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Via Facsimile

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June 24, 1997

The Honorable Carl J. Kunasek
Arizona Corporation Commission
1200 W. Washington Street
Phoenix, AZ 85007

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Dear Chairman Kunasek:

Approximately two weeks ago, LCI and the competitive Telecommunications Association (CompTel) mailed you a copy of our joint Petition for Expedited Rulemaking relating to Operations Support Systems (OSS). The Petition was filed with the Federal Communications commission (FCC) on May 30, 1997.

As stated in our letter, the Petition documents shows how the ILECs have failed to fulfill their OSS obligations and further sets out specific recommendations for the criteria that should be applied to determine OSS compliance by the ILECs.

Subsequent to our letter to you, the FCC released a Public Notice on June 10, 1997, seeking comments by interested parties in support of or in opposition to the joint Petition. Comments by these parties must be filed with the FCC on or before July 10, 1997. Attached is a copy of the Public Notice for your reference.

Please feel free to contact me at 703-848-4476 if you have any questions.
Thank you.

Sincerely,

Douglas W. Kinkoph
Director
Regulatory/Legislative Affairs

DWK:jm
Attachment



PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION
1919 M STREET, N.W.
WASHINGTON, D.C. 20554

DA No. 97-1211

News media information 202/418-0500 Fax-On-Demand 202/418-2830 Internet: <http://www.fcc.gov> <ftp.fcc.gov>

Released: June 10, 1997

COMMENTS REQUESTED ON PETITION FOR EXPEDITED RULEMAKING TO ESTABLISH REPORTING REQUIREMENTS AND PERFORMANCE AND TECHNICAL STANDARDS FOR OPERATIONS SUPPORT SYSTEMS

RM 9101

Comment Date: July 10, 1997

Reply Date: July 25, 1997

On May 30, 1997, LCI International Telecom Corp. (LCI) and the Competitive Telecommunications Association (CompTel) jointly filed a petition for expedited rulemaking concerning the requirements governing operations support systems (OSS) established by the Commission in its *Local Competition First Report and Order*.¹ In that order, the Commission concluded that an incumbent local exchange carrier (LEC) is required to provide access to OSS functions pursuant to its obligation to offer access to unbundled network elements under section 251(c)(3) of the Communications Act, as amended (the Act), as well as its obligation to furnish access on a nondiscriminatory basis to all unbundled network elements and services made available for resale, under sections 251(c)(3) and (c)(4) of the Act.² The Commission recognized that access to OSS functions is critical to creating the opportunities for competition in the telephone exchange market that Congress envisioned.

The petitioners request that the Commission enter an expedited order requiring that: (1) each incumbent LEC disclose (i) each OSS function for which it has established performance standards for itself and (ii) each OSS function for which it has not established performance standards for itself, and (2) where the incumbent LEC has established performance standards for itself, that the incumbent LEC further disclose precisely what those performance standards are, together with appropriate historical data and measurement criteria. The petitioners further request that the Commission commence an expedited rulemaking

¹ Implementation of the Local Competition Provisions in the Telecommunications Act of 1996, First Report and Order, CC Docket No. 96-98, 11 FCC Rcd 15499 (1996) (*Local Competition First Report and Order*), motion for stay denied, 11 FCC Rcd 11754 (1996), *Order on Reconsideration*, 11 FCC Rcd 13042 (1996), *Second Order on Reconsideration*, 11 FCC Rcd 19738 (1996), further recon. pending, appeal pending sub nom. *Iowa Util. Bd. v. FCC and consolidated cases*, No. 96-3321 *et al.*, partial stay granted pending review, 109 F.3d 418 (8th Cir. 1996), order lifting stay in part (8th Cir. Nov. 1, 1996), *motion to vacate stay denied*, 117 S. Ct. 429 (1996).

² *Local Competition First Report and Order*, 11 FCC Rcd at 15660-61, 15763, paras. 316, 516-17.

proceeding to determine the appropriate minimum performance standards for each OSS function, including those functions for which the incumbent LEC has not established performance standards for itself. Petitioners further request that the Commission establish any related OSS requirements (e.g., appropriate beta testing to ensure operability and scalability) that must be met by an incumbent LEC for both resale and unbundled network elements, including the network platform.

Because the Commission repeatedly has emphasized the importance of OSS to the development of competition, we invite interested parties to file comments on whether the FCC should initiate the requested proceeding, and to separately address whether the Commission should take action with respect to performance standards, reporting requirements, technical standards, and damages provisions. Those commenters supporting the issuance of a notice of proposed rulemaking are encouraged to file suggestions for specific rules, including specific rule language, that the Commission might include in such a notice of proposed rulemaking. We request interested parties to provide information on performance standards, penalty provisions (including liquidated damages provisions), and reporting requirements to which they are subject as a result of negotiation or arbitration. We also request interested parties to address specifically the status of OSS for resale and for unbundled network elements, and to address separately the status of each OSS function (pre-ordering, ordering, provisioning, maintenance and repair, and billing). We ask parties to address separately the efficacy of, and proposed timing for, Commission action with respect to resale and unbundled network elements, and with respect to each OSS function.

We also seek comment on whether other procedural steps are appropriate to ensure that competitors have access to OSS functions on a nondiscriminatory basis and in a manner that provides a reasonable opportunity to compete. In particular, we ask parties to comment on whether a negotiated rulemaking might be an appropriate method for developing national rules regarding OSS standards. Parties should submit specific suggestions on how a negotiated rulemaking should be conducted, including proposed timing for completing such a proceeding.

Comments By Interested Parties. Comments by interested parties in support of or in opposition to the joint petition must be filed on or before July 10, 1997.

Replies. All participants in the proceeding -- the petitioners and interested parties -- may file a reply to any comments filed by any other participant on or before July 25, 1997.

Interested parties must file an original and four copies of their comments and reply comments with the Office of the Secretary, Federal Communications Commission, Room 222, 1919 M Street, N.W., Washington, D.C. 20554. Comments and reply comments should reference RM 9101. Parties should also send two copies of their comments and reply comments to Janice M. Myles of the Common Carrier Bureau, Room 544, 1919 M Street, N.W., Washington, D.C. 20554, (202) 418-1577, as well as one copy to the Commission's copy contractor, International Transcription Service, Room 140, 2100 M Street, N.W., Washington, D.C. 20037, at (202) 857-3800. Comments and reply comments will be available for public inspection during regular business hours in the FCC Reference Center, Room 239, 1919 M Street, N.W., Washington, D.C. 20554.

Parties are also asked to submit comments and reply comments on diskette. Such diskette submissions would be in addition to and not a substitute for the formal filing requirements addressed above. Parties submitting diskettes should submit them to Janice M. Myles of the Common Carrier Bureau and to International Transcription Service at the above addresses. Each such submission should be on a 3.5 inch diskette in an IBM compatible format using WordPerfect 5.1 for Windows software in a "read-only" mode. The diskette should be clearly labelled with the party's name, proceeding, and date of submission. The diskette should be accompanied by a cover letter.

This matter shall be treated as an exempt proceeding in accordance with the Commission's revised *ex parte* rules, which became effective on June 2, 1997. See *In the Matter of Amendment of 47 C.F.R. § 1.1200 et seq. Concerning Ex Parte Presentations in Commission Proceedings*, GC Docket No. 95-21, Report and Order ¶ 27 (citing 47 C.F.R. § 1.1204(b)(1)), FCC 97-92 (rel. March 19, 1997); 62 Fed. Reg. 15852.

For further information contact: Lisa Gelb or Wendy Lader at (202) 418-1580.