

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of

Amendments of Part 69 CC Docket No. 89-79
of the Commission's Rules
Relating to the Creation of
Access Charge Subelements for
Open Network Architecture

Filing and Review CC Docket No. 88-2
of Open Network
Architecture Plans

MEMORANDUM OPINION AND ORDER

Adopted: January 31, 1992; Released: January 31, 1992

By the Chief, Common Carrier Bureau:

1. In the *Part 69/ONA Order*, the Commission required the Bell Operating Companies (BOCs) to file federal tariffs for the basic service elements (BSEs) listed in their amended Open Network Architecture (ONA) plans, and to do so by November 1, 1991.¹ Although each BOC filed a set of ONA tariffs by that date, no BOC tariffed all of the BSEs listed in its amended plan. Each omitted at least one such service from its filing, but argued that the service should not be federally tariffed, both in the filing and in a separate formal waiver request.² In the *ONA Further Amendments Order*, the Commission stated that it did "not look favorably upon the BOCs' withdrawal of services that were approved in their ONA plans."³ Therefore, we have denied more than one third of the BOCs' requests, and granted the BOCs' requests only where they have demonstrated with sufficient specificity that the service should not be federally tariffed at this point in time. Moreover, nearly half of the waivers granted are only temporary, and the BOCs will be required to tariff these

services in the near future. Another one third of the waiver requests we granted are for services that will be available, although not federally tariffed. These services will be offered as detariffed billing and collection services, through a different federally tariffed offering, or as complementary network services (CNSs). For the reasons discussed herein, we grant the waiver requests of BellSouth, Southwestern Bell, and US West, with respect to all services requested; deny Pacific Bell's request, with respect to all services requested; and grant in part and deny in part the requests of Ameritech, Bell Atlantic, and NYNEX.

2. While many of the waiver requests raise facts unique to one BOC, a number of others involve common concerns. Therefore, we address two arguments made by several BOCs before proceeding to address the specifics of each BOC's waiver request. A number of BOCs argue that a service is technically infeasible or that there is no demand for the service, and therefore they should not be required to file a federal tariff for the service. With respect to these arguments, we note that the ONA orders directed that the BOC ONA plans include services that the BOCs identified as technically feasible and for which there was potential demand.⁴ The BOCs face a high hurdle to convince us that services that formerly were technically feasible are no longer feasible, despite the current environment of rapid technological progress in this industry. In addition, some BOCs try to distinguish between intrastate and interstate demand, claiming that while intrastate demand might justify filing state tariffs, it would not -- in the absence of expected interstate demand -- justify the filing of federal tariffs. We do not accept this argument. The Commission has consistently required dual tariffing of BSEs listed in approved ONA plans.⁵ If a BOC included a service in its amended plans, based on expected demand, then it should give interstate users the opportunity to evaluate the benefits of the service in conjunction with its price.

Ameritech

3. Ameritech requests a waiver to refrain from tariffing five services. We grant Ameritech's request with respect to three of the services and deny its request with respect to

¹ Amendment of Part 69 of the Commission's Rules Relating to the Creation of Access Charge Subelements for Open Network Architecture; Policy and Rules Concerning Rates for Dominant Carriers, Report and Order & Order on Further Reconsideration & Supplemental Notice of Proposed Rulemaking, CC Docket Nos. 89-79 and 87-313, 6 FCC Rcd 4524 (1991) (*Part 69/ONA Order*); Filing and Review of Open Network Architecture Plans, Memorandum Opinion and Order, CC Docket No. 88-2, Phase I, 5 FCC Rcd 3103 (1990) (*BOC ONA Amendment Order*), *Erratum*, 5 FCC Rcd at 4045, *pets. for recon. pending*, *pets. for rev. pending*, California v. FCC, (9th Cir. No. 90-70336). See also, Filing and Review of Open Network Architecture Plans, Memorandum Opinion and Order, CC Docket No. 88-2, Phase I, FCC 91-382 (released December 19, 1991) (*ONA Further Amendments Order*).

² Oppositions to those waiver requests were filed by the Alarm Industry Communications Committee (AICC), the American Newspaper Publishers Association (ANPA), Independent Telecommunications Network, Inc., and MCI. Replies were filed by all seven BOCs as well as Prodigy Services Company (Prodigy).

³ *ONA Further Amendments Order*, at para. 10.

⁴ The BOCs were required to include BSEs in their ONA plans "based on the expected market demand for such elements, their utility as perceived by enhanced service competitors, and the technical and costing feasibility of such bundling." Amendment of Section 64.702 of the Commission's Rules and Regulations, CC Docket No. 85-229, Phase I, *Report and Order*, 104 FCC 2d 958, 1065-66 (1986) (*Phase I Order*), *reconsideration*, 2 FCC Rcd 3035 (1987) (*Phase I Reconsideration*), *further reconsideration*, 3 FCC Rcd 1135 (1988) (*Phase I Further Reconsideration*), *second further recon.*, 4 FCC Rcd 5927 (1989) (*Phase I Second Further Reconsideration*) *Phase I Order and Phase I Reconsideration Order vacated*, California v. FCC, 905 F.2d 1217 (9th Cir. 1990); Phase II, 2 FCC Rcd 3072 (1987) (*Phase II Order*), *recon.*, 3 FCC Rcd 1150 (1988) (*Phase II Reconsideration Order*), *Phase II Order vacated* California v. FCC, 905 F.2d 1217; petition for review of *Phase II Order* and *Phase II Reconsideration Order pending*, BellSouth v. FCC (9th Cir. No. 88-7290, filed April 20, 1988).

⁵ See, e.g., Filing and Review of Open Network Architecture Plans, Memorandum Opinion and Order, 4 FCC Rcd 1, 48-49 (1988) (*BOC ONA Order*).

the other two for the reasons that follow.⁶ Ameritech seeks a waiver for two services that it states it is currently unable to offer as lineside BSEs, although it can offer them as trunkside BSEs. With respect to Reverse Billing (REVERSE BILLING ON CIRCUIT SWITCHED ACCESS), Ameritech's request indicates its intention to try to resolve this technical difficulty,⁷ and there is no specific opposition to Ameritech's request to refrain from tariffing this service. Therefore, we grant this request, conditioned on Ameritech's commitment to resolve the remaining difficulties and offer the service as a lineside BSE as soon as it is technically feasible.

4. As for Call Detail Recording (CDR) (CALL DETAIL RECORDING REPORTS), we note that other BOCs request waivers for this service, arguing that it is a detariffed billing and collection service. No one opposes those requests and we grant them in this order, as discussed below. Ameritech, however, has apparently tariffed this service for use with its trunkside BSA. In the *Ameritech ONA Tariff Order*, we set for investigation the issue of whether Ameritech's CDR to 900 service can properly be tariffed in light of the Commission's *Billing and Collection Order*.⁸ We grant Ameritech's waiver with respect to its lineside CDR service, pending the outcome of our investigation. If we conclude there that CDR should not be tariffed under the Commission's *Billing and Collection Order* we will expect Ameritech to detariff all of its CDR services.

5. Ameritech also asks to be permitted to withhold its tariff for Forwarding of Additional Dialed Digits (FADD) based on its two years of experience offering the service. Ameritech states that there is neither past nor anticipated demand for this service. MCI challenges this justification on general terms.⁹ Although we look with disfavor on requests based on the argument that there is no demand, in this case Ameritech has two years of actual experience with the service, and no party has offered a specific challenge to Ameritech's claim. We therefore will permit Ameritech to withdraw this BSE. In the future, if there is a demand for this service, we expect that Ameritech will tariff it once again.¹⁰

Ameritech also asks to reclassify Access to Extended Superframe Data Channel (EXTENDED SUPERFRAME CONDITIONING) as a "Basic Serving Arrangement (BSA) rather than a BSE. While Bell Atlantic, BellSouth, and US West all treat extended superframe conditioning as an alternative to dedicated high capacity digital access, we note that Southwestern Bell treats it as a BSE. There-

fore, in the absence of specific evidence that this service does not meet our definition of a BSE,¹¹ we cannot find that Ameritech has made the showing necessary to justify its waiver request in this respect.

7. Finally, Ameritech requests permission not to file a tariff for its Notification of Subscriber Line Breaks (VERIFY INTEGRITY OF SUBSCRIBER LINES) service. The Alarm Industry Communications Committee (AICC) strongly objects to the withdrawal of this service, claiming that its representatives have worked long and hard with the Information Industry Liaison Committee (IILC) to produce functional specifications for a local loop break detection network capability, like this service, and that an acceptable description was adopted by the IILC on November 9, 1989.¹² Furthermore, the AICC states that representatives from both the alarm and security industries have worked with the T1E1.1 Committee of the Exchange Carrier Standards Association (ECSA) to develop a technical standard for this capability and it claims that the Committee has not found any aspect of the service to be "technically infeasible" due to equipment or other problems.¹³ The AICC states that access to this developing service technology, known variously as Derived Local Channel, Scan Alert, and Spread Spectrum Transmission Service is critically important to the alarm services industry.¹⁴ Moreover, the AICC also notes that its members have invested significant amounts of capital in the Ameritech technology.¹⁵

8. Ameritech responds that the service sought by the alarm industry is not compatible with the evolving Ameritech network, as it is upgraded to include more fiber-based loop and digital loop carrier systems.¹⁶ It argues that neither of the two technology platforms that support the service are compatible with its evolving network, because one platform would require expensive plug-in retrofits and the other would require the development of an entirely new retrofit method.¹⁷ Ameritech adds that a large portion of its current exchange customers have been plagued by service difficulties with this service, and this has created higher than expected maintenance costs for Ameritech. In addition, Ameritech states that efforts to improve performance have met with little success.¹⁸ Ameritech argues that this justifies the suspension of investment in the service.

9. We disagree. Ameritech certainly should upgrade its network in a timely manner according to its perceived needs. However, we cannot permit Ameritech planning to ignore the commitments that it made in its ONA plans,

⁶ We also accept Ameritech's explanation that it has filed a tariff for Ability to Reconfigure Networks (NETWORK RECONFIGURATION) in its transmittal number 562. The format we use for identifying BSEs is to use the name employed by the particular BOC followed -- in parentheses and capital letters -- by the generic name of the service (from the ONA Services Users Guide) if the name is different from the name employed by the BOC.

⁷ Ameritech Waiver Pet. at 4-5.

⁸ Ameritech Operating Companies Revisions to Tariff FCC No. 2, Open Network Architecture, Memorandum Opinion and Order, DA 91-1633 (Comm.Carr.Bur. December 27, 1991); Detariffing of Billing and Collection Services, Memorandum Opinion and Order (Reconsideration), CC Docket No. 85-88, 1 FCC Rcd 445 (1986) (*Billing and Collection Order*).

⁹ MCI Opp. at 6.

¹⁰ For example, interested parties may use the 120-day process

established by the Commission to request that Ameritech provide this, or any other service. See, Filing and Review of Open Network Architecture Plans, Memorandum Opinion and Order, CC Docket No. 88-2, Phase I, FCC 91-382, released Dec. 19, 1991, at n.24 & n.34.

¹¹ *BOC ONA Order*, 4 FCC Rcd at 36.

¹² Alarm Industry Opp. at 6-7.

¹³ *Id.* at 7-8.

¹⁴ *Id.* at 6, citing AICC's Pet. to Reject or Suspend Ameritech Transmittal No. 499, Jan. 2, 1991, at 5-6.

¹⁵ *Id.* at 6-8.

¹⁶ Ameritech Reply at 5 n.10, citing Ameritech Reply to Pets. to Suspend or Reject Transmittal Nos. 499, 500 & 501, Jan. 14, 1991, at appendix 2, iii.

¹⁷ *Id.*

¹⁸ *Id.* at iii-iv.

particularly the commitments to potential competitors that have expended significant sums in reliance on these commitments. If a network upgrade threatens the feasibility of a proposed ONA service, Ameritech must take all appropriate steps to permit the service to be offered in an alternative form that is satisfactory to its customers. The evidence that Ameritech has submitted does not convince us that Ameritech has taken those steps in this case. While Ameritech claims that it is working to accommodate the alarm industry, the AICC voices dissatisfaction with Ameritech's actions. Given that it is Ameritech that is seeking a waiver, it is Ameritech that has the burden of introducing sufficient evidence to show us that it is doing enough to accommodate the alarm industry. So far it has failed to do so.

Bell Atlantic

10. Bell Atlantic requests a waiver for nine of its services, and we grant six, at least partially, while denying the other three. First, we address Bell Atlantic's request to withdraw its Caller ID and Bulk Caller Line Identification (CALLING DIRECTORY NUMBER DELIVERY - VIA ICLID and BCLID) services. Bell Atlantic states that it cannot transmit the required calling party information to interexchange service providers because Common Channel Signaling (CCS) interconnection with those carriers is currently incomplete. In addition, Bell Atlantic observes that the FCC's *Caller ID* proceeding is likely to affect how Caller ID will be tariffed.¹⁹

11. With respect to the *Caller ID* proceeding, it is true that federal rules have not yet been adopted to govern the extent to which the information provided by this offering may be made available to end users or particular other parties. Nevertheless, we do not consider any potential resulting fluctuations in demand for the service to be a sufficient reason to permit the service to be withheld. We are more sympathetic to Bell Atlantic's claim that these services cannot be fully implemented until CCS technology is fully deployed. We agree with MCI that we should take into account the status of CCS implementation.²⁰ We will, therefore, permit Bell Atlantic to defer filing tariffs for these services until the deployment of CCS makes the offerings practical.

12. Bell Atlantic also requests permission not to tariff its Tandem Routing offering, arguing that the offerings would create a conflict with the Commission's current transport rules.²¹ The current transport requirement prohibits LECs from charging different rates for traffic routed through the tandem, and traffic not routed through the tandem. Thus, we agree with Bell Atlantic, NYNEX, US West, and MCI,²² that a special price for traffic routed through the tandem would be inconsistent with current

transport rules. We therefore grant its waiver for this service, pending the outcome of the *Transport* proceeding.²³

13. Bell Atlantic also claims that tariffing its Alternate Traffic Routing (ALTERNATE ROUTING) BSE would be inconsistent with the current transport rules,²⁴ although NYNEX, Southwestern Bell, and US West have all filed tariffs to offer the service as a BSE. MCI supports Bell Atlantic on this request,²⁵ but Bell Atlantic does not provide us with a clear explanation of why such a service would create a conflict with the Commission's rules. We require a more detailed explanation of the perceived conflict before we would be willing to grant a waiver in this case.

14. Bell Atlantic also seeks to refrain from filing a generic rate for Statistical Multiplexer in the Central Office (STATISTICAL MULTIPLEXER). Bell Atlantic argues that customers require too many different variations of the service to make it practical to tariff a generic form of it.²⁶ No other BOC offers the service, and MCI states that if the service is available to individual customers, there is no need for a waiver.²⁷ Under these circumstances, we will permit Bell Atlantic to refrain from filing a single generic rate, conditioned on our understanding that Bell Atlantic will offer the service on an individual case basis (ICB).²⁸

15. Bell Atlantic offers a very different rationale for justifying the withholding of One Number Service (UNIFORM 7 DIGIT ACCESS NUMBER - REMOTE CALL FORWARDING), another service that no other BOC offers. First, it argues that the NXX 890 is only available now in two states, and is unavailable for use in its other states. Moreover, Bell Atlantic argues that, even where it is available, this designated use would remove 10,000 numbers from the capacity of each area code (NPA), as contrasted to a proposed Advanced Intelligent Network (AIN) service, which will permit seven-digit number translation. Hence, Bell Atlantic states that it is phasing out this service in the two states where it is now available. Given Bell Atlantic's explanation and the lack of any specific opposition, we grant this waiver request.

16. Bell Atlantic asks to withdraw both Direct Inward Dialing Service (CALLED DIRECTORY NUMBER DELIVERY VIA DID) and DID Trunk Queuing because, it claims, it cannot measure the usage of these services.²⁹ The American Newspaper Publishers Association (ANPA) and MCI question the relevance of this rationale.³⁰ BellSouth offers the first service and US West proposes to offer both. We see no reason why Bell Atlantic should be unable to designate a billing surrogate for usage. Therefore, we deny Bell Atlantic's request for a waiver with regard to these services. On the other hand, we approve Bell Atlantic's unopposed waiver request regarding Call

¹⁹ Rules and Policies Regarding Calling Number Identification Service, Notice of Proposed Rulemaking, CC Docket 91-281, 6 FCC Rcd 6752 (1991).

²⁰ MCI Opp. at 7.

²¹ Bell Atlantic Waiver Pet. at 2.

²² MCI Opp. at 7.

²³ Transport Rate Structure and Pricing, Order and Further Notice of Proposed Rulemaking, CC Docket No. 91-213, 6 FCC Rcd 5341 (1991).

²⁴ Bell Atlantic Waiver Pet. at 2.

²⁵ MCI Opp. at 7.

²⁶ Bell Atlantic Waiver Pet. at 7.

²⁷ MCI Opp. at 7.

²⁸ Once Bell Atlantic gains sufficient experience with this service to permit the development of averaged rates, it must file such rates. See Local Exchange Carriers' Individual Case Basis DS3 Service Offerings, CC Docket No. 88-136, Memorandum Opinion and Order, 4 FCC Rcd 8634, 8642 (1989). In the interim, Bell Atlantic should, nevertheless, offer this service in its tariff on an ICB basis.

²⁹ Bell Atlantic Waiver Pet. at 4.

³⁰ ANPA Opp. at 6; MCI Opp. at 6.

Detail Recording Reports, which Bell Atlantic claims is a detariffed billing and collection service, under the Commission's *Billing and Collection Order*, discussed above.

BellSouth

17. BellSouth seeks a waiver for only one service and we grant it.³¹ BellSouth initially requested a waiver to withhold Answer Supervision with Line Side Interface because it claimed that neither it nor its manufacturers were able to develop the capability to offer the service with BellSouth's switches.³² In its reply comments, however, BellSouth modifies its request and seeks a waiver for a limited time only -- through July 1992 -- based on further discussions with its manufacturers.³³ The ANPA and MCI oppose BellSouth's initial request,³⁴ and Ameritech, Bell Atlantic, and US West have all filed tariffs for the service. It appears that BellSouth is making a good faith effort to work with its switch manufacturers to overcome its difficulties. While we would not be willing to grant an unrestricted waiver to BellSouth, as initially requested, we are willing to grant a limited waiver until July 1992 to permit BellSouth to finish making any changes in its switches necessary to provide this service.

NYNEX

18. NYNEX requests a waiver for nine services, and we grant it for seven of them. First, NYNEX asks for permission to omit Custom Calling Services, including Remote Call Forwarding, from its federal tariffs, claiming that these services are appropriately treated as Complementary Network Services (CNSs). MCI challenges this exclusion as an improper withdrawal due to a lack of demand,³⁵ but all of the other BOCs characterize these services as CNSs. The Commission has distinguished between BSEs and CNSs according to the customer purchasing the service.³⁶ If a service is purchased by ESPs (enhanced service providers) it is considered to be a BSE; if it is purchased by end users it is considered to be a CNS. While this distinction allows that services may qualify as both BSEs and CNSs, our own review of the services at issue leads us to concur with NYNEX's argument that (the services are used by end users and not by ESPs, and thus, that they are most appropriately considered to be CNSs and not BSEs. The Commission has determined that CNSs need not be federally tariffed, and so it is reasonable for NYNEX to refrain from filing federal tariffs for these services.³⁷

19. NYNEX seeks to withdraw its T1 Transport (MULTIPLEXING - T1 - 1.5 Mbps LINE and TRUNK SIDE) services and its Tandem Routing service based on potential conflict with the Commission's transport rules. MCI supports the waiver requests for T1 transport.³⁸ Given that special rates for the services would conflict with the Commission's current transport rules, as we noted above, we grant its waiver with respect to all three services pending the outcome of our *Transport* proceeding. We also approve NYNEX's unopposed waiver request regarding

³¹ MCI argues that BellSouth has failed to tariff two additional BSEs from its amended plans. MCI Opp. at 6 n.14, citing AT&T's Pet. for Suspension and Investigation, ONA Access Charge Tariff Filings, filed Nov. 26, 1991, at 1-3. BellSouth answers that it never proposed to offer Cut-off on Disconnect and that it has filed a tariff for 800 Service to DID (DIALED NUMBER IDENTIFICATION VIA IN WATS TO DID). We conclude that BellSouth does not require a waiver for either of these services.

³² BellSouth Waiver Pet. at 2.

³³ BellSouth Reply at 3-4.

³⁴ ANPA Opp. at 5-6; MCI Opp. at 7.

³⁵ MCI Opp. at 7.

³⁶ Filing and Review of Open Network Architecture Plans, Memorandum Opinion and Order, CC Docket No. 88-2, 4 FCC Rcd 1, 36 (1988).

³⁷ Filing and Review of Open Network Architecture Plans, Memorandum Opinion and Order on Reconsideration, CC Docket No. 88-2, Phase I, 5 FCC Rcd 3084, 3090 (1990) (*BOC ONA Reconsideration Order*).

³⁸ MCI Opp. at 7.

Monthly Detailed Recording (CALL DETAIL RECORDING REPORTS),³⁹ which NYNEX claims is a detariffed billing and collection service, under the Commission's *Billing and Collection Order*, discussed above.

20. NYNEX argues that it does not need a waiver with respect to either Direct Inward Dialing (DID)) (CALLED DIRECTORY NUMBER DELIVERY VIA DID) or DNIS on 800 (DIALED NUMBER IDENTIFICATION VIA INWATS TO DID), claiming that they are technically incompatible with interstate access arrangements.⁴⁰ NYNEX claims that it would need to create a new BSA "in conflict with" the *Part 69/ONA Order*, which NYNEX says, limits it to one trunkside and one lineside BSA.⁴¹ NYNEX states that it is technically impossible to bill for DID in a switched access environment. In addition, NYNEX states that only seven digits can be sent to the DID customer, making the service impractical for use on an interstate basis. Ten digits would generally be needed for an interstate service.⁴² NYNEX argues that there is no utility to DNIS on 800 in the current interstate switched access environment, because the customer would only receive a single POTS number rather than a set of different 800 numbers. Both the ANPA and MCI challenge NYNEX's position on the first service, and MCI also contests NYNEX's position on the second.⁴³

21. We begin by observing that NYNEX misconstrues the directive in the *Part 69/ONA Order* that BOCs tariff one lineside and one trunkside switched access BSA. That rule does not preclude BOCs from introducing new BSAs that may be necessary to support new switched access BSEs. The rule merely requires BOCs to establish a single tariffed rate for a lineside switched access BSA and a single rate for a trunkside switched access BSA, which rates apply irrespective of the different technical variations of the BSA, e.g., technical variations equivalent to Feature Groups B, C, and D. If NYNEX desires to introduce a new BSA associated with switched services, the *Part 69/ONA Order* requires that NYNEX file a waiver petition for the new BSA.⁴⁴ Nevertheless, we are convinced that neither service has utility in an interstate environment. We find that the receipt of a single POTS number rather than a set of different 800 numbers eliminates the utility of DNIS on 800 and that the seven-digit limitation on outpulsing eliminates the utility of DID as interstate services. Therefore, we grant NYNEX's waiver with respect to both DID and DNIS on 800.

22. NYNEX also seeks to withhold Trunk Group Make Busy (MAKE BUSY KEY).⁴⁵ NYNEX states that its current network structure of 4ESS tandem switches and 5ESS switches at end offices makes it difficult to offer the service in the absence of NYNEX's Circuit 9 alternative BSA, which was specifically designed to address the needs

of the ESP industry, but has been abandoned by NYNEX.⁴⁶ In light of its original ONA commitment, we expect NYNEX to be making the adjustments necessary to meet that commitment. NYNEX's alternative offer to work to satisfy a customer's need in this area "should a request materialize,"⁴⁷ is simply unacceptable. If NYNEX is required to develop a BSA to support a BSE in its plan, it should do so, and file any necessary waivers.

23. NYNEX claims that it is not required to federally tariff Pulsenet (VERIFY INTEGRITY OF SUBSCRIBER LINES), a service desired by the alarm industry. In its November 1, 1991 tariff filing, attached to its waiver request, NYNEX claims that state insurance laws and local municipal requirements typically serve to force alarm services to operate in separate local units rather than on a larger regional basis.⁴⁸ NYNEX concludes, therefore, that interstate service is not suitable for the alarm industry. The AICC strongly disagrees with this analysis, noting that alarm service firms are quite capable of satisfying state and local laws without forgoing more efficient regional monitoring procedures for which federally tariffed services are appropriate.⁴⁹ In reply, NYNEX does express a willingness to file a federal tariff for the service once it has received specific orders for it.⁵⁰

24. NYNEX also observes that Pulsenet is a BSA and the *Part 69/ONA Order* does not require it to tariff BSAs.⁵¹ While the *Part 69/ONA Order* does not expressly require BOCs to tariff the BSAs in their amended ONA plans, it does not relieve them of the commitments made in their ONA plans. Therefore, while the Commission has not required the BOCs to tariff all of the BSAs in their plans, it retains the authority to require that particular BSAs be tariffed under appropriate conditions. Given the apparent immediate demand for this service by the alarm industry,⁵² we expect NYNEX to file a federal tariff for the service, preceded by a waiver request, if one is necessary.

Pacific⁵³

25. Pacific requests a waiver for twelve different services. We deny it for all of them. Pacific's initial argument in its waiver request is that it does not need any waiver. It claims that the ONA orders do not require it to file interstate tariffs for BSEs that it deems to be intrastate services and thus only associated with BSAs that are offered in intrastate tariffs.⁵⁴ We strongly disagree. The Commission has consistently required that all BSEs be federally tariffed.⁵⁵

26. In the alternative, Pacific requests a waiver to withhold many BSEs because it claims that it lacks an appropriate interstate BSA to support them.⁵⁶ Pacific seeks to withhold Availability Control Arrangement (MAKE

³⁹ NYNEX Waiver Pet. at 4-5.

⁴⁰ NYNEX Waiver Pet. at 3-4.

⁴¹ NYNEX Reply at 3-4.

⁴² NYNEX Reply at 4 n.9; Letters from G. R. Evans and Shelley Harms, NYNEX to Donna Searcy, filed Jan. 23, 1992 and Jan. 30, 1992.

⁴³ ANPA Opp. at 2-3; MCI Opp. at 7.

⁴⁴ *Part 69/ONA Order*, 6 FCC Rcd at 4527 n.29 and accompanying text (1991).

⁴⁵ NYNEX Waiver Pet. at 4.

⁴⁶ NYNEX Reply at 4 n.10.

⁴⁷ NYNEX Waiver Pet. at 4.

⁴⁸ NYNEX Waiver Pet. attachment at 27.

⁴⁹ AICC Opp. at 4-5.

⁵⁰ NYNEX Reply at 2-3.

⁵¹ NYNEX Waiver Pet. at 4.

⁵² AICC Opp. at 4-5.

⁵³ Nevada Bell has filed a detailed supplementary petition for waiver and we will discuss its waiver requests in a separate order. Pacific also filed a supplementary petition for waiver, but only discussed one additional service, so we will address its initial waiver petition here.

⁵⁴ Pacific Waiver Pet. at 2-8.

⁵⁵ *BOC ONA Reconsideration Order*, 5 FCC Rcd at 3088-90 (1990).

⁵⁶ Pacific Waiver Pet. at 10.

BUSY KEY), Forwarded Call Information (MESSAGE DESK (SMDI)), Activate Message Waiting Indicator (MESSAGE WAITING INDICATOR - ACTIVATION (AUDIBLE)), Electronic Business Set Message Waiting (MESSAGE WAITING INDICATOR - ACTIVATION (VISUAL)), Pollstar or Alarm Plus (VERIFY INTEGRITY OF SUBSCRIBER LINES), IC/VAN Preselection (PRESELECTION FOR DATA SERVICES), and Reverse Charge Acceptance - Packet, all due to the lack of an interstate dedicated network access link (DNAL) or X. 25 line for the latter two services.⁵⁷ Pacific claims that it would take one to three years to develop an appropriate BSA and also require a waiver.

27. The AICC, ANPA, and MCI all challenge Pacific's argument.⁵⁸ Moreover, at least five other BOCs have recognized that their commitment to file tariffs for BSEs that are associated with a DNAL implies the commitment to file tariffs for the necessary DNAL as well as any necessary waiver petitions for that DNAL.⁵⁹ Pacific does not explain why its commitment to file tariffs for the BSEs associated with a DNAL should not also imply a commitment to take the necessary steps to make tariffing those BSEs possible. Therefore, we reject the waiver requests for all seven of these services.

28. Pacific also seeks to withdraw its Direct Inward Dialing to PBX Systems (CALLED DIRECTORY NUMBER DELIVERY VIA DID) service. Pacific claims that it would require one to three years to develop suitable software for this service. On the other hand, Pacific listed this BSE in its ONA plan, implying that the BSE met the four criteria, including technical feasibility, and Bell South and US West are willing to offer the service now. In the absence of any evidence that explains why Pacific's status is different from these other two BOCs, and why this service is no longer technically feasible, we will not approve its waiver with respect to this service.

29. Pacific also seeks to withdraw its Answer Supervision with Line Side Interface service, claiming that the service cannot be offered with the lineside BSA due to inadequate switch software.⁶⁰ Pacific estimates the cost of the necessary software upgrade to be about \$2 million and states that it would take one to three years. MCI challenges the timeliness of Pacific's argument that the cost is too high, given that Pacific implicitly represented that the service was feasible when Pacific included the service in its ONA plan.⁶¹ As the ANPA argues, it is difficult to understand how the service cannot be offered using currently available software, given that Ameritech, Bell Atlantic, and US West all propose to offer it.

30. Pacific responds that "[d]ifferences in the BOCs' tariffed services are to be expected since the BOCs' regions vary as to demand for services, costs, and embedded network technology."⁶² While we certainly recognize this general point, we cannot accept it alone as an adequate explanation of why Pacific cannot offer a service that it committed to offer in its ONA plan, and that three other BOCs are willing and able to offer. In the absence of

specific reasons explaining why Pacific's network cannot support services that other BOCs can offer, we will not grant Pacific's waiver regarding this service.

31. Pacific also seeks to withhold Caller ID and Bulk Caller Line ID (CALLING DIRECTORY NUMBER DELIVERY VIA ICLID and BICLID), repeating its claim of a lack of a suitable BSA as well as arguing that there is potential conflict with pending *Caller ID* regulatory proceedings at the Commission and in California.⁶³ We have explained that we cannot accept Pacific's "lack of a suitable BSA" rationale as the basis for a waiver, and as we discussed above, with respect to Bell Atlantic, we do not believe the federal *Caller ID* proceeding should interfere with the tariffing of this service. Pacific also claims that a pending California proceeding in this area might also pose a conflict, but state regulations should not prevent Pacific from tariffing an interstate service.

32. We agree with Pacific that it did not propose to offer Bridging - Line in its amended plans and, therefore, we will permit it to correct its Nov. 1, 1991 filing, which mistakenly included the service. On the other hand, we expect Pacific to include Selective Call Acceptance in its federal tariff. Pacific committed to offer this service in its approved ONA amended plan and, as we reject the argument that Pacific has no suitable interstate BSA, it has not demonstrated why it cannot offer this service.⁶⁴

Southwestern Bell

33. Southwestern Bell requests a waiver for two services and we grant both of them. Southwestern seeks a waiver to withdraw its Called Number Identification (CALLED DIRECTORY NUMBER DELIVERY VIA ISDN Q.931) and Calling Number Identification (CALLING BILLING NUMBER DELIVERY VIA ISDN Q.931).⁶⁵ Southwestern explains that these BSEs were developed prior to its final decision to deploy Signaling System 7 technology and do not conform to industry Integrated Services Digital Network (ISDN) standards. Southwestern states that problems with its vendor software currently prevent it from offering the comparable SS7 Called Number Identification service. Given the lack of opposition to this waiver, we will grant it on the condition that Southwestern continue to attempt to resolve its software difficulties and provide the service as soon as possible.

⁵⁷ Pacific Waiver Pet. at 12-13, 15.

⁵⁸ AICC Opp. at 5-6; ANPA Opp. at 2-4; MCI Opp. at 7-8.

⁵⁹ Petitions for Waiver of Part 69 of the Commission's Rules, Dedicated Network Access Lines, Open Network Architecture, DA 92-119, (Comm.Carr.Bur. January 30, 1992).

⁶⁰ Pacific Waiver Pet. at 11-12.

⁶¹ MCI Opp. at 8.

⁶² Pacific Reply at 13.

⁶³ Pacific Waiver Pet. at 12-13, 14-15.

⁶⁴ Pacific Waiver Pet. at 16. See Pacific Amended ONA Plans, appendix AA section 2, 34th service.

⁶⁵ SW Bell Waiver Pet.

US West

34. US West requests a waiver for eight services and we grant it with respect to them all. US West seeks permission not to tariff three services. in its amended ONA plans that it considers to be redundant services. It claims that ANI Order Entry Service (ORDER ENTRY SERVICE) is already available as ANI.⁶⁶ MCI agrees that the service is duplicative.⁶⁷ US West also claims that both Market Expansion Line (REMOTE CALL FORWARDING) and Surrogate Client Number are services that customers can secure by purchasing its Call Forwarding - Variable service.⁶⁸ The ANPA questions whether the services are truly duplicative,⁶⁹ but it offers no details of differences between the services to refute US West's contention. Moreover, MCI agrees with US West that these services are duplicative.⁷⁰ Given MCI's agreement with US West and the failure of ANPA to identify any differences between these apparently duplicative services, we grant its waiver with respect to all three of these services. We also grant US West's request to withdraw its Tandem Routing service,⁷¹ pending the resolution of the *Transport* proceeding, for the reasons discussed above.

35. US West also seeks to refrain from separately tariffing Improved Transmission Performance (TRANSMISSION IMPROVEMENT FOR TRANSMISSION SWITCHED SERVICE). Although it has tariffed the provision of this higher quality service as an optional feature in its state tariffs, US West argues that interexchange industry standards require this enhancement be provided to all customers and that it is not optional.⁷² As this service is not an optional feature for interexchange customers, it does not qualify as an interstate BSE, and therefore we grant US West's waiver regarding this request.

36. US West asks to be allowed not to file a tariff for its Information Access or Community Link (MENU ACCESS TRANSLATOR - GATEWAY) service, noting that the Commission has not yet ruled on whether the service is a basic service, or an unregulated enhanced service.⁷³ Pending resolution of the gateway waiver, US West is offering the gateway as a basic service. MCI supports US West's request,⁷⁴ and we approve it, pending the resolution of US West's pending gateway waiver request. We also approve US West's waiver regarding Network Access Service (CALL DETAIL RECORDING REPORTS VIA NXX SCREENING).⁷⁵ given US West's characterization of it as a detariffed billing and collection service, according to the Commission order discussed above.

37. US West also seeks to withhold, at least temporarily, its Network Monitoring (AUTOMATIC CIRCUIT AND TRUNK MONITORING). US West explains that there has been a delay in the manufacturing process as well as cost increases. Moreover, it is now attempting to establish a mediated access gateway to be available in early 1993. No one opposes the waiver request and US West and MCI state that the service is duplicative of other services.⁷⁶ We therefore grant this request.

ORDERING CLAUSES

38. ACCORDINGLY, IT IS ORDERED that Ameritech's petition for waiver of the Commission's ONA Tariff Order IS GRANTED IN PART, with respect to Call Detail Recording, Reverse Billing, and Forwarding of Additional Dialed Digits, and DENIED IN PART, with respect to Access to Extended Superframe Data Channel and Notification of Subscriber Line Breaks.

39. IT IS FURTHER ORDERED that Bell Atlantic's petition for waiver of the Commission's ONA Tariff Order IS GRANTED IN PART, with respect to Caller ID, Bulk Caller Line Identification, Tandem Routing, Statistical Multiplexer in the Central Office, One Number Service, and Call Detail Recording Reports, and DENIED IN PART, with respect to Alternate Traffic Routing, Direct Inward Dialing Service, and DID Trunk Queuing.

40. IT IS FURTHER ORDERED that BellSouth's petition for waiver of the Commission's ONA Tariff Order IS GRANTED.

41. IT IS FURTHER ORDERED that NYNEX's petition for waiver of the Commission's ONA Tariff Order IS GRANTED IN PART, with respect to Custom Calling Services, including Remote Call Forwarding, T1 Transport (trunk and line side), Tandem Routing, Monthly Detailed Recording, DNIS on 800, and Direct Inward Dialing (DID)) and DENIED IN PART, with respect to Trunk Group Make Busy and Pulsenet.

42. IT IS FURTHER ORDERED that Pacific Bell's petition for waiver of the Commission's ONA Tariff Order IS DENIED.

43. IT IS FURTHER ORDERED that Southwestern Bell's petition for waiver of the Commission's ONA Tariff Order IS GRANTED.

44. IT IS FURTHER ORDERED that US West's petition for waiver of the Commission's ONA Tariff Order IS GRANTED.

45. IT IS FURTHER ORDERED that Ameritech, Bell Atlantic, NYNEX, and Pacific SHALL FILE, within 21 days of the release date of this Order, tariff revisions to become effective on less than 15 days' notice that are consistent with this Order. For these purposes, we waive Sections 61.58 and 61.59 of the Commission's Rules, 47 C.F.R. §§ 61.58, 61.59, and assign Special Permission No. 92-93.

FEDERAL COMMUNICATIONS COMMISSION

Richard M. Firestone
Chief, Common Carrier Bureau

⁶⁶ US West Waiver Pet at 5.

⁶⁷ MCI Opp. at 8.

⁶⁸ US West Waiver Pet. at 6-7.

⁶⁹ ANPA Opp. at 6.

⁷⁰ MCI Opp. at 8.

⁷¹ US West Waiver Pet. at 7.

⁷² US West Reply at 3-4.

⁷³ US West Pet. at 4. See NYNEX Pet. for Declaratory Ruling, Jan. 17, 1989, requesting a ruling that the NYNEX INFO-LOOK gateway service was a "basic" service.

⁷⁴ MCI Opp. at 8.

⁷⁵ US West Waiver Pet. at 3.

⁷⁶ MCI Opp. at 8.