

In the Matter of	)	
	)	
Pacific Bell and Nevada Bell Petition for	)	CC Docket Nos. 88-2, Phase I and
Extensions of Waiver	)	90-623

**Released: May 19, 1998**

10260

was "speculative and futuristic in nature".<sup>3</sup> The Carriers also explained that the service still remained in the conceptual stage, and any product offering based on future switch software or network technology was still at least five years away.<sup>4</sup> The Common Carrier Bureau granted Pacific Bell and Nevada Bell waivers of the state tariffing requirement for Dual Telephone Coverage for five years, until May 21, 1998.<sup>5</sup> On April 17, 1998, Pacific Bell and Nevada Bell filed a petition seeking extensions of the May 21, 1998, deadline for tariffing Dual Telephone Coverage.<sup>6</sup>

### C. DISCUSSION

3. The Carriers state that since submission of their 1989 ONA Plan Amendment and original waiver request, Advanced Intelligent Network (AIN) technology has emerged.<sup>7</sup> They state that this technology is expected to give them the ability to provide Dual Telephone Coverage as originally envisioned, under the name "Intelligent Redirect."<sup>8</sup> The Carriers further state that Pacific Bell does not yet have basic AIN infrastructure in all of its network, and that its 1AESS switches lack AIN capability.<sup>9</sup> The Carriers maintain that adding AIN to these switches would be expensive and uneconomic since Pacific Bell expects to replace them well before such expense could be justified.<sup>10</sup> They maintain that even in the majority of Pacific Bell's network, where AIN infrastructure has now been introduced, Pacific Bell will need to make operational and technical changes in order to provide Dual Telephone Coverage.<sup>11</sup> The Carriers maintain that a great deal of provisioning infrastructure will need to be revised to accommodate customer ordering, billing, and operation support systems in

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<sup>3</sup> Request of Pacific Bell and Nevada Bell for Waiver of Tariffing Requirements for Certain ONA Services, CC Docket Nos. 90-623 and 88-2, Phase I, dated November 23, 1992 (Nov. 1992 Waiver Request) at 12.

<sup>4</sup> Nov. 1992 Waiver Request at 12.

<sup>5</sup> *Pacific Bell and Nevada Bell Notice and Petition for Removal of the Structural Separation Requirement and Waiver of Certain Federal and State Tariffing Requirements*, CC Docket Nos. 90-623 and 88-2, Phase I, Memorandum Opinion and Order, 8 FCC Rcd 3982 (1993).

<sup>6</sup> Petition for Extensions of Waiver that will Expire May 21, 1998, CC Docket Nos. 90-623 and 99-2, Phase I, filed April 17, 1998.

<sup>7</sup> *Id.* at 2-3.

<sup>8</sup> *Id.* at 3.

<sup>9</sup> *Id.*

<sup>10</sup> *Id.*

<sup>11</sup> *Id.*

connection with this AIN service.<sup>12</sup> They state that Pacific Bell will need to perform translations in the software of its central office switches.<sup>13</sup> The Carriers further state that Pacific Bell anticipates either replacing its 1AESS switches or developing "work-around" solutions for those switches, and making numerous other changes by the end of 1999. The Carriers maintain that Pacific Bell will be able to offer Dual Telephone Coverage by that time,<sup>14</sup> and thus request an extension of the waiver of the state tariffing requirement for Pacific Bell until December 31, 1999.<sup>15</sup>

4. The Carriers further state that Nevada Bell does not have AIN infrastructure in any of its network, and that to deploy AIN, Nevada Bell will have install integrated service control points (ISCPs) throughout its network.<sup>16</sup> According to the Carriers, the ISCPs are platforms that provide the intelligence to make services such as Dual Telephone Coverage work.<sup>17</sup> They state that Nevada Bell will have to install AIN Q.1 software in its switches at end offices, and must make the same changes that Pacific Bell must make, as described above.<sup>18</sup> The Carriers therefore request an extension of the waiver of the state tariffing requirement for Nevada Bell until December 31, 2000.<sup>19</sup>

5. Pursuant to section 1.3 of the Commission's rules, the Commission may grant a waiver of a provision of those rules upon a showing of "good cause."<sup>20</sup> As construed by the U. S. Court of Appeals for the District of Columbia, section 1.3 allows us to grant a waiver "only if special circumstances warrant a deviation from the general rule and such deviation will serve the public interest."<sup>21</sup>

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<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

<sup>14</sup> *Id.* at 4.

<sup>15</sup> *Id.*

<sup>16</sup> *Id.* at 3.

<sup>17</sup> *Id.* at 3-4.

<sup>18</sup> *Id.* at 4.

<sup>19</sup> *Id.*

<sup>20</sup> 47 C.F.R. § 1.3.

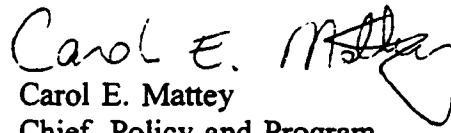
<sup>21</sup> *Northeast Cellular Telephone Co., L.P. v. Fed. Communications Comm'n*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) (citing *WAIT Radio v. Fed. Communications Comm'n*, 418 F.2d 1153, 1159 (D.C. Cir. 1969), *cert denied*, 409 U.S. 1027 (1972); *Industrial Broadcasting Co. v. Fed. Communications Comm'n*, 437 F.2d 680, 683 (D.C. Cir. 1970).

6. We conclude that Pacific Bell and Nevada Bell have demonstrated "good cause" for extensions of their waivers of the state tariffing requirement for Dual Telephone Coverage. The fact that Dual Telephone Coverage has never been offered creates special circumstances that warrant an extension of the Commission's previous waiver. We further conclude that their requested extensions are in the public interest, since petitioners represent that it would be very burdensome and costly to provide Dual Telephone Coverage by the current deadline. Accordingly, we grant Pacific Bell an extension of its waiver until December 15, 1999, and we grant Nevada Bell an extension of its waiver until December 15, 2000.

#### D. ORDERING CLAUSE

7. Accordingly, IT IS ORDERED that the petition for extension of waiver pertaining to Pacific Bell IS GRANTED until December 15, 1999, and that the petition for extension of waiver pertaining to Nevada Bell IS GRANTED until December 15, 2000.

Federal Communications Commission

  
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Common Carrier Bureau