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November 22, 2000

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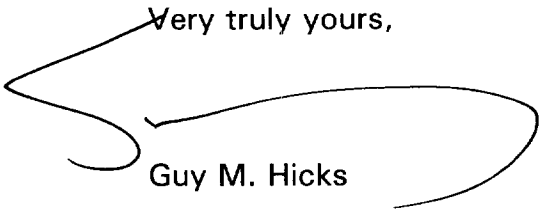Fax 615 214-7406

VIA HAND DELIVERY

David Waddell, Executive Secretary
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37238

Re: *Complaint by AT&T Regarding the Delivery of Calling Name Services
by BellSouth Telecommunications, Inc.*
Docket No. 00-00971

Dear Mr. Waddell:

Enclosed are the original and thirteen copies of BellSouth's Brief on
Threshold Issues. Copies of the enclosed are being provided to counsel of record
for all parties.

Very truly yours,

Guy M. Hicks

GMH:ch
Enclosure

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**BEFORE THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE**

IN RE: COMPLAINT BY AT&T REGARDING THE DELIVERY OF
CALLING NAME SERVICES BY BELLSOUTH
TELECOMMUNICATIONS, INC.

Docket No. 00-00971

BELLSOUTH TELECOMMUNICATIONS, INC.'S
BRIEF ON THRESHOLD ISSUES

In compliance with the Hearing Officer's directives during the November 7, 2000 Status Conference in this Docket, BellSouth Telecommunications, Inc. ("BellSouth") respectfully submits this brief addressing AT&T's letter dated October 30, 2000 and the two threshold issues identified by the Hearing Officer during that conference.

I.   **AS A RESULT OF THE SOLUTION IMPLEMENTED BY BELLSOUTH, THE DIRECTORY NAME OF THE CUSTOMER REFERENCED IN AT&T'S COMPLAINT IS BEING DELIVERED TO BELLSOUTH'S CALLER ID – DELUXE CUSTOMERS.**

AT&T's letter addresses an AT&T customer that has a ported number from BellSouth. According to the letter, when AT&T's customer calls a BellSouth customer who subscribes to BellSouth's Caller ID – Deluxe service, the directory name associated with the AT&T customer's number does not appear on the display unit of the BellSouth customer. While acknowledging that "BellSouth has offered AT&T an interim solution," AT&T's letter erroneously suggests that the solution involves "delay until sometime next year . . . ." *See* Letter of October 30, 2000 at 2.

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AT&T's own statements during the November 7, 2000 hearing acknowledge that the delay alleged by AT&T simply does not exist. During that hearing, AT&T's representative acknowledged on no less than eight occasions that BellSouth already has implemented a solution so that the name of the customer referenced in AT&T's letter does, in fact, appear on the display unit when that customer calls a BellSouth Caller ID – Deluxe subscriber.[1] *See* (Tr. at p. 7, ll. 2-3; p. 7 ll. 14-15; p. 7 ll. 17-18; p. 9, ll. 11-12; p. 11, ll. 8-9; p. 21, ll. 8-10; p. 22, ll. 2-3; p. 23, ll. 18-20). While AT&T complained that BellSouth had not implemented the solution with regard to certain unspecified other lines assigned to that customer, AT&T admitted that it has not talked to BellSouth about these other lines and that it is not waiting on anything from BellSouth with regard to these other lines. (Tr. at 22-23). That AT&T is stubbornly refusing to avail itself of a solution that clearly addresses its concerns and would rather "wait[] for the TRA to issue an order . . . ," (Tr. at 23), suggests that AT&T is less concerned with having the names of its customers with ported numbers delivered than in engaging in regulatory gamesmanship.

This is further evidenced by the fact that AT&T asks the TRA to do two things, both of which have already been done. First, it asks the TRA to

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[1]   As noted during the hearing, BellSouth has agreed to implement the mid-term solution discussed below for any CLEC at no charge, and BellSouth stands ready and willing to implement this solution with regard to any additional lines assigned to the customer referenced in AT&T's Complaint. *See* Tr. at 7-8; 22.

"order BellSouth to remedy this problem[2] immediately . . . ." *See* Letter at 2.

Although it is not required to do so, BellSouth has implemented both an immediate and a mid-term solution to this situation,[3] and as a result, the name of the customer discussed in AT&T's complaint now appears on the display unit when that customer calls a BellSouth Caller ID – Deluxe subscriber. Second, AT&T's letter requests the TRA to "order BellSouth to provide such documentation as necessary in order to inform customers that BellSouth is correcting the problem and that BellSouth does not intend to use this problem to winback customers for BellSouth." *Id.* This information has been supplied to AT&T on several occasions before AT&T filed its complaint, it was supplied to AT&T in BellSouth's November 3, 2000 letter responding to AT&T's complaint, and it is being supplied to AT&T yet again in this brief. Accordingly, the TRA should dismiss AT&T's complaint and deny its requests for relief that it has already obtained.

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[2]   BellSouth does not agree with AT&T's characterization of this situation as a "problem." Even if it were a "problem," however, it would only be a "problem" for the BellSouth customer who subscribes to Caller ID – Deluxe, because it is BellSouth's customer who does not see the calling party's name on his or her display unit.

[3]   The immediate solution is for AT&T to identify specific numbers that are affected by this situation and for BellSouth to manually input information regarding those numbers into BellSouth's database. The mid-term solution (which would remain in effect until the permanent solution is implemented) is a mechanized system by which AT&T may input into BellSouth's database information regarding numbers that have been ported to AT&T. The permanent solution involves BellSouth's modification of its systems to perform a 10-digit Global Title Translation. Each of these solutions is discussed in more detail in Section I.C of this brief.

II. **BELLSOUTH HAS DEVELOPED IMMEDIATE AND MID-TERM SOLUTIONS TO ADDRESS THE SITUATION DESCRIBED IN AT&T'S LETTER WHILE IT DEVELOPS AND IMPLEMENTS A LONG-TERM SOLUTION.**

This section of BellSouth's brief explains: the way Caller ID – Deluxe delivers the directory name of the calling number to the display unit of the called party; the reason the situation discussed in AT&T's letter exists; and the steps BellSouth voluntarily has taken to address the situation.

A. **The manner in which BellSouth determines the directory name of the calling party to deliver to its Caller ID – Deluxe customers varies depending upon several factors.**

Caller ID - Deluxe is a retail service BellSouth makes available to its end user customers. Subject to certain exceptions and technical limitations,[4] customers who subscribe to this service can view on a display unit the calling party directory name and calling party number of incoming telephone calls. As explained below, the manner in which BellSouth determines the directory name to display varies depending on several factors, including the identity of the calling party.

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4   Obviously, some technical limitations apply. The directory name and number, for instance, will not be delivered if the calling party subscribes to or has activated a caller-id block. Moreover, if the incoming call originates from a multi-line hunt group or from a PBX, the directory name and number information transmitted usually will be associated with the main number in the hunt group or with the main number of the PBX.

1. When the calling party is a BellSouth end user

BellSouth maintains a database that contains the directory name associated with each telephone number that has been assigned to a BellSouth customer. When one BellSouth end user calls another BellSouth end user, BellSouth queries this database to obtain the directory name associated with the originating number. BellSouth then delivers both the directory name retrieved from its database and the calling number to the Caller ID display unit at the terminating number.

2. When the calling party is not a BellSouth end user but the calling party's service provider stores its name and number information in BellSouth's database

Creating and maintaining a database obviously requires time and resources. Rather than creating and maintaining its own database, therefore, a service provider may elect to contract that function out to BellSouth.[5] In those instances, BellSouth and the service provider enter a contract by which BellSouth will include that service provider's numbers and associated information in BellSouth's database. When that service provider's end user calls a BellSouth end user, BellSouth queries its own database (which

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[5] The service provider may also contract that function out to many other entities. Both AT&T and XO Communications, for instance, contract this function out to an entity called Illuminet. On December 15, 1999, AT&T also entered into a similar contract with BellSouth.

contains that service provider's data) to determine the directory name associated with the originating number. BellSouth then delivers both the directory name retrieved from its database and the calling number to the Caller ID display unit at the terminating number.

3. When the calling party is not a BellSouth end user and the calling party's service provider does not store its name and number information in BellSouth's database

While some service providers contract out to BellSouth the task of creating and maintaining a number database, other service providers perform this function themselves or contract this function out to a third party. AT&T, for example, has a contract with Illuminet by which Illuminet creates and maintains a database of AT&T's numbers and associated information. Thus, when an AT&T customer calls a BellSouth customer, BellSouth's database does not contain the calling number or the directory name associated with that number. Instead, that information is stored in the database maintained by Illuminet.

If BellSouth desires to access a database maintained by or on behalf of another service provider, BellSouth must negotiate a contract governing the rates, terms, and conditions of such access. Business considerations dictate whether BellSouth will enter into such a contract in any given instance.[6] For example, assume that Wilderness LEC only serves customers located in

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Utah, Wyoming, and Montana and that the rates it charges for access to its database are quite expensive. If BellSouth terminates a relatively low volume of calls originating from these states, BellSouth may decide not to enter a contract providing it with access to Wilderness LEC's database. If BellSouth did not enter into such a contract, it would have no way of determining the directory name associated with a call originating from a Wilderness LEC access line, and it would deliver only the calling number -- but not the directory name -- on such a call.

On the other hand, BellSouth may make the business decision to contract for access to the database containing information regarding the numbers a particular service provider assigns to its end users. BellSouth, for example, currently has a contract with Illuminet which permits BellSouth to query the database Illuminet maintains. When an AT&T customer with a non-ported number calls a BellSouth customer, therefore, BellSouth generally will query Illuminet's database to determine the directory name associated with the originating number. BellSouth then delivers both the directory name retrieved from Illuminet's database and the calling number to the Caller ID display unit at the terminating number.

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[6]   Nothing requires BellSouth -- or any other service provider -- to enter into a contractual arrangement permitting it to access the database maintained by or on behalf of any other service provider.

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B. **The situation described in AT&T's letter arises from BellSouth's appropriate use of the 6D-GTT process to determine which database to query for the directory name of the calling party.**

Obviously, the first step in the process of obtaining the directory name of the calling party is to determine which database contains that information. BellSouth uses a process known as 6-Digit Global Title Translation (6D-GTT) to make this determination. In a nutshell, this means that BellSouth's system looks at the NPA/NXX of the calling number, determines the carrier to whom that NPA/NXX has been assigned, and queries the database containing that carrier's information to obtain the directory name associated with the calling number (if BellSouth has a contract providing it with access to that database).

As an example, the 615/493 NPA/NXX has been assigned to AT&T. If the calling party's number is 615-493-1234, therefore, BellSouth queries the database Illuminet maintains on behalf of AT&T, retrieves the directory name associated with 615-493-1234, and sends that directory name to the display unit of its Caller ID – Deluxe customer.

The situation that is the subject of AT&T's complaint arises when the calling number is one that has been ported from BellSouth to AT&T (or to another CLEC) using permanent Local Number Portability. Assume, for instance, that a BellSouth customer switches to AT&T and that the customer keeps the 615-214-5678 telephone number. When that customer calls a

BellSouth end user, BellSouth's system sees that the 615/214 NPA/NXX is assigned to BellSouth, and it searches BellSouth's own database for the directory name associated with that number. The number 615-214-5678, however, is not in BellSouth's database because it has been ported to an AT&T customer and, therefore, it is in the database Illuminet maintains on behalf of AT&T. Under these circumstances, BellSouth does not deliver a directory name to the display unit of its Caller ID – Deluxe customer.

C. **BellSouth has provided the CLECs an immediate manual solution, an mid-term mechanized solution, and a permanent mechanized solution to address the situation discussed in AT&T's complaint.**

As explained below, BellSouth is not obligated to do anything to address the situation described in AT&T's complaint. BellSouth, however, has decided to take voluntary steps to address the situation for its own business reasons. In fact, BellSouth has developed an immediate solution, a mid-term solution, and a long-term solution. In light of these good faith and voluntary efforts by BellSouth (which results in the name of AT&T's customers being displayed on the display units of BellSouth's Caller ID – Deluxe customers), it is truly difficult to understand exactly what AT&T is complaining about or exactly what AT&T is asking the TRA to do that has not already been done.

1. **As an immediate, manual solution, BellSouth already has entered information regarding the AT&T customer discussed in the complaint into BellSouth's database.**

The most immediate solution for the situation is for a CLEC to identify specific numbers that are affected by this situation and for BellSouth to manually input information regarding those numbers into BellSouth's database. After this solution is implemented and the AT&T customer with the 615-214-1234 number calls a BellSouth Caller ID – Deluxe subscriber, BellSouth's systems will still see that the 615/214 NPA/NXX is assigned to BellSouth, and it will still search BellSouth's database for the directory name associated with that number. As a result of the solution, however, the number 615-214-1234 (and information associated with that number) now appears in BellSouth's database, and BellSouth will deliver the directory name entered into its database to the display unit of its Caller ID – Deluxe customer.

In fact, BellSouth has already implemented this manual solution with regard to the customer referenced in AT&T's complaint.[7] BellSouth has tested this solution and determined that when the AT&T customer calls a BellSouth Caller ID – Deluxe customer, AT&T's customer's name appears on the display unit. BellSouth stands ready to implement the same solution for

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[7]   To the extent that AT&T has informed BellSouth of any of this customer's lines that are the subject of the situation described in AT&T's Complaint, BellSouth has implemented this solution. AT&T has not discussed any of this customer's other lines with BellSouth. *See* (Tr. at 22-23).

any CLEC -- without charge -- while the CLEC acts in good faith to take the steps necessary to implement the mid-term solution discussed below in a timely fashion.

> 2. **BellSouth has developed a mid-term solution that provides -- without charge -- a mechanized process that allows CLECs to input data regarding ported numbers into BellSouth's database.**

Rather than continuing to use the manual process described above until the long-term solution described below is implemented, BellSouth has developed a mechanized system by which a CLEC can input into BellSouth's database information regarding numbers that have been ported to that CLEC. As explained in subsection II.A.2 above, service providers may contract with BellSouth for the inclusion of their data in BellSouth's database, and the entry of the data is mechanized. Similarly, the process by which AT&T enters its data into the Illuminet database is mechanized.

By simply completing the paperwork needed to set up the mechanized process and by making minor changes to the form of the data it already transmits to Illuminet, AT&T can input data regarding its end users into BellSouth's database by a mechanized process.[8] Thus, while the end result of this solution is the same – the directory name associated with the calling

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[8] Contrary to AT&T's assertions, this solution does <u>not</u> require AT&T or any other CLEC to maintain two sets of databases. *See* (Tr. at 8). AT&T -- either directly or through its contractual relationship with Illuminet -- maintains its database, and BellSouth maintains BellSouth's database. Under the mid-term, mechanized solution, AT&T simply inputs data into BellSouth's database.

number will be delivered to BellSouth's Caller ID – Deluxe customers – the process of inputting the necessary data into BellSouth's database is much quicker and more efficient.

Additionally, BellSouth is offering this mid-term solution to AT&T at no charge.[9] Similarly, BellSouth is offering this mid-term solution to any other CLEC who wishes to take advantage of it, again, at no charge. In fact, both US LEC and NEXTLINK (now known as XO Communications) have already completed the necessary paperwork and are mechanically inputting data into BellSouth's database today. ITC^DeltaCom has completed the necessary paperwork and is performing tests in preparation for inputting data into BellSouth's database. Finally, AT&T, e.spire, and Time Warner have received the necessary paperwork and, to the best of BellSouth's knowledge, are in the process of completing it (although they have yet to return the completed paperwork to BellSouth).

   3.   **As a permanent solution, BellSouth is in the process of moving from 6D-GTT to 10D-GTT.**

To address this situation on a permanent basis, BellSouth is modifying its systems to perform a 10-digit Global Title Translation (10D-GTT). When this modification is complete, BellSouth's system will determine which database to access by looking at the entire 10-digit calling number of the calling party instead of by looking at only the NPA/NXX of the calling

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number.[10] It should be noted, however, that even after BellSouth implements this solution, no service providers will be required to make its customers' name information available in any database, and no service provider will be required to enter into contracts with all customer name databases. Instead, both decisions will continue to be left to the individual service providers, just as they are today. AT&T, for instance, chose not to make its customers' name information available in any database until just a few months ago.

As the TRA is aware, BellSouth had begun efforts to deploy 10-Digit Global Title Translation (10D-GTT) in its network long before AT&T filed its complaint. In fact, pursuant to an agreement with the TRA staff, the initial deployment of this capability will be in Tennessee. Implementation of 10D-GTT is currently underway, and BellSouth estimates that deployment will be complete for all NPAs in Tennessee no later than April 6, 2001, with individual NPAs expected to be completed before that date. It is important to note that this project is a very complex undertaking, and that BellSouth has not actually performed Global Title Translation changes on this scale before. Therefore, the completion date for Tennessee and elsewhere in the region represents BellSouth's best estimate based on current experience. Also, BellSouth has agreed to work with the industry on prioritization of

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[9]   As explained above, AT&T does not query BellSouth's database. Instead it queries the Illuminet database.

NPAs within each state in the BellSouth region. As a result of earlier discussions with other CLECs, Time Warner agreed to coordinate that prioritization with the Southeastern Competitive Carriers Association (SECCA). However, no input has been received from Time Warner or SECCA to date.

III.   ISSUE NO. 1: BELLSOUTH MAKES AVAILABLE TO CLECs ELEMENTS NECESSARY FOR CLECs TO PROVIDE CALLING NAME DELIVERY SERVICES TO THEIR END USERS.

For a CLEC to deliver the calling name of a BellSouth end user to the CLEC's end user, the CLEC must query BellSouth's CNAM database.[11] BellSouth provides CLECs with nondiscriminatory access to its CNAM database. In fact, several CLECs – including AT&T – have entered into contracts with BellSouth for access to this database.[12]

AT&T's complaint, however, has absolutely nothing to do with AT&T's ability to deliver the directory name of a BellSouth end user to

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[10]   Obviously, the mid-term solution will no longer be necessary once the permanent solution is implemented.

[11]   If AT&T wishes to deliver the calling name of one of its own end users to another of its end users, AT&T must access its own database. BellSouth simply does not come into play. If AT&T wishes to deliver the calling name of another CLEC's end user to one of AT&T's end users, AT&T must access the other CLEC's database. Unless that other CLEC has contracted the maintenance of its database out to BellSouth, BellSouth never comes into play.

[12]   On December 15, 1999, AT&T entered a "Calling Name Delivery (CNAM) Database Service Contract" with BellSouth. This contract, which has a term of two years, provides AT&T the ability to associate a name with the calling party number, allowing its subscriber (to which a call is being terminated) to view the calling party's name before the call is answered. This contract also provides AT&T the opportunity to load and store its subscriber names in the BellSouth CNAM database. Accordingly, AT&T (or any other CLEC) may, if it so desires, deliver the directory name associated with a BellSouth calling number to its end users.

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AT&T's end user. In fact, AT&T clearly is not alleging that it is unable to deliver a BellSouth end user's directory name to an AT&T end user, and nothing in the record suggests that AT&T even attempts to make such a delivery (which is an issue worth exploring if AT&T is permitted to go any further with these proceedings). AT&T's complaint addresses a BellSouth retail service that BellSouth provides to BellSouth's end users.

Additionally, the same situation that affects the customer described in AT&T's complaint would affect a similarly-situated BellSouth customer in the same manner. Assume, for example, that AT&T assigns telephone number 615-493-8888 to one of its local customers; that BellSouth subsequently wins the customer's business; and that the customer wants to keep the 615-493-8888 number. When that BellSouth customer calls a Caller ID - Deluxe customer, BellSouth's system will see that the 615/493 NPA/NXX is assigned to AT&T and will query the database Illuminet maintains on behalf of AT&T. Because the customer is no longer an AT&T customer, it is unlikely that the number (or the directory name associated with the number) will be in the database. If it is not, BellSouth will not deliver the directory name of its own customer to the display unit of its Caller ID - Deluxe customer.[13]

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[13]   As noted above, BellSouth's change from 6D-GTT to 10D-GTT will resolve this situation. There is, however, no mid-term mechanized solution with regard to this situation for the BellSouth customer -- unless AT&T and/or Illuminet will allow BellSouth to input this customer's data into the database Illuminet maintains on behalf of AT&T.

IV. ISSUE NO. 2: BELLSOUTH IS NOT LEGALLY OBLIGATED TO PERFORM 10-DIGIT GLOBAL TITLE TRANSLATION IN PROVIDING CALLER NAME DELIVERY TO ITS END USERS.

AT&T states that it "believes" that BellSouth's use of 6D-GTT in providing caller name delivery to BellSouth's end users "is in violation of the FCC's local number portability order." *See* October 30, 2000 Letter at 2. In support of this alleged "belief," AT&T states:

> The FCC LNP order mandates that all carriers will comply with LNP rules and guidelines set forth by industry bodies such as the LNP Work Group, the Industry Number Committee, and the North American Numbering Council. In the "Generic Requirements for SCP Application and GTT Function for Number Portability," Section 4.3 indicates that a 10-digit GTT must be performed for CNAM when the 6-digit number is ported.

This is the only statement in AT&T's complaint supporting its claim that BellSouth's use of 6D-GTT somehow violates the FCC's Order.

BellSouth strongly disagrees with this allegation and states that it is in complete compliance with all requirements of FCC orders related to Permanent Local Number Portability. In the Second Report and Order in CC Docket 95-116 (released 8/18/97), the FCC did adopt technical and operation standards and procedures recommended by the North American Numbering Council in its Local Number Portability Administration Selection Report dated April 25, 1997. These recommendations pertain to the NPAC-SMS Functional Requirements Specification, the NPAC-SMS Interoperable Interface Specifications, and NPAC-SMS Provisioning Process Flows. These areas do not address or include the technical requirements for the SCP;

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specifically it does not include or reference in any way the document that AT&T references in its Complaint.

The document that AT&T references ("Generic Requirement for SCP Application and GTT Function for Number Portability") was initially developed in an Illinois state task force during 1996 when that group was developing Local Number Portability guidelines. The Georgia LNP Steering Committee, and eventually the Southeast Region, adopted the SCP requirement document as a guideline but this document was never adopted as a regulatory mandate. Further, repeated searches of Section 4.3 of this guideline have failed to uncover any statement indicating that a 1OD-GTT must be performed for Caller ID – Deluxe service, as AT&T alleges.

V.   BELLSOUTH RESERVES THE RIGHT TO FULLY ADDRESS MATTERS PRESENTED IN ANY BRIEF SUBMITTED BY ANY OTHER PARTY.

As noted above, AT&T's complaint contains no legitimate support for its "belief" that BellSouth "is in violation of the FCC's local number portability (LNP) Order." Moreover, the other parties who have been allowed to intervene in this docket have submitted nothing to specify their positions. BellSouth, therefore, reserves its right to address matters presented in any brief submitted by any other party.
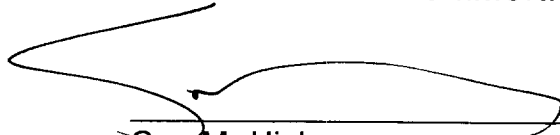
CONCLUSION

As explained above, AT&T's complaint addresses a BellSouth retail service that BellSouth provides to BellSouth's end users. Moreover, the

same situation that is addressed in AT&T's complaint affects similarly-situated BellSouth customers in the same manner as it affects the customer described in AT&T's complaint. Finally, although not required to do so, BellSouth has provided various solutions to AT&T – at no charge – pending BellSouth's implementation of a permanent solution. The TRA, therefore, should dismiss AT&T's complaint and deny the relief requested in that complaint.

Respectfully submitted,

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CERTIFICATE OF SERVICE

    I hereby certify that on November 22, 2000, a copy of the foregoing document was served on the parties of record, via the method indicated:
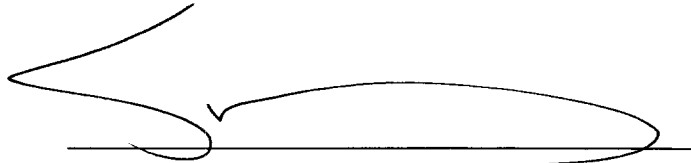
[ ] Hand   Gary L. Sharp
[X] Mail   AT&T
[ ] Facsimile   414 Union Street, Suite 1830
[ ] Overnight   Nashville, Tennessee 37219

[ ] Hand   Henry Walker, Esquire
[X] Mail   Boult, Cummings, et al.
[ ] Facsimile   P. O. Box 198062
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