

76. Pursuant to the Bureau's directive, the INC established a workshop entitled "PCS N00 Number Portability" to develop an implementation and migration plan to provide service provider portability for 500 and other PCS N00 services. On May 17, 1995, the INC submitted a report to the Bureau that sets forth alternative database architectures for such portability and an estimated implementation schedule.⁷⁴ The INC concluded, however, that implementation cannot proceed until there is regulatory guidance on: (1) who will be the owner/operator of the service management systems administering the data contained in the PCS N00 database; (2) how will the owner/operator be selected; (3) how will the costs of providing PCS N00 number portability be recovered; and (4) by what date should PCS N00 number portability be deployed.⁷⁵ The report recommends that the appropriate regulatory bodies identify a specific industry group to do detailed planning for development and implementation of a nationwide PCS N00 database once the regulatory issues are resolved.⁷⁶

77. Presently, LECs provide 500 access by two methods: switch-based translation or database capabilities.⁷⁷ We seek comment on the extent to which LECs are using AIN capabilities or other database technology to provide 500 access, and on the impact that PCS N00 service provider portability would have on the LEC networks. We also seek comment on whether it is feasible (both technically and economically) to provide PCS N00 service provider portability in a switched-based translation environment.

78. We ask parties to address the extent to which PCS N00 number portability will lower prices, and thereby stimulate demand for PCS N00 number services. Parties are asked to provide comment, studies, data, and other information on the estimated costs of designing, building, and deploying a PCS N00 database, and the estimated costs of operating such a database. We seek comment on whether it is technically feasible to upgrade the existing 800 database and associated software to accommodate PCS N00 numbers, and if so, at what cost. We seek comment on the advantages, disadvantages, and relative costs of the proposed architectures and call flow scenarios set forth in the *PCS N00 Portability Report*.

79. We tentatively conclude that the owner/operator of the service management systems administering the PCS N00 database should be a neutral third party. We seek comment on this tentative conclusion and on the other regulatory issues that the INC has presented to this Commission. We further seek comment on whether we should direct an industry group to proceed with the development of an implementation plan for PCS N00 service provider portability. Assuming such a directive is in the public interest, we seek comment on what

⁷⁴ Letter from Denny Byrne and Robert Hirsch, Co-Chairs, INC, to Kathleen M.H. Wallman, Chief, Common Carrier Bureau, FCC, dated May 17, 1995 (attaching *INC Report on PCS N00 Portability*, INC 95-0512-010(*PCS N00 Portability Report*)).

⁷⁵ *PCS N00 Portability Report* at 28-29.

⁷⁶ According to the INC, this industry group should: draft an RFP and handle the bidding process for a PCS N00 database; develop a detailed time-line for cut-over to the database; and monitor the development, operation, and maintenance of the database. *PCS N00 Portability Report* at 31-32.

⁷⁷ *500 Access Order*, 9 FCC Red at 7873, ¶ 4.

industry group (for example, ATIS or the Telecommunications Industry Association) should be selected to develop the detailed implementation plan for the database. Finally, we ask parties to comment on the estimated implementation schedule set forth in the *PCS NOO Portability Report* and to propose an alternative schedule, if appropriate.

IV. CONCLUSION

80. Number portability is an increasingly important issue that has direct impact on the provision of interstate telecommunications services. By this Notice, we seek to draw upon the industry and state efforts with respect to number portability as we develop a record on the public interest benefits of number portability and how best to implement specific solutions to number portability problems.

V. PROCEDURAL MATTERS

A. Ex Parte

81. This is a non-restricted notice and comment rulemaking. *Ex parte* presentations are permitted, except during the Sunshine period, provided they are disclosed as provided in the Commission's rules.⁷⁸

B. Regulatory Flexibility Act

82. As required by Section 603 of the Regulatory Flexibility Act, 5 U.S.C. § 601 *et seq.* (1981), the Commission has prepared an Initial Regulatory Flexibility Analysis (IRFA) of the expected impact on small entities resulting from the policies and proposals set forth in this Notice. The IRFA is contained in Appendix A to this Notice. The Secretary shall cause a copy of this Notice, including the IRFA, to be sent to the Chief Counsel for Advocacy of the Small Business Administration in accordance with Section 603(a) of the Regulatory Flexibility Act.

C. Notice and Comment Provision

83. Pursuant to applicable procedures set forth in Sections 1.415 and 1.419 of the Commission's Rules, 47 C.F.R. §§ 1.415 and 1.419, interested parties may file comments on or before September 12, 1995 and reply comments on or before October 12, 1995. To file formally in this proceeding, parties must file an original and four copies of all comments, reply comments, and supporting comments. Parties wanting each Commissioner to receive a personal copy of their comments must file an original plus nine copies. Comments and reply comments should be sent to the Office of the Secretary, Federal Communications Commission, Washington, D.C. 20554. In addition, parties should file two copies of any such pleadings with the Policy and Program Planning Division, Common Carrier Bureau, Room 544, 1919 M Street, N.W., Washington, D.C. 20554. Parties should also file one copy of any documents filed in

⁷⁸ See generally 47 C.F.R. §§ 1.1202, 1.1203, and 1.1206(a).

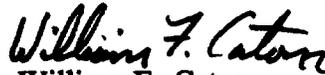
this docket with the Commission's copy contractor, International Transcription Services, Inc. (ITS, Inc.), 2100 M Street, N.W., Suite 140, Washington, D.C. 20037 (202/857-3800). Comments and reply comments will be available for public inspection during regular business hours in the FCC Reference Center, Room 239, 1919 M Street, N.W., Washington, D.C.

VI. ORDERING CLAUSES

84. Accordingly, IT IS ORDERED that, pursuant to the authority contained in Sections 1, 4(i), 4(j), 201-205, 218, and 332 of the Communications Act as amended, 47 U.S.C. §§ 151, 154(i), 154(j), 201-205, 218, and 332, a NOTICE OF PROPOSED RULEMAKING IS HEREBY ADOPTED.

85. IT IS FURTHER ORDERED that the Petition for Rulemaking of the Teleservices Industry Association IS GRANTED.

FEDERAL COMMUNICATIONS COMMISSION


William F. Caton
Acting Secretary

APPENDIX A

Initial Regulatory Flexibility Act Analysis

As required by Section 603 of the Regulatory Flexibility Act, 5 U.S.C. § 603, the Commission has prepared an Initial Regulatory Flexibility Analysis (IRFA) of the expected impact on small entities resulting from the policies and proposals set forth in this Notice. Written public comments are requested on the IRFA.

Reason for Action

This rulemaking proceeding was initiated to obtain comment on and information concerning number portability because the Commission believes that the portability of telephone numbers benefits consumers of telecommunications services and would contribute to the development of competition among alternative providers of local telephone and other telecommunications services.

Objectives

In this Notice, the Commission tentatively concludes that the portability of telephone numbers benefits consumers of telecommunications services and would contribute to the development of competition among alternative providers of local telephone and other telecommunications services. The Commission recognizes, however, that at this time it lacks sufficient information on the costs (monetary and nonmonetary) of making telephone numbers portable either between service providers, services, or locations. Furthermore, the Commission tentatively concludes that it should assume a leadership role in developing a national number portability policy, and seeks comment to determine the specific nature of this role. The Commission seeks comment on whether it should promulgate rules to ensure the development of number portability, and if so, what rules it should promulgate. Finally, it tentatively concludes that service provider portability of 900 and 500 numbers is beneficial for customers of those services. The Commission seeks comment on that conclusion and on the costs of making such portability available and other related implementation issues.

Legal Basis

The proposed action is authorized under Sections 1, 4(i), 4(j), 201-205, 218, and 332 of the Communications Act as amended, 47 U.S.C. §§ 151, 154(i), 154(j), 201-205, 218, and 332.

Reporting, Record-keeping, and Other Compliance Requirements

The proposals under consideration in this Notice do not propose new reporting or record-keeping requirements on carriers.

Federal Rules Which Overlap, Duplicate or Conflict with These Proposals

None.

Description, Potential Impact, and Number of Small Entities Involved

Small entities could be affected by the policies and proposals set forth in this Notice. Number portability obligations have not been previously established with respect to any carrier. It is uncertain whether such obligations are in the public interest and, if so, whether they should apply to small entities. After evaluating the record established in response to this Notice, the Commission will examine the impact of all rule changes on small entities and set forth its findings in the Final Regulatory Flexibility Act Analysis.

Alternatives Minimizing the Impact on Small Entities with the Stated Objectives

The Notice solicits general comment on various obligations related to number portability. The Commission will consider all significant alternatives presented in the record in response to the Notice.

IRFA Comments

We request written public comment on the foregoing Initial Regulatory Flexibility Analysis. Comments must have a separate and distinct heading designating them as responses to the IRFA and must be filed by the deadlines provided in paragraph 83 of this Notice.

APPENDIX B

Glossary of Terms

AIN	Advanced intelligent network
ATIS	Alliance for Telecommunications Industry Solutions
CAP	Competitive access provider
CLASS	Custom local area signalling service
CLC	Carrier Liaison Committee
CMRS	Commercial mobile radio service
CNA	Customer node address
DID	Direct inward dialing
ERCF	Enhanced remote call forwarding
ICCF	Industry Carriers Compatibility Forum
INC	Industry Numbering Committee
IRFA	Initial Regulatory Flexibility Analysis
ISDN	Integrated services digital network
LEC	Local exchange carrier
LERG	Local exchange routing guide
Line Number	The last four digits of a North American Numbering Plan telephone number.
LNP	Local number portability
NANP	North American Numbering Plan
NNA	Network node address
NPA	Numbering plan area
NPA code	The first three digits of a North American Numbering Plan telephone

number.

NXX code	The three digits immediately following the NPA code of a North American Numbering Plan telephone number.
OSP	Originating service provider
PCS	Personal communications services. As used in this Notice, PCS can have two meanings. First, PCS, in a generic sense, refers to "a set of capabilities that allows some combination of personal mobility, terminal mobility, and service profile management." Second, PCS, as defined in Section 24.5 of the Commission's rules, refers to "radio communications that encompass mobile and ancillary fixed communication that provide services to individuals and businesses and can be integrated with a variety of competing networks.
POTS	Plain old telephone service
RCF	Remote call forwarding
RFP	Request for proposals
SS7	Common channel signalling system
TAP	Terminating access provider
IXC	Interexchange carrier

APPENDIX C

Parties Filing in Response to Teleservices' Petition for Rulemaking

Comments: (filed November 23, 1994)

Ameritech Companies (Ameritech)
BellSouth Telecommunications (BellSouth)
Interactive Services Association
MCI Telecommunications Corporation (MCI)
Network Telephone Services
Pacific Bell
Southwestern Bell Telephone Company (SW Bell)
Sprint Corporation (Sprint)
U S WEST Communications
The Weather Channel

Replies: (filed December 12, 1994)

MCI
NYNEX Telephone Companies (NYNEX)
Teleservices Industry Association (Teleservices)
United States Telephone Association (USTA)