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

In the Matter of	)	
	)	
Rules and Regulations Implementing	)	CG Docket No. 02-386
Minimum Customer Account Record	)	
Exchange Obligations on All Local and	)	
Interexchange Carriers	)	

COMMENTS OF MCI, INC.

MCI, Inc. ("MCI") respectfully submits these comments in response to the Federal Communications Commission's ("Commission") *Further Notice of Proposed Rulemaking* ("Further Notice") in the above referenced proceeding.[1] The Commission should not, at this time, adopt additional regulations concerning the information exchange between local exchange carriers (LECs) when customers switch local service providers.[2] If the Commission nonetheless adopts such regulations those requirements should not exceed the industry standards already established by the Alliance for

[1] Report and Order and Further Notice of Proposed Rulemaking, *In the Matter of Rules and Regulations Implementing Minimum Customer Account Record Exchange Obligations on All Local and Interexchange Carriers*, CG Docket No. 02-386, FCC 05-29 (2005) ("*First Report and Order and Further Notice*").

[2] In particular, the Commission should not adopt rules concerning the exchange of information for migrations from competitive LECs ("CLECs") to other LECs. The Commission already regulates incumbent LEC ("ILEC") to CLEC migrations.

Telecommunications Industry Solutions' (ATIS) Ordering and Billing Forum (OBF) for local service migrations.[3]

I. BACKGROUND

A coalition of interexchange carriers (IXCs), which included MCI, petitioned the Commission in November of 2002 to adopt rules mandating the exchange of customer account information between local exchange carriers ("LECs") and interexchange carriers ("IXCs").[4] The request was necessitated by the failure on the part of many LECs to provide IXCs information vital to the servicing of their mutual customers, the result being numerous consumer complaints both to the carriers and the Commission. The Commission sought comment on the petition and subsequently issued a *Notice of Proposed Rulemaking* ("NPRM").[5] The Commission, in its *First Report and Order*, concluded the following: some LECs provide little or no customer account information to IXCs when a customer transfers interexchange service;[6] this break down in communication has a significant negative impact on

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[3] Alliance for Telecommunications Industry Solutions, ATIS-0405300-0001, *Local Service Migration Guidelines Issue 1*, issued October 28, 2004 ("OBF Guidelines").

[4] Petition for Rulemaking to Implement Mandatory Minimum Customer Account Record Exchange Obligations on All Local Exchange Carriers, filed by AT&T Corp, Sprint Corporation, and WorldCom, Inc. on Nov. 22, 2002 ("Joint Petition"). WorldCom, Inc.'s current corporate name is MCI, Inc.

[5] *Rules and Regulations Implementing Minimum Customer Account Record Exchange Obligations on all Local and Interexchange Carriers*, Notice of Proposed Rulemaking, CC Docket No. 02-386, 19 FCC Rcd 5688 (2004) ("*NPRM*").

[6] *First Report and Order* at ¶ 15.

consumers;[7] there is no practical alternative source for this information to the customer's LEC;[8] and, voluntary approaches were not working.[9] Consequently, the Commission mandated a set of minimum standards for all LECs and IXCs to follow. BellSouth contends that similar problems exist in LEC-to-LEC customer transfers, and requested that the Commission mandate standards governing these migrations as well.[10] In the *Further Notice*, the Commission solicited comments on the exchange of information between LECs and, in particular, whether or not additional regulation in this area was needed.[11]

II. THE COMMISSION SHOULD REFRAIN FROM EXPANDING ON THE LOCAL SERVICE MIGRATION STANDARDS ESTABLISHED BY OBF

The Commission, in its *Further Notice,* seeks comment as to whether or not other carriers are experiencing difficulties similar to BellSouth, namely difficulties accessing customer account information when customers are switching local service providers.[12] MCI, in contrast to the lack of information exchange it had been experiencing as an IXC, has not experienced the same degree of difficulties in either providing or receiving customer information related to local service migrations. Therefore, MCI

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[7] *Id.* at ¶18
[8] *Id.* at ¶ 20.
[9] *Id.* at ¶ 21.
[10] *See Further Notice* at ¶ 73, *citing*, BellSouth *ex parte* filing at 10-11 (filed October 28, 2004).
[11] *Further Notice* at ¶ 75.
[12] *Further Notice* at ¶ 77.

does not see the need for the Commission to adopt additional regulations pertaining to the exchange of information for local service migrations. If the Commission, nevertheless, adopts additional rules in this area, it should limit the requirements to those already established in the ATIS OBF Guidelines.

Currently, MCI provides information to other LECs in accordance with the OBF Guidelines governing such communications. These guidelines address, among other things, pre-order activity, local service order processing, directory listing migration, E9-1-1, pre-order end user information exchange, and local number portability for the various types of local service migration scenarios (*e.g.,* resale to UNE-L, Resale to full facilities-based with LNP, etc.) A brief example of a process outlined by the OBF Guidelines operates as follows:

> The requesting (new) carrier submits a Local Service Request ("LSR") to the existing carrier. This may be preceded by a request and receipt of a customer service record ("CSR") by the new local service provider. The LSR consists of forms containing the customer's administrative, billing, technical, and contact information. The existing carrier then replies with a Local Response ("LR"), specifying whether the LSR has been rejected, placed in jeopardy, or confirmed. If the LSR contains errors or omissions, the LR will indicate that it has been rejected, and will inform the requesting carrier of the cause for rejection. The requesting carrier can then correct and re-submit the LSR. If circumstances prevent immediate processing of the order, the LR will explain that the request is in jeopardy and include the reason. Finally, once the LSR is complete and accurate, and there is nothing jeopardizing processing the order, the existing carrier will submit an LR indicating acceptance, including a due date and order number.[13]

[13] OBF Guidelines, pp. 3-2 to 3-8.

In the *Report and Order*, the Commission recognized that new mandatory standards would impose potentially significant burdens on small LECs.[14] Accordingly, the Commission tailored its ruling to minimize those burdens.[15] In particular, the Commission did not prescribe a specific format or transmission medium, nor did it adopt specific timeliness measures, for the transfer of information.[16] Moreover, the Commission did not want carriers that were already providing timely and adequate notifications to other carriers to incur unnecessary expenses associated with modifying their current processes.[17] MCI requests that the Commission continue to heed these concerns, and ensure that any further action taken is as minimally burdensome as possible, in particular not require more than has been agreed to by the industry in the OBF Guidelines.

For example, the Commission requested comment on whether to require all LECs "to provide near real-time access to the "old" local service provider's customer service records."[18] Such a requirement would be unduly burdensome, not only for small competitive LECs ("CLECs") but also for larger CLECs such as MCI. MCI does not currently have the capability to provide LECs with real-time access to its customer service records, and

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[14] *Report and Order* at ¶ 23 ("[W]e note that, in response to concerns expressed by commenters regarding the burdens that mandatory, minimum standards would impose on small and rural carriers, we have made every effort to minimize those burdens.")
[15] *Id.* ("[W]e anticipate that the costs or burdens associated with implementing the requirements that we adopt today will be minimal.")
[16] *Id* at ¶¶ 58-63.
[17] *See id.* at ¶ 59.
[18] *Id.* at ¶ 80.

compliance with such a requirement would entail significant development time and costs.

The OBF Guidelines –which specifically allow for transmission of CSR/CSI by facsimile[19] - were developed by the Local Service Migration Task Force, a subcommittee within the ATIS OBF. The task force is composed of many of the entities that will be affected by the Commission's ruling in this proceeding, including BellSouth, Choice One, Cingular, SBC, Sprint, and Verizon, among others. Thus, the OBF Guidelines already have the support of a large portion of the local exchange market. It is also reasonable to expect that the Guidelines have already been adopted by each of the companies on the Task Force. Moreover, the sufficiency of the OBF standards for local service migrations from a CLEC is further buttressed by the fact that the guidelines adopted by the New York Public Service Commission are substantially similar to the OBF Guidelines.[20] Therefore, to the extent the Commission feels it necessary to impose standards on CLECs, the Commission should not exceed the OBF Guidelines.

III. CONCLUSION

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[19] OBF Guidelines at 8-2.

[20] New York's guidelines were developed with the input of a wide variety of incumbent and competitive local service providers, including Allegiance Telecom of New York, AT&T, Choice One Communications, Covad Communications Company, Hyperion Telecommunications, Inc., Sprint Communications Company, Time Warner Telecom, and Verizon New York, Inc. *See* "End User Migration Guidelines," *Proceeding on Motion of the Commission to Examine the Migration of Customers Between Local Carriers*, State of New York Public Service Commission, Case No. 00-C-0188 at 10-12 (adopted June 14, 2002) ("New York Guidelines").

The Commission should decline to adopt the proposed regulations pertaining to CLEC-to-CLEC and CLEC-to-ILEC customer transfers. Alternatively, if the Commission does act, it should limit it rules to those already establish in OBF Guidelines.

Respectfully submitted,

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July 18, 2005