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In the Matter of)	
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Nationwide Number Portability)	WC Docket No. 17-244
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Numbering Policies for Modern Communications)	WC Docket No. 13-97
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The USTelecom Association (USTelecom)¹ submits these comments in response to the Notice of Proposed Rulemaking and Notice of Inquiry² adopted by the Federal Communications Commission (Commission or FCC) seeking comment on the best path(s) forward towards completing nationwide number portability (NNP) as part of the Commission's larger policy goal of creating a technology neutral competitive, all distance market. In the NNP NPRM the Commission explores how technical aspects of the current local number portability (LNP) rules (which does not allow, in all circumstances, consumers to keep their traditional wireline numbers or their mobile numbers when they move outside of their local calling area),³ and the dialing

³ See, e.g., *Telephone Number Portability*, First Report and Order and Further Notice of Proposed Rulemaking, 11 FCC Rcd 8352, 8357, para. 7 (1996) (*LNP Implementation Order*); *Implementation of the Local Competition Provisions of the Telecommunications Act, et al.*, Second Report and Order and Memorandum Opinion and Order,

parity rules hinder the efficient routing of calls throughout the network, causing inefficiencies and delays.⁴

The Commission's first proposal is to eliminate the N-1 query requirement as a possible first step towards NNP.⁵ The Commission notes that the requirement was adopted over another proposal requiring originating carriers to perform the database query at a time when LNP was not adopted by all carriers, but that now since LNP has now been broadly deployed removal of the N-1 query should not be a problem.⁶ The Commission does, however, rightly acknowledge that the N-1 query requirement which mandates that the carrier immediately preceding the terminating carrier is responsible for ensuring that the number porting database is queried could be problematic when in an NNP environment because an intraLATA call could appear as an interLATA call.⁷ USTelecom agrees that in an NNP environment, it may make sense to alter the N-1 query requirement to avoid routing inefficiencies. NNP implementation will take time, however, and taking this step now without alternative standards and practices

11 FCC Rcd 19392 (1996) (*Local Competition Second Report and Order*); *Telephone Number Portability—Carrier Requests for Clarification of Wireless-Wireless Porting Issues*, 18 FCC Rcd 20971 (2003) (*2003 Wireless Porting Order*); *Telephone Number Requirements for IP-Enabled Services Providers et al.*, Report and Order, Declaratory Ruling, Order on Remand, and Notice of Proposed Rulemaking, 22 FCC Rcd 19531 (2007), *aff'd sub nom. National Telecomm. Cooperative Ass'n v. FCC*, 563 F.3d 536 (D.C. Cir. 2009) (*VoIP LNP*); *Telephone Number Portability*, Memorandum Opinion and Order and Further Notice of Proposed Rulemaking, 18 FCC Rcd 23697 (2003) (*Intermodal LPN Order*); Compare 47 CFR § 52.21(k) (definition of *location* portability) and 47 CFR § 52.21(m) (definition of *number* portability) with *Telephone Number Portability*, First Report and Order and Further Notice of Proposed Rulemaking, 11 FCC Rcd 8352, 8447, para. 181 (“We decline at this time to require LECs to provide either service or location portability. . . . The 1996 Act’s requirement to provide number portability is limited to situations when users remain ‘at the same location,’ and ‘switch[] from one telecommunications carrier to another,’ and thus does not include service and location portability.” *Id.* (citing 47 U.S.C. § 153(30)). See also, e.g., N. Am. Numbering Council, Local Number Portability Admin. Selection Working Group Report, para. 7.3 (1996) (Noting the LNP wireline “assumption” that “If location portability is ordered by a state commission in the context of Phase I implementation of LRN, location portability is technically limited to rate center/rate district boundaries of the incumbent LEC due to rating/routing concerns.”), https://apps.fcc.gov/edocs_public/attachmatch/DOC-341177A1.pdf.

⁴ See *NNP NPRM* at 8035, para 3.

⁵ See *Id.* at 8042, para 22.

⁶ See *Id.* at 8042, para 21.

⁷ See *Id.* at 8040, para 15.

could disturb the distribution of queries as between originating and interexchange providers, economical allocation of costs, and potentially overburden originating providers as they will need to be equipped to perform queries for every call and in every NPAC region. This will risk some originating carrier networks being overloaded at the tandem as a result of performing these additional queries. These providers could be forced to modify their networks to handle this load and increase their capacity to perform the additional queries that could be triggered.

Further, if the NPRM's proposal were adopted and applied right away, originating carriers would need to subscribe to all regional NPAC databases, instead of just one, since these providers will be tasked with performing queries for all calls, not just local calls. This would immediately increase the burdens on originating providers, without a corresponding consumer benefit in the NNP space until full implementation occurs. In addition, the lack of clarity as to which party is to perform the query, could lead to disputes among carriers and other service providers. To avoid these results, the Commission should align the costs and risks of eliminating the N-1 query with the benefits, which may warrant an implementation period closer to when NNP becomes available.

The Commission also proposes the elimination of the remaining interexchange dialing parity requirements or forbearance from these requirements⁸ including the elimination of the rules implementing those requirements ("toll dialing parity" rules).⁹ The Commission acknowledges it has already forbore from equal access and dialing parity requirements in the order granting USTelecom's 2015 Petition for Forbearance.¹⁰ At that time, USTelecom sought

⁸ See *Id.* at 43, para 25.

⁹ See *Id.* at 8045, para 35.

¹⁰ See *Petition of USTelecom for Forbearance Pursuant to 47 U.S.C. §160(c) from Enforcement of Obsolete ILEC Legacy Regulations That Inhibit Deployment of Next-Generation Networks, et al.*, Memorandum Opinion and Order, 31 FCC Rcd 6157, 6184-87, paras 49-51 (2015) (*2015 USTelecom Forbearance Order*).

forbearance from all of the dialing parity and equal access requirements so eliminating the remaining dialing parity requirements so that CLECs may allow originating carriers the benefit of avoiding the inefficiencies of having to transfer a call to the IXC of a customer's choosing, as well as extending forbearance from IXC dialing parity to customers with pre-existing stand-alone long-distance carriers is generally something USTelecom supports. However, while USTelecom whole-heartedly supports the removal of these requirements, it should be noted that as long as there remains an *intralata* preferred interexchange carrier (PIC) then there is not much providers can do with the relief that has already been granted to the industry. Unless all of the regulatory burden of these rules is eliminated or forborne from, including the local requirements, the industry cannot move the process much farther forward with respect to NNP. However, since the Commission acknowledges, the purpose of this NPRM is to see what technical barriers the Commission could remove now in order to be able to implement NNP sometime in the *future*, USTelecom agrees that this relief is something that would be advantageous for the Commission to do now in order to clear the future path for NNP. Removal of these regulatory barriers would give carriers flexibility now but carriers should be allowed to proceed with standards and other planning efforts even if they are unable to fully avail themselves of the full benefits for some time.

In the NOI, the Commission seeks input on a variety of issues related to the deployment of NNP, including NNP's potential impact on consumers and carriers.¹¹ The Commission notes that while the focus of the NOI is to seek perspectives on the most feasible way to implement NNP, one of the other goals of this proceeding could also be to facilitate larger changes to the

¹¹ See *NNP NPRM* at 8046, para 37.

current system of numbering administration.¹² More specifically, the Commission asks in the context of the ATIS Report on NNP,¹³ whether broader, intermodal NNP efforts will benefit consumers and competition, as well as potentially allow for useful reforms of the numbering system, and we explore means of achieving this goal.¹⁴

USTelecom members agree that both in terms of near and long-term actions, what is most important is to implement NNP correctly with minimal disruption to the network and the most benefit to consumers. As acknowledged in this item, under even the best of circumstances the move to NNP will be a challenge with multiple technical burdens for IP-enabled and legacy networks alike. The Commission specifically asks if any of the technical aspects of current rules hinder efficient routing of calls causing delays.¹⁵ Currently, the primary technical challenge causing routing delays is that the network is in the midst of an IP transition. Once the network is fully IP-enabled there will be multiple updates and improved efficiencies across multiple types of services. Therefore, it makes much more sense to implement the move to NNP as part of the economically rational step towards an IP-enabled network.

The Commission also seeks comment on whether any of the four specific models of NNP outlined in the *ATIS Report* are preferable in terms of feasibility, cost and adaptability to changing markets.¹⁶ The four models are: (1) nationwide implementation of LRNs; (2) non-Geographic LRNs (NGLRNs); (3) commercial agreements; and (4) iconectiv's GR-2982-

¹² *See Id.*

¹³ *See generally* Alliance for Telecomm. Indus. Sols., *ATIS Standard-ATIS-1000071, Technical Report on a Nationwide Number Portability Study, Technical Report* (2016) (*ATIS Report*).

¹⁴ *See NNP NPRM* at 8046, para 38.

¹⁵ *See Id.* at 8035, para 3.

¹⁶ *See Id.* at 8046, para 40.

CORE¹⁷ specification. It should be noted that the Commission has also tasked the newly reformed NANC to consider the potential costs, benefits, and barriers to implementation of each of these proposals. From a USTelecom perspective, of these models, the only one that makes the most sense is the use of commercial agreements.¹⁸

With respect to commercial agreements, the Commission is concerned that smaller and rural customers are at a disadvantage trying to port wireless to wireless to wireless to wireline unless the ported to carrier has presence in the same rate center as the customer's number.¹⁹ However, these carriers are not limited to LNP because providers are already able to enter into commercial agreements for the purpose of porting numbers beyond the local area and many of them are already take advantage of this opportunity in order to provide their customers with the ability to port anywhere. Since this ability already exists, it is a suitable means towards implementing NNP until the completion of the IP transition.

As such, there is not currently a benefit to gradual or partial deployment of NNP other than to allow and encourage further IP transition. The Commission asks if it would be possible for NNP to first be implemented for a particular subset of entities using numbering resources before applying it to all entities.²⁰ USTelecom sees no advantages to any sort of partial implementation of NNP. Allowing some providers to move forward while other providers remain incapable during the ongoing IP transition will only result in disappointing and confusing consumers and creating potential competitive imbalances.

¹⁷ See Telcordia, *Local Number Portability Capability Specification: Location Portability, GR-2982-CORE* (1997), <http://telecom-info.telcordia.com/site-cgi/ido/docs.cgi?ID=SEARCH&DOCUMENT=GR-2982> (purchase required).

¹⁸ See *NNP NPRM* at 8046, para 40.

¹⁹ See *Id.* at 8036, para 5.

²⁰ See *Id.* at 8046, para 39.

For the reasons discussed herein, USTelecom respectfully requests that the Commission not implement any new requirements that would require modification of legacy equipment as discussed herein. Instead the Commission should continue focusing on moving forward with implementing and completing the IP transition so that all benefits of NNP can be realized within that evolution.

Respectfully submitted,

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