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Arizona Corporation Commission  
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JAN 04 2000

**IN THE MATTER OF U S WEST  
COMMUNICATIONS, INC.'S  
COMPLIANCE WITH § 271 OF THE  
TELECOMMUNICATIONS ACT OF 1996**

Docket No. T-00000A-97-0238  
**COMMENTS OF AT&T AND TCG  
PHOENIX ON CHECKLIST ITEMS  
8, 9 AND 12**

AT&T Communications of the Mountain States, Inc. and TCG Phoenix (collectively "AT&T") hereby file their initial comments on checklist items 8 (white page listings), 9 (number administration) and 12 (dialing parity).

On December 10, 1999, the Chief Hearing Officer issued a Procedural Order providing for workshops on checklist items 3, 7, 8, 9, 10, 12 and 13 contained in 47 U.S.C. § 271(c). Staff and its consultant are to manage the workshops. On December 21, 1999, Staff sent a Notice to all parties advising that the first workshop will be held on January 11, 2000 on checklist items 8 (white page directory listings), 9 (number administration), and 12 (dialing parity) and initial comments are due January 4, 2000.

**I. CHECKLIST ITEM (viii): WHITE PAGE DIRECTORY LISTINGS**

U S WEST is required under Section 271(c)(2)(B)(viii) of the Telecommunications Act of 1996 to provide "[w]hite pages directory listings for customers of the other carrier's telephone exchange service." The Act also provides, under Section 251(b)(3), that all local exchange carriers ("LECs") must permit competitive providers of telephone exchange service to have nondiscriminatory access to

directory listings. The Federal Communications Commission (“FCC”) has concluded that the requirements of these sections are substantially similar.<sup>1</sup> To meet this obligation under the Act for checklist item viii, U S WEST must demonstrate that it provides (1) nondiscriminatory appearance and integration of white page listings to customers of competitive LECs; and (2) white page listings for competitor's customers with the same accuracy and reliability that it provides its own customers.<sup>2</sup>

The FCC has made clear that:

[t]o compete effectively in the local exchange market, new entrants must be able to provide service to their customers at a level that is comparable to the service provided by the BOC. Inherent in the obligation to provide a white pages directory listing in a nondiscriminatory fashion is the requirement that the listing the BOC provides to a competitor's customers is identical to, and fully integrated with, the BOC's customers' listings.<sup>3</sup>

More specifically, the FCC has stated that:

By "identical," we refer to factors such as the size, font, and typeface of the listing. Customers may, of course, request and negotiate different arrangements for "enhanced" listings, such as boldface, italic, and other deviations from the basic primary listing that the BOC provides its own customers. Use of the term "fully integrated" means that the BOC should not separate the competing carrier's customers listings from its own customers.<sup>4</sup>

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<sup>1</sup> *Application of BellSouth Corporation Pursuant to Section 271 of the Communications Act of 1934, as amended to Provide In-Region InterLATA services in Louisiana*, CC Docket No. 98-121, Memorandum Opinion and Order, FCC 98-271 (rel. Oct. 13, 1998), ¶ 252 (“*BellSouth Second Louisiana Order*”).

<sup>2</sup> *Id.*, ¶ 253.

<sup>3</sup> *Id.*, ¶ 256.

<sup>4</sup> *Id.*

In order to confirm that such listings appear integrated and appear identical to the listings of a BOC, the Commission must look at the actual directory product of a BOC—the phone book.<sup>5</sup> Further, although not necessarily definitive, it may be persuasive that a competitive local exchange carrier’s (“CLECs”) white pages listings are subject to “the exact same process [ ] performed in the same way and at the same time for the [competitive] LEC orders as for its own.”<sup>6</sup>

U S WEST fails to demonstrate that it has the concrete, enforceable and specific legal obligations to furnish nondiscriminatory access to white page listings as is required under the competitive checklist of Section 271 of the Act.<sup>7</sup> Nor has U S WEST demonstrated that its has, either as a contractual or practical matter, provided nondiscriminatory appearance and integration of white pages listings. U S WEST admits that its directories are not published by U S WEST Communications, Inc., the party to the SGAT, but are published by an affiliate, U S WEST DEX. Indeed, the process flow chart that accompanies the affidavit of U S WEST witness Lori Simpson, clearly identifies the responsibility for publishing listings “with the same appearance for CLEC and U S WEST Listings” as U S WEST DEX’s responsibility. However, U S WEST cannot avoid its obligations under Section 271 by delegating those activities to a separate subsidiary. U S WEST Communications and U S WEST DEX are under the

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<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

<sup>7</sup> See *In the Matter of Application of Ameritech Michigan, Pursuant to Section 271 of the Communications Act of 1934, as amended, to Provide In-Region, interLATA services in Michigan*, CC Docket No. 97-137, Memorandum Opinion and Order (rel. Aug. 19, 1997) (“*Ameritech Michigan Order*”), ¶ 110.

common control of U S WEST, Inc. Therefore, U S WEST must demonstrate that U S WEST's conduct and policies comply with Section 271. It has failed to do so. Accordingly, U S WEST cannot demonstrate that the SGAT—to which only U S WEST Communications and a CLEC are parties—sets forth the essential elements required to show compliance by U S WEST's directory publisher.

Finally, U S WEST has not demonstrated that it is providing CLECs with white page listings with the same accuracy and reliability that it provides its own customers.

A. Promises Are Not Sufficient.

The SGAT and interconnection agreements with CLECs in Arizona provide merely for the inclusion of certain CLEC data in U S WEST Communications' directory listings database. For example, U S WEST's proposed SGAT simply states: "U S WEST provides nondiscriminatory appearance and integration of white pages listings for all CLECs and U S WEST's end users. All requests for white pages directory listings, whether CLEC or U S WEST end users, follow the same procedures for entry into the *listings database*."<sup>8</sup> The AT&T/U S WEST interconnection agreement likewise provides that "U S WEST shall include in its master *Directory Listings database* all list information for the AT&T Customer."<sup>9</sup> These provisions merely provide that U S WEST will prepare data from which directories are made, but do not address the actual publishing of the directory.

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<sup>8</sup> U S WEST SGAT, Section 10.4.2.8 (emphasis added).

<sup>9</sup> U S WEST/AT&T Arizona Interconnection Agreement, Section 44.1.2.

The mere inclusion of such data in U S WEST's database does not mean that the information ultimately presented to the consumer in the form of a phone book will be nondiscriminatory. U S WEST's directory listings database, for example, does not contain any information regarding appropriate type fonts or sizes. Further, listings in U S WEST's directory listings database can be sorted by CLEC. Such characteristics may be benign in a directory listings database, but they do give rise to concerns about the data's ultimate appearance. Accordingly, merely describing contractual and practical considerations regarding the development of a directory listings database, without consideration of the ultimate published directory, does not go far enough to satisfy the directory listings checklist item.

Nor are assurances by U S WEST that listings will be published are not sufficient. U S WEST's proposed SGAT contains some provisions relating only to the nondiscriminatory appearance and integration of listings.<sup>10</sup> In addition, AT&T's agreement with U S WEST provides only that U S WEST Communications will ensure that a "third party publisher" accomplishes certain directory-related obligations.<sup>11</sup> Such provisions are important (though not sufficient) where one party represents that certain significant objectives can be accomplished only by relying on a third party. However, they are fundamentally not the same as a direct commitment by U S WEST to provide for the publishing of such listings. U S WEST seems to contend that it has no obligation with

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<sup>10</sup> See U S WEST SGAT, Sections 10.4.2.8 and 10.4.2.10.

<sup>11</sup> See, e.g., U S WEST /AT&T Arizona Interconnection Agreement, Sections 44.1.7, 44.1.14 and 44.1.15.

respect to the publishing of the listings because it has delegated that responsibility to U S WEST DEX, and U S WEST DEX has no legal obligation to fulfill the requirements of Section 271. As discussed above, that is not the case.

B. U S WEST DEX.

U S WEST could demonstrate that it has satisfied this requirement by clearly disclosing the contractual requirements and procedural relationships between U S WEST Communications and U S WEST DEX and by making U S WEST DEX a party to the SGAT. Without evaluating the U S WEST Communications contracts with U S WEST DEX, we cannot determine if the terms the CLECs are getting are nondiscriminatory. For example, we do not know if the rules governing the inclusion of directory listings after cut-off dates are the same or even if the cutoff dates for inclusion of listings are the same. In addition, without legally obligating U S WEST DEX in the SGAT, there is no assurance that U S WEST DEX will be bound to maintain nondiscriminatory treatment of CLECs.

This concept might be illustrated by an analogy. A neighbor might promise to bake you some cakes. Your course of dealing with Neighbor #1, his reputation and the direct and express promises made and your course of dealing, might give you comfort that the cakes will be satisfactory. Another neighbor might promise that his *sister* may bake you some cakes. In this instance, even though Neighbor #2's sister may have a reputation as a superior baker, the direct promises made by Neighbor #2 do not, as a contractual or practical matter, assure you that your specifications for the cakes will be satisfied. In the second

instance, it will be necessary to understand the relationship between the parties—has the sister even promised to bake the cakes, are the neighbor and sister on good terms, does the sister promptly and satisfactorily bakes cakes for the neighbor and do you have any recourse in the event of the sister's failure to deliver—before placing an order with confidence. By requiring that U S WEST provide satisfactory white pages listings as a contractual and practical matter, the Act requires an investigation of the relationship between U S WEST and U S WEST DEX.

The relationship between U S WEST Communications and its directory publishing affiliate, U S WEST DEX, is reflected in contractual agreements. Although AT&T is aware that these agreements exist, U S WEST considers these documents to be confidential. AT&T believes that these contracts may contain discriminatory terms and conditions. For example, AT&T was informed by U S WEST DEX that U S WEST Communications has arranged to purchase advertising on *all* outside back covers of all U S WEST directories for *all* directories published by U S WEST DEX. Such an exclusive arrangement was entered into, at U S WEST's request, *after* AT&T and other CLECs requested arbitration of interconnection agreements and after AT&T and U S WEST had begun negotiations at U S WEST's insistence. Such an arrangement reasonably suggests that there may be other "sweetheart" deals or exclusive arrangements between U S WEST Communications and U S WEST DEX that are not available to CLECS. The Commission should explore the relationship between U S WEST Communications and U S WEST DEX before concluding that other issues, such

as the provisioning white pages directory listings, satisfy the competitive checklist.

C. Processing CLEC Listings.

The second issue regarding this checklist item concerns the treatment by U S WEST of CLEC listings. From a close reading of U S WEST's proposed SGAT, CLEC listings do not appear to be managed by exactly the same process or in exactly the same way and at the same time as U S WEST's listings. Although Section 10.4.2.11 of U S WEST's SGAT suggests that U S WEST's processes will "use the same processes and procedures" for CLEC listings, Lori Simpson's Affidavit and the attached exhibit leave no doubt that CLECs' and U S WEST's listings are processed differently.<sup>12</sup> For example, a CLEC must prepare "listing forms" for both resold and facilities-based services and fax or otherwise send such forms to U S WEST's service center for processing. U S WEST merely sends all requests without this intervening step. As described in Ms. Simpson's Affidavit, U S WEST Communications makes nightly downloads into U S WEST DEX's publishing database. The additional step required of CLECs not only increases the potential for error, but also suggests that CLEC listings are not included in nightly downloads as timely as U S WEST listings.<sup>13</sup>

In addition, the actual process flow for CLEC directory listings is not fully described in Ms. Simpson's Affidavit or in the SGAT. Ms. Simpson's Affidavit completely ignores the processes arranged between certain CLECs, including

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<sup>12</sup> Affidavit of Lori Simpson, Ex. LAS-1 (March 25, 1999).

<sup>13</sup> Affidavit of Lori Simpson at 32 (March 25, 1999).

AT&T, and U S WEST DEX—processes that were developed at the insistence of U S WEST. For example, under AT&T's agreement with U S WEST DEX, AT&T *may at its option* send directory listings directly to U S WEST DEX for inclusion in U S WEST DEX's directory. Such an arrangement is not described in Ms. Simpson's Affidavit or in the SGAT. This is just another example of where the practices necessary for determining U S WEST's satisfaction of this checklist item are not addressed in either the proposed SGAT or U S WEST's interconnection agreements.

A CLEC may wish to provide directory listings directly to U S WEST DEX for several reasons. First, a direct relationship may reduce errors. Second, a CLEC may not wish to populate U S WEST Communication's directory listings database. Both the SGAT and U S WEST's agreement with other CLECs provide that U S WEST Communications may sell its directory listing database to third parties without compensation to the CLEC with whom the subscriber's listings originates.<sup>14</sup> Setting aside the discrimination issue raised by this practice, if a CLEC bypasses the U S WEST Communications database and delivers directory listings directly to U S WEST DEX, a CLEC retains valuable rights to this resource and, in essence, places itself in exactly the same position as U S WEST with respect to the sale of subscriber database listings.

D. Accuracy and Reliability.

U S WEST must also prove that it provides white page listings for competitors'

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<sup>14</sup> See U S WEST SGAT, Sections 10.2.4 and 10.4.2.5.

customers with the same accuracy and reliability that it provides its own customers. In order to meet this requirement, the FCC has concluded that “at a minimum, a BOC have procedures in place that are intended to minimize the potential for errors in the listings provided to the customers of a competing telecommunications service provider.”<sup>15</sup> As discussed above, U S WEST’s procedures for inclusion of CLEC directory listings differ from those used by U S WEST for its own listings. Such different procedures introduce at least one additional layer in which errors can occur. Further, other provisions of U S WEST’s proposed SGAT establish procedures that are deficient and discriminatory. For example, although CLEC’s are allowed to “review and if necessary edit the white page listings prior to the close date for publication in [a] directory,” the SGAT does not describe how this process will work or whether it will be identical to the process enjoyed by U S WEST Communications.<sup>16</sup> Presumably this process will require coordination with U S WEST DEX, which prepares the pages for inclusion in the directory. Neither the Commission nor AT&T can ascertain from the SGAT how this coordination will work in practice or as a contractual matter. In addition, U S WEST’s SGAT merely provides for “reasonable” opportunities to verify listings information steps to ensure non-published and non-listed numbers are treated appropriately.<sup>17</sup> CLECs are not assured of being provided the same mechanisms to verify listing as those provided to U S WEST.

While U S WEST has proposed two metrics for directory listings to demonstrate that it is providing the same accuracy and reliability, these proposed measures only relate to U S WEST’s performance, not to U S WEST DEX’s. Measure DB1 is proposed to

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<sup>15</sup> *BellSouth Second Louisiana Order*, ¶ 257.

<sup>16</sup> U S WEST SGAT, Section 10.4.2.22.

<sup>17</sup> U S WEST SGAT, Sections 10.4.2.9 and 10.4.2.20.

measure the average time to update the listings database. DB2 is proposed to measure the percent of accurate data base updates. These metrics are not designed to allow CLECs and the Commission to measure U S WEST DEX's performance in publishing directory listing. Thus, there is no way to fully assess U S WEST's compliance with this checklist item. Moreover, the metrics proposed by U S WEST are not yet in place, and there is no experience with the metrics to allow CLECs and the Commission to measure current or past performance. AT&T cannot determine if U S WEST is providing directory listings data base updates with the same speed and accuracy as they update their own listings.

Finally, U S WEST has proposed no self-executing enforcement mechanism or penalties to ensure ongoing compliance with the checklist by U S WEST or U S WEST DEX.

For all the reasons described above, U S WEST has not demonstrated that it provides nondiscriminatory access to directory listings. U S WEST does not comply with this checklist item.

## **II. CHECKLIST ITEM ix: NUMBER ADMINISTRATION**

U S WEST is required under Section 271(c)(2)(B)(ix) of the competitive checklist to provide "nondiscriminatory access to telephone numbers" for assignment to competing carriers' telephone exchange service customers, "[u]ntil the date by which telecommunications numbering administration guidelines, plan, or rules are established, nondiscriminatory access to telephone numbers for assignment to the other carrier's

telephone exchange service customers. After that date, compliance with such guidelines, plans, or rules.<sup>18</sup>

The FCC, interpreting section 251(b)(3) in the *Local Competition Second Report and Order*, concluded that "the term 'nondiscriminatory access to telephone numbers' requires a LEC providing telephone numbers to permit competing providers access to these numbers that is identical to the access that the LEC provides to itself."<sup>19</sup> The FCC further stated that, in assessing a BOC's compliance with checklist item (ix), the FCC "will look specifically at the circumstances and business practices governing CO [Central Office] code administration in each applicant's state."<sup>20</sup> Further, the FCC has stated that the actions of an incumbent LEC shall:

not unduly favor or disfavor any particular telecommunications industry segment or group of telecommunications consumers;<sup>21</sup>

A. U S WEST's LRN Policy.

U S WEST is not abiding by national standard policies that govern number administration. U S WEST is also not acting in the best interests of Arizona with respect to the efficient use and conservation of numbers in Arizona. U S WEST has adopted a policy that is forcing CLECs to request large numbers of new NXX prefixes. This requirement imposes unnecessary costs and delays on CLECs and dramatically increases the likelihood of number exhaust in Arizona. AT&T has raised this LRN assignment

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<sup>18</sup> 47 U.S.C. § 271(c)(2)(B)(ix).

<sup>19</sup> *In the Matters of the Implementation of the Local Competition Provisions of the Telecommunications Act of 1996* Local Competition Second Report and Order, Second Report and Order and Memorandum Opinion and Order, CC Docket No. 96-98, FCC 96-333, 11 FCC Rcd at 19446-47, released August 8, 1996.

<sup>20</sup> *Id.*

<sup>21</sup> *Id.* at amendment to Part 52, Subpart B, 52.9 (a)(2).

policy with U S WEST over the last several months. U S WEST has refused to alter its policy, despite its impact on number exhaust. (See Exhibits A, B, and C.)

For proper routing with number portability, each switch must have unique Local Routing Number ("LRN"). A LRN is an NXX prefix that other switches recognize and use for routing traffic, including routing ported numbers. U S WEST is effectively requiring CLECs to obtain one LRN per U S WEST rate center for each CLEC switch. The industry standard is one LRN per LATA for each CLEC switch. All other incumbent LECs across the country follow the industry standard.

A LRN is required for each switch for the porting of numbers associated with number portability. When a customer's phone number is ported from U S WEST to a CLEC, such as AT&T, U S WEST switches and other CLEC switches need to know where to route calls to that phone number. A unique routing number must be resident in all number portability databases for each switch. This is the LRN. The LRN is an NXX prefix that uniquely identifies each switch to all other switches in the number portability database. Since each switch can be identified by a single LRN, to conserve numbers the national requirement is for one LRN per switch.

National, industry standards govern the use of Local Routing Numbers. The Industry Numbering Committee (INC) Location Routing Number Assignment Practices, INC 98-0713-021, Issued July 13, 1998. Paragraph 2 of this guideline states:

A unique LRN may be assigned to every LNP equipped switch (and potentially to each CLLI listed in the LERG). A service provider should select and assign one (1) LRN per LATA within their switch coverage area. Any other LRN use would be for internal purposes. Additional LRNs should not be used to identify US wireline rate centers.

U S WEST is clearly not in compliance with the primary requirement of this guideline. The guideline is attempting to conserve numbers whenever possible. The U S WEST policy will cause a great waste of number resources. When assigning new numbers to customers today, a CLEC must establish an NXX (which encompasses a 10,000 block of numbers), in each rate center where it has new customers. Absent U S WEST's policy, this, however, would change if number pooling is adopted. With number pooling, CLECs could share 10,000 NXX number blocks. A CLEC would then only require a single NXX per LATA in order to have a LRN and participate in pooling. However, after number pooling is implemented, U S WEST's policy will continue to tie up 10,000 block numbers per CLEC per rate center, thus negating any positive benefits of number pooling in U S WEST's region.

On the other hand, if a CLEC is porting existing numbers (as opposed to assigning numbers to new customers), the CLEC does not need to obtain a NXX in a rate center. However, under U S WEST's policy, CLECs would have to obtain a 10,000 block NXX to simply port an existing number. This causes delay in market entry (since it takes approximately 66-75 days to get a new NXX), increases CLEC costs, is anticompetitive, and will result in unnecessary number exhaust. This requirement discriminates against CLECs.

For example, currently AT&T is using 3 switches in Arizona to provide local service and a fourth switch is nearing completion. Each of these switches needs only one LRN to meet national requirements. However, instead of 4 LRNs for Arizona, AT&T would have to obtain as many as 212 LRNs (and, thus, 2,120,000 numbers) to meet U S WEST's unilateral requirement.

AT&T has had serious problems with a major customer in Arizona due to issues associated with U S WEST's requirement that CLECs have one LRN associated with each rate center. In October and November of 1999, when AT&T attempted to provide local service to a customer's location in Yuma, Arizona, the U S WEST requirement for an additional LRN for the AT&T switch caused delays in provisioning the customer and actual outage conditions. Since the AT&T switch is in the Phoenix rate center, U S WEST is requiring AT&T to have an additional LRN (10,000 numbers) to serve customers in Yuma. Since AT&T did not have an LRN for Yuma, the U S WEST requirement forced AT&T to apply for an additional NXX for Yuma. It takes 66 to 75 days to get this LRN. In the meantime, U S WEST ported the number to AT&T anyway and subsequently calls from numerous exchanges would not complete to AT&T's customer. For example, the customer was not able to receive any calls from the 520-329 and 520-343 exchanges. The delays and errors caused by U S WEST's LRN policy are creating problems for AT&T and our customers, as well as using up vital number in Arizona. AT&T has had over 50 orders held either by U S WEST or AT&T due to the LRN issue in Arizona since June, 1999.

This U S WEST policy will have a dramatic impact on number exhaust in Arizona. The U S WEST policy would use up to 2,120,000 numbers for AT&T alone. Other CLECs would have the same requirement. Each CLEC switch would use up to an additional 530,000 numbers. The Arizona Commission has applied to the FCC for expedited delegation of authority to implement number conservation measures. There is a legitimate concern that available numbers are being used rapidly and that there is a need for conservation of numbers. U S WEST's policy flies in the face of this concern.

It is not entirely clear why U S WEST is requiring one LRN per rate center. U S WEST has claimed that one LRN per rate center is necessary because U S WEST created separate toll and local switches in its network. However, there is software available for their switches to handle this concern if that is, in fact, the real reason for the policy. In other forums, U S WEST has admitted that its real concern is that it wants to be able to differentiate between toll and local calls in order to assess access charges. U S WEST elected to perform post LNP query screening on the LRN returned for call routing, rather than the "called" (dialed) number. If the LRN contains an NXX code that would be toll, then even though the call is a properly dialed local call, the screening will, in certain switch types, cause the call to be denied. The purpose of this screening is to ensure a toll call is billed for access usage charges, even though industry requirements state that the called number is to be used for determining the jurisdictional nature of the traffic.

U S WEST has acknowledged that it is technically feasible to remove the screening and populate the necessary routing for call to complete without the assignment of one LRN per rate center. U S WEST has simply made a policy decision to require one LRN per rate center instead of doing the necessary work in their switches. U S WEST is actually refusing to complete calls in some locations where the CLEC does not have a LRN per rate center. U S WEST has been refusing to complete some AT&T local calls in Arizona until AT&T complies with this unilateral U S WEST policy. U S WEST's policy is contrary to industry standards and is creating severe numbering resource problems. U S WEST must change its policy before it can satisfy this checklist item.

B. Reassignment of Numbers.

A second problem which U S WEST has with respect to the administration of numbers occurs after a number is ported. After porting CLEC numbers, U S WEST is sometimes reassigning those numbers to new U S WEST customers. This causes great confusion and problems for the CLEC and its customers. U S WEST is not managing the assignment, or reassignment, of existing numbers correctly. U S WEST needs to improve its process for the assignment of telephone numbers to its end users. U S WEST is not properly tracking numbers that have been ported. Ported numbers should never be available for reassignment. U S WEST is essentially assigning telephone numbers that already belong to someone else to new U S WEST customers.

C. Loading of NXX Prefixes.

A third problem U S WEST has with respect to number administration has to do with the way U S WEST is administering and provisioning CLEC NXX prefixes in U S WEST switches. U S WEST is not properly or promptly provisioning CLEC NXX prefixes in all U S WEST switches. There have been a number of incidents when the CLEC gets a new NXX prefix for which U S WEST has not provisioned the NXX in all of its switches. The result of this failure is that U S WEST end-user customers are not able to call CLEC customers who are assigned the new NXX. The CLEC customers could make out-going calls but would not receive in-coming calls from U S WEST customers on the switches that are not programmed correctly. If a police or fire station were subscribed to the U S WEST end office that did not have the correct translation,

there would be no call back capability for 911 calls. U S WEST has never demonstrated that they have solved this troublesome, and potentially dangerous problem.

For the reasons stated above, U S WEST does not meet the requirements in the 271 checklist for number administration. U S WEST must drop its requirement for CLECs to have one LRN per rate center. This policy is wasting precious numbering resource in Arizona and is increasing the cost of and delaying CLEC entry in Arizona. U S WEST must also demonstrate that it has fixed its internal process for administering and reassigning ported numbers. Finally, U S WEST must improve its processes for the administration of CLEC numbers in U S WEST switches.

### **III. CHECKLIST ITEM xii: DIALING PARITY**

Section 271(c)(2)(B)(xii) requires a BOC to provide "[n]ondiscriminatory access to such services or information as are necessary to allow the requesting carrier to implement local dialing parity in accordance with the requirements of section 251(b)(3)." Section 251(b)(3) imposes upon all LECs "[t]he duty to provide dialing parity to competing providers of telephone exchange service and telephone toll service, and the duty to permit all such providers to have nondiscriminatory access to telephone numbers, operator services, directory services, directory assistance, and directory listing, with no unreasonable dialing delays." Section 153(15) of the Act defines "dialing parity" to mean that:

a person that is not an affiliate of a local exchange carrier is able to provide telecommunications services in such a manner that customers have the ability to route automatically, without the use of any access code, their telecommunications to the telecommunications services provider of the customer's designation from among 2 or more telecommunications services providers (including such local exchange carrier).

The U S WEST SGAT does not comply with this checklist item because there is no provision in the SGAT for the provision of dialing parity for lines provisioned by Unbundled Network Element Platform (“UNE-P”). U S WEST needs to explain the process employed for the following for customers that are provisioned using the UNE-P lines before a finding can be made that U S WEST complies with checklist item 12:

1. Can dial 0 be routed to the CLEC operator?
2. Can dial 0+ calls be routed to the CLEC operator?
3. Can calls to 1411 be directed to CLEC directory assistance?
4. Are any 3 or 4 digit codes used by U S WEST in Arizona for special routing, and can CLECs choose where such calls are routed for their customers?

#### **IV. CONCLUSION**

U S WEST does not presently meet the requirements of checklist items 8, 9 and 12. Until the issues raised by AT&T and other CLECs are resolved, the Commission should not make any findings that U S WEST complies with these checklist items.

DATED this 3rd day of January, 2000.

Respectfully submitted,

AT&T COMMUNICATIONS OF  
THE MOUNTAIN STATES, INC.  
AND TCG PHOENIX.

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State of Colorado                    )  
  )  
County of Denver                    )        ss.

**VERIFICATION**

I, Kenneth Wilson, being duly sworn, hereby state that I am a Senior Consultant and Technical Witness with Boulder Telecommunications Consultants, LLC and have been retained by AT&T Communications of the Mountain States, Inc. to provide expertise on technical matters in Arizona Docket No. T-00000A-97-0238. I verify that I have read the attached Comments and the Exhibits thereto and that the contents thereof are true and correct to the best of my knowledge, information and belief.

Dated: January 3, 2000.



Subscribed and sworn to before me, this 3rd day of January, 2000.

  
NOTARY PUBLIC

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My Commission expires 5-3-02

September 30, 1999



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Re: U S WEST Requirement of one LRN per Rate Center

Dear Beth,

This letter is a result of several weeks of AT&T's attempts to arrive at a feasible solution to U S WEST's requirement that all Competitive Local Exchange Carriers (CLECs) create separate Location Routing Numbers (LRNs) for each rate center. AT&T has built its local network and provisioning processes in accordance with national guidelines set forth by the Industry Numbering Committee (INC), a subcommittee of the Alliance for Telecommunications Industry Solutions (ATIS). As detailed below, these guidelines indicate that LRNs are not required on a per rate center basis. Furthermore, the guidelines specifically discourage per rate center LRN assignment since such a practice will promote number exhaust and prevent the effective use of number pooling. AT&T cannot readily comply with USWEST's requirement, and will not be a party to planned number exhaust; the inevitable result of U S WEST's requirement. As you know, in order to adhere to the LRN per-rate-center requirement, each CLEC will have to obtain a Central Office Code (10,000 numbers) in each rate center. For example, based on U S WEST's representation, there are eleven rate centers in the Denver local calling area that would need to be covered. If AT&T adheres to U S WEST's requirement, AT&T will have to obtain a minimum of 110,000 numbers. If there are just five CLEC switches in the Denver local calling area, they will collectively tie up 550,000 numbers. When multiplied across the entire fourteen-state U S WEST service territory, the volume of numbers consumed will be huge.

The dialog between AT&T and U S WEST culminated in a meeting on September 13, 1999 with several Subject Matter Experts (SMEs) from both companies. Those in attendance were:

- AT&T: Betty Jo Page, Tim Boykin, Penn Pfautz, Aleta Trujillo, Ed Gould, and JoAnn Costanzo.
- USWEST: Patty Hahn, Garry Beightol, Tim Bessey, Deb Doty, Jeana Elijah-Asnicar, Brenda Palmquist, Inez Lucero, Vicki Peterson, C. Barbknecht, Traci Zamarripa, Jeff Mitchell, Wayne McCarthy.

U S WEST personnel on this call told us that U S WEST's separation of its local and toll networks is the key factor behind U S WEST's policy requiring an LRN per rate center. As a result of the separation of U S WEST's local and toll networks, U S WEST has elected to perform post LNP query screening on the LRN returned for call routing in place of the "called" (dialed to) number. If the LRN contains an NXX code that would be toll, then even though the call is a properly dialed local call, the screening will, in certain switch types, cause the call to be denied. According to U S WEST personnel, the purpose of the screening is to ensure a toll call is billed for access usage charges. AT&T pointed out industry

Ms. Beth Halvorson  
Page 2  
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requirements state the "called" (dialed to) number rather than the LRN is to be used for decisions about whether a call is local or toll. And, with proper translations, calls to ported numbers could be routed through the appropriate local or toll interconnection without requiring an LRN per rate center.

U S WEST personnel acknowledged that it was technically possible to remove the screening and populate the necessary routing for calls to complete under AT&T's current LRN assignment practices. U S WEST personnel further indicated the use of screening is a business and policy decision on US WEST's part rather than a technical one.

We were told that U S WEST planned meetings the same week to discuss this issue internally and AT&T requested that U S WEST provide a written read out of the meetings, including any interim solutions U S WEST would propose. Also, a follow-up meeting between U S WEST and AT&T was scheduled for Friday, September 17<sup>th</sup>, to discuss an interim solution. U S WEST responded to AT&T via voice mail on Friday morning, September 17, with a message stating that U S WEST would not change its policy and that U S WEST had not identified any interim solution. On September 20, 1999, AT&T received an e-mail from U S WEST's Wholesale Account Team stating that the position still stands. The e-mail also stated that an AT&T representative was involved in industry discussions in the spring of 1999 and had not challenged the "one LRN per rate center issue". This is an odd assertion, because shortly after becoming aware of this issue, the AT&T representative referred it as a problem to the AT&T Vendor Management Team. The claim that AT&T did not object initially has no merit in light of the fact that AT&T has been trying to work toward resolution to this issue since June 1999, and we have experienced several customer affecting incidents as a result of this non-standard policy.

The crux of the problem for customers is that if CLECs do not create a separate LRN per rate center, CLEC customers ported away from U S WEST will not receive certain calls dialed to them. Put another way, calls to such customers are blocked by U S WEST as a result of U S WEST's LRN-per-rate-center requirement that is based on U S WEST's insistence on screening that is totally unwarranted and unnecessary. People calling such CLEC customers get confusing and incorrect recorded messages from U S WEST. When the number is dialed as a local call, the U S WEST recording states that the calling party must dial a one in order to complete the call. When the calling party does this, U S WEST provides a recorded message stating that the calling party need not dial a one and should dial the number as a local call for it to complete. This becomes an endless loop where the calling party cannot get through to the CLEC customer. Needless to say, this is extremely frustrating and disruptive.

The INC LRN Assignment Practice clearly states in item 2, "A unique LRN may be assigned to every LNP equipped switch (and potentially to each Common Language Location Identifier, CLLI listed in the Local Exchange Routing Guide, LERG). A service provider should select and assign one (1) LRN per LATA within their switch coverage area. Any other LRN use would be for internal purposes. Additional LRNs should not be used to identify US wireline rate centers." Adhering to the accepted industry practice will use only a fraction of the numbers that will be needed to meet the U S WEST non-standard requirement. Moreover T1S1.6 requirements for Number Portability also assume an LRN per LATA as sufficient. While U S WEST states that the INC practice is only a guideline, AT&T notes that: 1) US WEST participated in the industry forums that developed the INC and T1S1.6 documents and did not oppose them; and, 2) U S WEST is not only violating these guidelines in its own LRN assignments, but is insisting other companies violate them as well.

U S WEST is the only ILEC subscribing to this LRN policy, a policy that will greatly accelerate number exhaust. This practice is also anti-competitive, and has no technical reason to exist. As referenced above, U S WEST's SMEs stated this is not a technical problem, but instead, a policy decision by U S WEST. The U S WEST SMEs went on to say the separation of the local and toll network is the primary reason for this policy requirement. Moreover, it appears U S WEST could resolve this problem by simply

Ms. Beth Halvorson  
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eliminating the post query screening and populating routing for AT&T's LRNs in the local tandem where such routing does not already exist. Therefore, this policy persists solely as a result of U S WEST's unwillingness to conform to industry standards, not through a lack of technical capability. AT&T believes US WEST will almost certainly be required to abandon its requirement anyway in the likely event number pooling is ordered.

AT&T's good faith efforts to arrive at a solution which would be feasible for both companies has proven futile. AT&T waited for several weeks for U S WEST to make SMEs available to explain the reasons for U S WEST's requirement. AT&T allowed U S WEST's SMEs additional time to arrive at an interim solution in the hope U S WEST would realize it cannot sustain such an indefensible position. However, we have been met with the same answer time and again, "U S WEST will adhere to its original policy". U S WEST's incessant delays have had an adverse affect upon AT&T's ability to enter the local market in the fourteen-state U S WEST territory.

AT&T has no choice but to pursue resolution of this issue through any available process and forum, including in the proceedings by which U S WEST seeks approval from state commissions of the U S WEST merger with Qwest. U S WEST's position on this issue is not only unacceptable to the industry, but also untenable in that it is only practiced in the U S WEST territory and is contrary to national standards. This policy is delaying the entry of CLECs into the local market, and the impact on numbering exhaust will soon be felt across the industry.

Sincerely,

*Charlotte*  
*(Lma)*

## Via Facsimile and U.S. Mail



Beth Halvorson  
 Vice President-Major Markets  
 2400, 200 South 5<sup>th</sup> Street  
 Minneapolis, MN 55402

November 9, 1999

Charlotte I. Field  
 Access Management Vice President  
 Western States and Major ICOs  
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Re: U S WEST Requirement of one LRN per Rate Center

Dear Charlotte:

This letter is a follow up to your letter to me dated September 30, 1999 as well as our ongoing exchange of letters and meetings regarding U S WEST's policy which is to require that all CLECs establish one LRN per U S WEST rate center as opposed to one per LATA. I understand that you have chosen to share your letter with many of our 14 state commissions, particularly in those states where U S WEST is seeking approval of our merger with Qwest. Accordingly, we are going to share this letter with those Commissions.

In your letter, you repeat your allegations that U S WEST's policy will contribute to number exhaust:

AT&T cannot readily comply with U S WEST's requirement, and we will not be a party to planned number exhaust; the inevitable result of U S WEST's requirement. As you know, in order to adhere to the LRN per-rate-center requirement, each CLEC will have to obtain a Central Office Code (10,000 numbers) in each rate center. For example, based on U S WEST's representation, there are eleven rate centers in the Denver local calling area that would need to be covered. If AT&T adheres to U S WEST's requirement, AT&T will have to obtain a minimum of 110,000 numbers. If there are just five CLEC switches in the Denver local calling area, that will collectively tie up 550,00 numbers. When multiplied across the entire fourteen-state U S WEST service territory, the volume of numbers consumed will be huge.

You also go on to call the practice "anti-competitive."

I was surprised to be advised that you appear to have taken somewhat of a different tact in your Petition for Reconsideration of the Second Report and Order in Docket No 96-98. In its Third Order on Reconsideration of Second Report and Order released on October 21, 1999, the FCC cited your Petition where you were commenting on the then current requirement that all CLECs operating in a proposed area code overlay area must be assigned one NXX in that area during the ninety days prior to the implementation. In that Petition you make the following statements:

It is clear, however, that the one NXX-per-NPA requirement will not have the effect [to "advance competition"] the Commission intended. Access to a single NXX does not provide a new entrant with a meaningful opportunity to offer service in the existing area code. Under prevailing industry practices, one NXX is required for each rate center served by a local exchange carrier. \* \* \* Allotting a single NXX to a new entrant would permit that carrier to offer numbers in the desirable, existing NPA for only one of those rate centers. at pp. 6-7.

In this case you were arguing that having only one NXX in an overlay area (which could be roughly the same size as a LATA), would be a competitive disadvantage. You also acknowledge that one NXX is required per rate center.

The FCC agreed with you, at least on the latter point. In ¶6 of the Order, the FCC was very clear that if you want to serve customers in a rate center, you need an NXX for that rate center.

Typically, there are 792 NXX codes available for assignment in an area code, counting every possible combination of three digits excluding numbers beginning with a 0 or a 1 and numbers ending with 11. In turn, each NXX code has approximately 10,000 numbers available for assignment to individual customers. NXX codes are assigned to a particular geographic rate center in an area code and a carrier with a particular NXX can only serve customers associated with the rate center to which the NXX is assigned. The number of NXXs associated with a rate center varies according to population density and the consequent demand for telephone numbers in the geographic area covered by the center.

The Commission discussed rate centers in footnote 36.

Rate centers are telephone company-designated geographic locations that are assigned vertical and horizontal coordinates within an area code. NEWTONS' TELECOM DICTIONARY, 11<sup>th</sup> Edition, at 498. See also Local Exchange Routing Guide (LERG), Volume 2, Section 1 at 24 (March 1997). Incumbent LECs have established the existing rate center configuration. See *Ex parte* letter from Judith Herrman, TCG to William F. Caton, FCC, dated March 19, 1997 (TCG March 19, 1997 *ex parte*).

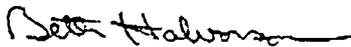
The Commission reconfirmed this finding at ¶26 of the Order.

\* \* Under current call rating mechanisms, all local exchange carriers require at least one full NXX code (i. e. a block of 10,000 numbers) per rate center and competing wireline service providers are assigned a full NXX for each rate center in the geographic area in which they establish service. In many areas this rate center configuration creates a shortage of NXX codes even if there remains a significant quantity of unassigned numbers because an incumbent LEC or competing wireline service provider is assigned a full NXX in order to serve customers in a particular rate center area, although the carrier or service provider may only have a few customers requiring telephone numbers. Once an NXX code has been assigned, the entity receiving the NXX manages the numbers available within the NXX.

The Commission acknowledged that the requirement for one NXX per rate center might create a shortage of NXXs and still supported the requirement. It follows naturally that as a part of your management of your NXX codes in each rate center where you are serving customers and want to port numbers, you can assign an LRN out of your NXX code for the rate center.

I hope this will bring final resolution to this matter.

Sincerely,



Beth Halvorson

cc: Laura Ford  
Jim Gallegos  
Tim Bessey  
Martha Solis-Turner  
Brenda Palmquist  
Jeana Elijah-Asnicar  
Debra Doty  
Barry Orrel  
Carolyn Hammack  
Mike Whaley

November 19, 1999



Charlotte I. Field  
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Ms. Beth Halvorson  
Vice President – Wholesale Markets  
U S WEST Communications, Inc.  
200 South 5<sup>th</sup> Street, Suite 2300  
Minneapolis, Minnesota 55402

Re: U S WEST's Requirement of One LRN per Rate Center

Dear Beth,

After receiving your letter of November 9, 1999, I cannot help but be concerned U S WEST either does not understand even the rudiments of the many problems surrounding its "LRN per rate center" requirement, or you sent your letter as a distraction intended to continue to delay resolution of this issue. Your entire letter demonstrates nothing more than the well-understood reality that under the current system of number administration, carriers must obtain a NXX in every rate center in which they wish to assign numbers to customers. AT&T agrees that this is so. However, that fact provides no support of any kind for U S WEST's requirement that every CLEC must establish a distinct LRN per U S WEST rate center in order to port customer numbers away from U S WEST. Indeed, U S WEST's failure to address any pertinent issue in the November 9<sup>th</sup> letter suggests that it has no substantive justification for its policy and now seeks to simply cloud the record.

AT&T has repeatedly stated its objections to U S West's policy, but has yet to receive a response actually addressing the issues at hand. Your November 9, 1999, letter certainly did not do so. It sought to put the focus of attention away from U S WEST's failure to adhere to industry standards. This failure has an anti-competitive impact on competitive local exchange carriers. U S WEST needs to respond in a meaningful way to my letter of September 30, 1999.

As stated above, AT&T does not dispute a carrier must currently establish a NXX in each rate center where it wishes to assign new numbers to customers. However, this necessarily will change when number pooling is put into effect. AT&T, U S WEST and many other carriers are participants in the FCC's Number Resource Optimization ("NRO") docket. In that docket both AT&T and U S WEST supported thousands block number pooling and agreed it is an important solution to the widespread concern over

Ms. Beth Halvorson  
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number exhaust. Once number pooling is established, multiple carriers can (and must) share a NXX for use in the same rate center. A carrier then will only require a single LERG-assigned NXX per LATA in order to have a LRN and participate in pooling. However, after number pooling is implemented, U S WEST will still require each CLEC obtain a LRN (and thus a NXX) per rate center. As AT&T established in its prior letters, U S WEST's policy will continue to tie up an entire 10,000 number block per rate center and maintain a status quo the industry (including U S WEST) accepts as being a primary cause of number exhaust. In short, U S WEST's LRN per rate center policy will make thousands block number pooling impossible in the fourteen-state U S WEST territory.

U S WEST's comments in the FCC's NRO docket reveal several striking ironies. Most obviously, U S WEST's comments support thousands block number pooling. Such pooling will not be possible so long as U S WEST's LRN per rate center policy continues in effect. In addition, U S WEST's comments unequivocally acknowledge that the INC is the industry body of subject matter experts in this area and that the D-digit issue should be left with that body for resolution. The industry guideline AT&T has repeatedly requested U S WEST follow is the INC's Location Routing Number Assignment Practice. It is unclear why U S WEST is willing to defer to the INC with regard to the D-digit issue, but rejects that organization's LRN assignment practice's clear guidance "LRNs should not be used to identify US wireline rate centers."

An issue I have not specifically pointed out in previous correspondence is the impact of U S WEST's one LRN per rate center policy when permanent number portability comes into effect for wireless carriers in 2002. Pursuant to U S WEST's policy, each wireless carrier will have to obtain a NXX for each rate center from which it wants to port customers. Wireless carriers are not required to obtain a NXX for each rate center in which it has customers today. Instead, wireless carriers normally request NXXs for only some of the rate centers in the areas they serve. Because of the nature of wireless service, wireless carriers are able to assign numbers from these NXXs to customers whose nominal location (wireless users are by definition mobile) is outside the rate center associated with the NXX of the number assigned. In this way, wireless carriers achieve high utilization within their assigned NXXs. US West's policy will force wireless carriers to obtain additional NXXs not otherwise required and in turn unnecessarily impose significant strains on already taxed numbering resources.

While a carrier currently needs a NXX per rate center to assign new numbers to its customers, it can port existing numbers without obtaining a NXX in a rate center. Or rather, a carrier can do this in every territory in the country except U S WEST's. Further, AT&T and other carriers may have multiple switches serving customers in the same rate center. Currently, AT&T does not obtain a NXX in each rate center for each switch unless it expects significant numbers of customers on each switch. Instead, AT&T

Ms. Beth Halvorson  
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internally ports numbers in the needed rate center from switches to which such NXXs are assigned. U S WEST's policy will force AT&T to request additional NXXs that would not otherwise be required, once again unnecessarily taxing industry numbering resources. In addition, as U S WEST well knows, industry procedures require approximately two months to put a new NXX in service. Thus, U S WEST's policy also will delay AT&T's market entry and is anti-competitive, because if AT&T must obtain additional NXXs for switches that do not require them today, it will be unable to provide service from those switches for at least two months (and potentially longer in areas in which NXX rationing is in effect).

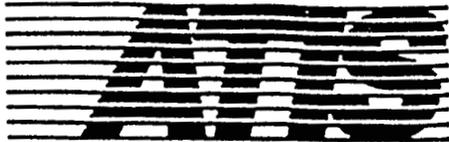
AT&T has no desire to dictate the terms on which U S WEST designs or operates its own network. However, U S WEST's misguided LRN per rate center policy affects not only its own operations, but also those of every carrier seeking to compete within U S WEST's territory. This is not merely a question of U S WEST choosing to adopt a policy directly opposed to industry guidelines. Rather, U S WEST's policy seeks to force other carriers to modify their operations so as to violate those same guidelines, incur unnecessary expense, waste scarce numbering resources, and render thousands block number pooling impossible.

Finally, your letter's contention AT&T has shared my September 30<sup>th</sup> letter with most of the state commissions in U S WEST's territory is mistaken. However, since you sent your November 9<sup>th</sup> letter to each of those commissions, I have also sent this letter and my September 30<sup>th</sup> letter to those agencies as well, so that they will be fully informed regarding this dispute.

It is my sincere hope U S WEST will join the rest of the telecommunications industry in a forward-looking approach to the number exhaust issue, and abandon its efforts to obfuscate this straightforward issue.

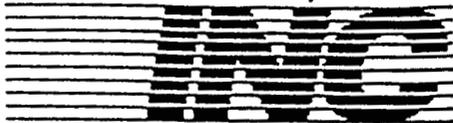
Sincerely,

A handwritten signature in cursive script, appearing to read "Charlotte".



Alliance for  
Telecommunications  
Industry Solutions

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A forum of the Carrier Liaison Committee

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# LOCATION ROUTING NUMBER ASSIGNMENT PRACTICES

These practices are issued in connection with the resolution to INC Issue 102.

### Location Routing Number Assignment Practices

A Location Routing Number (LRN) is a 10-digit number, in the format NPA-NXX-XXXX, that uniquely identifies a switch or point of interconnection (POI). The NPA-NXX portion of the LRN is used to route calls to numbers that have been ported.

The following LRN assignment criteria should be considered when a service provider selects and assigns an LRN:

1. A unique LRN is required only for LNP capable switches that serve subscriber lines or otherwise terminate traffic.
2. A unique LRN may be assigned to every LNP equipped switch (and potentially to each CLLI listed in the LERG). A service provider should select and assign one (1) LRN per LATA within their switch coverage area. Any other LRN use would be for internal purposes. Additional LRNs should not be used to identify US wireline rate centers.
3. Remote switches that have a unique, assigned NPA-NXX may also have a unique LRN assigned to the remote switches.
4. The LRN must be selected and assigned from a valid NPA/NXX that has been uniquely assigned to the service provider by the Central Office Code Administrator and published in the LERG. An LRN should be selected and assigned with the following considerations:
  - Do not select and assign the LRN from an NPA/NXX that is planned to be re-homed to another switch.
  - Do not select and assign the LRN from an NPA/NXX that has a majority of the NXX numbers assigned to a single customer.
  - Do not assign the LRN from an NPA/NXX that is assigned to the local choke network.
  - Do not assign the same telephone number as both an LRN for a switch and a working number for a customer.
5. An LRN may have to be changed due to any of the following:
  - switch replacements
  - code moves or LERG reassignments
  - NPA Splits (As a result of an NPA-NXX split, a service provider may have to change their assigned LRN)
6. If a switch serves multiple NPA/NXXs, wherever possible, do not select and assign the LRN from an NPA that has been identified for area code relief.

7. The LRN will be published in the LERG.
8. The LRN will be published in the Test Line and Test Number Directories as a separate LRN category for informational purposes only. Service providers may choose to identify LRNs as a separate category in their TN inventories.
9. Shared service provider NPA-NXXs, as currently defined in the LERG, should not be used for LRN assignments.
10. For Number pooling, the LRN shall only be selected and used by the LERG assignee from their allocated 1000 block(s).
11. An NXX will not be assigned to a service provider for the sole purpose of establishing an LRN unless that service provider's switch or POI does not yet have an LRN for the LATA where they intend to provide service.

## CERTIFICATE OF SERVICE

I hereby certify that the original and 10 copies of the Comments of AT&T and TCG Phoenix on Checklist Items 8, 9 and 12 in Docket No. T-00000A-97-0238, were sent via overnight delivery this 3rd day of January, 2000, to:

Arizona Corporation Commission  
Docket Control – Utilities Division  
1200 West Washington Street  
Phoenix, AZ 85007

and that a copy of the foregoing was sent via overnight delivery this 3rd day of January, 2000 to the following:

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and that a copy of the foregoing was sent via United States Mail, postage prepaid, this 3rd day of January, 2000 to the following:

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*Rhonda Muvieth*

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