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October 26, 2001

BY HAND DELIVERY

Ms. Blanca Bayó, Director
Division of Records and Reporting
Room 110, Easley Building
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2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850

011392-TP

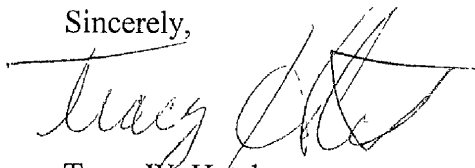
Dear Ms. Bayó:

Enclosed for filing on behalf of AT&T Communications of the Southern States, Inc. are and original and fifteen copies AT&T Communications of the Southern States, Inc.'s Complaint.

Please acknowledge receipt of these documents by stamping the extra copy of this letter "filed" and returning the same to me.

Thank you for your assistance with this filing.

Sincerely,



Tracy W. Hatch

TWH/amb
Enclosures

DOCUMENT NUMBER-DATE
13603 OCT 26 01
FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint of AT&T Communications)
of the Southern States Inc. TCG South)
Florida and MediaOne Florida)
Telecommunications, Inc. against BellSouth)
Telecommunications, Inc for improper use)
and treatment of certain NXX codes.)
_____)

Docket No. _____

Filed: October 26, 2001

COMPLAINT

AT&T Communications of the Southern States, Inc., TCG South Florida, Inc. and AT&T Broadband Phone of Florida, LLC (collectively "AT&T") file this Complaint against BellSouth Telecommunications, Inc. ("BellSouth") for improper use and treatment of certain NXX codes in violation of the Telecommunications Act of 1996, rules of the Federal Communications Commission (FCC), Chapter 364, Florida Statutes and the Interconnection Agreement between AT&T and BellSouth. In support of this complaint AT&T states:

1. Each of the AT&T operating entities is certificated by the Commission as an alternative local exchange company. AT&T's official address for receiving communications from the Commission is:

AT&T
1200 Peachtree Street
Suite 8100
Atlanta, Georgia 30309

2. BellSouth Telecommunications, Inc. is an incumbent local exchange company certificated by the Commission to provide local exchange services in Florida. BellSouth's address for receiving communications from the Commission is:

BellSouth Telecommunications, Inc.
150 South Monroe Street, Suite 400
Tallahassee, FL 32301-1556

3. This complaint is filed pursuant to Chapters 120 and 364, Florida Statutes, the Telecommunications Act of 1996, and Rules 25-22.036 and 28-106.201, Florida Administrative Code.

4. In the course of providing local service to its customers in the 954 area code, AT&T received complaints from certain of its customers that they could not complete calls to BellSouth customers that had telephone numbers assigned with the 930 NXX. The 930 NXX central office code is used by BellSouth in numerous NPAs within Florida. This code is commonly referred to as an "oddball" code.¹ Generally, oddball codes have been designated to a specific function based on national standards applicable to all carriers.² BellSouth appears to be the only carrier in Florida to utilize oddball codes for other than national standard functions.

5. AT&T's investigation of the blocked calls determined that the calls were being sent to BellSouth's network over regular interconnection trunks but that calls to the 930 NXX were being blocked. As stated above, the 930 NXX is used only by BellSouth. BellSouth uses the 930 NXX, as well as certain other oddball codes to provide tariffed services such as Uniform Access Number, UniServe and ZipConnect. In discussions regarding the problems with blocked calls to the 930 NXX, BellSouth informed AT&T that to complete calls to BellSouth customers with the 930 NXX, AT&T must terminate such calls to BellSouth only on operator services trunks (TOPS trunks) from the AT&T switch to at least one BellSouth central office in each LATA. AT&T does not use operator services trunks to interconnect with BellSouth for the

¹ The term oddball codes is not specifically defined by the FCC's rules or Central Office Code (NXX) Guidelines. NANPA and many industry members use the term to refer to NXX codes that are considered throughout the industry as special use codes. Unlike ordinary NXX Codes, oddball codes are not associated with specific rate centers since they can be national or regional in scope. See Order No. PSC-01-1484-PCO-TL, issued July 16, 2001, in Docket No. 010614-TL.

² Examples of nationally standard oddballs codes are 911, which is used for emergency purposes, 411 which is used for directory services, and 950, which is used for FGB switched access. For a more complete list of nationally standardized oddball codes, see Order No. PSC-01-1484-PCO-TL.

exchange of local traffic. AT&T provides its own operator services and has no need to install operator services trunks to the BellSouth's operator services platform.

6. Despite AT&T's requests to BellSouth to transport and terminate AT&T's customers' calls to the 930 NXX delivered through regular interconnection trunks, BellSouth continues to block such calls from termination to the called BellSouth customer. BellSouth has suggested to AT&T that it is working on a plan to fix the problem of blocked calls. However, BellSouth has not described what the plan is, how it will be accomplished or when it will be complete. Until this undefined "fix" is implemented, AT&T faces a "hobson's choice" of installing expensive and otherwise superfluous operator services trunks or continuing to have its customers' calls blocked. BellSouth has also informed AT&T that telephone numbers in the 930 NXX group are a proprietary BellSouth product and not telephone numbers. As a result, BellSouth has stated that it will refuse to port any 930 NXX customer telephone number to another local carrier.

7. BellSouth's assignment of numbers from oddball codes to its end user retail customers, its refusal to quickly repair the network defect to allow calls from AT&T's customers to numbers associated with such codes, and its refusal to port such numbers are unfair and anticompetitive practices in violation of Sections 364.01(g) and 364.16, Florida Statutes. BellSouth's practices surrounding its use of numbers from oddball codes is contrary to the AT&T/BellSouth Interconnection Agreement as well as the FCC's rules regarding dialing parity, number assignment and number conservation. BellSouth's refusal to port any number assigned from the oddball codes violates the FCC's number portability rules and Sections 251(b)(2) and (3) of the Telecom Act of 1996. Finally, BellSouth's practices regarding oddball codes are a graphic illustration of BellSouth's failure to comply with Sections 271(c)(2)(B)(i), (ix), (xi) and

(xii) of the Telecom Act. As a result of these violations, AT&T asks the Commission to order BellSouth: to immediately cease imposing special trunking requirements for AT&T's customers' calls to numbers assigned from BellSouth's non-industry standard oddball codes, to immediately require BellSouth to transport such calls to the BellSouth called party in the manner that all other local traffic is received and terminated by BellSouth, to immediately require that customers with numbers assigned from oddball codes be allowed to port such numbers to the carrier of their choice and to immediately cease marketing any of its universal access number services utilizing oddball codes, such as UniServe, until the telephone numbers for those services are made available for porting by BellSouth.

8. BellSouth's blocking of calls to 930 NXX numbers except through the use of TOPS trunks violates Sections 24.3.1.1 and 72.6.1.4 of AT&T's Interconnection Agreement with BellSouth. Section 24.3.1.1 provides:

BellSouth agrees that AT&T Customers will experience the same dialing parity as BellSouth's Customers, such that, for all call types: (i) an AT&T Customer is not required to dial any greater number of digits than a BellSouth Customer; (ii) the post-dial delay (time elapsed between the last digit dialed and the first network response), call completion rate and transmission quality experienced by an AT&T customer will be at least equal in quality to that experienced by a BellSouth Customer, and (iii) the AT&T customer may retain its local telephone number.

Section 72.6.1.4 provides, in part, that, "The parties agree to implement the most efficient trunking arrangement to exchange all traffic unless otherwise agreed. For purposes of this Section "most efficient" means the fewest number of trunks required to carry a forecasted load at P.01 grade of service." This section further provides that AT&T and BellSouth each agree to use best efforts to implement the most efficient interconnection architecture. BellSouth's continued insistence on the installation of operator service trunks for no other purpose than to route calls to

BellSouth's tariffed UAN type services is clearly contrary to Sections 24.3.1.1 and 72.6.1.4 of AT&T's Interconnection Agreement with BellSouth. The most efficient trunking configuration for AT&T customer calls to BellSouth's 930 NXX is to transport those calls to BellSouth over AT&T's regular interconnection trunks. Since AT&T provides its own operator services, BellSouth's trunking requirement is inefficient both technically and economically. Such trunking requirements simply add unfair and anticompetitive expenses to AT&T's costs to provide service.

9. BellSouth's trunking requirements for access to its 930 NXX are also a violation of Section 251(c)(2)(D) of the Act, which requires that BellSouth provide interconnection on rates, terms and conditions that are just, reasonable, and nondiscriminatory. BellSouth's imposition of special trunking requirements for access to its 930 NXX is discriminatory against AT&T. In Docket No.000649-TP, in a dispute between WorldCom and BellSouth over the exact same trunking requirements at issue here, the Commission rejected BellSouth's arguments stating, "we find that requiring special trunking to support BellSouth's special services to its customers would be inappropriate." Order No. PSC-01-0824-FOF-TP, p. 61. The Commission further stated that requiring special trunking "increases WorldCom's costs and decreases trunking efficiencies without any benefit to WorldCom. Moreover, we find that it is BellSouth's duty to transport traffic from the appropriate POI to BellSouth's switches, platforms, or end-users." Order No. PSC-01-0824-FOF-TP, p. 62. AT&T is in exactly the same posture as WorldCom, and BellSouth's insistence on specialized trunking, notwithstanding how it now must treat WorldCom in the same instance, is unreasonable and blatantly discriminatory in violation of the Telecom Act.

10. BellSouth's blocking of calls to 930 NXX numbers except through the use of

specialized trunking violates Section 251(b)(3) of the Act and Section 51.207 of the FCC's rules. Section 251(b)(3) of the Act requires BellSouth to provide dialing parity to all providers of competing exchange or exchange access service. The FCC further provided for dialing parity in its rules adopted to implement the Act. Section 51.207 provides:

A LEC shall permit telephone exchange service customer within a local calling area to dial the same number of digits to make a local telephone call notwithstanding the identity of the customer's or the called party's telecommunications service provider.

AT&T's customers dial the same number of digits to place calls to BellSouth's 930 NXX telephone numbers. However, BellSouth blocks such calls from AT&T's customers unless AT&T first installs additional specialized trunking. Mandating specialized trunking interconnection to complete what is otherwise a regular local call is clearly not dialing parity. This is particularly true in light of the way BellSouth must treat WorldCom for the same types of calls.

11. BellSouth holds its oddball codes only by virtue of its legacy of being a local telecommunications monopoly and its prior historic position as Florida's central office code administrator prior to the overhaul of numbering management and processes by the FCC beginning in 1996 with the passage of the Act. BellSouth has its non-industry standard oddball codes only because, as the historic code administrator, it could assign them to itself. No other local carrier in Florida has or uses oddball codes for non-industry standard services. BellSouth's possession and use of those oddball codes used for tariffed services appears to be a violation of Section 52.15(f) of the FCC's Central Office Code Administration Rules. The 930 NXX and potentially BellSouth's other non-industry standard oddball codes do not fit the mandatory classifications set forth in Section 52.15(f)(1)(i) - (iv) of the FCC's numbering rules. Moreover,

since BellSouth has assigned numbers from its 930 NXX and other oddball codes, if BellSouth has not also assigned every number from the other blocks partially used within a particular oddball code, BellSouth would appear to be in violation of FCC Rule, Section 52.15(j) which requires the sequential assignment of telephone numbers.

12. BellSouth's use and management of the non-industry standard oddball codes it possesses is contrary to the number conservation efforts currently being undertaken by this Commission, the FCC and NeuStar as the current numbering administrator. Recently, the Commission rejected BellSouth's efforts to permanently replicate five of its oddball codes in the new 386 NPA. These codes are 780, 203, 204, 440 and 930. By Order No. PSC-01-1484-PCO-TL the Commission ordered BellSouth to phase-out these non-industry standard oddball codes by March 31, 2003. As the Commission noted, these five codes would tie up over 50,000 numbers in the 386 NPA. Order No. PSC-01-1484-PCO-TL, p. 4. While the Commission's decision is limited to BellSouth's oddball codes in the 386 NPA, the Commission's rationale for the decision applies equally to all of NPAs in Florida in which BellSouth possesses oddball codes. The actual customer affecting problems created by BellSouth's use of non-industry standard oddball codes is more than sufficient cause to eliminate all such codes statewide on a more accelerated basis than required by the Commission in Order No. 01-1484.

13. BellSouth's refusal to port numbers assigned from the 930 NXX violates Section 251(b)(2) of the Act and Section 52.23(a)(3) of the FCC's rules which requires that all local exchange carriers must provide number portability in a manner that does not require end users to change their telecommunications numbers. BellSouth has unequivocally stated that BellSouth will not port any numbers assigned from oddball codes. There cannot be a more clear violation of the number portability requirements of the Act or the FCC's rules. As the FCC noted, "the

ability to change service providers is only meaningful if a customer can retain his or her local telephone number.” 11 FCC Rcd 8352, 8353.

14. Section 271(c)(2)(B) sets forth the competitive checklist of requirements that BellSouth must meet before being allowed to provide in-region interLATA services. Section 271(c)(2)(B)(i) requires BellSouth to provide interconnection in accordance with the requirements of sections 251(c)(2) and 252(d)(1). Section 271(c)(2)(B)(ix) requires that BellSouth comply with all numbering management rules and requirements adopted by the FCC. Section 271(c)(2)(B)(xi) requires BellSouth to comply fully with the regulations implemented by the FCC’s number portability rules. Section 271(c)(2)(B)(xii) requires BellSouth to provide local dialing parity. As discussed above BellSouth’s requirement to install specialized trunking to provide access to AT&T’s customers to customers with numbers assigned from BellSouth’s 930 NXX is unfair, unreasonable, anticompetitive and discriminatory against AT&T. BellSouth’s blockage of calls from AT&T customers to the 930 NXX violates the FCC’s dialing parity requirements. BellSouth’s refusal to port 930 NXX numbers as well as its use and management of its non-industry standard oddball codes violates the FCC’s number portability rules and the numbering administration rules, respectively. All these substantive violations of the Act and the FCC’s rules are graphic illustrations of BellSouth’s continuing failure to comply with the Section 271 checklist.

15. AT&T has met with BellSouth and extensively discussed the problems regarding BellSouth’s oddball codes in an attempt to resolve the issues. AT&T’s efforts to reach a reasonable resolution have been unsuccessful.

WHEREFORE, based on the foregoing, AT&T requests that the Commission:

Order BellSouth to immediately cease imposing special trunking requirements for AT&T's customers' calls to numbers assigned from BellSouth's non-industry standard oddball codes;

Order BellSouth to immediately begin transporting AT&T's customers' calls to numbers assigned from BellSouth's non-industry standard oddball codes to the BellSouth called party in the manner that all other local traffic is received and terminated by BellSouth;

Order BellSouth to immediately begin porting customers' numbers assigned from oddball codes to the local exchange carrier chosen by such customers;

Order BellSouth to immediately cease marketing any of its universal access number services utilizing oddball codes, such as UniServe, until the telephone numbers for those services will be ported by BellSouth; and

Grant such other relief as may be determined to be appropriate by the Commission.

RESPECTFULLY SUBMITTED, this 26th day of October, 2001.

By: _____


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AT&T Broadband Phone of Florida, LLC

TCG South Florida, Inc.

CERTIFICATE OF SERVICE

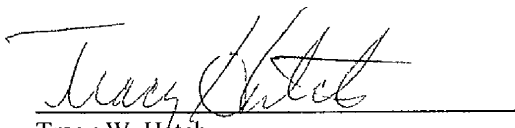
I HEREBY CERTIFY that a true and correct copy of AT&T Communications of the Southern States, Inc.'s Complaint has been served on the following parties by Hand Delivery (*) and/or U. S. Mail this 26th day of October, 2001.

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