

**BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION**

Commission Rulemaking to Amend WAC)
480-120-146, Changing Service Providers) DOCKET NO. UT-030964
From One Local Exchange Company to)
Another) **AT&T'S COMMENTS**
)

Pursuant to a limited extension of time, AT&T Communications of the Pacific Northwest, Inc. (“AT&T”) hereby submits these Comments in the above-captioned proceeding regarding Qwest Corporation’s (“Qwest’s”) request to amend Commission Rule WAC 480-126-146.

I. INTRODUCTION

In its Petition Qwest proposes to amend the current rule 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.¹

While AT&T concurs with the first paragraph and the last paragraph, it believes that

¹ Qwest Petition at 3.

Qwest, in modifying the Commission's rule,² may have created an unintended obligation that the industry currently is not in a position to implement and, based upon AT&T's interpretation of the proposal, may create carrier obligations that conflict with existing Commission rules. The Commission's notification desire may, in fact, already be addressed by current industry practice at least in certain circumstances. Furthermore, the Commission may find the current Ordering and Billing Forum's ("OBF's") consideration of the Local Exchange Carrier ("LEC") migration guidelines informative and perhaps instructive for future rulemakings.

II. CURRENT INDUSTRY PRACTICE OF LINE LOSS NOTIFICATION MAY ALREADY MEET COMMISSION'S CONCERNS IN REGARD TO CUSTOMER'S SWITCHING CARRIERS WHEN THEY DO NOT PORT THEIR TELEPHONE NUMBER.

There are actually two scenarios that the Commission should consider when contemplating implementation of Qwest's suggested second paragraph. They are: (a) where the retail service is provisioned using resold services or unbundled network elements ("UNEs") and (b) where the service is provisioned solely through competing facilities-based providers. AT&T will address each scenario in turn.

A. Service Provisioned Using Resold Services or UNEs.

Under current industry practice and outside the context of complete facilities-based providers, there are actually two types of carriers that one must consider in contemplating customers changing service. That is, there exists the Local Service

² Qwest attempted to modify the Commission's rule, which is:

WAC 480-120-146 Changing service providers from one local exchange company to another. When a customer changes service providers 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 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.

Provider or “LSP” who has the relationship with the end user and is responsible for communication with and billing the end user for retail services. There is also the Network Service Provider or “NSP” that may resell services to the LSP or may simply provide Unbundled Network Elements (“UNEs”) to the LSP. The NSP essentially provides switch and transport capabilities, along with provisioning the wholesale services purchased by the LSP and the retail services sold by the LSP.

The current notification processes are established in industry guidelines defined in the Local Service Ordering Guidelines (“LSOG”). In these guidelines, when local services are resold or provided through UNEs, it is the NSP-Switch that is notified of loss of service by either the new LSP or NSP-switch using a Local Service Request (“LSR”) issued by the new LSP to the NSP. In this scenario, the old LSP would receive a loss notification to advise of the loss of service from the old NSP-switch and the date that service was terminated. The LSP would then disconnect the account in their systems and stop billing the end user based on the date supplied on the loss notification.

In general, the LSR sent by the new LSP is done in response to a customer seeking service from the new LSP and providing the new LSP with the appropriate customer authorizations required by anti-slamming and cramming rules. The new LSP does not inform the old LSP of the loss or provide any “activation” or implied disconnection information or requests to the old LSP. In fact, another LSP cannot provide accurate disconnect information or suggestions to the new LSP because they simply do not know the customer’s intent especially when the old telephone number is not retained. In fact, the new LSP may not necessarily know who the old LSP is to even contact them. There is no reliable source that identifies the old LSP. In contrast, the new

LSP can identify the NSP using industry standard processes (*e.g.*, LERG, NPAC).

Further, the new LSP does not know what services the customer purchased from the old LSP and whether the customer in fact wants those services discontinued. Finally, short of hearing from the customer, the old LSP does not know with any certainty that the customer wants his or her service discontinued. It is the NSP, through the LSR, that generally will know whether the customer is discontinuing service with an old LSP.

The proposed rule requires that LECs create and implement wholly new, complex and potentially costly communication processes between LSPs. In contrast, for resold or UNE provided services, the NSP and the old LSP already have an established business relationship with interconnection agreements in effect and line loss notification processes in place. Moreover, and as discussed below, this new communication process and the action it implies the old LSP must take conflict with existing Commission rules.

B. Service Provisioned by Facilities-Based Carriers.

Facilities-based providers are in a similarly difficult spot in relation to the rule's second paragraph. Like the new LSPs described above, the "new" facilities-based provider does not necessarily know whether the customer has any particular service through another carrier nor do they know the carrier's identity. Further, the new facilities-based provider has, under the current Commission and federal rules, no right to suggest to another carrier that a customer's existing service with that carrier should be disconnected upon activation of the new facilities-based provider's service to the customer. In fact, the new facilities-based provider may be able to provide the customer with service while the customer maintains the old providers service as well. In short, it is

the customer that should inform the old provider that he or she would like to discontinue service, not a competing carrier.

III. THE NEW OBLIGATIONS CREATED BY THE SECOND PARAGRAPH OF QWEST'S PROPOSAL ARE IN CONFLICT WITH THE COMMISSION'S EXISTING RULES.

As the discussion above demonstrates, the requirement to send an “activation” notice to an old LSP or old LEC carries with it an implication that the old LSP or old LEC must act upon that notification to discontinue some service without prior customer authorization or input. This apparent obligation to act, along with the implication created by sending the “activation” notice, is inconsistent with both the State and Federal slamming rules and it is inconsistent with WAC 480-120-171, which describes customers’ obligations when discontinuing service. That rule states “[t]he customer must notify the company of the date the customer wishes to discontinue service.”³ The rule addresses when the company must stop billing the customer and any obligations if the customer fails to notify the company of the desire to discontinue service. Essentially it places the burden to change the customer account upon the customer where it should be and where the anti-slamming rules require it to be.

The proposed Qwest rules places new LECs and new LSPs in the middle of existing or discontinuing customer-carrier relationships where they do not belong under current rules and where they do not have sufficient information to necessarily act in accordance with customer desires. As a consequence, the Commission should not adopt the second paragraph as modified, but rather it should rely upon industry LSOG practice and customer obligations to discontinue service they no longer want to address these concerns. Furthermore, AT&T recommends that the Commission consider the OBF

³ WAC 480-120-171(1).

investigation of this issue and consider postponing any further action in relation to line-loss notification or activation notices pending OBF's creation of an industry standard to address customer migrations.

IV. OBF CONSIDERATION OF CUSTOMER MIGRATION ISSUES WILL CREATE THE NECESSARY INDUSTRY STANDARDS TO FURTHER ADDRESS THE COMMISSION'S CONCERNS.

AT&T suggests that the State consider the work being done by the Alliance for Telecommunications Industry Solutions' ("ATIS") Ordering and Billing Forum ("OBF") to address Local Service Migrations. The OBF/Local Service Ordering and Provisioning ("LSOP") Committee of ATIS is nationally recognized as "hav(ing) the responsibility for development and maintenance of the ordering and provisioning processes, as well as the associated documentation."⁴ Recognizing the need for a uniform set of guidelines to address Local Service Migrations between Competitive Local Service Providers ("CLECs"), which need to integrate with established ILEC ordering processes, the LSOP committee has accepted Issue 2631, which will create a new *Local Service Migrations (LSM) Overview Practice* that:

- Contains all local service migration order flows.
- Provides a cross-reference matrix that will indicate each LSOG Form and the associated practice's data elements that would be applicable per local service migration order flow.⁵

There are several advantages to a national approach, including: (a) the simplicity of a single set of CLEC-to-CLEC migration processes for all states, (b) lack of wasted effort by repairing the development process state-by-state, (c) the entire CLEC industry would have the opportunity to craft and provide feedback on the creation of these processes and

⁴ See ATIS-OBF home web page: <http://www.atis.org/atis/clc/obf/obfhom.htm>

⁵ See **Exhibit A**, attached (OBF Issue 2631).

(d) the parties that service more than one state would not have multiple, different migration processes with which to comply and the enormous expense of such compliance. Utilizing a national forum would expedite the creation of uniform migration guidelines. In fact, AT&T or party-participants⁶ could report to the Commission on a bi-monthly basis to keep the Commission informed about the progress OBF/LSOG is making.

Obviously, AT&T's preference is to not adopt any rule that is inconsistent with current industry practice at this time, and defer further rulemaking to give OBF time to develop the Local Service Migration Guideline. One national local service migration process should be *collaboratively defined*, documented and followed by *all* LECs. The national process has the advantage of establishing functional responsibilities between LECs, defining and providing accountability mechanisms and ensuring that all carriers and states interoperate on a technically compatible basis.

The proposed rule under estimates the complexity of the steps involved in migrating an end-user's local service and as a result, AT&T urges the Commission to hold in abeyance any further rule notification adjustment that would be inconsistent with current industry practice.

⁶ To encourage greater CLEC participation, ATIS/OBF established the Local Service Migration Task Force formally known as the "Multi-provider Migration Task Force." This forum allows non-funding Companies to participate in issue resolutions concerning CLEC migrations. Issue 2631 will be worked though this task force. More information on ATIS-OBF can be obtained from the following website: http://www.atis.org/atis/clc/obf/LSOP/multi_migration.htm

V. CONCLUSION

AT&T appreciates the opportunity to respond to Qwest's proposal and the Commission's latitude in the timing of this response. That said, AT&T recommends that the Commission act consistent with its comments herein.

Respectfully submitted this 4th day of September, 2003.

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

By

Letty S.D. Friesen
1875 Lawrence Street, Suite 1575
Denver, Colorado 80202
Telephone: (303) 298-6475