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FEDERAL COMMUNICATIONS COMMISSION
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BEFORE THE

Federal Communications Commission

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In the Matter of

Telephone Number Portability

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CC Docket No. 95-116

COMMENTS OF THE NATIONAL WIRELESS RESELLERS ASSOCIATION

September 12, 1995

Joel H. Levy
Cohn and Marks
Suite 600
1333 New Hampshire Ave., NW
Washington, DC 20036
(202) 293-3860

Its Attorney

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COMMENTS OF THE NATIONAL WIRELESS RESELLERS ASSOCIATION

The National Wireless Resellers Association (“NWRA”), by its counsel respectfully submits its Comments in response to the Notice of Proposed Rule Making (“Notice”), Telephone Number Portability, CC Docket No. 95-116, released July 13, 1995.

The Commission’s Notice, among other issues, invites comment on: (1) the competitive significance of service provider number portability for the development of competition between wireline and wireless service providers; and (2) the current, and estimated future, demand of wireless customers for portable wireless telephone numbers when they change their service provider either to another wireless service provider or to a wireline provider.

As the Commission recognized in the Notice, the issue of “number transferability,” which is essentially another term for “service provider number portability,” recently came to the forefront in the Second Notice of Proposed Rulemaking regarding the Interconnection and Resale Obligations of Commercial Mobile Radio Service providers (CC Docket No. 94-54). In Docket 94-54, the Commission requested comment on whether to make number transferability requirements a part of its CMRS resale policy. As NWRA explained in comments submitted in response to the Second Notice, and reiterates for the record in the instant proceeding, NWRA supports such a requirement and notes, as has the Commission, that it has already determined that a transferable NXX scheme “would serve the public interest.”^{1/} The lack of number transferability for resellers in the CMRS marketplace is a significant impediment to consumer access to a variety of otherwise competing CMRS service offerings. This conclusion is obvious considering the reluctance of consumers to

^{1/} See Amendment of Part 22 of the Commission’s Rules Relative to the Domestic Public Cellular Radio Telecommunications Service, CC Docket No. 85-25, 59 Rad. Reg. 2d 209, 212 (1985). See also footnote 191 in CC Docket No. 95-54 of the Second Notice of Proposed Rulemaking.

surrender their phone numbers once they have been used over a period of time. Whether they perceive problems in committing a new phone number to memory, both for themselves and their personal and professional relations, or in printing new business stationery, the fact is consumers naturally resist most transactions which will force them to lose their existing phone number in lieu of a new one.

Such resistance exacerbates the lack of full competition for wireless customers among CMRS providers, particularly in the duopolistic cellular industry and hinders the ability of CMRS resellers to provide an optimum level of service and choice to consumers. First, it is difficult for resellers to transfer their customers from one carrier to another in the event a customer would prefer to use another carrier for reasons of price or service quality. Secondly, it impedes a reseller's ability to negotiate better wholesale rates from carriers and, in turn, to offer lower prices to subscribers. In both instances, whether the reseller wishes to transfer a small group or a large block of subscribers to another carrier, subscriber reluctance to accept a new phone number makes either transaction difficult if not impossible.

It is important to note that in the interexchange industry, where resale has enjoyed great success, both in providing benefits to consumers and as a viable business venture, number transferability is not an issue; subscribers are not forced to surrender their landline or wireless phone number when a reseller switches their long distance service to another carrier. Indeed, we believe that the fact that number transferability is not an issue in the interexchange market has contributed to the success of long distance resale. Resellers might enjoy similar success in the CMRS industry, and consumers would reap similar benefits from more vigorous competition, if subscribers could retain their phone numbers if a reseller switched their service from one carrier to another.^{2/}

^{2/} A CMRS providers control of the subscriber's number is in many respects the obverse of the illegal practice of "slamming," where a subscriber's long-distance carrier is changed without

In summary, number transferability in the CMRS marketplace would be a boon to competition and provide substantial benefits to consumers. The Commission should act quickly to make wireless number transferability a reality.

Respectfully submitted,

NATIONAL WIRELESS RESELLERS
ASSOCIATION



Joel H. Levy
Cohn and Marks
1333 New Hampshire Ave., NW, Ste. 600
Washington, DC 20036
(202) 293-3860

Dated: September 12, 1995

approval. Here, without number transferability, a customer is "tied" to a particular CMRS provider whether or not that is in the subscriber's overall interest.