

## **Overview**

Checklist Item 5 requires BellSouth to provide “[l]ocal transport from the trunk side of a wireline local exchange carrier switch unbundled from switching or other services.” 47 U.S.C. § 271(c)(2)(B)(v). According to the FCC, interoffice transmission facilities include both dedicated transport and shared transport.<sup>161</sup> The FCC concluded that an ILEC must provide unbundled dedicated transport or transmission facilities between the carrier’s central offices or between such offices and those of competing carriers.<sup>162</sup> The FCC further concluded that an ILEC must also provide all technically feasible capacity-related transmission services, such as DS-1, DS-3, and OCN transport.<sup>163</sup>

This Commission concluded in the *Initial 271 Order* that BellSouth was providing or generally offering local transport from the trunk side of the wireline local exchange carriers’ switch unbundled from switching or other services and was in compliance with Checklist Item 5. The Commission further concluded that BellSouth’s SGAT met the requirements of this competitive checklist item.

## **BellSouth Testimony**

BellSouth states that it (1) provides unbundled access to dedicated transmission facilities between its central offices or between such offices and serving wire centers, between serving wire centers and interexchange carriers’ points of presence, between tandem switches and serving wire centers, end offices, or tandems of BellSouth and the wire centers of BellSouth and requesting carriers; (2) provides all technically feasible transmission capabilities such as DS1, DS3, and Optical Carrier (OCn) levels that the competing carrier could use to provide telecommunications, including the necessary electronics; (3) does not limit the facilities to which dedicated interoffice transport facilities are connected, provided such interconnections are technically feasible, or restrict the use of unbundled transport facilities; and (4) as technically feasible, provides requesting carriers with access to digital cross-connect functionality in the same manner that BellSouth offers such capabilities to IXCs that purchase transport services. (Test. of Milner, Tr. Vol. 8, Pgs. 77-78)

In regard to common transport, BellSouth asserts that it: (1) provides common transport in a way that enables the traffic of requesting carriers to be carried on the same transport facilities that it uses for its own traffic; (2) provides common transport transmission facilities between end office switches, between its end office switches and tandem switches, and between tandem switches in its network; (3) permits requesting carriers that purchase unbundled shared transport and unbundled switching to use the

same routing table that resides in BellSouth's switch; and (4) permits requesting carriers to use common (or dedicated) transport as an unbundled element to carry original traffic from, and terminating traffic to, customers to whom the requesting carrier is also providing local exchange service. (Test. of Milner, Tr. Vol. 8, Pg. 78)

BellSouth notes that in the *Second Louisiana Order*, the FCC found that BellSouth complied with the requirements of this checklist item by making available dedicated and common transport between end offices, between tandems, and between tandems and end offices. BellSouth continues to make both dedicated and shared transport available to CLPs on a nondiscriminatory basis and has procedures in place for the ordering, provisioning, and maintenance of both dedicated and shared interoffice transport. (Test. of Milner, Tr. Vol. 8, Pg. 79)

#### **CLP Testimony**

WorldCom states that it has no position, other than on the tandem provider issue, which is addressed in Checklist Item 1. No other CLP had a position on this issue.

#### **Public Advocate Positions**

The Attorney General did not address this checklist item in his Brief.

The Public Staff contends that BellSouth is providing unbundled local transport consistent with the requirements for Checklist Item 5. For the months of August and September 2001, BellSouth met the required performance standard for the OCI for Local Interoffice Transport/<10 Circuits Dispatch, the only submetric with CLP usage and a retail analogue.

#### **Discussion**

The Commission finds that BellSouth is providing unbundled local transport consistent with the requirements of Checklist Item 5. In the *Second Louisiana Order*, the FCC concluded that BellSouth demonstrated that it provides unbundled local transport as required by Checklist Item 5.<sup>184</sup> The Commission analyzed the Ordering, Maintenance and Repair and Billing submetrics relating to UNEs, including *Local Interoffice Transport*, as part of its review under Checklist Item 2. For the months of August and September 2001, BellSouth met the required performance standard for the OCI for Local Interoffice Transport/<10 Circuits Dispatch, the only submetric with CLP usage and a retail analogue.

The Commission also notes that the FCC found in its *GALA II Order* approving BellSouth's Section 271 applications for Georgia and Louisiana

Section 271(c)(2)(B)(v) of the competitive checklist requires a BOC to provide "[l]ocal transport from the trunk side of a wireline local exchange carrier switch unbundled from switching or other services." Based on our review of the record, we conclude, as did both the Georgia Commission and the Louisiana Commission, that BellSouth complies with the requirements of this checklist item. [¶245 with footnotes omitted]

### **Conclusion**

The Commission concludes that BellSouth is providing or generally offering local transport from the trunk side of the wireline local exchange carrier's switch unbundled from switching or other services and is in compliance with Checklist Item 5.

### **Checklist Item 6**

**Issue: Does BellSouth make available local switching unbundled from local transport, local loop transmission, or other services?**

### **Overview**

To comply with Checklist Item 6, BellSouth must provide local switching that is unbundled from transport, local loop transmission, or other services. In effect, this means that BellSouth must provide line-side and trunk-side facilities, plus the features, functions, and capabilities of the switch. In its *New York Order*, the FCC concluded that compliance with this checklist item can be demonstrated through the provision of (1) line-side and trunk-side facilities, (2) basic switching functions, (3) vertical features, (4) customized routing, (5) shared trunk ports, (6) unbundled tandem switching, (7) usage information for billing exchange access, and (8) usage information for billing for reciprocal compensation.<sup>185</sup>

Line-side facilities include, but are not limited to, the connection between a loop termination at a main distribution frame and a switch line card. Trunk-side facilities include, but are not limited to, the connection between trunk termination at a trunk-side cross-connect panel and a switch trunk card. The features, functions, and capabilities of the local switch include basic switching functions including, but not limited to, connecting lines to lines, lines to trunks, trunks to lines, trunks to trunks, as well as the same basic

capabilities that are available to BellSouth's customers, such as a telephone number, directory listing, dial tone, signaling, and access to 911, operator services, and directory assistance.<sup>166</sup>

Vertical features provide end-users with various services such as custom calling, call waiting, call forwarding, caller ID, and Centrex. Customized routing must also be provided by BellSouth, unless it can demonstrate that customized routing in a particular switch is not technically feasible. Customized routing permits requesting carriers to designate the particular outgoing trunks that will carry certain classes of traffic originating from the carrier's customers. Thus, customized routing permits BellSouth's competitors to direct particular classes of calls to particular outgoing trunks, enabling the competitors to select among interoffice facilities, operator services, or directory assistance.<sup>167</sup>

BellSouth is also required to make trunk ports available on a shared basis, including the routing tables that are resident in its switch as necessary, to provide access to the shared transport functionality. The provision of tandem switching includes the facilities connecting the trunk distribution frame to the switch and all of the functions of the switch itself, including those facilities that establish a temporary transmission path between two other switches and the functions that are centralized in tandem switches including, but not limited to, call recording, routing calls to operator services, and signaling conversion features.<sup>168</sup>

Finally, BellSouth is required to provide carriers purchasing switching services to offer and bill for exchange access and the termination of local traffic for reciprocal compensation purposes. The ability of BellSouth to provide the billing information necessary for a carrier to bill for exchange access and the termination of local traffic is an aspect of both local switching and the OSS billing function.

Since the Commission last ruled in this matter, the FCC has modified the requirements concerning the provision of unbundled local switching services. The FCC now holds that carriers are not impaired without access to unbundled local circuit switching when they serve customers with four or more lines in Density Zone 1 in the top 50 MSAs and where the ILECs offer access to nondiscriminatory cost-based enhanced extended links or EELs.<sup>169</sup>

Another change in local switching requirements concerns packet switching. The FCC defines packet switching as the function of routing individual data units (packets) based on address or other routing information contained in the packet. The packet switching network element also includes the necessary electronics.<sup>170</sup> Although the FCC

generally declined to require packet switching as an unbundled network element, an exception was imposed in certain situations where the ILEC has placed a DSLAM in a remote terminal.<sup>171</sup>

### **BellSouth Testimony**

BellSouth points out that the FCC raised concerns regarding BellSouth's compliance with the local switching checklist item in the *Second Louisiana Order*. (Test. of Cox, Tr. Vol. 2, Pg. 155) Specifically, the FCC found that BellSouth: (1) was not making available all of the vertical features its switches are capable of providing, (2) failed to demonstrate that CLPs could order customized routing efficiently, and (3) failed to show that CLPs are provided timely and accurate usage information necessary for billing exchange access and reciprocal compensation.<sup>172</sup> However, BellSouth asserts that CLPs are provided with unbundled local circuit switching except when they are serving end-users with four or more voice grade lines in Density Zone 1 of the Charlotte and Greensboro MSAs. This exception is permitted by the FCC in 47 CFR 69.123 so long as BellSouth offers nondiscriminatory access to new combinations of EELs. BellSouth provides new EEL combinations throughout Density Zone 1 in these two MSAs. (Test. of Cox, Tr. Vol. 2, Pg. 157)

BellSouth also states that unbundled switching can be purchased separately from other unbundled components and that switch ports and associated usage are unbundled from transport, local loop transmission, and other services. (Test. of Cox, Tr. Vol. 2, Pg. 157) Switch ports are offered with access to all available vertical features that are loaded into the software of a switch. In addition, BellSouth has procedures in place to enable CLPs to obtain features that are loaded in a switch, but not currently activated, as well as adding features to a switch that are not currently loaded in the switch. (Test. of Milner, Tr. Vol. 8, Pg. 82)

BellSouth does not limit the type of traffic that local circuit switching may carry. A carrier may utilize local circuit switching to handle any type of traffic the carrier is certified to carry. Further, CLPs purchasing unbundled local switching are entitled to receive switched access charges from any interexchange carriers for originating and terminating long distance traffic. As of February 28, 2001, two unbundled switch ports were in service in North Carolina while 391 were in service on a region-wide basis. In connection with loop-port combinations, there were 23,965 switch ports in service in North Carolina and 273,059 on a region-wide basis. (Test. of Milner, Tr. Vol. 8, Pg. 85)

BellSouth also points out that through its obligation to provide shared transport, it also commits itself to provide CLPs with shared trunk ports, as well as the routing table that instructs calls to follow specified paths. (Test. of Milner, Tr. Vol. 8, Pg. 81) In addition, BellSouth asserts that it is complying with its obligation to provide packet switching in accordance with the FCC Rule 319. (Test. of Cox, Tr. Vol. 2, Pg. 159)

BellSouth states that it offers two methods of customized routing, Advanced Intelligent Network (AIN) and Line Class Codes (LCC). Both methods have been tested and are currently available. Simply put, AIN uses a database of CLP routing choices that are queried during the call setup. The AIN arrangement utilizes a hub concept permitting the use of the AIN method in all switches, even those that are not AIN capable. Although no CLPs have requested customized routing using AIN, BellSouth stands ready to provide the service. (Test. of Milner, Tr. Vol. 8, Pgs. 86-87)

The more common method of customized call routing is LCC, which is also used by BellSouth in providing service to its end-users. LCC utilizes a line class code to determine how calls are routed. BellSouth offers LCC on a first-come, first-served basis, and while particular central office switches have finite limits on the number of line class codes, BellSouth has not denied any request for LCC customized routing due to the lack of LCC capacity. At this time, no CLP has requested LCC customized routing in North Carolina, and only one CLP has requested it in BellSouth's region. (Test. of Milner, Tr. Vol. 8, Pg. 88)

According to BellSouth, the AIN method allows the use of shared trunk groups between the end office switch and the AIN hub switch to permit customized routing for customers served by different end offices. The LCC method requires a separate trunk group for each end office due to technical limitations within the switches. (Test. of Milner, Tr. Vol. 8, Pg. 89)

BellSouth asserts that its customized routing solutions meet the FCC's requirement set forth in the *Second Louisiana Order* that "BellSouth should not require the competitive LEC to provide the actual line class codes, which may differ from switch to switch, if BellSouth is capable of accepting a single code region-wide." BellSouth states that it will implement one routing pattern per region for a CLP's customers. Further, BellSouth will also provide a single routing pattern on a state-wide basis. This routing pattern can reflect routing to a BellSouth platform (branded or unbranded), a CLP platform, or a third-party platform. (Test. of Milner, Tr. Vol. 8, Pg. 89)

BellSouth asserts that the LCC routing offered to CLPs is identical to that provided to its retail units. BellSouth states that its retail units have a single region-wide routing pattern for customer calls that can be effectuated without a service representative having to populate the line class code on the customer's service order. Likewise, the CLP customer's service representative may also effectuate the line class code without populating the service order. (Test. of Milner, Tr. Vol. 8, Pg. 90)

In cases where the CLP chooses to have different routing options available for different customers served out of the same switch, BellSouth can accommodate this request on a manual basis. CLPs will have to provide information on the local service request designating the appropriate LCCs to ensure that the calls are directed properly for each of the CLP's customers. BellSouth asserts that this process for LCCs is consistent with the FCC's directives in the *Second Louisiana Order*.<sup>173</sup> (Test. of Milner, Tr. Vol. 8, Pg. 91)

BellSouth asserts that its unbundled tandem switching element meets the requirements of the FCC's rules. Testing for the tandem switching element is done in the same manner and frequency that BellSouth performs such testing for itself. To the extent that BellSouth manages traffic congestion for tandem switching for itself, it also manages it for CLPs. (Test. of Milner, Tr. Vol. 8, Pgs. 84-85)

In regard to the provision of usage information for billing exchange access and reciprocal compensation, BellSouth states that the DUF family of products provide CLPs with usage records for call events that are recorded by BellSouth's central offices. ADUF provides CLPs with records for billing interstate and intrastate access charges (regardless of whether the call was handled by BellSouth or an IXC or reciprocal compensation charges to other ILECs and IXCs for calls originating from or terminating to unbundled switch ports. (Test. of Scollard, Tr. Vol. 8, Pg. 329) BellSouth's EODUF provides information on billable transactions for resold lines, interim number portability accounts, and unbundled switch ports, as well as usage data for resold flat-rated lines. Through the use of ADUF and EODUF, BellSouth provides usage data for CLPs enabling them to bill exchange access to IXCs and reciprocal compensation to other ILECs and IXCs. For jointly provided services, BellSouth also provides CLPs with detail records for meet-point billing arrangements. (Test. of Scollard, Vol. 8, Pg. 330)

### **CLP Testimony**

AT&T is the only CLP that has taken the position that BellSouth has failed to meet this checklist item. Specifically, AT&T contends that BellSouth has failed to provide

nondiscriminatory access to customized routing. BellSouth's failure consists of its inability to provide CLPs with an efficient and effective process for ordering customized OS/DA routing for a specific customer. In addition, BellSouth fails to provide call routing options to CLPs equivalent to those it provides to BellSouth retail customers.

AT&T argues that BellSouth fails to provide nondiscriminatory access to customized routing because specific, verifiable terms and conditions for ordering and provisioning customized routing, including business rules and an electronic ordering process for applying customized routing to specific customers does not exist. BellSouth simply has not demonstrated that CLPs can order and obtain customized OS/DA routing as a practical matter. (Test. of Bradbury, Tr. Vol. 11, Pg. 142) AT&T further states that BellSouth and AT&T have agreed in principle to language allowing AT&T to use region-wide unique indicators to identify its choice of OS/DA routing option. However, AT&T contends that this is not BellSouth's current customized OS/DA routing process, and that BellSouth's current routing process is not compliant at this time. (Test. of Bradbury, Tr. Vol. 11, Pg. 145)

In addition, AT&T argues that BellSouth's failure to provide the equivalent routing options available to BellSouth's retail customers demonstrates its noncompliance with this checklist item. Specifically, BellSouth's retail customers may access BellSouth's residence service and repair center or its business service and repair center when dialing "0", while a CLP customer does not have that option. Instead, the CLP's customer may only access operator services or directory assistance. (Test. of Bradbury, Tr. Vol. 11, Pg. 147)

### **Public Advocate Positions**

The Attorney General did not address this checklist item in his Brief.

The Public Staff is of the opinion that BellSouth has demonstrated that it has met the requirements of Checklist Item 6.

### **Discussion**

In the *Initial 271 Order*, the Commission found that BellSouth had met the requirements for offering local switching unbundled from transport, local loop transmission, or other services and concluded that it was in compliance with Checklist Item 6. However, since the issuance of this Order, the FCC has provided some clarification regarding compliance with this checklist item through its *Second Louisiana Order* and in its *UNE Remand Order*, thereby modifying its rules for providing unbundled switching.

The Commission believes that BellSouth has satisfactorily addressed all three areas of concern noted in the *Second Louisiana Order*. The record in this case indicates that BellSouth offers CLPs all vertical features that are loaded in the switch or that are loaded but not currently activated. In addition, BellSouth has procedures in place to provide switch features not currently loaded in the switch. This evidence is uncontested.

According to BellSouth, it offers two methods of customized routing, AIN, which has not yet been ordered by any CLPs, and LCC, which has only been ordered by one CLP in BellSouth's region. When using LCC for customized routing, a CLP may utilize a single routing pattern throughout BellSouth's region without the need to submit the LCC on its local service requests. BellSouth will handle such orders electronically. This routing arrangement is identical to that provided by BellSouth in that BellSouth utilizes a single region-wide routing pattern that is effectuated without a service representative having to populate the line class code on the service order.

Although AT&T does not dispute BellSouth's capability to provide CLPs with access to customized routing, it does contend that BellSouth has failed to implement adequate terms, conditions, and business plans to enable CLPs to order customized routing efficiently and effectively for specific customers. Additionally, AT&T states that BellSouth fails to provide nondiscriminatory access to customized routing because it has no electronic ordering process for providing customized routing to specific customers.

The Commission believes that BellSouth is providing nondiscriminatory access to customized routing through the offering of the AIN and LCC methods of customized routing in the manner described by BellSouth. While the Commission concurs with AT&T that BellSouth must make additional routing options available to CLPs, failure to make these options available for ordering on an electronic basis does not require a finding that BellSouth fails to provide nondiscriminatory access to customized routing. As pointed out in the *Second Louisiana Order*, however, electronic ordering would help ensure that these additional routing options can be efficiently and effectively processed.

Nor does the incomplete documentation regarding the processing of these additional routing options render BellSouth's existing provision of customized routing inadequate. It does imply that BellSouth may not be exercising due diligence in resolving the multitude of ordering issues that arise when interacting with CLPs. However, this matter is not appropriate for consideration in this docket. If AT&T believes that BellSouth is not providing adequate support for CLPs to add new customized routing options, then an arbitration docket or a separate complaint proceeding is the more appropriate venue to raise this issue.

In the *Second Louisiana Order*, the FCC found fault with BellSouth's provision of usage data to enable CLPs to bill for exchange access and reciprocal compensation. BellSouth indicates that it has corrected these problems. The billing systems utilized by BellSouth permits CLPs to obtain the usage information necessary to bill for exchange access as well as reciprocal compensation. This evidence is uncontested.

Additionally, the Commission notes that the FCC stated in its *GALA II Order* approving BellSouth's Section 271 applications in Georgia and Louisiana at footnote 956 that it addressed AT&T's concern that BellSouth does not provide nondiscriminatory access to customized routing for operator services and directory assistance in its discussion of checklist item 7. Specifically, in its discussion of checklist item 7, the FCC stated in its *GALA II Order*

Only one commenter contends that BellSouth's provision of OS/DA is discriminatory. Specifically, AT&T, the only competing carrier in either Georgia or Louisiana to use customized routing, raises two issues with respect to customized routing and an additional complaint regarding customized branding using Original Line Number Screening (OLNS). First, AT&T argues that customized routing is not being offered in the manner required by the BellSouth Second Louisiana Order because single region-wide codes for AT&T's multiple routing options are not yet available to any carriers in BellSouth's territory. Instead, AT&T argues that new line class codes are needed for each line for which AT&T wants customized routing. We reject AT&T's assertion because we find that competitive LECs may obtain multiple customized routing options through AIN without having to specify line class codes. Additionally, BellSouth and AT&T now have a contract establishing region-wide and state-wide codes for customized routing options. Finally, the Commission previously has noted that section 271 proceedings are not the ideal venue for deciding whether to include line class codes among the specific attributes of the switching element. [¶254 with footnotes omitted]

Second, AT&T asserts that customized routing options cannot be included in electronic orders. We reject this claim because BellSouth provides adequate documentation explaining how competing carriers can submit electronic orders with requests for customized routing using line class codes, like AT&T, or using AIN. Moreover, we note that BellSouth also provides

documentation explaining how to electronically order customized OS/DA branding using its OLNS. [¶255 with footnotes omitted]

Finally, we reject AT&T's contention that BellSouth's provision of OS/DA is discriminatory because, when competing carriers use OLNS for custom branding of BellSouth's OS/DA services, the customers of the competing carriers are not given as many automatic menu choices to route the customers' calls as BellSouth retail customers. BellSouth explains that providing competitive LECs with the type of routing they request would be extremely costly because it requires customized routing from BellSouth's OS/DA platform to the competing carrier's individual repair center. Nonetheless, BellSouth is willing to provide special trunks in order to do so through the Bona Fide Request (BFR) process which requires the competing carrier to fund the additional routing necessary. Specifically, AT&T's claim that BellSouth provides nondiscriminatory treatment to competing carriers with custom branded OS/DA was dismissed by the Georgia Commission. We note that there is no indication on the record that AT&T has submitted a Bona Fide Request to acquire this capability. Nor does AT&T dispute that competing carriers can connect with the operator by dialing "0" or "0" plus the desired number in parity with BellSouth retail customers. [¶256 with footnotes omitted]

The Commission finds that BellSouth meets the FCC's requirements for providing vertical features, customized routing, usage information necessary for billing exchange access, and reciprocal compensation.

The FCC also found in the *Second Louisiana Order* that BellSouth was providing CLPs with line-side and trunk-side facilities, basic switching functions, shared trunk ports, and unbundled tandem switching. BellSouth indicates that it has continued to provide these facilities and functions. This evidence is uncontested.

Thus, BellSouth has demonstrated that it is making available local switching unbundled from local transport, local loop transmission, or other services. Specifically, the Commission believes that BellSouth has conclusively shown its capabilities to provide CLPs with (1) line-side and trunk-side facilities, (2) basic switching functions, (3) vertical features, (4) customized routing, (5) shared trunk ports, (6) unbundled tandem switching, (7) usage information for billing exchange access, and (8) usage information for billing for reciprocal compensation as required by the FCC.

BellSouth has also demonstrated its compliance with the requirement to make unbundled local switching available through numerous interconnection agreements. In addition, BellSouth makes available local switching via its SGAT in Section VI.

The Commission further notes that the FCC found in its recent *GALA II Order*

Based on our review of the record, we conclude that BellSouth complies with this checklist item. Specifically, BellSouth demonstrates that it provides: (1) line-side and trunk side facilities; (2) basic switching functions; (3) vertical features; (4) customized routing; (5) shared trunk ports; (6) unbundled tandem switching; (7) usage information for billing exchange access; and (8) usage information for billing for reciprocal compensation. We also note that the Georgia and Louisiana Commissions concluded that BellSouth complies with this requirement. [¶249 with footnotes omitted]

As indicated above, the Public Staff is of the opinion that BellSouth's actions and performance with respect to this checklist item reflect fulfillment of the requirements set forth by the FCC for unbundled local switching. The Commission is also of that view.

### **Conclusion**

The Commission concludes that BellSouth is providing or generally offering local switching unbundled from transport, local loop transmission, or other services and is in compliance with Checklist Item 6.

### **Checklist Item 7**

**Issue: Is BellSouth providing or generally offering nondiscriminatory access to 911 and E911 services, directory assistance services, and operator call completion services?**

### **Overview**

To comply with this checklist item, BellSouth must provide nondiscriminatory access to 911 and enhanced 911 (E911), operator call completion, and directory assistance services.<sup>174</sup> The FCC has found that a BOC must provide CLPs access to its 911 and E911 services in the same manner that a BOC obtains such access for itself. Specifically, the BOC must maintain the 911 database entries for CLPs with the same accuracy and reliability that it utilizes in maintaining this database for its own customers and must be in

compliance with the FCC rules implementing Section 251(b)(3).<sup>175</sup> Although OS/DA are no longer network elements that must be provided on an unbundled basis under specified circumstances, the FCC has held that OS/DA still must be provided in accordance with Sections 201(b) and 202(a) of the Act, which require that rates and conditions be just and reasonable and not unreasonably discriminatory.

This Commission concluded in the *Initial 271 Order* that BellSouth was providing or generally offering nondiscriminatory access to 911 and E911 services, to its directory assistance services, and to its operator call completion services and is in compliance with Checklist Item 7. The Commission further concluded that BellSouth's SGAT met the requirements of this checklist item.

### **BellSouth Testimony**

BellSouth states that access to 911 and E911 services in North Carolina is provided through existing tariffs to local government bodies. According to BellSouth, once these local government bodies select a particular type of 911 service, BellSouth provides customers of CLPs with access to the 911 service selected for the area in which they reside, in a manner identical to the 911 service supplied to BellSouth's own customers. (Sapp Aff., ¶ 5)

For basic 911 service, a 911 call is routed to a centralized answering location known as a Public Safety Answering Point (PSAP). The attendant at the PSAP obtains the pertinent information that identifies the call and the caller's need and dials a 7-digit or 10-digit number, as appropriate, to transfer the caller to that agency. The calling party's emergency information is verbally relayed to the responding agency, and a unit is dispatched to the caller's location. BellSouth explains that its E911 service is a full featured electronic system that provides major enhancements to 911 service, including: (1) selective routing electronically of 911 emergency calls from a 911 tandem to the proper PSAP based on the Emergency Service Number routing code that has been assigned to the caller's address, (2) the Automatic Number Identification provides the calling party's 7-digit or 10-digit telephone number, as appropriate, on a display at the PSAP, and (3) the name and address associated with the calling party's telephone number is displayed on a screen at the PSAP. (Sapp Aff., ¶¶ 6-7)

According to BellSouth, when a reseller or facilities-based CLP customer dials 911, the call is treated just like that of any BellSouth customer. BellSouth routes the CLP customer's E911 call to the appropriate PSAP, and it provides and validates the necessary customer information to the PSAP. (Sapp Aff., ¶ 9)

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BellSouth states that, when a CLP purchases the UNE-P or when it purchases BellSouth's local service for resale to its customers, 911 service is included, and BellSouth provides and maintains the service. Facilities-based providers have their own switch and are responsible for getting the 911 call to the appropriate PSAP or if E911, to the appropriate BellSouth 911 tandem. They are also responsible for getting their customer information in the BellSouth 911 database in the proper format. (Sapp Aff., ¶ 10) According to BellSouth, it updates and maintains the database that supports 911 and E911 services in a nondiscriminatory manner. (Sapp Aff., ¶ 11)

BellSouth asserts that it has had procedures in place since early 1996 for CLPs to connect their switches to BellSouth's E911 tandems. As of February 28, 2001, CLPs had requested and BellSouth had provided some 581 E911 trunks in North Carolina. In its nine-state region, BellSouth had a total of 4,190 trunks in service connecting CLP switches to BellSouth's E911 tandems. (Sapp Aff., ¶ 23)

According to BellSouth, as of February 28, 2001, 25 facilities-based CLPs in North Carolina were sending BellSouth mechanized updates for inclusion in the 911 database. Within BellSouth's entire nine-state region, 66 facilities-based CLPs were sending such mechanized updates. Because the methods and procedures that allow other carriers, including independent LECs, to access BellSouth's E911 and 911 updating capabilities have been in place for some time, BellSouth states that for CLPs to obtain such updating has become routine and no end-to-end testing of E911 database updating was necessary. (Sapp Aff., ¶ 24)

BellSouth asserts that it provides nondiscriminatory access to OS/DA by providing directory assistance services to CLP customers in the same manner as it does for its own retail subscribers. (Test. of Milner, Tr. Vol. 8, Pg. 95; Coutee Aff., ¶ 6) BellSouth states that it provides CLPs access to the Directory Assistance Access Service (DAAS) and the Directory Assistance Call Completion service (DACC) via trunks connecting the CLP's point of interface with the BellSouth directory assistance (DA) platform. As of February 28, 2001, CLPs in North Carolina had 404 directory assistance trunks in place between CLP switches and BellSouth's platform. (Test. of Milner, Tr. Vol. 8, Pg. 95)

BellSouth also notes that CLPs can provide their local exchange customers with the same access to BellSouth's DA service using the same 411 dialing pattern as BellSouth provides its retail customers. (Coutee Aff., ¶ 10) According to BellSouth, the DA request will be handled in the same manner as BellSouth does for its own retail local exchange customers. The same operators, the same automated systems, and the same databases

are used to provide the CLP local exchange customer with DA. Whether the CLP elects to brand the DA with its name or not, the call is handled with the same speed, care, accuracy and quality that a BellSouth retail local exchange customer would receive. (Coutee Aff., ¶ 10)

BellSouth states that it also provides CLPs with access to the Directory Assistance Database Service (DADS) to allow CLPs to use BellSouth's subscriber listing information to set up their own directory assistance services. In addition, BellSouth provides CLPs with access to the Direct Access Directory Assistance Service (DADAS), which gives CLPs direct access to BellSouth's DA database so that they may provide directory assistance services. All information contained in BellSouth's listing database for its own end-users, CLPs' end-users, and ILECs' end-users is available to CLPs in the same manner as it is available to BellSouth itself. (Test. of Milner, Tr. Vol. 8, Pg. 96)

According to BellSouth, CLPs have four branding options available for OS/DA call processing: BellSouth branding, unbranded, custom branding, and self-branding. (Test. of Milner, Tr. Vol. 8, Pg. 101) BellSouth provides CLPs the ability to apply unique branding via customized routing - either through the AIN method or the LCC method. BellSouth asserts that a CLP's use of LCCs to reach an OS/DA platform is the same as BellSouth's use of LCCs to reach its Traffic Operator Position System platform, and thus BellSouth's provision of customized routing is nondiscriminatory. (Test. of Milner, Tr. Vol. 8, Pg. 104)

BellSouth offers CLPs one additional method of customized branding - Operator Line Number Screening (OLNS). According to BellSouth, OLNS provides a means of making information available to the OS/DA platform about the end-user originating a telephone call. OLNS allows end-users' calls to proceed from the end office switches to BellSouth's OS/DA platform over common trunk groups (that is, a single trunk group between an end office switch and the OS/DA platform carrying multiple service providers' traffic including calls from BellSouth's retail customers). Once the call arrives at the OS/DA platform, OLNS is used to "look up" the telephone number of the calling party in its database to determine whether and how to brand a call from that particular end-user. (Test. of Milner, Tr. Vol. 8, Pg. 105)

### **CLP Testimony**

AT&T argues that BellSouth fails to provide nondiscriminatory access to customized routing and that BellSouth fails to provide call routing options to CLPs equivalent to those it provides to BellSouth retail customers. AT&T complains that BellSouth does not have adequate methods or procedures for ordering and provisioning customized ordering,

specifically for specifying how a particular CLP customer will be routed. AT&T acknowledges that it and BellSouth are in continued negotiations and seem to have come to an agreement in principle on this issue. (Test. of Bradbury, Tr. Vol. 11, Pg. 142-145)

AT&T also complains that BellSouth's OLNS customized branding process does not provide a CLP end-user with equivalent level of service to that of a BellSouth retail customer. AT&T explains that, when a BellSouth retail customer dials "0", an automated menu presents the customer with the option of being automatically routed to BellSouth's repair center. However, for a CLP using the OLNS customized branding for its UNE-P customers, CLP customers do not have a similar menu option to be automatically routed to the CLP's repair platform. (Test. of Bradbury, Tr. Vol. 11, Pg. 147)

### **Public Advocate Positions**

The Attorney General did not address this checklist item in his Brief.

The Public Staff is of the opinion that BellSouth has demonstrated that it has met the requirements of this checklist item.

### **Discussion**

In the *Second Louisiana Order*, the FCC found that BellSouth was providing nondiscriminatory access to 911 and E911 services. The Commission finds that BellSouth continues to provide access to 911 and E911 services in a manner consistent with the showing previously made to the FCC and to this Commission with respect to this checklist item.

This Commission has previously determined that BellSouth is not required to offer OS/DA services on an unbundled basis because it provides customized routing as required by the FCC. However, BellSouth still must establish that it provides nondiscriminatory access to OS/DA, which means that CLP customers must be "able to access each LEC's directory assistance service and obtain a directory listing on a nondiscriminatory basis, notwithstanding: (1) the identity of a requesting customer's local telephone service provider; or (2) the identity of the telephone service provider for a customer whose directory listing is requested."<sup>176</sup> In the *Second Louisiana Order*, the FCC found that nondiscriminatory access to the dialing patterns of 4-1-1 and 5-5-5-1-2-1-2 to access directory assistance was technically feasible, and would continue.<sup>177</sup> The FCC specifically noted that the phrase "nondiscriminatory access to operator services" means that "a telephone service customer, regardless of the identity of his or her local telephone

service provider, must be able to connect to a local operator by dialing '0' or '0 plus' the desired telephone number."

In the *Second Louisiana Order*, the FCC found that BellSouth made a *prima facie* showing that it has a concrete legal obligation to provide nondiscriminatory access to OS/DA, and that it provides access to its directory assistance database on a "read only" or "per dip" inquiry basis through its DADAS.<sup>178</sup> Nevertheless, the FCC concluded that BellSouth failed to make a *prima facie* showing that it provides nondiscriminatory access: (1) to BellSouth-supplied operator services and directory assistance, and (2) to the directory listings in its directory assistance databases.<sup>179</sup> It observed in this regard, however, that "the deficiencies we identify . . . should be readily correctable by BellSouth."<sup>180</sup>

First, the FCC stated that in future applications, if BellSouth chose to rely on performance data to demonstrate its compliance with this checklist item "it should either disaggregate the data or explain why disaggregation is not feasible or is unnecessary to show nondiscrimination."<sup>181</sup> BellSouth's provision of directory assistance and operator services to CLPs is parity by design by virtue of the fact that the flow of service orders to directory assistance or operator services platforms is exactly the same regardless of the source of the service order. (Test. of Milner, Tr. Vol. 8, Pgs. 99-101) The Commission believes that, because calls are not differentiated between BellSouth retail calls and CLP calls, there is no need to disaggregate performance data between the types of calls. Second, the FCC held that in future applications, BellSouth must show that its method of providing branding results in nondiscriminatory access.<sup>182</sup> The Commission believes that BellSouth has made this showing and that its methods of providing branding comply with the FCC's requirements.

The Commission believes that BellSouth has adequately addressed AT&T's complaint regarding BellSouth's ordering procedures for customized routing. The Commission initially addressed this issue in its March 9, 2001, Order in the AT&T - BellSouth arbitration proceeding and encouraged the parties to continue negotiations on this issue. In its June 19, 2001, Order, the Commission required the parties to file status reports beginning September 30, 2001, and continuing quarterly until the matter was mutually resolved. In its September 28, 2001, status report, BellSouth described its current ordering procedures for customized routing. AT&T's most recent status report did not address this issue or provide any indication that it was not satisfied with the methods presented by BellSouth. Moreover, BellSouth has indicated that all remaining disputes between AT&T and BellSouth regarding the ordering process for customized routing have been resolved. (Test. of Milner, Tr. Vol. 8, Pg. 167)

Further, the Commission rejects AT&T's argument that its end-users lack of an equivalent repair center menu option, which is available to BellSouth's retail customers, creates a discriminatory situation in regard to OS/DA access. This checklist item requires BellSouth to provide nondiscriminatory access to operator services and directory assistance. The capability to automatically reach a repair center is not an OS/DA function.

The Commission also notes that the FCC has found in its *GALA II Order*

Section 271(c)(2)(B)(vii) of the Act requires a BOC to provide "[n]on discriminatory access to [ . . . ] 911 and E911 services." BellSouth must provide competitors with access to its 911 and E911 services in the same manner that it obtains such access for itself, *i.e.*, at parity. Specifically, the BOC "must maintain the 911 database entries for competing LECs with the same accuracy and reliability that it maintains the database entries for its own customers. We find, consistent with the Georgia and Louisiana Commissions, that BellSouth provides nondiscriminatory access to 911 and E911 services. [¶250 with footnotes omitted]

Based on our review of the record, we conclude that BellSouth offers nondiscriminatory access to its directory assistance database. . . [¶253 with footnote omitted]

As indicated above, the Public Staff takes the position that BellSouth is in compliance with this checklist item and recommends that the Commission so find.

### **Conclusion**

The Commission concludes that BellSouth is providing or generally offering nondiscriminatory access to 911 and E911 services, directory assistance services, and operator call completion services and is in compliance with Checklist Item 7.

### **Checklist Item 8**

**Issue: Is BellSouth providing or generally offering white pages directory listings for customers of the other carriers' telephone exchange service?**

## **Overview**

To comply with this checklist item, BellSouth must provide "[w]hite pages directory listings for customers of the other carrier's telephone exchange service." Section 271(c)(2)(B)(viii). According to the FCC, the term "white pages" refers to the local exchange directory that includes the residential and business listings of the customers of the local exchange provider; and this term includes, at a minimum, the subscriber's name, address, telephone number, or any combination thereof.<sup>183</sup> The FCC has found that a BOC satisfies the requirements of Checklist Item 8 by demonstrating that it: (1) provides nondiscriminatory appearance and integration of white page directory listings to CLP customers, and (2) provides white page listings for competitors' customers with the same accuracy and reliability that it provides its own customers.<sup>184</sup>

This Commission concluded in the *Initial 271 Order* that BellSouth is providing or generally offering white pages directory listings for customers of the other carrier's telephone exchange service and meets the requirements of this checklist item. The Commission further concluded that BellSouth's SGAT meets the requirements of this competitive checklist item.

## **BellSouth Testimony**

BellSouth states that it provides CLPs with white pages directory listings for the CLPs' customers in the same manner that BellSouth provides listings to its own customers. According to BellSouth, the CLPs' white pages listings are fully integrated with BellSouth's listings and are identical in size, font, and typeface. BellSouth asserts that the CLPs' listings are maintained with the same accuracy and reliability as BellSouth's own customer listings, and that it has implemented procedures to minimize the potential for errors by allowing CLPs to review and edit their customers' listings. (Baretto Affidavit)

BellSouth notes that in its *Second Louisiana Order*, the FCC found that BellSouth had demonstrated that it provides white pages directory listings for customers of competitive LECs' telephone exchange service, and for that reason satisfied the requirements of this checklist item.<sup>185</sup> (Test. of Cox, Vol. 2, Pg. 168) The FCC further concluded that BellSouth's SGAT and agreements provide a concrete and legal obligation to provide white page listings to competitors' customers.<sup>186</sup> Finally, the FCC found that for a BOC to be in compliance with this checklist item, it must provide white page directory listings for a competing carrier's customers with the same accuracy and reliability that it provides to its own customers, "and that BellSouth has submitted sufficient evidence to demonstrate that it is satisfying this requirement."<sup>187</sup>

BellSouth asserts its actions and performance are consistent with its previous showing and that nothing material has changed since 1998. BellSouth offers white pages listings for CLP customers in North Carolina on the same terms and conditions upon which the FCC found BellSouth to be compliant in Louisiana. (Test. of Cox, Tr. Vol. 2, Pg. 170)

### **CLP Testimony**

AT&T states that one of the areas AT&T has identified in which BellSouth unilaterally decided to exclude data from certain performance measures is "Directory Listing Orders for certain ordering measures". (Test. of Norris, Tr. Vol. 10, Pg. 620) AT&T contends that BellSouth is unilaterally determining what data this Commission and CLPs will be able to evaluate. AT&T states that as a result of these exclusions, hundreds of services orders will not be measured pursuant to an approved SQM and will not be included in BellSouth's performance reports. Thus, by excluding this data, BellSouth can mask deficient performance in these key areas. Without complete and accurate data, neither this Commission nor the CLPs can appropriately gauge whether BellSouth is satisfying its obligation to provide nondiscriminatory access to local services. (Test. of Norris, Tr. Vol. 10, Pg. 621) Thus, AT&T contends that BellSouth cannot satisfy Checklist Item 8 because directory listing orders are excluded from the Missed Installation Appointment and Average Completion Interval measures. (Test. of Bursh, Tr. Vol. 10, Pg. 599)

### **Public Advocate Positions**

The Attorney General did not address this checklist item in his Brief.

The Public Staff asserts that BellSouth provides nondiscriminatory appearance and integration of white page directory listings to CLP customers. Further, BellSouth provides white page listings for competitors' customers with the same accuracy and reliability as its own retail customers. The Public Staff contends that the record shows that the process by which BellSouth sends directory listings orders to BellSouth Advertising and Publishing Company are identical for BellSouth and CLP customers.

### **Discussion**

The record shows that the processes by which BellSouth sends directory listing orders to BellSouth Advertising and Publishing Company are identical for BellSouth and CLP customers. The record further shows that BellSouth has met the Commission's

benchmark for update accuracy for directory listings and directory assistance in March, April, May, and June 2001. The directory listing database does not differentiate between CLP or BellSouth retail listings and therefore achieves parity by design.

The Commission does not agree with AT&T that BellSouth cannot satisfy Checklist Item 8 because directory listing orders are excluded from the Missed Installation Appointment and Average Completion Interval measures. BellSouth's directory listing performance is currently captured and reported in the Average Database Update Interval and Percent Database Update Accuracy interim performance measures approved by this Commission. To the extent that AT&T believes those measures should be changed or that new measures should be adopted, such issues should be addressed through the CCP.

The Commission additionally notes that the FCC found in its *GALA II Order*

Section 271(c)(2)(B)(viii) of the competitive checklist requires a BOC to provide "[w]hite page directory listings for customers of the other carrier's telephone exchange service." Section 251(b)(3) of the 1996 Act obligates all LECs to permit competitive providers of telephone exchange service and telephone toll service to have nondiscriminatory access to directory listings. BellSouth asserts that it provides directory listings to competitive LECs in Georgia and Louisiana under the same business rules, and without any material change, as the Commission found acceptable in the Second BellSouth Louisiana Order. Based on the evidence in the record, we conclude, as did the Georgia and Louisiana Commissions, that BellSouth satisfies the requirements of checklist item 8. [¶257 with footnotes omitted]

The Commission finds that BellSouth provides nondiscriminatory appearance and integration of white page directory listings to CLP customers. The Commission also finds that BellSouth provides white page listings for competitors' customers with the same accuracy and reliability as its own retail customers. Both the FCC and this Commission have previously concluded that BellSouth met the requirements of Checklist Item 8.<sup>188</sup> There is no evidence to support a contrary conclusion.

### **Conclusion**

The Commission concludes that BellSouth is providing or generally offering white pages directory listings for customers of the other carriers' telephone exchange service and is in compliance with Checklist Item 8.

### Checklist Item 9

**Issue: Is BellSouth providing or generally offering nondiscriminatory access to telephone numbers for assignment to the other carrier's telephone exchange service customers? (Nondiscriminatory access is required until the date by which telecommunications numbering administrations guidelines, plan, or rules are established. After that date, compliance to such guidelines, plan, or rule is required.)**

#### Overview

In order to comply with this checklist item, BellSouth must provide nondiscriminatory access to telephone numbers for assignment to other carriers' telephone exchange service customers. The checklist also mandates compliance with numbering "guidelines, plan, or rules". NeuStar assumed all North American Numbering Plan Administrator (NANPA) responsibilities on November 17, 1999, when the FCC approved the transfer of Lockheed-Martin's Communication Industry service division to NeuStar. (Test. of Milner, Tr. Vol. 8, Pg. 107)

In the *Initial 271 Order*, this Commission concluded that BellSouth is providing or generally offering to CLPs nondiscriminatory access to telephone numbers for assignment to the other carrier's telephone exchange service customers. The Commission further concluded that BellSouth's SGAT met the requirements of this checklist item.

#### BellSouth Testimony

BellSouth notes that in its *Second Louisiana Order*, the FCC concluded that BellSouth has provided nondiscriminatory access to telephone numbers for assignment to other carrier's telephone exchange customers, and thus BellSouth has satisfied the requirements of this checklist item. (Test. of Cox, Tr. Vol. 2, Pg. 171) Since NeuStar has assumed all the responsibilities of the NANPA, BellSouth no longer has any responsibility for the assignment of central office codes (NXXs) or for Number Plan Area (NPA) relief planning. Although it is no longer a CO code administrator and no longer performs any functions with regard to number administration or assignment, BellSouth asserts that it continues to adhere to all relevant industry guidelines and FCC rules, including those provisions requiring accurate reporting of data to the Code Administrator. (Test. of Milner, Tr. Vol. 8, Pg. 110)