

Agenda Date: July 31, 2003

Item Number: **A2**

Docket: **UT-030964**

Company: Qwest Corporation

Staff: Tom Wilson, Telecommunications Analyst

Recommendation:

Grant Qwest's petition to amend WAC 480-120-146 and direct the Secretary to file a Notice of Proposed Rulemaking (CR-102) in Docket UT-030964 with the Office of the Code Reviser.

Background:

On June 17, 2003, Qwest Corporation (Qwest) filed a petition to amend WAC 480-120-146, concerning changing service providers from one local exchange company to another, which became effective on July 1, 2003, following the Commission's comprehensive review and revision of Chapter 480-120 WAC. Staff worked with Qwest to develop the proposed language amending WAC 480-120-146 that is included in the Qwest petition. AT&T, Time Warner and XO were also included in the discussions.

Prior to the effective date of the existing rule, Qwest, AT&T, and Time Warner (appearing jointly with XO) filed petitions for waiver of WAC 480-120-146. The Commission granted the above companies temporary exemptions on June 27, 2003, in Dockets UT-030417, UT-030839 and UT-030587 respectively. The temporary exemptions will expire January 1, 2004. Under the temporary exemptions, the companies must follow requirements identical to those proposed by Qwest in its petition.

Discussion:

The proposed rule revision addresses the situation where a customer migrates from one local exchange carrier (LEC) to another LEC, and the customer retains his/her telephone number via Local Number Portability (LNP). In that instance, Qwest is required to follow the LNP practices ordered in Docket No. UT-003022/UT-003040 (Fifteenth Supplemental Order dated August 17, 2001) and has developed performance measures based on the ordered processes. The

proposed revisions would institute the LNP practice in the rule. Current LNP processes, which are documented in Qwest's Commission-approved Statement of Generally Available Terms and Conditions Section 10.2.5.3.1, are approved by the FCC's North American Numbering Council's Local Number Portability Administration Working Group. Staff believes that all of the petitioners in the related petitions for temporary waiver concur with Qwest and Staff that, compared to the LNP practice, the manual system of confirmation of activation of new service under the rule constitutes a wholly different system requiring additional databases and technology which may be cumbersome, prone to human error, and could actually hinder customer service. Since all customers do not migrate and keep their numbers, the rule will still provide guidance for non-LNP process.

Qwest provides persuasive data on its performance results to achieve the Commission's goal of timely disconnects for customers porting to another LEC under the LNP practices. No controversy exists since the four major competitors all agree and seek the same outcome. Additionally, Staff notes that the proposed revised language will allow companies to utilize resources more efficiently and continue to serve customers effectively.

Staff recommends that the Commission grant the petition and file a CR-102.

Rule Language

The existing rule would be revised as follows:

WAC 480-120-146 Changing service providers from one local exchange company to another. When a customer changes from one local exchange company (LEC) to another and the customer retains the same telephone number via Local Number Portability (LNP) the LEC providing existing service to the customer must wait until 11:59 p.m. of the next business day following the scheduled port before disconnecting a customer's previous service.

When a customer changes service providers from one local exchange company (LEC) to another, and the customer does not retain the same telephone number via LNP, the LEC providing existing service to the customer must not discontinue service until it receives confirmation of activation of new service from the new service provider. The LEC providing new service must supply prompt notice of activation.

The requirements of this section do not apply if the customer submitted the cancellation order directly to the LEC providing existing service.

Conclusion

Grant Qwest's petition to amend WAC 480-120-146 and direct the Secretary to file a Notice of Proposed Rulemaking (CR-102) in Docket UT-030964 with the Office of the Code Reviser.