

Agenda Date: March 24, 2004

Item No.:

Docket: **UT-030964**
Company: Qwest Corporation

Staff: Tom Wilson, Telecommunications Analyst
Karen Caillé, Administrative Law Judge

Recommendation:

Direct the Staff to prepare a Rule Adoption Order for Commissioners' review to adopt changes to WAC 480-120-146, changing from one local exchange company to another, in Title 480 of the Washington Administrative Code.

Discussion:

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 (LEC) to another. On August 1, 2003, the Commission filed a Notice of Proposed Rulemaking (CR-102) with the Code Reviser that would amend WAC 480-120-146, as proposed by Qwest's June 17, 2003, petition. On August 27, 2003, written comments on the rule proposal were received from Sprint, AT&T, Verizon, and Eschelon. On October 2, 2003, a workshop was held. On October 22, 2003, the Commission continued the case to December 10, 2003. On December 10, 2003, the Commission continued the case again to January 14, 2004, when Staff recommended substantially revised proposed changes. On January 21, 2004, a supplemental CR-102 was filed, reflecting the revised draft proposal. Qwest and AT&T filed supportive written comments on February 25, 2004.

The current rule conflicts with the Commission Order in Docket No. UT-003022, approving Qwest's Statement of Generally Available Terms (SGAT), and it provides LECs with fewer options than allowed by the FCC guidelines for local number portability (LNP). The proposed rule changes cure the problem by adopting by reference the FCC rule governing LNP.¹ Staff and all parties agree that national LNP operations flow guidelines will assure service continuity, and integrity during a transfer. For example, the rule insures that the customer's telephone number is transferred correctly, the old service is not turned off until the new service is ready, and the old service provider is given notice that the service has been transferred so that the old service provider will know when to stop billing. The proposed rule changes also address situations where LNP is not invoked, but nevertheless, loss notification is required to be provided to the old service provider when a customer transfers from one LEC to another LEC.

The proposed rule changes are shown below in legislative format.

¹ Title 47, Chapter I, Part 52.26.

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.))~~ When a customer migrates from one local exchange company (LEC) to another, where applicable, the carriers involved must perform local number portability (LNP) in compliance with the Federal Communications Commission (FCC)-approved method and time frame for disconnecting that service following the scheduled port under Title 47, Chapter I, Part 52.26 of the Code of Federal Regulations. Part 52.26 adopts the North American Numbering Council (NANC) recommendations on local number portability administration,"Working Group Report" with certain qualifications and additions. The effective date for 47 CFR §52.26 is stated in WAC 480-120-999.

When the underlying carrier is providing local exchange services for resale by a LEC and then facilitates migration of that service to another LEC or back to itself, the underlying carrier shall notify the old LEC when the customer's service has been transferred.

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

Conclusion:

Staff recommends that the Commission direct the Staff to prepare a Rule Adoption Order for Commissioners' review to adopt changes to WAC 480-120-146, changing from one LEC to another, in Title 480 of the Washington Administrative Code.