

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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In the Matter of)
)
Telephone Number Portability) CC Docket No. 95-116
) RM 8535

COMMENTS OF U S WEST, INC.

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U S WEST COMMENTS

U S WEST, Inc., on behalf of its wholly-owned telecommunications subsidiaries, submits these comments in response to the Notice of Proposed Rulemaking, FCC 95-284 (July 13, 1995) ("Notice"). These subsidiaries include an incumbent Bell operating company as well as cable TV companies planning to provide local telecommunications services in competition with other incumbent telephone companies.¹ The ownership of both incumbent and new entrant local service providers, together with the participation of U S WEST firms in data base number portability trials, gives U S WEST a unique perspective on the emerging issue of telephone number portability.

I. INTRODUCTION AND SUMMARY

The Commission's Notice is both timely and important. It is timely because this nation is on the verge of a competitive local exchange market. It is important because the Commission's decision on number portability will either facilitate or retard competition in this market.

¹ For example, a U S WEST cable subsidiary, Southern Multimedia Communications, Inc., has filed an application with the Georgia Public Service Commission for certification to provide local exchange services in Atlanta.

Telephone number portability, and service provider portability in particular, is important to a freely competitive local exchange market. This is because portability facilitates the ability of consumers to choose one carrier over another. The easier it is for consumers to change local service providers, the more competitive the local exchange market will become (as service providers lower prices and/or introduce new features to attract new customers and retain existing customers). While some limited forms of service provider portability are available today, more robust and efficient forms of portability are certainly desirable.

The question facing U S WEST is the same issue facing the Commission: are the benefits of more robust forms of portability outweighed by the costs of deploying and operating them? The public interest obviously would not be served if the Commission were to order implementation of new forms of portability when their costs exceed the incremental benefits over existing forms of portability. In considering this equation, the Commission should consider the benefits of local competition and how such competition can be facilitated by the introduction of more robust forms of number portability.

It bears emphasis that the costs which must be considered are not simply financial dollars. Equally important to U S WEST is the reliability of any new portability method. U S WEST's new entrant companies in particular will not succeed in the market if the public perceives their services as being substandard because their customers with ported numbers have a limited set of features or cannot consistently and timely receive their calls.

The subject of number portability is exceedingly complex; after all, the challenge is to make portable a 50-year-old numbering plan designed to be non-portable. But the subject is complex in yet another way. Of the hundreds of firms providing, or wanting to provide, local exchange service, each has its own perspective on the issue — a perspective often colored by its

own financial status and business plans. This wide divergence of views means that if the Commission uses its ordinary decision-making processes, making any decision will be difficult and time consuming—and making the best decision may be exceedingly difficult.

The Commission will make the correct decision, and reach the correct decision most rapidly, only if it recognizes the strengths and limitations of its processes and the strengths and weaknesses of the industry's consensus process. Regulators are ill-prepared to decide which of several new and emerging complex technologies should be used in implementing more robust forms of number portability — especially when regulators must generally rely on lobbyists and lawyers rather than on technical experts. While the industry understands complex technical details and has a process in place to evaluate such details, the industry will never reach consensus, much less consensus in a reasonable time frame, absent guidance by the Commission on important policy issues.

The need for Commission leadership is apparent. Perhaps less obvious, but equally important, is the need for prompt Commission leadership. As described below, the absence of such leadership could jeopardize the continuation of one, fully interoperable, national public switched telecommunications network.

U S WEST below proposes a blueprint for addressing the subject of number portability. U S WEST's proposal attempts to use the best of both the Commission's and the industry's processes with the goal of reaching correct decisions most expeditiously. U S WEST recommends that most non-policy matters be referred to the industry for the development of technical recommendations, but only after this Commission establishes the general framework under which more robust forms of portability should be developed. While the industry deliberates these technical details, the Commission would commence supplemental rulemaking proceedings to obtain addi-

tional facts concerning implementation-related policy issues so an adequate record is developed when the industry makes its technical recommendations. U S WEST believes that the first phase of this proposal — industry development of technical recommendations and supplemental Commission proceedings — could be completed in less than one year (assuming the Commission establishes governing principles at the outset).

II. THE COMMISSION SHOULD FOCUS ITS RESOURCES ON SERVICE PROVIDER PORTABILITY, BUT ENSURE THAT ANY SERVICE PROVIDER PORTABILITY PLAN ADOPTED IS COMPATIBLE WITH OTHER PORTABILITY ARRANGEMENTS

The Commission seeks comment on three forms of number portability — service provider, location, and service portability — tentatively concluding that there is growing market demand for all three forms. U S WEST wholeheartedly agrees and hopes the comments will help document the degree of this demand for each form of portability.

Nevertheless, the Commission's resources are limited, and the Commission has shown (correctly) a preference to rely on market forces where possible. In this regard, it is important to highlight that there is a material difference between service and location portability, on the one hand, and service provider portability on the other hand. Service and location portability arrangements can be provided by a single carrier, entirely within its network. Consequently, if there is a market demand for service or location portability, any carrier is free to meet that demand. There is no need for regulatory intervention when the market is capable of responding to market demand; indeed, such intervention could distort the market.

In contrast, more robust forms of service provider portability necessarily involve the participation of, and interaction with, multiple carriers which compete with each other, often for the same customers. In fact, service provider portability will work only if all carriers in a given

area (including wireless and interexchange carriers) agree to provide the capability at the same time using the same portability approach.

It is unrealistic to believe that all carriers serving a particular geographic area will agree not only to one particular service provider portability plan, but also agree to the date when that plan should become operational. Some form of regulatory intervention is thus necessary for this reason alone. As discussed more fully below, intervention by this Commission will be necessary to ensure that this nation's fully interoperable public switched network does not become balkanized by the introduction of different — and incompatible — portability solutions in different localities.

While the Commission should focus its limited resources on service provider portability, there is one aspect of location and service portability which it must nevertheless consider. Specifically, the Commission must ensure that, in addressing service provider portability, it does not take steps which have the effect of inhibiting the introduction of location and/or service portability arrangements.

Each carrier wanting to meet a demand for location or service portability will be able to do so only if the capability is technically feasible and can be implemented at a reasonable cost. This means that any service provider portability arrangement this Commission may adopt must, to the extent possible, have the ability to evolve toward, and be compatible with, location and service portability arrangements. The public interest would not be served if carriers cannot provide location or service portability because a Commission decision on service provider portability makes location or service portability difficult or impossible to deploy.

III. SERVICE PROVIDER PORTABILITY IS NOT AN “INCUMBENT” VS. “NEW ENTRANT” ISSUE

There is a common perception that the subject of service provider portability is viewed differently depending upon whether one is an existing service provider or a new entrant, with incumbents opposing such portability and new entrants advocating its immediate adoption regardless of costs. U S WEST, which owns both incumbent and new service providers, does not subscribe to this simplistic view. In fact, the interests of incumbents and new entrants are relatively compatible.

Without question, service provider portability is important in stimulating a competitive environment because it facilitates consumer choice. Service provider portability is certainly important to new entrants because it makes it easier for consumers served by an incumbent provider to switch to a new entrant. However, service provider portability is also important to incumbents because it will make it easier for them to begin serving the customers of new entrants — including former customers of the incumbent who wish to return to their original carrier.

The primary issue facing both incumbents and new entrants is cost: do the benefits of any new form of service provider portability justify the costs of deploying and operating such portability? It is difficult to undertake this cost/benefit analysis today. While there are survey results indicating that the lack of number portability could be a significant factor in inhibiting the willingness of consumers and businesses to change service providers, more research on this issue is necessary. This proceeding may be able to address this deficiency. There is, however, growing evidence that the demand for service provider portability is highly elastic — that is, there is a high demand for the capability if available at low cost, with an increasingly weaker demand as the price for the capability increases.

However, even if the benefits of service provider portability were documented, the industry cannot comment on the cost/benefit equation until it also knows the costs involved. Costs, in turn, cannot be determined until a particular form of service provider portability is identified because different forms of service provider portability have different costs (*e.g.*, degree of system modifications, location and number of data base queries, whether such queries are performed on all calls or on calls to ported numbers only).

There is a second issue that, in U S WEST's judgment, is as important as cost: reliability. No one benefits if, as a result of new portability arrangements, calls can no longer be completed consistently or completed only with excessive delay. Reliability issues are especially important to new entrants because they will initially bear the brunt of any problems, actual or perceived. The development of a competitive local exchange market will be delayed if, at the very time new entrants enter the market, they get a reputation of providing unreliable or deficient service. Indeed, new entrants may never be able to recover from an early perception that they provide unreliable or deficient service. The Commission must, therefore, ensure that any new portability solution will, in fact, facilitate (and not retard) the development of a competitive local exchange market.

IV. THE COMMISSION NEEDS TO TAKE AN ACTIVE LEADERSHIP ROLE IF A NATIONALLY CONSISTENT SERVICE PROVIDER PORTABILITY PLAN IS TO BECOME A REALITY

The Commission has asked whether it should assume a leadership role in the development of more robust forms of service provider portability. The answer is simple and unequivocal: it has no choice but to assume a leadership role if such portability is to become a reality. Put another way, in the absence of Commission intervention, new forms of service provider port-

ability may never be deployed or they may be deployed locally in a haphazard fashion which may jeopardize the viability of a continued interoperable public switched network.

A. Some Form of Regulatory Intervention Is Necessary for Service Provider Portability

As discussed above, the efficient implementation and operation of service provider portability requires the participation of all carriers serving a given area, including wireless and inter-exchange carriers. It is unrealistic to think that all carriers in a locality, including competitors with discrete business plans and agendas, will voluntarily agree to use the same form of portability; agree on who should own and operate any common elements; agree on how the costs of common elements should be recovered; and agree on the date the new form of portability should become effective. Some form of regulatory intervention will almost certainly be necessary.

The need for regulatory intervention is confirmed by the experience of introducing a service provider portability capability with 800 service. While the industry was able to develop a technical plan to support service provider portability with 800 service, that plan could not be implemented until the Commission (a) decided the date the new capability should be implemented and (b) rejected the arguments of those carriers wanting to avoid participating in the new portable arrangement.

The same phenomenon is now being experienced with 500 service. In response to the Commission's encouragement last year, the industry was able to develop a high-level service provider plan which documented the steps required for implementation. However, as successful as this industry effort has been, the process has now stalled because of "the consensus view that FCC direction in [certain areas] seems essential to any further work by the industry to implement

[500 service] number portability.”² While the industry was able to reach consensus on many important issues, it has sought Commission direction on three questions:

1. Who will own and operate common 500 service elements (specifically, any service management systems), and how will these entities be selected?
2. How will the costs for 500 service portability be recovered?
3. When should the industry begin deploying 500 service portability?

These very same issues will arise whenever a service provider portability capability is proposed for any service. In fact, the issues involved with service provider portability for ordinary telephone numbers are more complex than 500 or 800 service because, among other things, carriers can no longer discern on the basis of the dialed digits whether the call requires special treatment (*e.g.*, 800 calls only) and because these non-geographical services rely on ordinary telephone numbers in their routing and addressing scheme. In these circumstances, some type of regulatory intervention will be needed if service provider portability is to become a reality.

B. Commission Intervention Is Preferable to State Intervention

If regulatory intervention is necessary, the question becomes which regulator — this Commission or state regulators — should become involved. While states have an important — indeed, critical — role to play, it is this Commission which must assume the leadership role if this nation’s public switched network is not to become balkanized.

² See Letter from Denny Byrne and Robert Hirsch, Co-Chairmen of the Industry Numbering Committee, to Kathleen Wallman, Chief of the Common Carrier Bureau (May 17, 1995).

Many states have taken a leadership role in developing a competitive local exchange market. Some of these states have also been instrumental in the commencement of the number portability trials now underway or planned.

This state involvement has been healthy and most helpful. The portability trials in particular should prove to be invaluable in selecting the best portability solution for the nation. It is for this reason that this Commission should encourage state regulators and the industry to continue these trials, and commence new ones, while this proceeding remains pending. Nonetheless, U S WEST believes that it is this Commission which must assume the central leadership role on the subject of number portability and, as appropriate, preempt the states from adopting incompatible solutions.

There are several considerations which lead U S WEST to this position. Not all states are equally committed to a competitive local exchange market. Some states, including some with a firm commitment to competition, do not have the resources to address in a timely fashion all the issues which must be resolved before competition can flourish. In addition, as discussed more fully in Section V.A below, a national portability solution will be much more cost effective to deploy (and costs are an important factor given that portability demand will likely be impacted directly by portability cost).

But the most decisive factor favoring a national solution is that implementation of permanent, state-specific solutions could jeopardize the continued viability of a national public switched network and could easily jeopardize the future availability of new national services (*e.g.*, nationwide location portability). The fact is that there is a variety of portability solutions which have been submitted for the industry's consideration. Each of these proposals uses a different addressing scheme, some of which are incompatible with other proposals. The continued

viability of the current national public switched network could be placed in serious jeopardy if states were given the freedom to select different and incompatible addressing schemes. Consequently, this Commission must assume a leadership role if the viability of the public switched network is to be maintained.

C. Timely Commission Intervention Is Imperative

It is imperative that the Commission, having commenced this proceeding, now act with dispatch. Permanent number portability solutions will not become a reality until this Commission acts. Thus, the sooner the Commission acts, the earlier more robust forms of carrier portability will become a reality.

Moreover, the industry process will likely lose its effectiveness until the Commission adopts a blueprint for action. Experience teaches that some industry members will delay industry discussions and decisions during the pendency of Commission proceedings. Some industry members adopt this approach because they apparently believe they may have better success in achieving their business objectives by sending lobbyists and lawyers to the Commission than by relying on the decisions made by their and other technical experts attending the industry forums.

The need for prompt action is apparent. However, the Commission must resist the temptation to decide everything on its own. In this situation, an attempt by the Commission to decide everything by regulatory fiat will actually delay the end result. The health of competition in the local exchange market demands that the important subject of number portability be considered more expeditiously.

U S WEST below details a course of action it believes will allow the Commission to make the correct decisions most expeditiously. U S WEST recommends that the Commission confine its inquiry to the important policy decisions to provide the industry the guidance it needs

to work the technical issues and attempt to research consensus on these details. U S WEST is confident other commenters will make suggestions which will improve the effectiveness of this proposal.

V. A PROPOSED PLAN OF ACTION FOR THE RAPID BUT EFFICIENT DEPLOYMENT OF MORE ROBUST FORMS OF SERVICE PROVIDER PORTABILITY

U S WEST believes that the important but complex subject of service provider portability will best be addressed if the Commission follows the four-part plan of action discussed below:

1. Decide now that a national solution is necessary;
2. Direct the industry to continue its evaluation and testing of new portability solutions after the Commission identifies the principles the industry should use for evaluation;
3. Direct the commercial mobile radio service ("CMRS") industry to identify the service provider portability issues unique to that industry; and
4. Commence a supplemental rulemaking to develop a more complete record on important implementation issues.

A. The Commission Should Decide Now That A National Solution For Service Provider Portability Is Necessary

The Commission should decide at the outset that any new solution for service provider portability should be national in scope, with a uniform addressing scheme and standardized protocol and message sets. Importantly, this fundamental policy decision can be made without determining now what the national solution should be or when that solution should be deployed in any given area.

There are several different ways to support new forms of service provider portability, some which are incompatible with others. Several approaches are now being tested or will be

tested shortly. These tests are useful because their results will prove invaluable in evaluating the pros and cons of each portability. The Commission should encourage more testing and trials because such activity will provide additional insight in the development of the best national solution. However, it would be a mistake to allow each state (or carrier) to determine which particular form of service provider portability should be permanently adopted within a given geographic area.

The public switched telecommunications network, though comprised of hundreds of carriers, works as one seamless network only because all members of the industry use a common addressing scheme with common network interfaces. This national network of networks could be placed in grave jeopardy if states (or individual carriers) were given the flexibility to impose permanent portability solutions which were incompatible with each other. In addition, the industry may ultimately determine that a solution requiring a national approach (*e.g.*, data base queries originated by the originating switch) is the most efficient solution, but giving states (or carriers) the flexibility to adopt different methods would preclude the industry from even considering such approaches.

There are also significant advantages to employing a national service provider portability solution. First, a national solution will reduce implementation costs (which are ultimately passed on to the consuming public). The Commission has already observed that a national solution will be “less costly and more efficient for interstate carriers.” Notice at ¶ 30. However, a national approach will also be less costly and more efficient for intrastate carriers operating in multiple states. Carriers serving multiple states will face nightmares if required to modify their operational support and billing systems to support different and incompatible portability solutions.

Adoption of a national solution will also facilitate and expedite the deployment of service provider portability capabilities nationwide. Once a carrier modifies its network and support systems to accommodate a particular service provider portability solution in one area, it becomes easier matter to implement the same approach in other geographic areas (because support systems and the like will have already been modified).

For all these reasons, U S WEST strongly recommends that the Commission decide, and decide now, that any new permanent solution for service provider portability should be national in scope, with a uniform addressing scheme and standardized protocol and message sets.

B. The Commission Should Direct the Industry to Evaluate Different Portability Solutions After It Identifies the Governing Evaluation Principles

The industry, with its resources and technical expertise, is best suited to evaluate the technical details of new service provider portability solutions and to compare one approach with another. The industry should, therefore, be given the opportunity to continue the portability discussions it has already commenced. U S WEST suggests the industry be given eight months to submit a recommended approach to the Commission. Thus, if the Commission were to adopt this recommendation by December 1995, for example, the report would be due in September 1996. A September 1996 report date should give the industry the opportunity to evaluate the results of the portability trials now underway or planned in making its recommendations.

Of course, the evaluation of any new network capability first requires the development of the principles under which the capability should be considered. The industry has often shown the capacity to develop such evaluation criteria, as evidenced by its recent 500 service carrier portability report. Nonetheless, U S WEST recommends that the Commission, rather than the industry, develop the initial set of evaluation criteria, and that the Commission do so promptly (*e.g.*, by December 1995).

U S WEST, a strong proponent of the industry process, makes this “Commission first” recommendation for practical reasons. Agreeing to principles can be controversial, and resolving differences in a setting using the consensus process is often time consuming. Besides, the subject of new forms of service provider portability is extraordinarily complex, and U S WEST believes that whatever time is allotted to the industry is best spent by comparing one form of portability with another. The Commission can add real value to the industry process and expedite the overall decision-making process, if it establishes the pertinent policies and principles so the industry’s technical experts can focus their resources on developing the best solution for a new addressing scheme, standard protocol and message sets.

Below are the principles the Commission should adopt, at least tentatively. The Commission should encourage the industry to identify additional principles if, during the course of its deliberations, it determines such action to be appropriate. The industry should further be given the flexibility to weigh each principle, since it is doubtful that any service provider portability solution, much less a cost effective solution which can be implemented in the near future, will meet all the principles the Commission articulates.

1. The Impact on the North American Number Plan Should Be Minimized (If Not Enhanced)

The industry recently expended over \$1 billion to expand the capacity of the North American Numbering Plan (so digits other than a 0 or 1 can be used in the middle digit of an area code). With this change, the NANP is now at its full capacity; once the existing supply of numbers exhausts, the industry will be required to develop and implement a new numbering plan.

Development of a new numbering plan must be avoided. U S WEST estimates that the cost to deploy an entirely new, expanded numbering plan could easily exceed \$10 billion nation-

wide. What is more, an expanded numbering plan will inevitably require the public to dial additional digits in making interstate calls.

Current service provider portability approaches do not make an efficient use of numbers as they generally require the use of two numbers to complete a single call: the dialed number and a second number identifying the current switch serving the customer. Some portability solutions now being considered also propose to use two numbers; others would make an even more inefficient use of the NANP (by assigning an entire area code to a single carrier); yet other proposals may allow for a more efficient use of numbers.

U S WEST believes it is premature to decide which, if any, new service provider portability arrangement should be adopted. However, it is clear that the impact to the North American Numbering Plan should be given important, if not paramount, consideration.

2. Service Provider Portability Solutions Should Be Compatible With Near- and Long-Term Location and Service Portability Solutions

As noted above, service provider portability differs from location and service portability in that the latter capabilities can be provided by a single carrier. However, the technology necessary to support location and service portability is similar to, and in some cases identical to, the technology necessary to support service provider portability (*e.g.*, queries to external data bases). It is therefore likely that the type of service provider portability solution this Commission may adopt will either facilitate or retard the ability of carriers to introduce location and service portability.

There is, as the Commission observes, a growing market demand for location and service portability. Each carrier should be given the flexibility to meet this demand as it sees fit. Put another way, the Commission should avoid adopting a service provider portability arrangement

which inhibits, or prohibits altogether, the ability of carriers to provide location and service portability.

It is important, moreover, that any national service provider portability solution be consistent with likely approaches to support both near- and long-term location portability solutions. It is likely that initial location portability capabilities will be limited to defined areas such as a wire center, local free calling area, or a Numbering Plan Area (*i.e.*, an area code). However, U S WEST suspects that as consumers become accustomed to keeping their number when moving within a defined geographic area, they will demand the ability to retain their current number regardless of where they may move (*e.g.*, from the east coast to the west coast).

The point is that any new service provider portability solution adopted in the near future should be sufficiently flexible to allow for the seamless migration to more robust national portability arrangements which might be attractive at some point in the future.

3. Existing Services and Feature Functionality Should Not Be Negatively Impacted

The purpose of introducing a new capability in the network (like service provider portability) is to give consumers choices not previously available. The public interest is rarely served if, in deploying a new capability, consumers simultaneously lose the ability to use existing capabilities on which they already rely. Indeed, one of the deficiencies in current (or “interim”) forms of service provider portability is that Caller ID and other CLASS service features generally do not work properly. Consequently, an important consideration of any new service provider portability solution is its compatibility with existing services and feature functionalities.

4. Current and Planned 911 Emergency Services Should Not Be Negatively Impacted

Most people in this country are served by E911 emergency systems. With current E911 systems, networks often use the telephone number of the calling party to route the call to the correct public safety agency, and public safety agencies use the same number to identify the location of the caller in need.

Most service provider portability solutions remove the association between the telephone number of the calling party and the calling party's identity and location. Consequently, if the public is to continue to enjoy the enormous benefits of E911 systems, public safety agencies will need to develop new means to maintain existing capabilities.

5. New Portability Solutions Should Rely on Existing Network and Support Capabilities As Much As Possible

There is, as noted, growing evidence that the demand for service provider portability is highly elastic. This suggests that the public interest will best be served by identifying new portability solutions which can be deployed most easily and at least cost. This means that any new portability solution should have minimal impacts to existing network elements or supporting systems and should require as few new feature developments as possible.

6. All Inter-Carrier Calls Should Strive to Use Network Resources in the Most Efficient Way

It is axiomatic that calls should be processed in the most efficient manner. Unnecessary network elements should not remain in the call path (*e.g.*, incumbent carrier switches and trunks). Likewise, unnecessary SS7 transactions (redundant data base queries) should be avoided. Simply stated, even in a portable environment, calls should be routed and completed in the most direct and network efficient manner.

7. Each Carrier Should Have Maximum Flexibility to Perform Portability Functions Within Its Own Network

Just as the public interest is served when consumer choices are maximized, so, too, the public interest is served when each carrier can determine for itself how to process calls within its network. This consideration suggests that the number and scope of shared common elements — those accessed by all carriers to support portability — be minimized to the extent possible.

U S WEST suspects that the industry will ultimately decide to limit the shared common elements to an administrative data base similar in function to the 800 Service Management System (or “SMS”). This data base would store necessary information about customers with ported numbers, including the identity of their current local service provider. All service providers in a locality could access this data base and download the information they need to their own processing data base (service control point or “SCP”).

Limiting the shared common elements to an administrative data base will almost always maximize the ability of each carrier to implement a national portability solution in a way it deems most efficient and cost effective. Under this approach, each carrier would be able to decide whether to deploy its own portability SCP or to use the SCP of another; each carrier could decide whether to have its portability SCP serve one area or multiple areas where service provider portability is available; each carrier could decide the technology or protocol to use between its switches and its portability SCP (*e.g.*, AIN, X.25); indeed, each carrier may even have the flexibility to decide whether to perform portability queries on all call attempts or only on attempts to persons with ported numbers.

While U S WEST is relatively confident the industry will decide to limit the shared common elements to an administrative data base system, it is reluctant to make any final decisions at this time because someone may still propose a new portability solution that is even more

efficient and cost effective yet maximizes the flexibility of each carrier to perform portability functions within its respective network.

8. The Carrier With Overall Responsibility For a Call Should Have Maximum Flexibility to Route the Call As It Sees Fit

Many calls require the participation of multiple carriers. In this situation, one carrier typically has overall responsibility for the call, usually the carrier which bills the customer for the call. A carrier which bills the call should have maximum flexibility to determine how its call should be processed and routed (*e.g.*, use its own network to route the call to the switch serving the person being called).

C. The Commission Should Direct the CMRS Industry to Identify the Service Provider Portability Issues Unique to that Industry

The Commission has asked whether new service provider portability solutions should be extended to providers of commercial mobile radio services (“CMRS”) so CMRS customers can keep their number upon changing to another carrier (wireless or wireline). It is difficult to respond to this question because there has been so little public discussion concerning CMRS service provider portability; for this reason, U S WEST recommends that the Commission refer this matter to the CMRS industry so it has an opportunity to identify the portability issues unique to the wireless industry.

The industry discussions concerning new service provider portability solutions have been relatively extensive, but they have focused almost exclusively on the wireline industry. The wireless, or CMRS, industry faces these issues — and more. For example, fraud is a major problem within the CMRS industry, and most CMRS carriers have implemented different fraud detection techniques to address this problem. To the extent service provider portability makes it easier for consumers to change serving CMRS providers, the capability likewise makes it easier

for thieves to perpetrate fraud (because, with a stolen number, they can now potentially gain access to multiple networks). The introduction of a service provider portability capability within the CMRS industry may, therefore, require the CMRS industry to develop procedures and protocols to address the new challenge.

U S WEST believes the wireless industry should be given a period of time in which to address the portability issues uniquely impacting that industry. It may be that the extra costs the CMRS industry would have to incur in introducing a service provider portability solution are sufficiently large as to change the cost/benefit equation applicable to the wireline industry.

In no circumstances should the introduction of new portability solutions in the wireline industry be delayed pending resolution of different issues applicable to the wireless industry. But, by the same token, any national portability solution adopted for the wireline industry should be sufficiently flexible so that it can be accommodated by the wireless industry — if and when a decision is made to introduce that capability with CMRS services as well.

D. The Commission Should Commence a Supplemental Rulemaking to Develop a More Complete Record on Implementation Issues

Logically, issues pertaining to when and how a new capability like service provider portability should be implemented cannot be finalized until the decision is made whether to deploy the capability in the first instance. As noted, this “whether to deploy” decision cannot be resolved until more information pertaining to the costs and benefits associated with new service provider portability solutions are obtained.

Nevertheless, U S WEST recommends that the Commission begin developing policies pertaining to implementation issues while the industry evaluates the different potential service provider portability solutions. Developing such policies now will enable the Commission to ad-

dress and resolve implementation issues more rapidly should the decision ultimately be made to move forward with a more robust form of service provider portability.

Four implementation issues merit special and early consideration: (1) when new forms of service provider portability should be implemented in a given area, (2) the need for, and form of, any new toll indicator, (3) who should own and operate any common elements; and (4) the identification of all systems and capabilities impacted by the introduction of any new portability solution. U S WEST recommends that a supplemental proceeding addressing these issues be conducted in parallel with the industry's development of a technical recommendation so a record concerning these implementation issues is developed when the industry makes its technical recommendations.

1. Policies Are Needed to Determine When Any New Service Provider Portability Solution Should Be Introduced in a Given Area

It is not practical for the industry to deploy immediately, throughout the nation, any new portability solution which the Commission may adopt. This nation currently encompasses approximately 200 area codes, and the introduction of a new form of service provider portability in just one of these areas will entail roughly the same amount of work the industry faced when it introduced service provider portability for 800 service. As a practical matter, the industry does not have the resources to implement immediately and ubiquitously any new form of service provider portability.

It is also not necessary to implement nationwide and immediately any new form of service provider portability. There are different degrees of competition in the local exchange market, with competition developing faster in some markets than in others. Obviously, new forms of service provider portability should be introduced in those markets where the demand for the capability is the greatest. Likewise, there is little reason to implement new forms of