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

In the Matter of	)	
Telephone Number Portability	)	CC Docket No. 95-116
	)	

SECOND FURTHER NOTICE OF PROPOSED RULEMAKING

Adopted: September 9, 2004 **Released: September 16, 2004**

Comment Date: 30 days after publication in the Federal Register.
Reply Comment Date: 60 days after publication in the Federal Register.

By the Commission: Chairman Powell, Commissioners Copps and Adelstein issuing separate statements.

I. INTRODUCTION

1. In this Second Further Notice of Proposed Rulemaking, we seek comment on the recommendation of the North American Numbering Council (NANC), our advisory committee on numbering issues, for reducing the time interval for intermodal porting (porting between wireline and wireless carriers).[1] We also seek comment on implementation issues in the event that a reduced intermodal porting interval is adopted.

II. BACKGROUND

2. Porting Intervals. In implementing the requirements of section 251 of the Communications Act of 1934 (Communications Act), as amended,[2] the Federal Communications Commission (FCC or Commission) has sought input from the NANC on various issues.[3] In 1997, the FCC adopted the NANC's recommendation of a four business day porting interval for wireline ports.[4] At that time, the NANC did not specify a porting interval for intermodal porting.[5] Meanwhile, the wireless

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[1] Porting, also referred to as number portability or local number portability (LNP), allows consumers to retain their existing phone numbers when switching carriers. *See* 47 U.S.C. § 153(30); 47 C.F.R. § 52.21(l); *Telephone Number Portability*, CC Docket No. 95-116, First Report and Order and Further Notice of Proposed Rulemaking, 11 FCC Rcd 8352, 8368 (1996).

[2] *See* 47 U.S.C. § 251.

[3] *See* 47 C.F.R. § 52.26

[4] *See* North American Numbering Council Local Number Portability Selection Working Group Final Report and Recommendation to the FCC, Appendix E (rel. April 25, 1997); 47 C.F.R. § 52.26.

[5] Over the past several years, the NANC has studied the wireline porting interval and reviewed options for reducing the length of the wireline porting interval. *See* North American Numbering Council Local Number Portability Administration Working Group Second Report on Wireless Wireline Integration, June 30, 1999, CC Docket No. 95-116 (filed Nov. 4, 1999); North American Numbering Council Local Number Portability Administration Working Group Third Report on Wireless Wireline Integration, Sept. 30, 2000, CC Docket No. 95-116 (filed Nov. 29, 2000). Because of the number and complexity of changes that would be required in the porting process for wireline carriers,

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industry has established a voluntary standard of two and one half hours for wireless-to-wireless ports.[6]

3. On November 10, 2003, the Commission released a Memorandum Opinion and Order and Further Notice of Proposed Rulemaking (*Intermodal Porting Order and FNPRM*) clarifying certain aspects of intermodal porting and seeking further comment on issues relating to intermodal local number portability.[7] Specifically, we sought comment on whether carriers should be required to reduce the current four business day porting interval for ports between wireless and wireline carriers.[8] We also sought comment on what the reduced porting interval should be.[9] We sought input from the NANC on this issue.[10]

4. NANC Report. In response to the Further Notice of Proposed Rulemaking, the NANC submitted a report that provides several options for reducing the intermodal porting interval.[11] The report

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the NANC was not able to reach consensus on reducing the wireline porting interval to accommodate intermodal porting. Letter from John R. Hoffman, NANC Chair to Dorothy Attwood, Chief, Common Carrier Bureau (filed Nov. 29, 2000).

6 *See* North American Numbering Council Local Number Portability Administration Working Group Report on Wireless Wireline Integration, May 8, 1998, CC Docket No. 95-116 (filed May 18, 1998); North American Numbering Council Wireless Number Portability Subcommittee Report on Wireless Number Portability Technical, Operational, and Implementation Requirements Phase II, CC Docket No. 95-116 (filed Sept. 26, 2000); ATIS Operations and Billing Forum, Wireless Intercarrier Communications: Interface Specification for Local Number Portability, Version 2, at § 2 p. 6 (Jan. 2003).

7 *Telephone Number Portability*, CC Docket No. 95-116, Memorandum Opinion and Order and Further Notice of Proposed Rulemaking, 18 FCC Rcd 23697 (2003) (*Intermodal Porting Order and FNPRM*). The comments filed in response to the Further Notice of Proposed Rulemaking generally opposed changing the intermodal porting interval. *See, e.g.,* ARLEC Reply Comments at 7-9; AT&T Comments at 6-10; AT&T Reply Comments at 7-11; BellSouth Comments at 20-24; Oklahoma RTC Reply Comments at 2; OPASTCO Comments at 2 (OPASTCO contends that the porting interval should not be reduced for 2% carriers); Qwest Comments at 7-12, SBC Comments at 12-14, SBC Reply Comment at 5-7; SDTA Comments at 5-8, SDTA Reply Comments at 5; TSTCI Comments at 2-3; TSTCI Reply Comments at 2-3; USTA Comments at 5-7, Verizon Comments at 12-17; Verizon Reply Comments at 4-9. However, several wireless commenters believed that the porting interval should be reduced. *See* CTIA Comments at 4; Nextel Comments at 8 (Nextel suggests a phased in approach for shortening the porting interval.); T-Mobile Comments at 5-8); T-Mobile Reply Comments at 4-8 (T-Mobile recommends that the Commission establish a two-day interval. T-Mobile also recommends that all carriers adopt the same validation criteria as the major wireless carriers and use an automated interface.); Western Wireless Reply Comments at 9-10 (Western Wireless contends that the intermodal porting interval should more closely match the wireless porting interval. Western Wireless also states that a minimum set of requirements must be adopted to facilitate intermodal porting, including establishing porting intervals and a standardized porting process.).

8 *Intermodal Porting Order and FNPRM*, 18 FCC Rcd at 23717. In the Further Notice of Proposed Rulemaking, the Commission also sought comment on how to facilitate wireless-to-wireline porting where there is a mismatch between the rate center associated with the wireless number and the rate center in which the wireline carrier seeks to serve the customer. *Id.* at 23714. This issue will be addressed in a subsequent order.

9 *Id.* at 23717.

10 *Id*.

11 In response to our request for input in the Further Notice of Proposed Rulemaking, the NANC formed an Issues Management Group (IMG). On May 3, 2004, the NANC submitted its recommendation for reducing the intermodal porting interval. This report represents an estimated 2,000 hours of work by the NANC. *See* Letter from Robert C. Atkinson, Chairman, NANC, to William Maher, Chief, Wireline Competition Bureau, Federal Communications Commission, CC Docket No. 95-116 (dated May 3, 2004) (Porting Interval Letter); *NANC Report and Recommendation on Intermodal Porting Intervals*, Prepared for the NANC by the Intermodal Porting Interval Issue

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explains the differences between the wireline porting process and the wireless porting process and how these differences impact the intermodal porting interval.[12] Generally, there is a two stage porting process -- the Confirmation Interval (which currently takes up to 24 hours for ports involving wireline carriers) and the Activation Interval (which currently takes up to three business days for ports involving wireline carriers). The Confirmation Interval involves inter-carrier communications for the exchange of the Local Service Request (LSR or Port Response) and the Firm Order Confirmation (FOC) between the old service provider and the new service provider.[13] During the Confirmation Interval, the new service provider collects information from the customer to prepare a LSR that is sent to the old service provider[14] During this process, the new service provider and old service provider exchange information and agree on a due date to port the telephone number.[15]

5. The Activation Interval involves system updates and the physical work required to complete a simple port.[16] After the new service provider receives the Port Response, it sends a message to the Number Portability Administration Center (NPAC) specifying the telephone number being ported, the new call routing information for the number, the agreed upon due date, and the NPAC service provider IDs (SPIDs) of the old service provider and new service provider.[17] Once the old service provider is notified that the port is pending, the NPAC starts its T1 timer.[18] Once the NPAC receives a matching "create" message from both service providers, the timers cease to be active. Until both the T1 and T2 timers expire, or are deactivated by receipt of both service providers' "create" messages, the new service provider cannot activate the pending port. If either the T2 Timer expires or the old service provider concurs before the due date, the new service provider still must wait to activate the port until the due date is reached.[19]

6. If the old service provider sends a "create" message to the NPAC, it must include an explicit indication of concurrence or objection to the port. If the old service provider objects to the port,

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Management Group at 4 (dated May 3, 2004) (NANC Report). The NANC Report can be located at http://www.nanc-chair.org/docs/nowg/May04_Intermodal_Porting_Report.doc.

[12] NANC Report at 6-11.

[13] *Id.* at 6. The Confirmation Interval may take less than 24 hours when the process is fully mechanized (non-fax) and no errors exist on the LSR. *Id*. at 9.

[14] *Id*. at 6. The LSR is an industry standard form developed by the Ordering and Billing Forum.

[15] *Id*. Factors such as the quantity of telephone numbers being ported, type of service impacted, use of UNEs or the involvement of resellers will help determine the actual due date of the port. Typically, the new service provider will send, via fax or electronically, a LSR to the old service provider with the customer information, details on the port and the requested due date. The old service provider then has 24 hours to verify the information on the LSR and to respond to the new service provider with a Port Response which will contain an agreed upon due date and confirm that the information on the LSR is correct.

[16] *Id.* at 8. Factors such as the quantity of numbers being ported, type of service impacted, use of UNEs, loop facilities or the involvement of resellers may result in the porting process taking longer than three days.

[17] *Id*.

[18] *Id.* The T1 Timer is the "Initial Concurrence Window" for the porting process. The T2 Timer is the "Final Concurrence Window" for the porting process. The T1 Timer runs for nine NPAC business hours, between 7:00 a.m. and 7:00 p.m. Central time, Monday through Friday for ports involving wireline carriers. The T2 Timer also runs for nine business hours. If the old service provider has not sent its "create" message by the time the T1 Timer expires and the T2 Timer begins, then another notification is sent to the old service provider. *Id*. at 5, 8.

[19] *Id*. at 8.

the pending port is placed into a "conflict" status.[20] When this occurs, the NPAC starts a "conflict resolution window timer" during which time only the old service provider can remove the pending port from conflict.[21] After the "conflict resolution window timer" expires, either service provider can remove the pending port from conflict and submit an "activate" message to the NPAC.[22] Upon receipt of the "activate" message, the NPAC determines that the pending port is not in conflict and that the T1 and T2 Timers are not active. The old service provider can then begin its disconnect work.[23] In addition to the provisioning process described above, each service provider must also start the internal processes that will complete the port in their networks.[24]

7. To reduce the overall four-day porting interval, the NANC considered reductions to the Confirmation Interval and the Activation Interval. Specifically, it developed two Confirmation Interval proposals (Proposals C1 and C2) and three Activation Interval proposals (Proposals A1, A2, and A3).[25] Each of the two Confirmation Interval proposals were considered with each of the three Activation Interval proposals, for a total of six proposals for reducing the intermodal porting interval. Below is a summary of the NANC's proposals:[26]

- **Proposal C1** – Establishes a port request and port response time within one hour by requiring all carriers to use the same validation criteria (*e.g.* porting telephone number, social security number or account number or tax identification number, zip code, and pin or pass code if applicable).
- **Proposal C2** – Establishes a reduced port response time not to exceed five hours from the receipt of an error-free order by establishing a mechanized interface.
- **Proposal A1 –** Establishes a two-day Activation Interval with new NPAC timers.
- **Proposal A2 –** Establishes a two-day Activation Interval with shortened existing timers.
- **Proposal A3 –** Establishes a two-day Activation Interval by requiring the old service provider to send the necessary information to the NPAC no later than 24 hours prior to the NPAC due date (Early Morning Activation).

8. After reviewing the proposals, the NANC found that the costs of Proposal C1 outweighed the potential benefits. Specifically, the NANC found that Proposal C1 reduced the Confirmation Interval

[20] *Id* at 9.

[21] The Conflict resolution timer runs for six business hours between 7:00 a.m. and 7:00 p.m. central time, Monday through Friday. *Id.* at 5, 9.

[22] *Id*. at 9.

[23] *Id.*

[24] *Id.* For example, the new service provider must provision the service in the serving switch and make arrangements for a serving facility while the old service provider must issue the service orders to disconnect service to this customer at the due time on the due date. The old and new service providers' provisioning, routing, billing, maintenance, and administrative systems must be updated to accomplish the transfer of the telephone number. Typically, the old and new service providers complete their Operational Support Systems (OSS) and central office updates within one day after the port.

[25] *Id.* at 15-21.

[26] *Id*. at 15-20.

by four more hours than Proposal C2, but at a much higher cost.[27] With respect to the Activation Interval, the NANC determined that Proposal A3 provides a substantial reduction in the intermodal porting interval at a much lower cost to the industry and consumers than the other Activation Interval proposals. For example, Proposal A1 would require a new set of NPAC timers at significant expense.[28] Likewise, the NANC notes that Proposal A2 would likely result in greater costs to the industry in comparison to the costs to implement Proposal A3.[29]

9. The NANC concluded that the C2/A3 combination provides a shorter porting interval and the most economical approach to a reduced intermodal porting interval.[30] If this approach is adopted, orders received in a mechanized manner should be responded to in five hours or less (Proposal C2) and the ten-digit triggers should be set 24 hours before 12:01 a.m. of the confirmed due date (Proposal A3).[31] According to the NANC, this combination provided the shortest "maximum porting interval" (53 hours) and the greatest total time saved (43 hours) compared to the four business day (96 hours) interval in our rules.[32] For example, if a request to port was placed at 9:00 a.m. on a Monday, the Confirmation Interval would be completed by 2:00 p.m. that afternoon. The Activation Interval could then begin. The ten-digit trigger could then be set for 11:59 p.m on Wednesday. The port could be completed as early as 12:01 a.m. on Thursday.

III. DISCUSSION

10. *Porting Interval Reduction*. The NANC proposes a method that would reduce the intermodal porting interval by almost 45 percent, from 96 hours to 53 hours.[33] As discussed above, it proposes to accomplish this reduction by requiring a response to orders received in a mechanized manner in five hours or less and using an "Early Morning Activation."[34] We seek comment on the NANC's recommendation for shortening the intermodal porting interval to 53 hours. We also seek comment on alternative mechanisms for reducing the intermodal porting interval.

11. According to the NANC's report, a uniform format for the exchange of information and a single mechanized interface could reduce the Confirmation Interval from 24 hour to five hours.[35] Currently, each LEC may chose a different Local Service Ordering Guideline (LSOG) version based on

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[27] *Id*. at 29. The NANC estimates that Proposal C1 could cost the industry and consumers in excess of $600 million to $1 billion. Proposal C1 could reduce the porting interval by 23 hours. Proposal C2 could reduce the porting interval by 19 hours. The NANC estimates that Proposal C2 would cost less than $50 million to implement. *Id*. at 21.

[28] *Id*. at 29.

[29] *Id*. Proposals A1, A2, and A3 would each reduce the Activation Interval by 24 hours. *Id*. at 21.

[30] *Id*. at 4, 29. The NANC found that Proposal A2 did not allow enough time to consider the handling of complex orders and was eliminated by the NANC as a possible solution.

[31] *Id*. at 4, 30. The setting of the ten-digit trigger causes the switch to query the appropriate LNP network database for calls to the applicable telephone number, and eliminate some of the close coordination needed between the old service provider and the new service provider during the completion of the porting process. *Id.* at 7.

[32] *Id*. at 4, 30. The estimated cost to implement the NANC's C2/A3 recommendation is less than $50 million. *Id*. at 21.

[33] *Id*. at 4, 30.

[34] *Id*.

[35] *Id*. at 28.

its business needs.[36] The NANC recommends that the industry establish one common LSOG version for porting to facilitate a reduction in the Confirmation Interval. We seek comment on the NANC's recommendation. We also seek comment on whether or not the costs of a standardized LSOG and mechanized interface would outweigh the benefits, including for small entities. Commenters advocating a uniform LSOG should specify the items that should be included in a standardized LSOG.

12. In its report, the NANC also notes that reducing the intermodal porting interval could increase the number of inadvertent ports.[37] The NANC suggests that industry participants will need to follow established emergency restoration procedures for those end users that are ported in error.[38] We seek comment on the impact of a reduced intermodal porting interval on inadvertent ports. We also seek comment on the procedures that should be established to minimize and restore inadvertent ports. We further seek comment on the costs for correcting inadvertent ports that result from a reduced intermodal porting interval.

13. The NANC did not consider the extent to which reducing the intermodal porting interval will benefit consumers.[39] In response to the *Intermodal Porting Order and FNPRM*, certain commenters argued that there is no evidence that reducing the intermodal porting interval will benefit consumers or that the current four day porting interval is hindering intermodal portability.[40] We seek comment on whether the costs of a reduced intermodal porting interval outweigh the benefits of making it quicker for consumers to port their numbers.

14. Recently, many small carriers providing service in areas outside of the top 100 Metropolitan Statistical Areas (MSAs) implemented number portability.[41] We recognize that reducing the intermodal porting interval now for these carriers may produce unique challenges. The NANC notes that the economic impacts of shortening the intermodal porting interval may not be justified for rural telephone companies.[42] We seek comment on whether certain classes of carriers (*e.g.*, SBA Tier III wireless carriers,[43] rural telephone companies[44] and/or rural carriers[45]) should be exempt from a reduced

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[36] *Id.*

[37] *Id*. at 25.

[38] *Id.*

[39] *Id*. at 28.

[40] *See, e.g.,* ARLEC Reply Comments at 8-9; AT&T Comments at 10; AT&T Reply Comments at 10; BellSouth Comments at 23; Qwest Comments at 9; SBC Comments at 13-14; SBC Reply Comments at 5; USTA Comments at 6; Verizon Reply Comments at 6.

[41] In the *Intermodal Porting Order and FNPRM*, the Commission held that wireline carriers outside of the top 100 MSAs, that do not have a point of interconnection or numbering resources in the rate center where the customer's number is provisioned, were not required to provide intermodal LNP prior to May 24, 2004. *See Intermodal Porting Order and FNPRM,* 18 FCC Rcd at 23709. In addition, the Commission held that local exchange carriers with fewer than two percent of the nation's subscriber lines in the aggregate nationwide (two percent carriers) that had not received a request for LNP from either a wireline carrier prior to May 24, 2003, or a wireless carrier that has a point of interconnection or numbering resources in the rate center where the customer's wireline number is provisioned, were not required to provide wireline-to-wireless porting until May 24, 2004. *See Telephone Number Portability*, CC Docket No. 95-116, Order, 19 FCC Rcd 875 (2004).

[42] *See* NANC Report at 25. *See also* SDTA Comments at 5-8; TSTCI Comments at 2-3; TSTCI Reply Comments at 2-3.

[43] In the *E911 Stay Order*, the Commission classified CMRS carriers with 500,000 subscribers or fewer as of the end of 2001 as Tier III wireless carriers. *See Revision of the Commission's Rules to Ensure Compatibility with the Enhanced 911 Emergency Calling Systems*, CC Docket No. 94-102, Order to Stay, 17 FCC Rcd 14841 (2002) (*E911 Stay Order*). The Small Business Administration (SBA) has approved the Tier III wireless classification as a small

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intermodal porting interval, if one is adopted.[46] Similarly, we seek comment on whether an exemption is necessary for certain classes of small telephone companies as defined generically by the SBA.[47] We seek comment on what costs these classes of carriers face to reduce the intermodal porting interval pursuant to the NANC proposal. Specifically, we seek comment on the costs SBA Tier III wireless carriers, rural telephone companies and/or rural carriers would face to establish a mechanized interface pursuant to Proposal C2. In addition, we seek comment on the costs these carriers would face to establish an early morning activation method as outlined in Proposal A3. Finally, we seek comment on the appropriate length of any potential exemption and any other alternative approaches to minimizing the economic impact for SBA Tier III wireless carriers, rural telephone companies and/or rural carriers.

15. *Implementation*. The NANC Report states that the industry could require up to 24 months to reduce the intermodal porting interval as recommended in Proposal C2/A3.[48] We seek comment on this proposed implementation timeframe. We also seek comment on whether we should establish implementation milestones. Commenters advocating implementation milestones should specify what milestones should be established. Finally, we seek comment on whether an alternative timeframe should be established for certain classes of carriers (*e.g.*, SBA Tier III wireless carriers, rural telephone companies and/or rural carriers) or carriers operating in different geographic areas (*i.e.*, the top 100 MSAs versus areas outside of the top 100 MSAs).

16. The NANC also noted several issues that it believes require further exploration prior to implementing its recommendation. Specifically, the NANC recommends further exploration of the following issues which are currently being addressed by the NANC's Local Number Portability Administration Working Group: (1) ports attempted while port conflict still unresolved; (2) intermodal "port confirmation" date not recognized; (3) inconsistent intermodal porting process causes service disruption on due date; (4) intermodal port date change (post confirmation) not recognized; (5) Customer Service Request (CSR) not executable for intermodal porting from a Type 1 reseller; and (6) various service provider operational systems issues.[49] We seek comment on the impact of these, and any other outstanding issues, on implementing a shorter intermodal porting interval. Specifically, we seek comment on whether the resolution of these, and any other outstanding issues, will help or hinder the

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business size standard. *See* Letter from Hector V. Barreto, Administrator, SBA to Blaise Scinto, Acting Chief, Policy Division, Wireless Telecommunications Bureau, FCC (dated Jan. 21, 2003).

[44] *See* 47 U.S.C. § 153(37). In the *Numbering Resource Optimization First Report and Order*, the Commission authorized rural telephone companies to report their historical utilization data at the NXX level rather than at the thousand-block level in areas where LNP was not available. *See Numbering Resource Optimization*, Report and Order and Further Notice of Proposed Rulemaking, CC Docket No. 99-200, 15 FCC Rcd 7574, 7594-95 (2000). In addition, in the *Numbering Resource Optimization Fourth Report and Order*, the Commission exempted rural telephone companies and SBA Tier III wireless carriers that had not received a request to deploy LNP from the pooling requirement. *See Numbering Resource Optimization*, Fourth Report and Order in CC Docket No. 99-200 and CC Docket No. 95-115 and Fourth Further Notice of Proposed Rulemaking in CC Docket No. 99-200,18 FCC Rcd 12472, 12479 (2003)

[45] *See* 47 U.S.C. § 251(f)(2).

[46] In its comments filed in response to the Further Notice of Proposed Rulemaking, OPASTCO stated that two percent carriers should be exempt if the intermodal porting interval is reduced. OPASTCO Reply Comments at 5-7.

[47] Pursuant to SBA size standards, such a business is small if it has 1500 or fewer employees. *See* 13 C.F.R. § 121.201, NAICS code 517110.

[48] *See* NANC Report at 4, 30.

[49] *Id*. at 26.

implementation of a reduced intermodal porting interval. Similarly, we seek comment on whether a reduced intermodal porting interval will help or hinder industry efforts to resolve these outstanding issues.

17. Cost Recovery. In our recent order addressing BellSouth's petition for a waiver of our cost recovery rules, we rejected the request of Sprint and CenturyTel that we declare that costs associated with future changes to intermodal LNP requirements, including porting intervals, are recoverable by incumbent LECs through a new or modified LNP charge without seeking a special waiver.[50] In that order, we determined that the issue of cost recovery for any proposed regulatory mandate should be considered in conjunction with the proposed mandate. Accordingly, we seek comment in this proceeding on the magnitude of costs that incumbent LECs would incur to reduce the intermodal porting interval pursuant to either the NANC proposal or alternative proposals under consideration in this proceeding. We also seek comment on whether the implementation of a special cost recovery mechanism for such costs is appropriate. The NANC estimates that the proposal to respond to mechanized orders within five hours or less would cost less than $50 million to implement industrywide. We seek comment on this estimate as well as estimates for alternative proposals that are submitted.[51]

18. We note that section 251(e)(2) provides that "[t]he cost of *establishing* telecommunications numbering administration arrangements and number portability shall be borne by all telecommunications carriers on a competitively neutral basis as determined by the Commission."[52] In the *Cost Recovery Order*, the Commission determined that "'the costs of establishing number portability' include not just the costs associated with the creation of the regional databases and the initial physical upgrading of the public switched telephone network, but also the ongoing costs, such as the costs involved in transferring a telephone number to another carrier and routing calls under the N-1 protocol."[53] The Commission also determined, however, that "once incumbent LECs have recovered their initial implementation costs, number portability will be a normal network feature, and a special end-user charge will no longer be necessary to ensure that incumbent LECs recover their number portability costs on a competitively neutral basis."[54] Accordingly, we seek comment on whether the costs of implementing a reduced porting interval, if any, are "initial implementation costs" or costs associated with "normal network features" that are not entitled to a special cost recovery mechanism.

IV. PROCEDURAL ISSUES

A. Ex Parte Presentations

19. This is a permit-but-disclose notice and comment rulemaking proceeding. Members of the public are advised that ex parte presentations are permitted, provided they are disclosed under the Commission's Rules.[55]

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[50] *BellSouth Corporation Petition for Declaratory Ruling and/or Waiver*, CC Docket No. 95-116, Order, 19 FCC Rcd 6800, 6810 (2004).

[51] NANC Report at 21.

[52] 47 U.S.C. § 251(e)(2)(emphasis added).

[53] *Telephone Number Portability*, CC Docket No. 95-116, Third Report and Order, 13 FCC Rcd 11701, 11725 (1998) (*Cost Recovery Order*), *aff'd, Telephone Number Portability*, CC Docket No. 95-116, Memorandum Opinion and Order on Reconsideration and Order on Application for Review, 17 FCC Rcd 2578 (2002).

[54] *Cost Recovery Order*, 13 FCC Rcd at 11777.

[55] *See, generally* 47 C.F.R. §§ 1.1202, 1.1203, 1.1206(a).

B. Initial Regulatory Flexibility Analysis

20. As required by the Regulatory Flexibility Act of 1980, as amended (RFA),[56] the Commission has prepared this Initial Regulatory Flexibility Analysis (IRFA) of the possible significant economic impact on a significant number of small entities by the policies and rules proposed in this Second Further Notice of Proposed Rulemaking. Written public comments are requested on this IRFA. Comments must be identified as responses to the IRFA and must be filed by the deadlines for comments on the Second Further Notice of Proposed Rulemaking provided below in section IV.D. The Commission will send a copy of the Notice, including this IRFA, to the Chief Counsel for Advocacy of the Small Business Administration (SBA).[57] In addition, the Notice and IRFA (or summaries thereof) will be published in the Federal Register.[58]

1. Need for, and Objective of, the Proposed Rules

21. This Second Further Notice of Proposed Rulemaking seeks comment on the recommendation of the North American Numbering Council (NANC), our advisory committee on numbering issues, for reducing the interval for intermodal porting (wireline to wireless and wireless to wireline porting) from 96 to 53 hours.[59] The Commission also seeks comment on alternative mechanisms for reducing the intermodal porting interval.[60] In addition, the Commission seeks comment on whether the costs of a reduced intermodal porting interval outweigh the benefits of making it quicker for consumers to port their numbers.[61] The Commission also seeks comment on whether certain classes of carriers (*e.g.*, SBA Tier III wireless carriers, rural telephone companies and/or rural carriers) should be exempt from a shorter intermodal porting interval, if adopted.[62] In addition, the Commission also seeks comment on whether an exemption is necessary for certain classes of small telephone companies as defined generically by the SBA.[63] Specifically, the Commission seeks comment on the costs these classes of carriers face to reduce the intermodal porting interval pursuant to the NANC proposal.[64] The Commission also seeks comment on the appropriate length of any potential exemption and any other alternative approaches to minimizing the economic impact on SBA Tier III wireless carriers, rural telephone companies and/or rural carriers.[65]

22. In this Second Further Notice of Proposed Rulemaking, the Commission seeks comment on implementation issues in the event that a reduced intermodal porting interval is adopted.[66] Specifically, the Commission seeks comment on the implementation timeframe and whether or not it

[56] *See* 5 U.S.C. § 603. The RFA, *see* 5 U.S.C. §§ 601-612, has been amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), Pub. L. No. 104-121, Title II, 110 Stat. 857 (1996).

[57] *See* 5 U.S.C. § 603(a).

[58] *See id*.

[59] *See* NANC Report at 4, 30; *supra* at para. 10.

[60] *See supra* at para. 10.

[61] *See supra* at para. 11.

[62] *See supra* at para. 14.

[63] *See id*.

[64] *See id*.

[65] *See id*.

[66] *See supra* at paras. 15-16.

should establish implementation milestones.[67] In addition, the Commission seeks comment on the magnitude of costs that incumbent LECs would incur to reduce the intermodal porting interval pursuant to either the NANC proposal or alternative proposals under consideration in this proceeding, and whether a special recovery mechanism for such costs is appropriate.[68]

2. Legal Basis

23. The proposed action is authorized under Sections 1, 3, 4(i), 201, 202, 251 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 153, 154(i), 201-202, and 251.

3. Description and Estimate of the Number of Small Entities to which the Proposed Rules Will Apply

24. The RFA directs agencies to provide a description of, and, where feasible, an estimate of the number of small entities that may be affected by the rules adopted herein.[69] The RFA generally defines the term "small entity"[70] as having the same meaning as the terms "small business,"[71] "small organization,"[72] and "small governmental jurisdiction."[73] In addition, the term "small business" has the same meaning as the term "small business concern" under the Small Business Act, unless the Commission has developed one or more definitions that are appropriate to its activities.[74] Under the Small Business Act, a "small business concern" is one that: (1) is independently owned and operated; (2) is not dominant in its field of operation; and (3) meets any additional criteria established by the Small Business Administration (SBA).[75]

25. We have included small incumbent local exchange carriers in this present RFA analysis. As noted above, a "small business" under the RFA is one that, *inter alia*, meets the pertinent small business size standard (*e.g*., a telephone communications business having 1,500 or fewer employees), and "is not dominant in its field of operation."[76] The SBA's Office of Advocacy contends that, for RFA purposes, small incumbent local exchange carriers are not dominant in their field of operation because any such dominance is not "national" in scope.[77] We have therefore included small incumbent local

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[67] *See supra* at para. 15.

[68] *See supra* at paras. 17-18.

[69] 5 U.S.C. § 604(a)(3).

[70] 5 U.S.C. § 601(6).

[71] 5 U.S.C. § 601(3).

[72] 5 U.S.C. § 601(4).

[73] 5 U.S.C. § 601(5).

[74] 5 U.S.C. § 601(3) (incorporating by reference the definition of "small business concern" in 5 U.S.C. § 632). Pursuant to 5 U.S.C. § 601(3), the statutory definition of a small business applies "unless an agency after consultation with the Office of Advocacy of the Small Business Administration and after opportunity for public comment, establishes one or more definitions of such term which are appropriate to the activities of the agency and publishes such definition in the Federal Register."

[75] 15 U.S.C. § 632.

[76] *Id*.

[77] *See* Letter from Jere W. Glover, Chief Counsel for Advocacy, SBA, to Chairman William E. Kennard, Federal Communications Commission (May 27, 1999). The Small Business Act contains a definition of "small business concern," which the RFA incorporates into its own definition of "small business." *See* 15 U.S.C. § 632(a) (Small

(continued....)

exchange carriers in this IRFA analysis, although we emphasize that this RFA action has no effect on Commission analyses and determinations in other, non-RFA contexts.

26. *Incumbent Local Exchange Carriers.* Neither the Commission nor the SBA has developed a specific small business size standard for incumbent local exchange service providers. The closest applicable size standard under the SBA rules is for Wired Telecommunications Carriers. Under that standard, such a business is small if it has 1,500 or fewer employees.[78] According to the FCC's *Telephone Trends Report* data, 1,310 incumbent local exchange carriers reported that they were engaged in the provision of local exchange services.[79] Of these 1,310 carriers, an estimated 1,025 have 1,500 or fewer employees and 285 have more than 1,500 employees.[80]

27. *Competitive Local Exchange Carriers.* Neither the Commission nor the SBA has developed a specific small business size standard for competitive local exchange service providers. The closest applicable size standard under the SBA rules is for Wired Telecommunications Carriers. Under that standard, such a business is small if it has 1,500 or fewer employees.[81] According to the FCC's *Telephone Trends Report* data, 563 companies reported that they were engaged in the provision of either competitive access provider services or competitive local exchange carrier services.[82] Of these 563 companies, an estimated 472 have 1,500 or fewer employees and 91 have more than 1,500 employees.[83]

28. *Wireless Service Providers.* The SBA has developed a small business size standard for wireless firms within the two broad economic census categories of "Paging"[84] and "Cellular and Other Wireless Telecommunications."[85] Under both SBA categories, a wireless business is small if it has 1,500 or fewer employees. For the census category of Paging, Census Bureau data for 1997 show that there were 1,320 firms in this category, total, that operated for the entire year.[86] Of this total, 1,303 firms had employment of 999 or fewer employees, and an additional 17 firms had employment of 1,000 employees or more.[87] Thus, under this category and associated small business size standard, the majority of firms can be considered small. For the census category Cellular and Other Wireless Telecommunications, Census Bureau data for 1997 show that there were 977 firms in this category, total, that operated for the

(...continued from previous page)
Business Act); 5 U.S.C. § 601(3) (RFA). SBA regulations interpret "small business concern" to include the concept of dominance on a national basis. 13 C.F.R. § 121.102(b).

[78] 13 C.F.R. § 121.201, NAICS code 513310.

[79] FCC, Wireline Competition Bureau, Industry Analysis and Technology Division, *Trends in Telephone Service*, at Table 5.3, p 5-5 (May 2004) (*Telephone Trends Report*). This source used data that are current as of October 22, 2003.

[80] *Id*.

[81] 13 C.F.R. § 121.201, NAICS code 517110.

[82] *Telephone Trends Report*, Table 5.3.

[83] *Id*.

[84] 13 C.F.R. § 121.201, NAICS code 517211.

[85] 13 C.F.R. § 121.201, NAICS code 517212.

[86] U.S. Census Bureau, 1997 Economic Census, Subject Series: "Information," Table 5, Employment Size of Firms Subject to Federal Income Tax: 1997, NAICS code 513321 (issued October 2000) (code 513321 was changed to 517211 in Oct. 2002). The census data do not provide a more precise estimate of the number of firms that have employment of 1,500 or fewer employees; the largest category provided is "Firms with 1000 employees or more."

[87] *Id*.

entire year.[88] Of this total, 965 firms had employment of 999 or fewer employees, and an additional 12 firms had employment of 1,000 employees or more.[89] Thus, under this second category and size standard, the majority of firms can, again, be considered small.

29. *Cellular Licensees/Wireless Telephony.* Wireless telephony includes cellular, personal communications services, and specialized mobile radio telephony carriers. As noted, the SBA has developed a small business size standard for wireless firms within the broad economic census category "Cellular and Other Wireless Telecommunications."[90] Under this SBA category, a wireless business is small if it has 1,500 or fewer employees. For the census category Cellular and Other Wireless Telecommunications firms, Census Bureau data for 1997 show that there were 977 firms in this category, total, that operated for the entire year.[91] Of this total, 965 firms had employment of 999 or fewer employees, and an additional 12 firms had employment of 1,000 employees or more.[92] Thus, under this category and size standard, the great majority of firms can be considered small. Also, according to *Telephone Trends Report* data, 447 carriers report that they are engaged in the provision of cellular service, personal communications service, or specialized mobile radio telephony services, which are placed together in the data.[93] We have estimated that 245 of these are small under the SBA small business size standard and 202 have more than 1,500 employees.[94]

30. *Broadband Personal Communications Service.* The broadband personal communications services (PCS) spectrum is divided into six frequency blocks designated A through F, and the Commission has held auctions for each block. The Commission has created a small business size standard for Blocks C and F as an entity that has average gross revenues of less than $40 million in the three previous calendar years.[95] For Block F, an additional small business size standard for "very small business" was added and is defined as an entity that, together with its affiliates, has average gross revenues of not more than $15 million for the preceding three calendar years.[96] These small business size standards, in the context of broadband PCS auctions, have been approved by the SBA.[97] No small businesses within the SBA-approved small business size standards bid successfully for licenses in Blocks

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[88] U.S. Census Bureau, 1997 Economic Census, Subject Series: "Information," Table 5, Employment Size of Firms Subject to Federal Income Tax: 1997, NAICS code 513322 (issued October 2000) (code 513322 was changed to 517212 in Oct. 2002).

[89] *Id*.

[90] 13 C.F.R. § 121.201, NAICS code 517212.

[91] U.S. Census Bureau, 1997 Economic Census, Subject Series: "Information," Table 5, Employment Size of Firms Subject to Federal Income Tax: 1997, NAICS code 513322 (issued October 2000) (code 513322 was changed to 517212 in Oct. 2002).

[92] *Id*.

[93] *Telephone Trends Report*, Table 5.3.

[94] *Id*.

[95] *See* Amendment of Parts 20 and 24 of the Commission's Rules – Broadband PCS Competitive Bidding and the Commercial Mobile Radio Service Spectrum Cap, *Report and Order*, 11 FCC Rcd 7824, 7850-7852, paras. 57-60 (1996); *see also* 47 C.F.R. § 24.720(b).

[96] *See* Amendment of Parts 20 and 24 of the Commission's Rules – Broadband PCS Competitive Bidding and the Commercial Mobile Radio Service Spectrum Cap, *Report and Order*, 11 FCC Rcd 7824, 7852, para. 60.

[97] *See* Letter to Amy Zoslov, Chief, Auctions and Industry Analysis Division, Wireless Telecommunications Bureau, Federal Communications Commission, from Aida Alvarez, Administrator, Small Business Administration, dated December 2, 1998.

A and B. There were 90 winning bidders that qualified as small entities in the Block C auctions. A total of 93 "small" and "very small" business bidders won approximately 40 percent of the 1,479 licenses for Blocks D, E, and F.[98] On March 23, 1999, the Commission reauctioned 155 C, D, E, and F Block licenses; there were 113 small business winning bidders.[99]

31. On January 26, 2001, the Commission completed the auction of 422 C and F Broadband PCS licenses in Auction No. 35. Of the 35 winning bidders in this auction, 29 qualified as "small" or "very small" businesses.[100] Subsequent events, concerning Auction 35, including judicial and agency determinations, resulted in a total of 163 C and F Block licenses being available for grant.

4. Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements

32. After reviewing several alternatives, the NANC found that the C2/A3 Proposal provides a shorter porting interval and the most economical approach to an intermodal porting interval based on the proposals considered.[101] Pursuant to this plan, orders received in a mechanized manner should be responded to in five hours or less (Proposal C2) and the ten-digit trigger should be set a full day before 12:01 a.m. of the confirmed due date (Proposal A3).[102] According to the NANC, this combination provides the shortest "maximum porting interval" (53 hours) and the greatest reduction in total time saved (43 hours).[103] The NANC, however, estimates that the industry would need approximately 24 months to implement Proposal C2 after a Commission mandate is issued.[104] Should the Commission decide to adopt the NANC's recommendation, or any other change, all carriers, including small entity carriers, may require upgrades to their porting systems. These potential changes may impose new obligations and costs on carriers. We seek comment on the types of burdens carriers could face if the proposed recommendations, or any other suggested recommendations are adopted.[105] Entities, especially small businesses, are encouraged to quantify, if possible, the costs and benefits of potential reporting, recordkeeping and other compliance requirements. We note that the NANC estimates that the C2/A3 Proposal would cost less than $50 million to implement industrywide.[106] The Commission seeks comment on this estimate. Commenters should address the specific costs of the NANC's recommendations for the C2/A3 Proposal, including the costs associated with establishing a mechanized interface pursuant to Proposal C2 and an early morning activation approach as described in Proposal A3. The Commission also seeks comment on the impacts of such changes on small and rural telephone companies.[107] The Commission also considers an exemption for certain classes of carriers.[108] We also note that the Commission may choose to keep the intermodal porting interval at four days. Thus, there

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[98] FCC News, "Broadband PCS, D, E and F Block Auction Closes," No. 71744 (released January 14, 1997).

[99] *See* "C, D, E, and F Block Broadband PCS Auction Closes," *Public Notice*, 14 FCC Rcd 6688 (WTB 1999).

[100] *See* "C and F Block Broadband PCS Auction Closes; Winning Bidders Announced," *Public Notice*, 16 FCC Rcd 2339 (2001).

[101] *See* NANC Report at 4, 29.

[102] *Id*. at 4, 30.

[103] *Id*.

[104] *Id*.

[105] *See supra* at para. 14.

[106] *See* NANC Report at 21.

[107] *See supra* at paras. 10-11, 14.

[108] *See supra* at para. 14.

would be no new requirements on any group of carriers, including small entity carriers.

5. Steps Taken to Minimize Significant Economic Impact on Small Entities, and Significant Alternatives Considered

33. The RFA requires an agency to describe any significant, specifically small business, alternatives that it has considered in reaching its proposed approach, which may include the following four alternatives (among others): (1) the establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance or reporting requirements under the rule for small entities; (3) the use of performance, rather than design, standards; and (4) an exemption from coverage of the rule, or any part thereof, for small entities.[109]

34. This IRFA seeks comment on how the NANC's recommendation, and any other potential changes to the intermodal porting interval, could be implemented in a manner that reduces the potential burden of cost compliance for small entities. We seek comment on the potential impact of the proposed recommendation to reduce the intermodal porting interval on interested parties, including small entities. Specifically, the Commission seeks comment on whether, and for what period of time, certain classes of carriers, (*e.g.*, SBA Tier III wireless carriers, rural telephone companies and/or rural carriers) should be exempt from a shorter intermodal porting interval, if adopted.[110] The Commission also seeks comment on whether an exemption is necessary for certain classes of small telephone companies as defined by the SBA.[111] Such an exemption may benefit small entities by obviating the need, or deferring the timeframe, for small and rural telephone companies to establish a mechanized interface for intermodal porting and an early morning activation process. Accordingly, the Commission seeks comment on whether such an exemption would be beneficial to these carriers. The Commission also seeks comment on alternative approaches that would minimize the economic impact on SBA Tier III wireless carriers, rural telephone companies and/or rural carriers.[112] Thus, we seek comment on the NANC recommendation, and any other possible changes to the intermodal porting interval, and whether any or all of them would minimize the economic impact on small entities, which may include providers of wireless as well as wireline communications services. We note that the NANC considered and did not recommend higher cost alternatives.[113] The NANC Report states that the industry could require up to 24 months to reduce the intermodal porting interval as recommended in Proposal C2/A3.[114] The Commission seeks comment on this proposed implementation timeframe and whether implementation milestones should be established.[115] The Commission also seeks comment on whether a different timeframe should be established for certain classes of carriers (*e.g.*, SBA Tier III wireless carriers, rural telephone companies and/or rural carriers) or carriers operating in different geographic areas (*i.e.*, the top 100 MSAs versus areas outside of the top 100 MSAs).[116]

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[109] 5 U.S.C. § 603(c)(1)–(4).

[110] *See supra* at para. 14.

[111] *See id*.

[112] *See id*.

[113] *See* NANC Report at 21. The NANC examined proposals from under $50 million to over $600 million and recommended that C2/A3 Proposal, which is expected to cost under $50 million.

[114] *See* NANC Report at 4, 30.

[115] *See supra* at para. 15.

[116] *See id*.

6. Federal Rules that May Duplicate, Overlap, or Conflict with the Proposed Rules

35. None.

C. Paperwork Reduction Act

36. This document contains proposed modified information collection requirements. The Commission, as part of its continuing effort to reduce paperwork burdens, invites the general public and the Office of Management and Budget (OMB) to comment on the information collection requirements contained in this document, as required by the Paperwork Reduction Act of 1995, Public Law 104-13. Public and agency comments are due on or before 60 days after publication of this Notice in the Federal Register. Comments should address: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology. In addition, pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107-198, *see* 44 U.S.C. 3506(c)(4), we seek specific comment on how we might "further reduce the information collection burden for small business concerns with fewer than 25 employees."

D. Comment Filing Procedures

37. We invite comment on the issues and questions set forth in the Further Notice or Proposed Rulemaking and Initial Regulatory Flexibility Analysis contained herein. Pursuant to applicable procedures set forth in sections 1.415 and 1.419 of the Commission's rules,[117] interested parties may file comments on or before 30 days after Federal Register publication of this Notice, and reply comments on or before 60 days after Federal Register publication of this Further Notice. All filings should refer to **CC Docket No. 95-116**. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies.[118]

38. Comments filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/e-file/ecfs.html>. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of this proceeding, however, commenters must transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to ecfs@fcc.gov, and should include the following words in the body of the message, "get form <your e-mail address>." A sample form and directions will be sent in reply.

39. Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, commenters must submit two additional copies for each additional docket or rulemaking number. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission's contractor, Natek, Inc., will receive hand-delivered or messenger-delivered paper filings

[117] 47 C.F.R. §§ 1.415, 1.419.

[118] *See* Electronic Filing of Documents in Rulemaking Proceedings, 63 Fed. Reg. 24,121 (1998).

for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, SW, Washington, D.C. 20554. All filings must be addressed to the Commission's Secretary, Marlene H. Dortch, Office of the Secretary, Federal Communications Commission.

40. Parties also must send three paper copies of their filing to Sheryl Todd, Telecommunications Access Policy Division, Wireline Competition Bureau, Federal Communications Commission, 445 12th Street S.W., Room 5-B540, Washington, D.C. 20554. In addition, commenters must send diskette copies to the Commission's duplicating contractor, Best Copy and Printing, Inc., Portals II, 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20054.

41. Accessible formats (computer diskettes, large print, audio recording and Braille) are available to persons with disabilities by contacting Brian Millin, of the Consumer & Governmental Affairs Bureau, at (202)418-7426, TTY (202) 418-7365, or at bmillin@fcc.gov. This Further Notice can be downloaded in ASCII Text format at: http://www.fcc.gov/wtb.

E. Further Information

42. For further information concerning this Further Notice of Proposed Rulemaking, contact: Pam Slipakoff, Attorney Advisor, Telecommunications Access Policy Division, Wireline Competition Bureau at (202) 418-7705 (voice), (202) 418-0484 (TTY), or Pam.Slipakoff@fcc.gov or Jennifer Salhus, Attorney Advisor, Policy Division, Wireless Telecommunications Bureau, at (202) 418-1310 (voice), (202) 418-1169 (TTY), or Jennifer.Salhus@fcc.gov.

V. ORDERING CLAUSES

43. Accordingly, IT IS ORDERED that pursuant to the authority contained in Sections 1, 4(i), 4(j), 201-205, 218, 251, and 332 of the Communications Act of 1934, as amended, 47 USC §§ 151, 154(i), 154(j), 201-205, 218, 251, and 332 this Second Further Notice of Proposed Rulemaking IS ADOPTED.

44. IT IS FURTHER ORDERED that the Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, SHALL SEND a copy of this Second Further Notice of Proposed Rulemaking, including the Initial Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch
Secretary

APPENDIX

List of Parties Filing Comments in Response to the November 1, 2003 *Intermodal Porting Order and FNRPM*

Comments

AT&T Corp. (AT&T)
BellSouth Corporation (BellSouth)
Cellular Telecommunications & Internet Association (CTIA)
Centennial Communication Corp. (Centennial)
Illinois Citizens Utility Board (Illinois CUB)
National Emergency Number Association (NENA)
Nextel Communications, Inc. (Nextel)
National Telecommunication Cooperative Association (NTCA)
Oklahoma Rural Telephone Companies (Oklahoma RTC)
Qwest Corporation (Qwest)
SBC Communications Inc. (SBC)
South Dakota Telecommunication Association (SDTA)
Sprint
Texas Statewide Telephone Cooperative, Inc. (TSTCI)
T-Mobile USA, Inc. (T-Mobile)
United States Telecom Association (USTA)
Verizon

Reply Comments

Alabama Rural Local Exchange Carriers (ARLEC)
AT&T
Illinois CUB
Iowa Utilities Board
National Exchange Carriers Association (NECA)
NENA
Nextel
Oklahoma RTC
Organization for the Promotion and Advancement of Small Telecommunications Companies (OPASTCO)
Small Business Administration, Office of Advocacy (SBA)
SBC
SDTA
Sprint
T-Mobile
TSTCI
Time Warner Telecommunications Inc. (Time Warner)
Verizon
Western Wireless Corporation (Western Wireless)

STATEMENT OF
CHAIRMAN MICHAEL K. POWELL

Re: Telephone Number Portability, CC Docket No. 95-116.

Late last year, we made it easier than ever to cut the cord. By firmly endorsing a customer's right to untether themselves from the wireline network – and take their telephone number with them – we eliminated impediments to competition between wireline and wireless service. Today's item takes another step toward reducing the amount of time it takes for customers to port their phone number between their wireline and wireless phones. This action is particularly important as more and more consumers take their wireline phone numbers to competing VoIP services. I am determined to address this and any other regulatory impediment to the widespand adoption of VoIP applications.

Specifically, this Second Further Notice of Proposed Rulemaking (Notice) seeks comment on the recommendation of the North American Numbering Council for reducing the time interval for porting between wireline and wireless carriers. The Notice also seeks comment on alternative mechanisms for reducing the intermodal porting interval, as well as whether certain classes of carriers, including small and rural carriers, should be exempt if a shorter intermodal porting interval is adopted. Finally, the Notice seeks comment on implementation issues related to shortening the intermodal porting interval. I look forward to hearing from all interested parties regarding how best to reduce the intermodal porting interval, so that consumers can more easily switch to their carrier of choice.

STATEMENT OF
COMMISSIONER MICHAEL J. COPPS

Re: Telephone Number Portability, *CC Docket No. 95-116.*

I am happy that with this item we are seeking comment on ways to shorten the interval for intermodal porting. This Commission is strongly on record that number portability reduces both the hassle and expense that previously accompanied switching between service providers and technologies. That's good news for consumers, for businesses—for anyone who pays a phone bill.

While I am greatly encouraged at the prospect of being able to cut porting time very significantly, I want to understand fully the challenges and costs and burdens that might arguably be involved. And I want to look very closely at the impact on smaller and rural carriers. Surely we need to address open matters involving the rating and routing of wireline calls to numbers ported to wireless carriers. We depend on good input and information here, because the decisions coming out of the Commission depend on what comes in to us.

The fact that we can initiate this action today is due to the good work of the North American Numbering Council. Like so many of our advisory councils, NANC labors behind the scenes and sorts through complex details to develop its recommendations. Their input and counsel is vital to our process. So thanks to them. We demonstrate our gratitude best when we quickly seek comment on their efforts. We do so here, and I am pleased to support this item.

STATEMENT OF
COMMISSIONER JONATHAN S. ADELSTEIN

Re: Telephone Number Portability, CC Docket 95-116.

Through this Notice, the Commission seeks comment on proposals from our North American Numbering Council to improve the intermodal number portability process. Congress viewed the ability of consumers to keep their phone numbers to be an important component of the effort to develop local phone competition and consumer choice. With this Notice, we can seek broad comment on the Council's Report and on ways to make the portability process smoother for consumers. I appreciate the work of the Council, whose recent Report forms the basis of this Notice, and the contributions of the many companies, institutions, and individuals who have made available to us the time, knowledge and experience of their staff.

I am also pleased that both the Council and the Notice recognize that a reduced porting interval may not be appropriate for small and rural carriers. Given the Act's special concern for the impact of number portability on rural carriers, paying careful attention to this issue is an important aspect of any requirements that we propose in this area. While it makes sense to seek comment promptly on the Council's recommendation, this item highlights other open issues about the implementation of LNP that we have not yet addressed. In November of last year, I shared my concern about the so-called "rating and routing" problem for wireless calls that are rated local, but are in fact carried outside of wireline rate centers. As I said at that time, we must redouble our efforts to resolve this critical intercarrier compensation issue as quickly and comprehensively as possible.