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UT-030839

N/A

Adam Walczak
Docket Manager
303-298-6930

STATE OF WASH.
UTIL. AND TRANSP.
COMMISSION

May 30, 2003

Via Overnight Mail

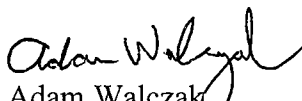
Ms. Carole J. Washburn
Executive Secretary
Washington Utilities & Transportation Commission
1300 S. Evergreen Park Dr. S.W.
P.O. Box 47250
Olympia, Washington 98504-7250

Re: In the Matter of the Petition of AT&T Communications of the Pacific Northwest, Inc. For Waiver of Newly Adopted WAC 480-120-146 (Adopted in Docket No. UT-990146, Dec. 16, 2002) Effective July 1, 2003.

Dear Ms. Washburn:

Enclosed for filing are the original and nineteen copies of AT&T Communications of the Pacific Northwest, Inc.'s Petition For Waiver.

Very truly yours,


Adam Walczak

Enclosures

**BEFORE THE WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION**

IN THE MATTER OF THE PETITION) Docket No. UT –
OF AT&T COMMUNICATIONS OF)
THE PACIFIC NORTHWEST, INC. FOR) AT&T COMMUNICATIONS OF THE
WAIVER OF NEWLY ADOPTED WAC) PACIFIC NORTHWEST, INC. 8
480-120-146 (ADOPTED IN DOCKET) PETITION FOR WAIVER
NO. UT-990146, DEC. 16, 2002)
EFFECTIVE JULY 1, 2003

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COMMISSION

AT&T Communications of the Pacific Northwest, Inc. (“AT&T”) hereby requests that the Washington Utilities and Transportation Commission (“Commission”) grant AT&T a permanent waiver from compliance with the newly adopted rule, WAC 480-120-146¹ regarding the discontinuance of customer service pending confirmation of activation of service by another carrier. As grounds therefore, AT&T states as follows:

I. WAC 480-120-146 Prescribes the Method for Changing Service Providers from One Local Exchange Company to Another.

1. WAC 480-120-146, as recently adopted, states:

When a customer changes from one local exchange company (LEC) to another, 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 services 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.

AT&T understands and shares the Commission’s desire to ensure that customers do not suffer premature service disconnection when switching from one LEC to another.

¹ *In the Matter of Amending, Adopting and Repealing: Chapter 480-120 WAC Relating to Telephone Companies, Order Amending, Adopting and Repealing Rules Permanently, Gen. Order No. R-507, Docket No. UT-990146 (Dec. 12, 2002)[hereinafter “Gen. Order R-507”].*

Nonetheless, in the context of customers porting² their telephone numbers from one LEC to another, neither AT&T nor other LECs can, as a practical matter, maintain such customers service as described in the rule unless all carriers adopt the methodology necessary to accomplish a notification process.

II. Telephone Number Porting Technology and Standards Employed in Washington Do Not Currently Allow for Two LECs to Maintain the Same Telephone Numbers Pending Receipt of a Notice.

2. While AT&T does not dispute that premature customer disconnection has been a problem when customers move from one LEC to another, the problem does require a solution that carriers can comply with today. In the context of Local Number Portability (“LNP”), the notification solution proposed by the newly adopted rule is not available in Washington at present.

3. That is, where LNP is concerned, the customer’s service is actually handed off from one LEC to another, and, in general, switch and LNP database updates are required. The LEC winning the customer must submit an update to the LNP database informing it of the local routing number associated with the ported number. Upon receiving such update(s), NeuStar, Inc.—the entity managing the Number Portability Administration Center (“NPAC”)—has NPAC send out a porting report informing carriers of the ports. In the context of UNE loop provided services, the incumbent LEC losing the customer must generally work in coordination with the winning or competitive LEC to disconnect the customer at a given time or there is a risk the customer will be disconnected before his or her new service is connected to the new provider.

² Number portability is the ability of customers “to retain, at the same location, existing telecommunications numbers without impairment of quality, reliability, or convenience when switching from one telecommunications carrier to another.” 47 U.S.C. § 153(30).

4. As noted in Qwest Corporation's ("Qwest's") Petition for a similar waiver, Qwest does not have the technology that would enable it to be notified by NeuStar's NPAC that a number port has been completed such that Qwest would then electronically match the individual Neustar port notifications against individual pending disconnect orders.³ Rather, as adopted by the Commission during Qwest's § 271 proceeding, Qwest and its competitors are currently employing a coordinated cut-over process.

III. Consistent with Previously Filed Waiver Petitions,⁴ AT&T Requests That It be Allowed to Continue Its Use of the LNP Process Proscribed in the Commission's § 271 Orders Concerning Qwest.

5. At present, AT&T's systems are set-up to accommodate the method of LNP or customer "cut-over" generally adopted by this Commission in its Qwest § 271 Orders. Changing its systems to accommodate the new rule would require, among other things, an industry-wide accommodation beginning with Qwest's acquiring the electronic ability to match pending disconnection orders with the Neustar porting reports. Because Qwest was not ordered during the § 271 proceeding to acquire such electronic ability and other carriers in Washington are not presently employing such systems, AT&T requests that the Commission also grant AT&T a permanent waiver of WAC 480-120-146 and allow AT&T to continue employing the LNP methods described in the Commission's Orders regarding Qwest's § 271 proceeding.

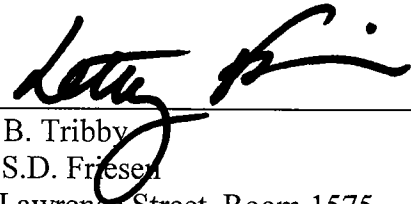
³ Qwest Petition at 2.

⁴ Qwest, Time Warner Telecom of Washington and XO Washington, Inc. have all filed waiver petitions seeking waiver of WAC 480-120-146 and continued use of Qwest's LNP process.

Respectfully submitted this 30th day of May, 2003.

**AT&T COMMUNICATIONS OF
THE PACIFIC NORTHWEST, INC.**

By: _____



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CERTIFICATE OF SERVICE

I certify that the original and 19 copies of AT&T Communications of the Pacific Northwest Inc.'s Petition For Waiver were sent by overnight delivery on May 30, 2003, addressed to:

Carole Washburn, Secretary
Washington Utilities & Transportation Commission
1300 S. Evergreen Park Drive, SW
P. O. Box 47250
Olympia, WA 98504-7250

