

FCC 96-333 - SECOND REPORT AND ORDER

This order promulgates rules to implement the parts of Section 251 relating to the elimination of certain operational barriers to competition. Specifically, the order "addresses local exchange carriers' obligations to provide their competitors with dialing parity and nondiscriminatory access to certain services and functionalities; incumbent local exchange carriers' duty to make network information disclosures; and numbering administration." A full summary of this order is provided in *The Telecommunications Trilogy*.

DIALING PARITY REQUIREMENTS - LECs, including BOCs, were to submit a plan to the state regulatory commission setting forth their plan for implementing dialing parity. Toll dialing parity was to be implemented no later than February 8, 1999. However, states were authorized to determine whether a more accelerated implementation should be utilized for LECs operating within their jurisdictions. Where a state issued an order by December 19, 1995 requiring a BOC to implement toll dialing parity in advance of the implementation deadlines established by the FCC, the FCC stated that it did not intend to extend the deadline beyond that established by the state.

Section 271 requires BOCs to provide intraLATA toll dialing parity throughout a state coincident with the exercise of their authority to offer interLATA services originating within the state. A BOC's entry into the interLATA market is conditioned upon its offering of nondiscriminatory access to the services or information necessary to allow a requesting carrier to implement local dialing parity in accordance with Section 251(b)(3).

The FCC stated its awareness that BOCs were subject to certain LATA boundary restrictions and may find it technically infeasible, or otherwise undesirable to implement toll dialing parity based on state boundaries. The Commission concluded that the states should be able to take the relevance of those factors into account, where applicable, and have the flexibility to require that toll dialing parity implementation be based on the basis of state boundaries would be pro-competitive and otherwise in the public interest. A state order cannot grant a BOC a deferral, waiver, or suspension of the obligation to implement dialing parity.

NONDISCRIMINATORY ACCESS PROVISIONS - (to telephone numbers, operator services, directory assistance and directory listings) As used in Section 251(b)(3), "nondiscriminatory access" involves both-

(1) nondiscrimination between and among carriers in rates, terms,

and conditions of access; and
(2) the ability of competing providers to obtain access that is at least equal in quality to that of the providing LEC.

The definition in Section 251(b)(3) recognizes the more general application of that section to all LECs, while Section 251(c) places more specific duties on ILECs in terms of nondiscriminatory access. "Nondiscriminatory access to telephone numbers" requires all LECs to permit competing providers access to telephone numbers that is identical to the access the LEC provides to itself.

"Operator services" means any automatic or live assistance to a consumer to arrange for billing or completion, or both, of a telephone call. Any customer should be able to obtain operator services by dialing "0" or "0-plus the desired telephone number."

Directory assistance must be provided in a manner that is at least equal quality to the access that the LEC provides itself. LECs must share directory listings in "readily accessible" tape or electronic formats, in a timely manner. Prohibition of unreasonable dialing delays applies to local and toll dialing parity.

NUMBERING ADMINISTRATION - Part V, Section D, "Section 271 Competitive Checklist Requirement that the BOCs Provide Non-Discriminatory Access to Numbers for Entry into In-region InterLATA Services", contains limited reference to Section 271. Basically, this part provides that until numbering administration guidelines, plans or rules are established, BOCs desiring to provide in-region interLATA telecommunications services must provide non-discriminatory access to telephone numbers for assignment to the other carrier's telephone exchange service customers. After guidelines are established, the BOC is required to comply with them.

The FCC declined to specifically address Section 271 checklist issues and stated that it will consider each BOC's application to enter in-region interLATA services pursuant to Section 271(c)(2)(B) on a case by case basis, and will look specifically at the circumstances and business practices governing CO code administration in each applicant's state to determine whether the BOC has complied with Section 271(c)(2)(B)(ix).

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