

BEFORE THE
COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY

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Proceeding by the Department of)	
Telecommunications and Energy on its own)	D.T.E. 02-28
Motion to Develop Requirements for Mass)	
Migrations of Telecommunications Service)	
End-Users)	
)	

COMMENTS OF
ALLEGIANCE TELECOM OF MASSACHUSETTS, INC.

Allegiance Telecom of Massachusetts, Inc. (“Allegiance”), pursuant to the Legal Notice dated June 10, 2002, in the above-referenced case, hereby submits its comments in the above-captioned proceeding. Allegiance participated in the CLEC to CLEC Migration Collaborative in Massachusetts which produced the Draft Mass Migration Guidelines subject to comment now in this proceeding. Like other parties in the Massachusetts Collaborative, Allegiance believes that the Draft Guidelines provide a good foundation upon which to build final rules for the migration process. However, Allegiance has concerns about areas of the proposal, which are addressed herein. These concerns are based on Allegiance’s participation in and experience with the New York work groups collaborating on CLEC to CLEC end user migration guidelines.

Section III, Regulatory Notification, states that

Both the FCC and the DTE require notification from any company that will no longer be serving customers in a particular market. In addition, the exiting provider must file supplements to either cancel or modify its tariffs, as well as plans for transferring customers and preventing slamming problems. Further, the DTE requires notification from the company 90 days in advance of discontinuing service or, upon a showing that 90 days’ notice is not feasible, at the earliest possible date.

It is not clear from the foregoing language when the exit plan is due to be filed with the

DTE. It should be clear that the plan is to be filed with the 90-day notice, for example, if that is when the plan is due.

Also, Section III requires a contact number for the cutover coordinator to be included in the plan. Allegiance would suggest here that, with respect to contact numbers, a requirement be added for the exit plan filed with the DTE to include a regulatory contact within the company, as well as the contact number for the cutover coordinator.

Section II requires that the exit plan include a list of customers with CSR information including circuit IDs (CKIDs). It should be clear that the burden for maintaining a proper record of the circuit ID falls on the ILEC, not the CLEC. This is particularly true in light of the revised LSR process established by Verizon through a CLEC Industry Letter dated June 21, 2002, entitled “Interim Process for CLEC to CLEC Migrations”. The Industry Letter includes links to three LSR forms. All three LSR forms contain a field entitled “exchange company circuit ID”. Assuming this to be the circuit ID issued by Verizon, a CLEC can only include the number provided by Verizon. Furthermore, if this circuit ID is changed subsequent to the issuance of the initial circuit ID and not reported to a CLEC so that the CLEC can change its internal records, then the responsibility falls on Verizon for any inaccuracies in a CLEC’s exit plan.

Section V. Customer Notification states that:

Companies involved in mass migrations must meet the following timelines in order to ensure enough time to migrate customers.

Exiting CLEC must notify the DTE of its plans at least 90 days prior to discontinuing service. The information required by the DTE is listed in Section III.

? ?Exiting CLEC must notify its customers 60 days in advance of target exit date

? ?Acquiring carrier must notify customers 30 days in advance of target exit date

If a carrier is unable to meet one or more of these deadlines, it must demonstrate to the Department that meeting the deadlines is not feasible, and it must provide the appropriate notices as soon as feasible.

Appendix A to these guidelines contains two sample letters that illustrate what information must be included in the letter to be sent by the exiting CLEC who is

notifying the customer of discontinuing service. Letter 1 represents the information that the exiting CLEC must send to the customer when there is an acquiring carrier. Letter 2 represents the information that the exiting CLEC must send to the customer when there is no acquiring carrier.

In New York, a third type of notification letter was added that an exiting CLEC must send to customers that it serves through Verizon resale. If there is no acquiring carrier, and the end user doesn't make a choice, Verizon becomes the default carrier. Similar provisions should be considered in Massachusetts to address the resale situation.

Section V also states that Mass migrations involving an acquiring carrier must identify a cut-off date. The cut-off date is defined as the date after which customers will have to wait before they can obtain local exchange service from a different provider. When the customer is notified 60 days in advance, the cut-off date could be 20 days from the scheduled migration. This cut-off date will ensure that the customer has time (40 days) to make a decision and that the acquiring carrier has the time to send out notification information concerning the scheduled migration. Customers who have not selected an alternative carrier will then be transferred to the acquiring service provider. When the customer is not notified 60 days in advance, the cut-off date will depend upon the size of the migration and the notification timelines.

Allegiance is concerned about only giving the end user 20 days to pick a carrier other than the acquiring CLEC. The New York guidelines provide that the end user must choose a new carrier 40 days (not 20) prior to exit date when there is an acquiring carrier, 30 days when there isn't. While Allegiance certainly agrees that the consumer must have sufficient time to make an informed decision concerning a new carrier, Allegiance is also concerned that an end user that uses all 40 days to make a selection may lose service if there are only 20 days for the conversion to the new carrier. Both concerns must be balanced, but, in this situation, the potential for loss of service should be considered paramount and a longer time for conversion, rather than for the selection of a new carrier, should be established.

Allegiance would also suggest that an additional notification be made in each end user letter, consistent with the New York guidelines, as follows:

Please be aware that you are responsible for paying all bills rendered to you by XYZ Company during this transition. You may be subject to suspension or termination of your phone service in accordance with DTE rules if you fail to pay your telephone bill."

The benefits of this notification are self-evident, and consistency with the New York guidelines is maintained.

Conclusion

The Department of Telecommunications and Energy should adopt the CLEC to CLEC Draft Mass Migration Guidelines consistent with Allegiance's comments.

Respectfully submitted,

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