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Decision 97-04-030 April 9, 1997

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking on the )  
Commission's Own Motion Into )  
Competition for Local Exchange )  
Service. )

R.95-04-043  
(Filed April 26, 1995)

**ORIGINAL**

Order Instituting Investigation )  
on the Commission's Own Motion )  
into Competition for Local Exchange )  
Service. )

1.95-04-044  
(Filed April 26, 1995)

O P I N I O N

Introduction

On August 23, 1996, the California Department of Consumer Affairs (DCA) filed a petition requesting that the Commission modify its Decision (D.) 96-08-028 (Decision) issued August 2, 1996. By this decision, we deny DCA's petition. In D.96-08-028, the Commission established a preliminary statewide area-code-relief policy, and also ordered telecommunications carriers to implement permanent Local Number Portability (LNP) using an architecture known as Location Routing Number (LRN). The LRN architecture represented one of the two alternatives presented to the Commission for permanent LNP implementation as developed by the California Local Number Portability Task Force.

Positions of Parties

DCA requests that D.96-08-028 be modified to revise the description of the alternatives for implementing LNP. DCA believes that the Commission mischaracterized the second of the two LNP alternatives considered in D.96-08-028 and seeks a modification of the Decision to provide what DCA believes to be the correct characterization.

The Commission rejected the second LNP alternative described in the LNP Task Force Report as a "common routing algorithm that allows for alternative triggering mechanisms..."<sup>1</sup>

DCA takes exception to the following reference in the Decision to the two LNP alternatives:

"[W]e have only two alternatives for permanent LNP before us for consideration, either the LRN model favored by the Joint Commenters or the [Query on Release] QoR model preferred by the LECs, DRA, and the Department of Consumer Affairs." (Decision at 29.)

DCA believes the Commission misrepresented the latter alternative as being limited only to QoR, and instead, should have characterized the second alternative as offering "carrier choice" of available triggering mechanisms.

DCA states that it has never supported adoption of QoR as the only triggering mechanism for providing LNP; nor has it supported adoption of LRN as the only mechanism for providing LNP. DCA supported adoption of a LNP solution that allows the use of both mechanisms -- a solution that establishes a standard routing mechanism (LRN) and other necessary operational standards, and allows each provider the opportunity to select, from the available triggering mechanisms which meet those standards, that triggering mechanism which is most efficient and cost-effective in the provider's network.

DCA further claims that the Federal Communications Commission (FCC) has adopted, in large measure, carrier choice as the national LNP solution in its Telephone Number Portability Decision.<sup>2</sup> Even though the FCC states that one of the LNP

<sup>1</sup> This description of Alternative 2 is quoted from the LNP Task Force Report filed on February 29, 1996.

<sup>2</sup> FCC Order 96-286, July 2, 1996, Docket 95-116.

performance criteria it establishes will effectively preclude providers from implementing QoR, DCA believes that the FCC's adoption of carrier choice still does not mandate adoption of LRN as the only LNP solution.

Although DCA disagrees with the Commission's decision to require that all telecommunications providers serving California use LRN as the sole LNP solution, DCA concedes it has no new facts or evidence to present in support of the carrier-choice solution. DCA, therefore, does not seek modification of the Commission's decision rejecting carrier choice as the LNP solution for California.

However, the DCA expresses concern that the Decision misstates DCA's position with respect to an LNP solution, and believes that the Decision should be modified to accurately reflect its position, and to accurately reflect the alternative LNP-architecture choices which the Commission had before it for consideration. Therefore, the DCA requests that the Commission modify page 25, paragraphs 2 and 3 of its Decision to delete language indicating that the two alternative LNP proposals are mutually exclusive, and to revise its description of Alternative 2 to state that, under this alternative, providers would be allowed to use LRN as well as other LNP triggering mechanisms.

GTE California, Inc. (GTEC) filed a response in support of DCA's Petition for Modification. GTEC believes that LNP Alternative 2 would provide flexibility to all service providers in procuring and deploying LNP functionality in their respective networks. While GTEC supports the opportunity for carriers to use QoR, GTEC did not intend that carriers would be limited to QoR. GTEC argues that the wording of Alternative 2 was carefully chosen to ensure that the industry would be able to implement improvements in triggering technology that may be developed in the future.

Responses in opposition to DCA's Petition were filed by MCI Telecommunications (MCI) and AT&T Communications of California,

Inc. (AT&T). MCI and AT&T argue that the modifications called for by DCA regarding the two alternatives presented by the Task Force Report are misleading, and would result in an inaccurate description of the choice of LNP architectures the Commission had before it.

MCI/AT&T argue that the LNP Task Force's Alternative 2, nominally described as "carrier choice," lacks sufficient specificity to even have been properly evaluated and considered by this Commission and should only be viewed as an alternative if seen as a vehicle for consideration of the Release to Pivot (RTP) and/or QoR architectures, both proposed by Pacific Bell. AT&T/MCI state that, at the time the Commission made its decision, and still today, there are no other mechanisms being seriously considered besides LRN or QoR by carriers, software vendors, the FCC or this Commission for implementation of permanent LNP.

Contrary to DCA's belief, AT&T/MCI argue that an individual carrier would not be able to pick and choose from many different architectures, but that the only real "carrier choice" under Alternative 2 is QoR. Therefore, A&T/MCI believe no modification to the Decision is necessary.

#### Discussion

We agree with DCA that LNP Alternative 2 was nominally presented in the Task Force Report as providing all carriers individual choice in the type of architecture used to deploy LNP. In D.96-08-028, we acknowledged this fact, noting that Alternative 2 was a proposal for a "common routing algorithm that allows for alternative triggering mechanisms..." (Decision at 25). We also acknowledged that DCA was among the proponents of this alternative.

As we also noted in D.96-08-028, however, Pacific planned to exclusively use QoR as its LNP routing method if Alternative 2 was adopted by the Commission. As a practical matter, QoR was the

only defined routing approach presented to the Commission under Alternative 2.

Moreover, we conclude that the Decision was correct in characterizing LRN and QoR as mutually exclusive alternatives. LRN and QoR operate very differently on carrier networks. QoR initially tries to complete every call to the carrier end office to which the dialed NXX code has been assigned regardless of whether the call is made to a number that has been ported. If the called party is a continuing customer, and the number has not been ported, then the call completes as it would in a non-ported environment. However, if the called customer has switched carriers, and ported his or her number, then the call returns to the originating switch to be "dipped" in the number portability database to obtain the newly assigned switch location of the ported number. LRN, on the other hand, treats all calls in ported NXXs alike, and automatically dips every local interoffice call to a ported NXX. These two approaches are thus mutually exclusive as deployed on carrier networks.

As noted by MCI and AT&T, vendors would not be motivated to invest in developing a particular LNP architecture unless there is an assured market for it. Thus, the approval by the Commission of a single consistent industry standard for LNP implementation provides the market with certainty for expeditious vendor development of the technology base. The pretense of approving a "carrier choice" alternative would have tended to create confusion as to what is the LNP industry standard and would have ultimately served to delay LNP implementation.

In reality, there were, therefore, only two real alternatives before the Commission for LNP routing, either LRN or QoR. The approval of Alternative 2 would have constituted an endorsement of the QoR technology. It would have been misleading to approve Alternative 2 and claim we were adopting true "carrier

choice" or to imply that Alternative 2 represented a multiple array of different architectures for implementing LNP routing.

Consequently, we conclude that the Decision correctly characterized the LNP Alternative 2, and that no modification of the Decision is called for.

Findings of Fact

1. The Local Number Portability (LNP) Task Force Report dated February 29, 1996, presented two alternatives for consideration by the Commission to implement LNP.

2. In D.96-08-028, the Commission approved the first of the two alternatives, calling for the exclusive use of Location Routing Number (LRN) as the architecture to be used to implement LNP.

3. LNP Alternative 2 was described in the Task Force Report as a proposal for a "common routing algorithm that allows for alternative triggering mechanisms..."

4. As also noted in D.96-08-028, however, Pacific planned to exclusively use Query on Release (QoR) as its LNP method if Alternative 2 was adopted by the Commission.

5. As a practical matter, QoR was the only defined routing approach presented to the Commission under Alternative 2.

6. While the second LNP alternative purported to offer individual carrier choice of LNP architecture, there were only two real alternatives before the Commission for LNP routing, either LRN or QoR.

7. The approval of Alternative 2 would have effectively constituted an endorsement of the QoR technology.

8. It would have been misleading to imply that Alternative 2 would allow for a multiple array of differing architectures to be used for implementing LNP routing.

9. The approval by the Commission of a single consistent industry standard for LNP implementation provides market certainty for expeditious vendor development of the LNP technology base.

Conclusions of Law

1. D.96-08-028 was correct in characterizing LRN and QoR as mutually exclusive alternatives.
2. The Decision correctly characterized the nature of LNP Alternative 2.
3. No modification in D.96-08-028 is necessary with respect to the descriptions and characterizations of the LNP alternatives before the Commission.
4. The Petition to Modify should be denied.

O R D E R

IT IS ORDERED that the Petition to Modify Decision 96-08-028 filed by the California Department of Consumer Affairs is denied.

This order is effective today.

Dated April 9, 1997, at San Francisco, California.

P. GREGORY CONLON  
President  
JESSIE J. KNIGHT, JR.  
HENRY M. DUQUE  
JOSIAH L. NEEPER  
RICHARD A. BILAS  
Commissioners