerated problems with Verizon PA's current provision of white pages listings to CLEC customers. The

⁴⁸⁶ Id. at 11 12.

⁴⁸⁷ AT&T Dec. of Mason Fawzi at ¶ 30.

⁴⁸⁸ AT&T Dec. of Mason Fawzi at ¶ 33-38, The impact of Web GUI downtime is the omission of customers from the Telephone Directory altogether – a situation which actually occurred last year when GUI down-time prevented AT&T from issuing orders in time to have over 1300 customers included in the telephone directory.)

competitors allege that Verizon PA's proposals are incomplete, lack specificity and lack time commitments for implementation; thus, the named participants have no assurance that any changes will in fact be made⁴⁸⁹. The competitors state that, for the above reasons, they assert that Verizon PA has not satisfied Checklist item 8.

At settlement discussions in May 2001, the competitors specifically stated that Verizon PA continues to focus exclusively on its processing of directory listings where CLECs' customers do not request any changes to their current listings. The competitors also complain that Verizon PA's proposals are not sufficiently detailed and contain loopholes that may render the proposals completely inapplicable and useless. The competitors believe that without firm commitments from Verizon PA and without the PAPUC's clear direction to Verizon PA to meet those due dates, CLECs have no assurance that any changes will in fact be made by Verizon PA.

Also, in the May 2001 settlement discussions, the competitors summarized the main issue facing the CLECs is that the white pages listings for CLECs are inaccurate and contain omissions. Competitors claim that, as a result of Verizon PA's mistakes and errors in the processing of CLEC customer listings, the CLECs are blamed even when the CLECs have no control over the manner in which Verizon PA processes the CLEC customer's directory listings. The competitors point out that Verizon PA currently omits, by default, any CLEC customer listing for which the CLEC does not provide directory listing information to Verizon PA.

All three competitors agree that Verizon PA should more fully automate its processing of CLEC directory listing orders to minimize the risk of errors and omissions resulting from Verizon PA's current manual retyping processes. The competitors suggest that the resolution of the white pages listings issue must include the addition of a

⁴⁸⁹ CTSI, XO, and AT&T Responses to 5/7/01 Staff Data Req. 1.

performance metric to measure the accuracy of directory listings as opposed to the current metric that measures timeliness of listing verification reports.

The competitors conclude that Verizon PA's current proposals do not resolve the problems of directory listing inaccuracy and omissions of CLEC customers.⁴⁹⁰

c. Public Interest Groups

(1) Office of Small Business Advocate

OSBA articulates that there is a problem with both the product and process of directory listings. In terms of the product, both Verizon PA and CLEC customers experience erroneous listings in the white pages. OSBA calculates the error rate is 0.4% for CLEC listings but recognizes that Verizon PA does not track its own retail customers' listing errors. OSBA surmises that the data show that errors seem more abundant for CLEC customers than Verizon PA retail customers.⁴⁹¹

OSBA also points out several problems in the processing of directory listings. First, the manual processing of more than 50% of LSRs which may have directory listing information is of great concern.⁴⁹² Second, the ad hoc process to accommodate CLECs to get LVR corrections to VIS in hopes that the publication will not have errors that may be contained in the LVR is problematic. During this crunch time before the close of the

⁴⁹⁰ Because of timing, the competitors did not have an opportunity to response to Verizon PA's further commitment to have this issue resolved by February 2002 with or without CLEC consensus. Verizon PA's supplemental data request response was received on June 5, 2001, and the PAPUC voted on Verizon PA's request on June 6, 2001.

⁴⁹¹ OSBA 4/18/01 Brief at 6-7.

⁴⁹² Id. at 10.

directory, some CLECs communicate directly with VIS personnel.⁴⁹³ Also, independent rural carriers and Verizon PA retail customers deal with VIS personnel directly and listing information is entered in the SOP/DOE.⁴⁹⁴

OSBA also states that the record in this proceeding supports the need for a performance metric that is an indicator of the LVR (the listing data and its appearance) as compared with what was requested by the CLEC. Also, OSBA supports the monitoring of white pages product parity to guard against backsliding. However, OSBA states that the lack of these mechanisms should not bar section 271 approval.⁴⁹⁵

(2) Office of Consumer Advocate

OCA submits that there are several problems with the method that Verizon PA employs to furnish white pages listings to CLECs. First, OCA points out that the same process is not used for all types of CLECs for white pages listings. OCA states that the same process for white pages listings that is used for UNE-P and for resale CLECs does not apply to UNE-loop CLECs. Rather, the process of deleting and relisting consumers creates a situation, which is discriminatory, inefficient and prone to error.⁴⁹⁶

Second, OCA submits that an additional metric is necessary to measure the accuracy of the white pages listings so that it can be determined that the listing submitted by the CLEC actually matches the listing appearing in the white pages directory. This

⁴⁹³ Id. at 11.

⁴⁹⁴ Id. at 11-12; 3/1/01 Tr. at 145.

⁴⁹⁵ OSBA 4/18/01 Brief at 14-15.

⁴⁹⁶ OCA 4/18/01 Brief at 39.

should also be compared with the same measure of retail accuracy for Verizon PA's customers.⁴⁹⁷

OCA also points out that OD-3 "Database Update Accuracy" compares the directory assistance database accuracy to the CLEC order. However, the white pages has no such metric and can only be modified no more frequently than on an annual basis.⁴⁹⁸ Further, OCA points out that GE-1 "Directory Listing Verification Reports" is the only metric which directly measures the white pages. However, this metric does not measure the problems being experienced by the CLECs. Rather, the GE-1 metric only measures Verizon PA's provision of a LVR to the CLEC 30 days prior to the telephone book printing deadline.⁴⁹⁹

(3) Office of Trial Staff

OTS is concerned that Verizon PA is not providing parity for CLEC listings with respect to accuracy and reliability. Information from the technical conferences and the written statements of the parties provide insight as to why the error rate may be higher for CLECs. OTS believes that the problem appears, in part, to be related to Verizon PA's cumbersome and confusing process for CLEC directory listing requests.⁵⁰⁰

In OTS' view, it makes sense that "retain the listing" should be the default in the CLEC's LSR process with Verizon PA. This change should reduce the possibility that the CLEC customer's listing will be inadvertently dropped from the directory because it

⁴⁹⁷ Id. at 43.

⁴⁹⁸ 4/26/01 Tr. at 318.

⁴⁹⁹ OCA 3/9/01 Comments at 2; 3/1/01 Tr. at 113.

⁵⁰⁰ OTS 4/18/01 Brief at 12-13.

will eliminate an additional step for “as is” migrations that unnecessarily complicates the process.⁵⁰¹

OTS claims that another possibility for reducing the number of errors is to streamline the directory listing process by eliminating the “middleman.” As revealed at the technical conference on March 1, 2001, Verizon PA treats its own retail customers differently than it treats CLECs with respect to directory listing requests.⁵⁰² For its own retail customers, Verizon PA deals directly with VIS, its white pages directory affiliate, concerning directory-listing requests. However, CLECs are required, at least in the first instance, to go through the TISOC (the middleman), and then the TISOC deals with VIS.⁵⁰³

Finally, OTS states that another possibility for reducing directory errors is to increase the number of orders which “flow through,” without the necessity of retyping orders. Also, OTS claims that the name and directory listing should be maintained in the database unless and until the CLEC requests that the information be removed or changed. OTS further claims that a failure to be listed represents one of the most annoying and possibly expensive telecommunications problems that a customer could encounter. Such problems will certainly discourage customers from shopping in the competitive local market.⁵⁰⁴ OTS also claims that a metric and associated penalties are needed before section 271 approval is granted by the PAPUC.⁵⁰⁵

⁵⁰¹ Id. at 14.

⁵⁰² 3/1/01 Tr. at 145.

⁵⁰³ OTS 4/18/01 Brief at 14-15.

⁵⁰⁴ Id. at 16.

⁵⁰⁵ Id. at 17.

(5) Response of Public Interest Groups

OSBA found Verizon PA's willingness to take actions to remedy perceived problems with the processing of white pages information to address concerns of the CLECs admirable. However, the action of CLECs deciding to have the current process remain as is with no upgrade implemented before February 2002 brings into question whether there exists an issue that unreasonably impedes the CLECs' operation. Hence, OSBA does not oppose approval of Verizon PA's 271 petition based upon the evidence supplied concerning the white pages directory listings. OSBA continues to request that the PAPUC impose a metric for white pages, reported for each specific CLEC and in the aggregate, subject to remedies.

OCA believes the proposed steps toward improving the directory listing process appear to be positive action that may well resolve many of the problems addressed by XO and CTSI. However, OCA states that it is not possible to determine whether these actions proposed by Verizon PA will actually resolve the disparate treatment experienced by Verizon PA and CLEC consumers concerning directory listings. OCA emphasizes that the appropriate test in this proceeding is whether CLECs experience parity with Verizon PA's own retail operation.

OCA submits that a metric and associated penalties should be developed to specifically track CLEC customer white page listing errors in Verizon PA's published directories in comparison to directory errors for Verizon PA's retail customers. OCA submits that an accurate metric would be one that measures the accuracy of the published directory listings and requires penalties if Verizon PA does not meet a parity standard. OCA states that under Verizon PA's current proposal, such a metric has not been proposed. OCA argues that Verizon PA had not yet met the requirement of Checklist number 8.

OTS states that it appreciates that Verizon PA is willing to make changes to address the higher CLEC customer error rate, as compared to the Verizon PA retail customer error rate in Verizon PA's white pages directory listings. OTS hopes that, since the parties are continuing to discuss these matters, there may be some further refinements in the commitments that Verizon PA has made, to date, regarding this issue. However, OTS states that it is premature to state that Verizon PA's proposals will reduce the CLEC customer error rate, so that it is in parity with the Verizon PA retail error rate. OTS states that based upon the evidence of record, the error rate for CLEC customers is over thirteen times higher than the Verizon PA retail rate. OTS maintains that Verizon PA has not yet demonstrated compliance with Checklist item 8.

4. Discussion

Verizon PA has made significant progress in rectifying legitimate directory listing concerns raised in this proceeding. Generally, its proposals have been well received by CLECs and the public advocates.

We heartily endorse the concept of implementation of a solution to protect against the inadvertent omission of end-user customers from the directory listing publications and look to Verizon PA and the CLEC community to determine the most reasonable manner in which to implement the necessary OSS system changes. We note that Verizon PA has committed during May 2001 to work with the CLECs to implement changes in business practices to address the omission problem by February 2002. Supplemental Response of Verizon PA to stay Data Request #3 dated May 23, 2001. In particular, Verizon PA stated that it will convene a special change control session before the end of June 2001 to discuss the approach for next level of detail for this change control item (CLEC-initiated), and seek concurrence from the CLECs. Verizon PA anticipates implementation no later than February 2002.

Even after the continued presence of a directory listing is secured for a CLEC customer, the issue remains of Verizon PA creating typographical errors in the listings. Elimination of all manual processing of CLEC directory listings is not part of the Verizon PA proposal. Verizon PA's solutions ameliorate, but do not eliminate, the underlying problem engendered by manual processing by Verizon PA TISOC personnel.

It is undisputed that Verizon PA is responsible for a certain number of errors in CLEC customer listings. The question is whether the problem is significant enough to warrant a finding of non-compliance. There is no metric measuring the comparative accuracy of directory listings for CLEC and Verizon PA retail customers. However, the competitors concede that they themselves do not assess the underlying accuracies of the listing that they submit to Verizon PA. Rather the CLECs, like Verizon PA rely on their end-user customers to notify them of errors. Using this criteria we must conclude the magnitude of the problem is small.

While errors admittedly exist, we conclude that they are not so great in number as to rise to the level of non-compliance. This conclusion is based on a number of factors. First, we have no direct evidence from end-user customers demonstrating a problem. CLECs and public parties have not brought to our attention any pending or recent complaints filed with this Commission concerning ongoing problems with directory listing accuracy. Second, KPMG Consulting found that Verizon PA correctly provisioned over 98% test orders. And last, but not least, we note Verizon PA's quality assurance commitments made during this proceeding.

However, the CLECs in this proceeding did demonstrate the manual nature of much of the process heightens the chance of errors. Verizon PA's single point of contact proposal appears to be an adequate resolution for the time being. Eventually, we would like to see, but do not presently require, system changes to allow all directory listing orders to flow through thereby mitigating manual intervention and thereby the potential

for errors.⁵⁰⁶ Finally, based upon the C2C Aggregate Reports filed monthly by Verizon PA, we note that Verizon PA has met the standard 100% of the time during the commercial availability period for the one metric associated with Checklist item 8.

5. Conclusion

The PAPUC concludes that Verizon PA has met checklist compliance at this time. Verizon PA has made significant progress in providing specific time commitments for implementation of several outstanding proposed solutions. While the record suggests the merit of having a directory listing accuracy metric, we do not presently believe that establishment of such a metric is required as a pre-condition for attaining compliance with Checklist item 8.

J. Checklist Item 9 – Numbering Administration

1. Description of the Checklist Item

Checklist item 9 requires that a BOC provide nondiscriminatory access to telephone numbers for assignment to other carrier's telephone exchange service customers. 47 U.S.C. §271(c)(2)(B)(ix). The Checklist mandates compliance with numbering "guidelines, plan or rules" after they have been established. Id.

2. Standard of Review

Nondiscriminatory access to telephone numbers means that a local exchange carrier providing access to telephone numbers is required to give CLECs the same access

⁵⁰⁶ If interested CLECs have not already done so, we encourage them to use the Change Management process to explore how and when the systems could best be modified to eliminate manual intervention.

to telephone numbers as it provides to itself.⁵⁰⁷ The FCC has stated in several orders that Checklist item 9 must be accomplished in accordance with numbering administration guidelines.

The FCC designated Neustar, Inc., as the North American Numbering Plan Administrator (“NANPA”) in 1998.⁵⁰⁸ As the NANPA, Neustar is responsible for area code relief planning and for assigning central office codes (NXX codes) – blocks of 10,000 telephone numbers used by carriers to assign specific telephone numbers to their end user customers. At the time of that designation, BOCs ceased to be responsible for the assignment of telephone numbers to other telephone carriers. Rather, BOCs now must demonstrate that they follow the industry’s central office code administration guidelines and the Commission’s rules.⁵⁰⁹

The PAPUC received delegated authority from the FCC on numbering initiatives in July 2000. Since that time, the PAPUC has issued a series of orders implementing number conservation measures. First, the PAPUC issued an order entered August 22, 2000, to implement procedures to reclaim NXX codes in all area codes in accordance with authority granted by the FCC.⁵¹⁰ Second, the PAPUC implemented NXX code rationing in the 412 and 878 area codes in accordance with authority granted by the

⁵⁰⁷ Local Competition Second Report and Order, ¶ 332, 334; 47 U.S. C. § 251 (b)(3); 47 C.F. R. § 51.216(c)(1).

⁵⁰⁸ See www.Neustar.com.

⁵⁰⁹ Second BellSouth LA 271 Order at ¶ 261.

⁵¹⁰ See Implementation of Number Conservation Measures Granted to Pennsylvania by the FCC in its Order released March 31, 2000 – NXX Code Reclamation, Docket No. M-00001373 (Order entered August 22, 2000).

FCC.⁵¹¹ Further, the PAPUC issued orders in February 2001 to investigate and possibly implement rate center consolidation and NXX code sharing.⁵¹²

3. Summary of the Evidence Before PAPUC

a. Verizon PA

Verizon PA states that it is no longer responsible for the assignment of telephone numbers.⁵¹³ Verizon PA also notes that, as of November 1, 2000, approximately 1,840 NXX codes have been assigned to CLECs in Pennsylvania. As a result, 18,400,000 individual telephone numbers are available to CLECs for assignment to their end users in Pennsylvania.⁵¹⁴

In addition, Verizon PA also states that, when an NXX code is assigned, all carriers must program their switches to recognize the code and route calls to telephone numbers within the code. Newly assigned NXX codes are installed in Verizon PA's switches and systems in accordance with the timeframes and guidelines established in the industry's Central Office Code Assignment Guidelines.⁵¹⁵ During the third quarter of 2000, Verizon PA states that it has completed 99.7% of the switch installations required

⁵¹¹ Implementation of Number Conservation Measures Granted to Pennsylvania by the FCC in its Order released July 20, 2000 – NXX Code Rationing, Docket Nos. M-00001427 and P-00961027F0002 (Order entered December 27, 2000).

⁵¹² Rate Center Consolidation, Docket No. M-00011452 (Order entered February 9, 2001) and Implementation of Number Conservation Measures Granted to Pennsylvania by the FCC in its Order Released July 20, 2000 – NXX Code Sharing, Docket No. M-00001427 (Order entered February 26, 2001).

⁵¹³ Cklist Dec. at ¶¶ 336-342.

⁵¹⁴ Id. Dec. at ¶ 339.

⁵¹⁵ 2/21/01 Tr. at 164-165.

for implementation of 131 CLEC NXX codes by the effective date stated in the Local Exchange Routing Guide (“LERG”), which is the master industry NXX listing issued and updated by Neustar. During the same period, Verizon PA has completed 98.5% of the switch installations required for the implementation of three NXX codes for itself by the effective date.⁵¹⁶

b. CLECs

No other participants in this proceeding filed comments on Checklist item 9.⁵¹⁷ No CLECs specifically complained about numbering administration issues or challenged the programming of CLECs’ NXX codes in Verizon PA’s switches in this proceeding. Verizon PA points out that eleven parties have stipulated that Verizon PA has met the requirements of Checklist item 9 or that they will not present evidence to the contrary.⁵¹⁸

4. Discussion

The PAPUC believes that the record demonstrates that Verizon PA complies with the FCC’s number assignment rules and the Industry Numbering Committee Central Office Code Assignment Guidelines.

5. Conclusion

Based upon the record, we verify compliance with the requirements of Checklist item 9.

⁵¹⁶ Cklist Dec. at ¶ 341.

⁵¹⁷ 2/21/01 Tr. at 167.

⁵¹⁸ Verizon PA 4/18/01 Comments at 48.

K. Checklist Item 10 -- Databases and Associated Signaling

1. Description of the Checklist Item

Checklist item 10 requires that Verizon PA provide nondiscriminatory access to databases and associated signaling necessary for call routing and completion.

2. Standard of Review

In the Local Competition First Report and Order, the FCC identified signaling networks and call-related databases as network elements, and concluded that LECs must provide the exchange of signaling information between LECs necessary to exchange traffic and access call related databases.⁵¹⁹ The FCC also requires BOCs to demonstrate that they provide nondiscriminatory access to (1) signaling networks, including signaling links and signaling transfer points; (2) certain call-related databases necessary for call routing and completion, or in the alternative, a means of physical access to the signaling transfer points linked to the unbundled database; (3) and Service Management Systems (“SMS”).⁵²⁰ The FCC also requires that a BOC design, create, test and deploy Advanced Intelligent Network (“AIN”)–based services through the SMS through a Service Creation Environment.⁵²¹

The FCC further clarified this checklist item by defining call-related databases to include those used in signaling networks for billing and collection or the transmission, routing or other provision of telecommunications service.⁵²² Also, in the Local

⁵¹⁹ 47 C.F. R. § 51.319; Local Competition First Report and Order, FCC Rcd , ¶¶ 478, 479, and 484.

⁵²⁰ SWBT TX 271 Order at ¶ 362, citing Second BellSouth LA 271 Order, 13 FCC Rcd at 20752, ¶ 267.

⁵²¹ Id.

⁵²² SWBT TX 271 Order at ¶ 363.

Competition First Report and Order, the FCC required ILECs to provide unbundled access to their call-related databases, including but not limited to: the Line Information database, the Toll-Free Calling database, the Local Number Portability database, and AIN databases. In the UNE Remand Order, the FCC clarified that the definition of call-related databases includes, but is not limited to, the calling name database, as well as the 911 and E911 databases.⁵²³

3. Summary of Evidence Before PAPUC

a. Verizon PA

Verizon PA states that it provides competing carriers with nondiscriminatory access to its signaling network, including signaling links and signaling transfer points on an unbundled basis.⁵²⁴ Also, Verizon PA indicates that nondiscriminatory access is provided to certain call-related databases and service management systems. Verizon PA states that it provides competing carriers access to call-related databases that are used in the signaling networks for transmission, routing, billing and collection.⁵²⁵ Further, Verizon PA states that it provides competing carriers with access to its Service Management Systems which enables competitors to enter, modify, or delete entries for their own customers in Verizon PA's other databases.⁵²⁶

⁵²³ Id., citing UNE Remand Order at ¶ 403.

⁵²⁴ Cklist Dec. at ¶¶ 343-383.

⁵²⁵ Verizon PA currently has four call-related databases: (1) Line Information database which provides access to calling name and address; (2) Toll Free database; (3) Local Number Portability database, and (4) Advanced Intelligent Network database. Cklist Dec. at ¶ 352.

⁵²⁶ Verizon PA provides CLECs with access to the SMS associated with each of the four call-related databases mentioned in the previous footnote. Verizon PA also states that it gives carriers the information necessary to enter information into Verizon PA's SMS. Cklist Dec. at ¶¶ 380-383.

Verizon PA indicates that it has modified its Carrier Access Billing System (“CABS”) so that the system can accept local number portability provisioning orders. This modification is effective throughout the Bell Atlantic footprint as of April 9, 2001.⁵²⁷

b. CLECs

XO indicated, in its discussion of Checklist items 10 and 11, that it cannot access Verizon PA’s CABS through the Web GUI interface. XO has attempted to access the CABS to obtain a customer service record for one of its customers, a paging company, in order to port approximately 100,000 numbers for that customer.⁵²⁸ XO indicated that it could not submit an LSR to Verizon PA to port the appropriate numbers without verification of the customer’s service record through the CABS system.⁵²⁹

No other active participant challenges Verizon PA’s compliance.

4. Discussion

The PAPUC’s review of the interconnection agreements between Verizon PA and its competitors shows that Verizon PA has specific legal obligations to provide access to databases and signaling.⁵³⁰ Also, Verizon PA lists its service offerings for its call-related databases as contained in Tariff PA No. 216, sections 3 (C)12 and 5. Section 3(c)12

⁵²⁷ Supp. Cklist Dec. at ¶ 156.

⁵²⁸ 2/23/01 Tr. at 98, 100, 105, 131 and 171; 4/25/01 Tr. at 78.

⁵²⁹ 4/25/01 Tr. at 84; 4/26/01 Tr. at 114-15 (Verizon PA has agreed to provide a carrier service record to a CLEC as long as the CLEC has authorization from the carrier to release this information. The carrier service record will be provided in the same format as it is to the original carrier).

⁵³⁰ Cklist Att. 203.

provides for unbundled access to the Line Information database, the Toll Free database and the Advanced Intelligent Network database. Section 5 sets forth terms, conditions and rates for local number portability. Verizon PA also provides CLECs in Pennsylvania with access to its signaling network through its federal access tariff offering.⁵³¹

Further, Verizon PA has modified its CABS system to provide all competing carriers appropriate access.⁵³² This modification now permits CABS to accept local number portability provisioning orders throughout the former Bell Atlantic footprint.⁵³³ Thus, Verizon PA demonstrates that it is providing nondiscriminatory access to databases and associated signaling necessary for call routing and completion and, thus, satisfies the requirements of Checklist Item Number 10.

5. Conclusion

For the foregoing reasons, we verify compliance with Checklist item 10.

L. Checklist Item 11 – Number Portability

1. Description of the Checklist Item

Section 271(c)(2)(B)(xi) of TA-96 requires a BOC to comply with the number portability rules adopted by the FCC pursuant to section 251 of TA-96. Section 251(b)(2) of TA-96 requires all LECs to “provide, to the extent technically feasible, number portability in accordance with requirements prescribed by the FCC.” Section 251(e)(2) of TA-96 requires that the cost of establishing number portability shall be

⁵³¹ Cklist Dec. at ¶ 351.

⁵³² 4/25/01 Tr. at 88-89.

⁵³³ Supp. Cklist Dec. at ¶ 156.

borne by all telecommunications carriers on a competitively neutral basis....” Further, BOCs also are required to replace gradually interim number portability arrangements with permanent number portability.⁵³⁴

Number portability is defined as “the ability of users of telecommunications services to retain, at the same location, existing telecommunications numbers without impairment of quality, reliability or convenience when switching from one telecommunications carrier to another.”⁵³⁵ The FCC has clarified that number portability support network services, features, and capabilities existing at the time number portability is implemented. Also, number portability must not result in any degradation in service quality or network reliability when customers switch carriers.⁵³⁶ Further, the FCC rules require that number portability provide migration to location and service portability.⁵³⁷ In sum, Verizon PA has a legal obligation to provide number portability in Pennsylvania according to TA-96 and subsequent FCC rules.

2. Standard of Review

In its Texas decision, the FCC rejected certain parties’ unsupported assertions that the BOC failed to provide LNP in a reliable manner (delayed switch translations and local number portability database outages) as evidence of noncompliance with this checklist item.⁵³⁸ In addition, the FCC, in its New York decision, found compliance with

⁵³⁴ See 47 C.F.R. §§ 52.3(b)-(f); Second BellSouth LA 271 Order, 13 FCC Rcd at 20758, ¶ 275; First Number Portability Order, 11 FCC Rcd at 8355 and 8399-8404, ¶¶ 3, 9; Third Number Portability Order, 13 FCC Rcd at 11708-12, ¶¶ 12-16.

⁵³⁵ 47 U.S.C. § 153(30).

⁵³⁶ 47 C.F.R. § 52.23(a)(5).

⁵³⁷ Id. at §52.23(a)(7).

⁵³⁸ SWBT TX 271 Order at ¶¶ 371-372.

this checklist item even though carriers alleged that number portability was not experienced by customers with CLEC-issued telephone numbers and was not provided in a timely manner. The FCC found that the claims of the CLECs were unsupported allegations and were not indicative of a systemic failure of the BOC to provide number portability.⁵³⁹

3. Summary of Evidence Before PAPUC

a. Verizon PA

Verizon PA states that it meets this checklist item by offering LNP throughout its service territory.⁵⁴⁰ Verizon PA provides LNP pursuant to interconnection agreements that allow CLECs to serve end users formerly served by Verizon PA with their existing telephone numbers.⁵⁴¹ As of October 31, 2000, Verizon PA was porting approximately 488,400 telephone numbers using LNP arrangements for 30 CLECs.⁵⁴²

In addition, Verizon PA states that it provisions LNP orders on a timely basis. From July through November 2000, Verizon PA claims that it has met the due date on more than 99 percent of “LNP only” orders.⁵⁴³

⁵³⁹ BA NY 271 Order at ¶¶ 369-371.

⁵⁴⁰ Checklist Dec. at ¶¶ 385-388.

⁵⁴¹ Id.; Checklist Att. 202.

⁵⁴² Id. at ¶ 386.

⁵⁴³ Id. (“LNP Only” orders are orders for number portability that are not associated with the purchase of UNE loops. An “LNP Only” order would be used by a CLEC that provides not only its own switching, but also its own loop to the end user premises – such as a cable company or other full facilities-based CLEC – to move the end user’s service to the CLEC’s switch without requiring the end user to change its number.)

Further, Verizon PA states that it continues to provide interim number portability where the arrangement is already in place. Verizon PA also stated that it would transition CLECs with existing interim number portability arrangements to LNP by April 30, 2001.⁵⁴⁴ As of October 31, 2000, Verizon PA was providing interim number portability arrangements on approximately 11,000 telephone numbers for six CLECs.⁵⁴⁵

b. CLECs

XO claims that Verizon PA has not provisioned LNP on nondiscriminatory terms and conditions nor on a timely basis because Verizon PA has refused to port approximately 100,000 numbers for one of XO's customers, a paging customer, since July 2000.⁵⁴⁶ XO states that it transmitted a list of direct inward dial (DID) numbers in July 2000 to Verizon PA for porting after XO had confirmed that the DID numbers could be ported.⁵⁴⁷ XO claims that Verizon PA repeatedly refused to port the requested numbers because a customer service record was not available for XO's paging customer.⁵⁴⁸

However, XO has retained this paging customer by transferring the customer as an end user to its DID platform. XO contends that servicing the customer from August 2000 through April 2001 without LNP has caused it significant economic harm. First, XO states that it was required to lease a DS3 from Verizon PA to complete calls for its paging

⁵⁴⁴ Id.

⁵⁴⁵ Id.; Cklist Att. 202; and Pa. P.U.C.-No. 216, Services for Other Telephone Companies, Section 5.

⁵⁴⁶ XO 2/12/01 Comments at 1-2; 2/23/01 Tr. at 97.

⁵⁴⁷ XO 2/12/01 Comments at 1-2; 2/23/01 Tr. at 97, 146.

⁵⁴⁸ Id.; 2/23/01 Tr. at 98. (XO contends that Verizon PA refuses to port the requested numbers for several reasons: (1) Verizon PA has a problem with its own billing system, an IS Release (a software change), and an alleged breach of the interconnection agreement between Verizon PA and the customer. XO 2/12/01 Comments at 2; XO Mike Koller Dec. at 2; XO 4/18/01 Brief at 18.)