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BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

PETITION FOR WAIVER OF
WAC 480-120-146 AS ADOPTED ON
DECEMBER 16, 2002 IN DOCKET NO.
UT-990146 AND EFFECTIVE JULY 1, 2003

Docket No. UT- _____
QWEST CORPORATION'S
PETITION FOR WAIVER

Qwest Corporation ("Qwest") hereby petitions the Washington Utilities and Transportation Commission ("Commission") for a waiver of WAC 480-120-146. This rule was developed through proceedings in Docket No. UT-990146¹ and becomes effective on July 1, 2003.

THE RULE

On December 12, 2002, the Commission filed with the Code Reviser, General Order No. R-507, which included the newly developed rule WAC 480-120-146. As adopted, the rule reads as follows:

Changing service providers from one local exchange company to another:

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 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 In the Matter of Amending, Adopting and Repealing Chapter 480-120 WAC Relating to Telephone Companies, Docket UT-990146, General Order No. R-507, Order Amending, Adopting and Repealing Rules Permanently, filed with the Code Reviser's Office December 12, 2002.

1 **DISCUSSION**

2 Qwest seeks a waiver of the rule in those instances where a customer migrates from Qwest to
3 another local exchange carrier (LEC) or migrates from another LEC to Qwest, and the customer retains
4 the same telephone number via Local Number Portability (LNP).

5 Qwest understands that this rule was adopted because the Commission was concerned about
6 premature disconnects. Qwest shares the Commission's concern that end user customers should not be
7 disconnected prematurely when changing local service providers. Qwest also supports the Commission's
8 goal that LECs work together to resolve problems. It is with these two goals in mind that Qwest seeks
9 this waiver for those instances when a customer is changing from Qwest to another LEC or from another
10 LEC to Qwest utilizing Local Number Portability (LNP).

11 Qwest seeks permission to continue the highly successful LNP process which the Commission
12 ordered in Qwest's 271 proceeding² for instances where customers migrate service from Qwest to
13 another LEC and retain the same telephone number. Last year Qwest processed 1,078,605 port-outs,³
14 of which 182,633 were in Washington. Given the high volume of LNP orders which Qwest processes,
15 the manual notification process set out in the rule is not feasible. Qwest does not have the resources to
16 manually receive notification from other LECs on an average of over 15,000 port-outs per month, and
17 manually match each LEC notification to a specific Qwest service order prior to completing Qwest's
18 work. Such a cumbersome manual process would be prone to human error and could actually hinder
19 rather than improve customer service.

20 As discussed during Workshop #2, Qwest does not currently have technology that would enable
21 Qwest to be notified by NeuStar's Number Portability Administration Center (NPAC) database and
22 electronically match individual port notification reports against Qwest's individual pending order. The
23 Administrative Law Judge's Initial Order for LNP, found that:

24 ² In the Matter of the Investigation Into U S WEST Communications, Inc.'s Compliance With Section 271 and
25 Statement of Generally Available Terms Pursuant to Section 252(f) of the Telecommunications Act of 1996, Docket No.
26 UT-003022/UT-003040.

³ A port-out (or port-in) is a change in service provider involving number portability.

1 In order to prevent service outages to customers should there be
2 problems with porting a number or the coincident cutover of a loop,
3 Qwest should wait until 11:59 p.m. of the day following the scheduled
4 port before disconnecting a customer's previous service.⁴

5 The Commission's 15th Supplemental Order ("Workshop #2 Final Order")⁵ affirmed the delayed
6 disconnection requirement. The Order also found that Qwest cannot require CLECs to use a managed
7 cut procedure.⁶ Qwest's Commission-approved SGAT⁷ provides detailed process documentation
8 concerning the delayed disconnect requirement at Section 10.2.5.3.1.

9 Qwest has developed its systems and processes to support this Commission-ordered process
10 and the Regional Oversight Committee (ROC) also developed the performance measures, the
11 Performance Indicator Definitions (PIDs), based on the delayed disconnect process for LNP.

12 Qwest's performance results substantiate that the current delayed disconnect process is working
13 effectively to achieve the Commission's goal of timely disconnects. Qwest's PID OP-17 measures
14 Timeliness of Disconnects Associated with LNP Orders. Monthly results from February, 2002 through
15 January, 2003, are provided as Attachment 1. As evidenced by the results, Qwest exceeded the
16 benchmark measurement, OP-17A, every month. For seven of the months, the result was 100% and the
17 remaining five months ranged from 99.73% to 99.99%. Qwest's performance for the diagnostic
18 measurement, OP-17B, was 100% for eleven out of twelve months (the twelfth month result was
19 99.99%). These results provide clear evidence that Qwest's current process is highly effective in
20 facilitating the goal of timely disconnects for customers porting to another LEC.

21 In those instances where a customer is migrating to Qwest from another LEC, Qwest seeks to

22 ⁴ In the Matter of the Investigation Into U S WEST Communications, Inc.'s Compliance With Section 271 and
23 Statement of Generally Available Terms Pursuant to Section 252(f) of the Telecommunications Act of 1996, Initial Order
24 Finding Noncompliance in the Areas of Interconnection, Number Portability and Resale. Docket No. UT-003022/UT-
003040 at paragraph 215.

25 ⁵ In the Matter of the Investigation Into U S WEST Communications, Inc.'s Compliance With Section 271 and
26 Statement of Generally Available Terms Pursuant to Section 252(f) of the Telecommunications Act of 1996, Fifteenth
Supplemental Order, Commission Order Addressing Workshop Two Issues: Checklist Items Nos. 1, 11, and 14. Docket
No. UT-003022/UT-003040 at paragraph 81.

⁶ *Id.* At paragraph 164.

⁷ Statement of Generally Available Terms and Conditions For Interconnection, Unbundled Network Elements,
Ancillary Services, and Resale of Telecommunications Services Provided By Qwest Corporation, Eighth Revision, June
25, 2002.

1 continue working with other local exchange carriers under its current port-in process, which has resulted
2 in minimal premature disconnects. During 2002, Qwest ported-in 20,630 telephone numbers from other
3 local service providers in Washington. During this period, Qwest received twenty-one customer
4 complaints or escalations concerning premature disconnection. Therefore, 99.9% of telephone numbers
5 ported-in experienced timely disconnects. As previously explained, due to order volume, a manual
6 process would be subject to human error and potentially could hinder, rather than improve customer
7 service. Under the current process, the customer's former LEC should complete the disconnect on
8 Qwest's requested Due Date or perform a delayed disconnect on the day following the Due Date. On an
9 exception basis, Qwest will submit requests for Subsequent Due Dates pursuant to industry standards.
10 The former LEC would work the disconnect on the Subsequent Due Date or the day following the
11 Subsequent Due Date. (This is the same process that Qwest follows for porting-out.)

12 Qwest's current LNP processes are approved by the FCC's North American Numbering
13 Council's (NANC) Local Number Portability Administration Working Group.⁸ The FCC recently issued
14 an order concerning Port Confirmation⁹. In that order, the FCC concluded that it was reasonable for
15 parties to adopt practices and standards that emerge from the industry process.¹⁰

16 **CONCLUSION**

17 Qwest seeks a permanent waiver of WAC 480-120-146 in those instances wherein a customer
18 migrates from Qwest to another LEC, or migrates from another LEC to Qwest and the customer retains
19 the same telephone number via LNP. Instead of the process described in the rule, Qwest proposes that it
20 continue to follow the LNP delayed disconnect process pursuant to the Commission's 15th Supplemental
21 Order in Docket UT-003022/UT-003040. In those instances where a customer migrates to Qwest from
22 another LEC, Qwest seeks approval that the CLEC may work the disconnect on Qwest's requested Due

23 ⁸ Local Number Portability Administration Working Group Guidelines. Provisioning with Unconditional 10-Digit
Trigger, Figure 3, Flow AA, revised February 7, 2002.

24 ⁹ FCC Memorandum Opinion and Order, In the Matter of Petition of WorldCom, Inc., Cox Virginia Telcom, Inc., AT&T
25 Communications of Virginia Inc. Pursuant to Section 252(e)(5) of the Communications Act for Preemption of the
Jurisdiction of the Virginia State Corporation Commission regarding Interconnection Disputes with Verizon Virginia,
Inc., and for Expedited Arbitration, CC Docket No. 00-218, et al. Paragraph 566.

26 ¹⁰ Id.

1 Date or perform a delayed disconnect on the day following the Due Date. Granting this waiver will
2 ensure that Qwest can continue to provide timely disconnects and installations which will benefit end user
3 customers.

4 RESPECTFULLY SUBMITTED this ____day of March, 2003.

5 QWEST CORPORATION
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