

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554**

**In the Matter of:** )  
 )  
**BellSouth Tariff FCC No. 1** ) **Transmittal No. 629**  
 )

**WORLDCOM PETITION TO REJECT OR,  
IN THE ALTERNATIVE, SUSPEND AND INVESTIGATE**

WorldCom, Inc. (WorldCom), pursuant to Section 1.773 of the Commission's Rules, hereby petitions the Commission to reject or, in the alternative, suspend and investigate the above-captioned transmittals filed by BellSouth Telecommunications, Inc. (BellSouth) on April 26, 2002.<sup>1</sup>

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<sup>1</sup> Rejection of a proposed tariff or proposed changes to an existing tariff is warranted when the proposal is prima facie unlawful in that it can be demonstrated that it conflicts with the Communications Act or a Commission, rule, regulation or order. See, e.g., American Broadcasting Companies, Inc. v. FCC, 633 F.2d 133, 138 (D.C.Cir. 1980); Associated Press v. FCC, 448 F.2d 1095, 1103 (D.C.Cir. 1971); MCI v. AT&T, 94 FCC 2d 332, 340-41 (1983); AT&T, 67 FCC 2d 1134, 1158 (1978), recon. denied, 70 FCC 2d 2031 (1979).

Suspension and investigation of a proposed tariff or tariff modification is warranted when significant questions of unlawfulness arise in connection with the tariff. See AT&T Transmittal No. 148, Memorandum Opinion and Order, FCC 84-421 (released Sept. 19, 1984); ITT, 73 FCC 2d 709, 719 (1979); AT&T, 46 FCC 2d 81,86 (1974); see also Arrow Transportation Company v. Southern Railway Company, 372 U.S. 658 (1963).

Although BellSouth has made token changes to its cost study, BellSouth continues to include an array of OSS costs that do not meet the Third Report and Order's cost recovery standards. In the Third Report and Order, the Commission made clear that OSS costs incurred as an “incidental consequence” of thousands-block number pooling are not eligible for recovery.<sup>2</sup> Under that order's cost recovery standards, ILECs may include only those OSS costs incurred for one of three categories of functions: (1) to “identify, donate, and receive blocks of pooled numbers;” (2) to “create and populate the regional databases and carriers' local copies of those databases;” or (3) to “adapt the procedures for querying these databases and for routing calls.”<sup>3</sup>

BellSouth continues to claim OSS costs that are incurred merely to update ordering and provisioning systems to function in a number pooling environment, i.e., as an “incidental consequence” of thousands-block number pooling. First, a significant fraction of BellSouth's claimed OSS costs are associated with modifications allegedly required “to process orders to port back contaminates.”<sup>4</sup> But the porting of contaminated numbers would use BellSouth's already-existing local number portability (LNP) functionality. As a result, the Commission must presume that there are few, if any, “new” costs associated with any porting that occurs as part of the donation of blocks. Absent a more complete

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<sup>2</sup> Numbering Resource Optimization; Implementation of the Local Competition Provisions of the Telecommunications Act of 1996; Telephone Number Portability, Third Report and Order and Second Order on Reconsideration in CC Docket No. 96-98 and CC Docket No. 99-200, CC Docket Nos. 99-200; 96-98; 95-116, released December 28, 2001 (Third Report and Order) at ¶ 45.

<sup>3</sup> Id. at ¶ 44.

<sup>4</sup> Attachment B, COFFI, CRIS, DOE, P/SIMS, ROS, RSAG, SOCs, SONGS.

explanation of the modifications undertaken by BellSouth, the Commission should find that BellSouth has not overcome the presumption that no additional recovery is justified.<sup>5</sup> The OSS modifications now described as necessary to donate contaminated blocks are, in all likelihood, required merely to allow ordering and provisioning systems to recognize the ported numbers.<sup>6</sup> Such modifications are an “incidental consequence” of thousands-block number pooling, not necessary to “identify, receive, and donate” a block.

Similarly, BellSouth claims some OSS costs that are alleged to “allow BellSouth to be allocated blocks that are contaminated.”<sup>7</sup> That explanation is, however, insufficient to overcome the presumption that no additional recovery is justified. Notably, BellSouth has excluded from cost recovery “MECHSO” upgrade costs that have the same description,<sup>8</sup> i.e., costs necessary to “allow BellSouth to be allocated blocks that are contaminated.” Furthermore, the claimed modifications appear to be designed to permit BellSouth’s ordering and provisioning systems to recognize that some numbers in the allocated block are not available for assignment to BellSouth’s customers.<sup>9</sup> These modifications are an “incidental” consequence of the implementation of number pooling, not themselves

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<sup>5</sup> See Third Report and Order at ¶ 39.

<sup>6</sup> See, e.g., Attachment B, CRIS “maintains all BST customer account records needed to provide customer service”; RSAG “supports service negotiation and provisioning.”

<sup>7</sup> Attachment B, LESOG, MISOP, VNS, SOAC, SWITCH.

<sup>8</sup> Attachment B, “MECHSO.”

<sup>9</sup> See, e.g., description of MISOP in BellSouth Transmittal No. 623, Attachment B “MISOP must recognize the following number pooling FIDS and Code Sets . . . [t]o ensure the accuracy of Service Orders.”

necessary to allow BellSouth to “receive” contaminated blocks.

For the reasons stated herein, the Commission should reject or, in the alternative, suspend and investigate BellSouth Transmittal No. 629.

Respectfully submitted,  
WORLDCOM, INC.

/s/ Alan Buzacott

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May 3, 2002

STATEMENT OF VERIFICATION

I have read the foregoing and, to the best of my knowledge, information, and belief, there is good ground to support it, and it is not interposed for delay. I verify under penalty of perjury that the foregoing is true and correct. Executed on May 3, 2002.

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## CERTIFICATE OF SERVICE

**I, Alan Buzacott, do hereby certify that copies of the foregoing Petition to Reject or, in the Alternative, Suspend and Investigate, were sent via first class mail, postage paid, and by facsimile\*, to the following on this 3<sup>rd</sup> day of May, 2002.**

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**Hand Delivered\*\***  
**/s/**

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Alan Buzacott