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

In The Matter of

Telephone Number Portability

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CC Docket No. 95-116
RM 8535

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COMMENTS OF
THE TELECOMMUNICATIONS
RESELLERS ASSOCIATION

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Summary

Service provider number portability, that is, the ability to retain one's telephone number while switching local service providers, is essential to the development of true local competition, since many consumers, particularly businesses, attach significance to retaining their telephone numbers. True local competition will bring numerous benefits to the public, as competition in other sectors of the telecommunications industry has done. Thus, it is in the public interest to mandate service provider number portability.

Marketplace forces alone are insufficient to develop and deploy service provider number portability, just as they have been inadequate to bring forth other reforms, such as expanded interconnection, that benefit competitive conditions and therefore the public; therefore, the Commission should mandate that a uniform nationwide plan be developed for the deployment of service provider number portability by a date certain.

Although a number of states have undertaken various initiatives toward the development of number portability, the Commission should recognize the significant federal policy objectives that are implicated by number portability and the risk that inconsistent state actions involving number portability could undermine federal efforts and policies. Under established precedent, federal preemption of state actions on number portability would be appropriate to avoid thwarting legitimate federal goals and ensure a uniform nationwide plan for implementing service provider number portability.

The Commission, while best suited to oversee the development of a nationwide number portability plan, is not well suited by itself to address the technical specifics of such a plan; therefore, it should appoint a multi-sector task to identify and resolve technical

issues and develop a nationwide plan for number portability. The interests of states in the number portability plan ultimately adopted could be accommodated by state representation on the task force appointed by the Commission.

A number of less-than-perfect methods of providing number portability presently exist. In the months or years during which a permanent technological plan is being developed, approved, and tested, the Commission should select and mandate an interim approach for providing service provider number portability so that the public is not forced to wait for a permanent solution before it can reap the benefits that number portability will bring.

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The Telecommunications Resellers Association ("TRA" or "Association"), by its attorneys, hereby submits its Comments in response to the Notice of Proposed Rulemaking ("NPRM") released July 13, 1995. TRA believes that, to encourage true local competition, the Commission should mandate service provider number portability and prescribe the standards and terms on which, and a deadline by which, nationwide service provider number portability will become available. The Commission has the authority to preempt state action in this area and it should do so to ensure a uniform, expedient transition to service provider number portability that will not be frustrated by inconsistent and potentially incompatible developments on a state or regional level. The progress that has been made in the states, however, will provide valuable data for use by the Commission and any industry task force that the Commission may convene to propose specific requirements and standards for service provider number portability.

I.

INTRODUCTION

Since its inception, TRA has been a champion of competition in the telecommunications industry, first in interexchange telecommunications, and more recently, in local service, wireless services, and other sectors of the industry.

TRA was created to foster and promote the interests of entities engaged in the resale of domestic interexchange and international telecommunications services. Employing the transmission, and often the switching, capabilities of underlying facilities-based network providers, the resale carriers comprising TRA create "virtual networks" to serve generally small and mid-sized commercial, as well as residential, customers, providing such entities and individuals with access to long distance rates otherwise available only to much larger users. TRA resale carrier member also offer small and mid-sized commercial customers enhanced, value-added products and services, including a variety of sophisticated billing options, as well as personalized customer support functions, that are generally not provided to low-volume users.

TRA's members -- more than 300 resale carriers and their underlying service and product suppliers -- range from emerging, high-growth companies to well-established, publicly traded corporations. They represent the fastest growing sector of the long distance industry. Already populated by more than 1,000 carriers, the interexchange resale community currently generates annual revenues in the billions of dollars. And the market share of the interexchange resale industry is forecast to double by the end of the century.

Most of TRA's resale carrier members are not yet a decade old. Their emergence and dramatic growth over the past five to ten years have produced thousands of new

jobs and new opportunities. In addition, TRA's resale carrier members have facilitated the growth and development of second- and third-tier facilities-based long distance providers by providing an extended, indirect marketing arm for their services, thereby further promoting economic growth and development. And perhaps most critically, by providing cost-effective, high quality telecommunications services to the small business community, TRA's resale carrier members have helped other small and mid-sized companies expand their businesses and generate new employment opportunities.

The growth of competitive, entrepreneurial telecommunications services providers such as the resale carrier members of TRA has been largely the result of the Commission's pro-competitive initiatives. Competition -- though far from perfect -- has emerged in the interexchange services market. For true competition to emerge in local services, initiatives such as compulsory service provider number portability will be required.

II.

ARGUMENT

A. The Commission Should Mandate Service Provider Number Portability Because it Would Stimulate True Local Competition and Result in Economic and Other Benefits for Consumers.

Mandatory implementation of service provider number portability^{1/} will, for the reasons articulated in the NPRM,^{2/} be in the public interest. For example, as the Commission

^{1/} As used herein, "service provider number portability" will have the same meaning ascribed to it in the NPRM, *i.e.*, "the ability of end users to retain the same telephone number (that is, the same NPA and NXX codes and the same line numbers) when changing from one service provider to another." NPRM at ¶ 13.

^{2/} See, *e.g.*, NPRM at ¶¶ 2, 4, 5, 7, and 22.

has observed, number portability will provide consumers personal mobility in using telecommunications services, such as that enjoyed by users of commercial mobile radio services ("CMRS"), including cellular service. NPRM at ¶ 4.

Number portability also will give consumers flexibility in selecting the telecommunications services they may choose to purchase. *Id.* Indeed, TRA's experience confirms the Commission's tentative finding that

a lack of number "portability" . . . appears to deter customers who wish to select new and different services or who wish to choose among competing service providers. Changing telephone numbers can be more than inconvenient. Businesses that change telephone numbers . . . incur administrative and marketing costs. These costs, and the potential loss of customers, may inhibit businesses from selecting new services or new providers.

NPRM at ¶ 2.^{3/}

In addition, number portability will foster competition among service providers. NPRM at ¶ 4. While the advent of number portability among providers of 800 number service promoted competition and efficiency by permitting customers to change service providers in response to pricing and service changes, service provider number portability will, as the Commission has recognized, allow consumers to elect between local exchange carriers ("LECs"), interexchange carriers ("IXCs"), cable operators, competitive access

^{3/} This conclusion is supported by the results of a relatively recent poll conducted by The Gallup Organization, which concluded that 57% of all business customers polled were unlikely to switch their local telephone service provider, and only 16% of all business customers polled would switch local providers for a 10% reduction in rates (24% for a 20% savings). Eighty-three percent (83%) of all business customers polled indicated that retaining their telephone number was very important in switching local service providers, and only 5% of such customers said that retaining their telephone numbers was unimportant. The Gallup Organization, "Local Number Portability National Study," (prepared for MCI Telecommunications Corporation) (November, 1994), Executive Summary at 2.

providers ("CAPs"), and certain CMRS providers, such as cellular carriers and perhaps personal communications service ("PCS") providers, for local service. NPRM at ¶ 5.

The link between service provider number portability and true local competition cannot be overemphasized. The Public Service Commission of Maryland has reportedly found service provider portability to be "essential for the development of effective local competition."^{4/} And AT&T is credited with stating that service provider portability "would foster the maximum feasible development of local exchange competition. What ever the merits of location and service portability, they do not bear significantly on the potential for development of effective local exchange competition."^{5/}

Of course, as the Commission has correctly observed, the extent to which number portability will stimulate the anticipated market benefits depends on the importance customers assign to retaining their current telephone numbers. NPRM at ¶ 22. As noted previously, business customers attach particular significance to their telephone numbers in determining whether to switch local service providers.^{6/} This consideration was an

^{4/} Ronald L. Howe, Michigan Public Service Commission, Policy Division, "Number Portability," at 2 (from NARUC Staff Work Group on Local Competition, Draft Discussion Papers, "Group 2 Issues: Interconnection and Standards for Number Portability" (June 21, 1995)).

^{5/} "Number Portability," *supra*, note 4, at 2.

^{6/} See *supra*, note 3. A recent report by Teleport Communications Group echoed this, stating:

Telephone customers are very much less willing to switch to new telephone companies if they must change their phone numbers as a result. Small and medium-size businesses, in particular, are unwilling to part with their numbers because even lower prices and better services do not offset the burden of confusing customers, changing stationery, notifying vendors and customers, and revising advertising. Therefore, number portability must be
(continued...)

important factor in the Commission's earlier decision to mandate 800 number provider portability.^{7/}

In that proceeding, the Commission observed that

[m]ost parties . . . assert that many 800 subscribers use verbally significant 800 numbers or invest substantially in marketing their 800 numbers and are thus not able to change them except at considerable cost. These parties claim, further, that administrative costs may deter a subscriber from changing its 800 number, even if the number is not verbally significant or part of a marketing effort. . . . The comments reflect a general consensus that because of this commitment of many 800 subscribers to their 800 number, number portability would promote competition in the 800 market [^{8/}]

Earlier, the Commission had observed that "a subscriber's commitment to a given number [also] is significant from a competitive perspective to the extent that the customers perceiving themselves to be 'locked in' to their current 800 numbers represent so large a share of the market that the competitive market for 800 service is too small to warrant competitive entry."^{9/}

Thus recognizing the importance of 800 numbers to 800 subscribers and the deleterious impact on competition of number non-portability, the Commission found that the

^{6/}(...continued)

integral to telephone service, so that customers can retain their numbers within a geographic area, regardless of the telephone company they choose.

Teleport Communications Group, "States at the Forefront in Making Local Telecommunications Competition Legal" (August, 1995) at 5.

^{7/} Provision of Access for 800 Service, CC Docket No. 86-10 ("800 Access") (Report and Order), 4 F.C.C. Rcd. 2824 (1989) at 2825-26 (subsequent history omitted).

^{8/} 800 Access, *supra*, note 7, 4 F.C.C. Rcd. at 2826, ¶ 13. The Commission also observed that a number of other benefits were expected from the 800 database approach to 800 number portability. *Id.* at ¶¶ 14-16.

^{9/} 800 Access, Supplemental Notice of Proposed Rulemaking, 3 F.C.C. Rcd. 721 (1988) ("800 Access SNPRM") at 724, ¶ 25.

800 database plan adopted in the 800 Access proceeding would bring numerous benefits to 800 subscribers, including:

(1) allowing OCCs [other common carriers] to compete on equal terms for AT&T's substantial embedded base of 800 subscribers; (2) allowing all IXC's to offer the same 800 number possibilities to future 800 subscribers, including use of commercially attractive NXXs that are currently assigned to AT&T; (3) promoting efficiency in the 800 interstate market by enabling customers to respond to price and service changes without changing their 800 number; and (4) promoting participation of small, regional IXC's in the interstate 800 market by enabling them to offer regional service to subscribers under the same 800 number that the subscribers use for calls originating from different areas.^{10/}

This recognition of the public benefits that may be derived from the entry of multiple alternative service providers is not peculiar to number portability. The Commission has long recognized that the public interest is best served when numerous providers compete to provide consumers with varying offerings of the same service.

For example, in Regulatory Policies Concerning Resale and Shared Use of Common Carrier Services and Facilities, ("Resale and Shared Use - Private Lines"),^{11/} the Commission explained that "numerous public benefits would ensue from unlimited resale and sharing activities, [including creating] further pressures on carriers to provide their services at rates which are wholly related to costs."^{12/} In addition, the Commission predicted that resale and sharing of private line service would reduce the waste of private line capacity resulting

^{10/} 800 Access SNPRM at 724, ¶ 24.

^{11/} Resale and Shared Use - Private Lines, 60 F.C.C.2d 261 (1976), recon., 62 F.C.C.2d 588 (1977), aff'd sub nom. AT&T v. FCC, 572 F.2d 17 (2d Cir.), cert. denied, 439 U.S. 875 (1978).

^{12/} Resale and Shared Use - Private Lines, 60 F.C.C.2d 261 at 298-99, ¶ 75.

from customers' part-time use of their private lines, and therefore increase the efficient utilization of private line service. "In the long run," the Commission reasoned, "this should benefit all ratepayers because underlying carriers will be able to satisfy the same quantum of communications requirements at lower costs, thereby resulting in lower rates."^{13/}

Furthermore, the Commission predicted that resale and shared use would spur research and development:

Resellers will want to employ the latest technological developments in order to make the most efficient use of the carriers' transmission capacity. By the same token, underlying carriers will have a new incentive to introduce new transmission technologies as soon as they develop, knowing that otherwise they may lose business to resellers.^{14/}

Finally, the Commission predicted that resale and shared use would benefit underlying carriers as a matter of economic theory:

It is a well known principle of economics -- amply demonstrated throughout the history of telecommunications -- that the introduction of new sources of supply and/or service offerings results in an expansion of the market demand. Where, as here, these new sources and service offerings are possible without the addition of significant investment or resources, it is particularly advantageous.^{15/}

Similarly, in Regulatory Policies Concerning Resale and Shared Use of Common Carrier Domestic Public Switched Network Services,^{16/} the Commission stated that

^{13/} Id. at 301, ¶ 85.

^{14/} Id. at 302, ¶ 86.

^{15/} Id. at 302, ¶ 87.

^{16/} Regulatory Policies Concerning Resale and Shared Use of Common Carrier Domestic Public Switched Network Services (Report and Order), 83 F.C.C.2d 167 (1980).

unlimited resale of MTS and WATS would help curb price discrimination by underlying carriers:

It is difficult to sustain price discrimination in a competitive environment where customers are free to choose among many alternative suppliers. With MTS and WATS, however, the customer has no choice but to pay the tariffed rates. . . . [W]e expect resale activities to moderate certain types of discrimination in the pricing of telephone services in instances where the firm is not providing a product or service in appropriate relationship to its cost. The desired result would come about when arbitragers [resellers] . . . are free to capitalize upon attempts by the telephone company to charge different rates for the same product.^{17/}

Other public benefits which the Commission foresaw as a result of unlimited resale and sharing of MTS and WATS -- benefits which can be expected from the influx of competing local service providers that itself will result from viable service provider number portability -- included "expansion of service options available to the public"; more efficient use of the network; expansion of the "array of choices which consumers . . . have with respect to grade of service"; increased entry and competition by new providers, "greater possibility of innovation by equipment system manufacturers, with less waste of available communications facilities through improved management techniques," and "creation of demand for new services."^{18/}

More recently, in Interconnection and Resale Obligations Pertaining to Commercial Mobile Radio Services,^{19/} a proceeding that will be particularly relevant if CMRS providers

^{17/} Id., 83 F.C.C.2d at 175, ¶¶ 17, 18 (footnotes omitted).

^{18/} Id., 83 F.C.C.2d at 178-79, ¶ 23, 180, ¶ 29, 181, ¶ 31, 184-85, ¶ 41.

^{19/} Interconnection and Resale Obligations Pertaining to Commercial Mobile Radio Services, CC Dkt. No. 94-54, Second Notice of Proposed Rule Making, FCC 95-149 (released April 20, 1995) ("CMRS Second NPRM").

begin to compete meaningfully with wireline providers of local service following the advent of service provider number portability, the Commission stated that

requiring CMRS licensees to provide resale capacity will have the overall effect of promoting competition. Prohibiting resale restrictions provides a means of policing price discrimination, mitigating head-start advantages among licensees, and providing some degree of secondary market competition (*i.e.*, retail price competition). Further, promoting resale is advantageous because resellers may be a source of marketplace innovation (*e.g.*, by adding value to the resold service). For example, a reseller may provide a customized billing service, or bundle resold service with other telecommunications services such as interexchange or cable service. Resale could increase overall demand for CMRS services and increase overall traffic on telecommunications networks, thus permitting achievement of economies of scope and scale.^[20/]

It is manifest, not only from experience gained through the 800 Access proceeding, but also from other proceedings in which the Commission successfully encouraged competition by promoting entry of multiple competing firms, that the advent of a uniform, nationwide standard for service provider number portability will bring a host of benefits to the public by spurring the entry of numerous competitive alternatives for the provision of local service. But these changes will not happen without strong leadership from the Commission.

B. If the Record in this Proceeding Allows, the Commission Should Oversee Development of Specific Standards and Requirements for Service Provider Number Portability Through the Appointment of a Multi-Sector Task Force.

1. A Commission mandate is appropriate.

It can be fairly predicted, based on experience, that carriers will not make service provider number portability available without governmental compulsion to do so, since such action would impose costs and other burdens on entrenched LECs and would

^{20/} CMRS Second NPRM at ¶ 84.

stimulate competition, which the incumbent carriers have economic incentives to discourage. Indeed, the Commission foresaw the need for government intervention when it wrote in the NPRM that "it appears unlikely that market forces alone will drive the development and deployment of a number portability solution."^{21/}

A similar conclusion was reached by the Commission in the CMRS context, where the Commission predicted reluctance by incumbent licensees to permit resale of their services:

CMRS providers may have incentives to refuse to enter into resale arrangements with competing carriers. For example, even though carriers are permitted to charge and realize a profit from selling service to resellers, the return is higher when they provide the retail service directly to end users. Thus, absent a Commission-imposed resale obligation, it is our tentative view that carriers might very well refuse to permit other providers to resell their service. Therefore, we tentatively conclude that a mandatory general resale requirement is necessary because it will serve as an effective means of promoting competition in the CMRS marketplace.^[22/]

It is not uncommon for incumbent service providers to resist efforts to open their markets to competition, and for competition to require the assistance of a clear mandate from the Commission. Last fall, Commission Chairman Hundt recounted the Commission's experience with expanded interconnection and the resistance it encountered from the LECs that would be subject to the interconnection requirements:^{23/}

We're great believers in expanded interconnection. It fosters competition, leading to lower long distance rates, more consumer choice, increased technological innovation, investment in advanced technologies and greater economic growth.

^{21/} NPRM at ¶ 28.

^{22/} CMRS Second NPRM at ¶ 86.

^{23/} Remarks of Chairman Reed Hundt before the Networked Economy Conference (Washington, D.C., September 26, 1994), 1995 FCC LEXIS 4936 at * 9.

So the Commission decided to require local exchange carriers to provide expanded interconnection. The LECs objected, taking us to the Court of Appeals and winning. But we were able to continue to work toward our goals by directing local telephone companies to provide expanded interconnection through virtual, instead of physical, collocation.

Two lessons there: first, competition doesn't come by itself; it often takes a fight. Second, like all fights worth fighting, it has to be won.

In the course of the expanded interconnection "fight" described by Chairman Hundt, the Commission rejected the BOCs' argument that voluntary arrangements would be satisfactory for establishing terms of interconnection, and that the Commission therefore needed only to articulate principles of general applicability, stating:^{24/}

We believe that adoption of certain standards will bring faster implementation of expanded interconnection by clarifying the rights and obligations of the LECs and interconnectors. This should greatly reduce the number of disputes arising during the implementation process. Adopting only general principles would only leave the process of defining those general guidelines to future proceedings with the likelihood of substantial delay.

In like manner, reliance on general principles and voluntary implementation of those principles in the context of service provider number portability would be inappropriate and would delay the availability of public benefits unnecessarily. Thus, the Commission should not leave number portability to marketplace forces, but should articulate specific mandatory requirements in the form of a uniform, nationwide plan and a date certain for implementation of the plan.

^{24/} Expanded Interconnection with Local Telephone Company Facilities, 7 F.C.C. Rcd. 7369 (1992) at 7405-06, ¶¶ 70-72.

2. **The Commission should appoint a multi-sector task force to identify and resolve technical and operational issues and to prepare a plan for public comment.**

In the 800 Access proceeding, the Commission observed that "a uniform, nationwide system of 800 access is necessary for an economically viable, nationwide 800 service to be offered by multiple interexchange carriers."^{25/} Similarly, a uniform plan for service provider number portability is appropriate. While a number of states already have taken varying steps toward investigating and developing options for service provider number portability, the Commission is the most appropriate body to assume the leadership role necessary to develop and disseminate a uniform national plan for portability.

But the Commission is not well suited, by itself, to develop fully the highly technical issues and the data necessary to prescribe uniform standards for service provider number portability. A variety of public and private, state and federal interests will be affected by the outcome of any attempt to promulgate standards for number portability; therefore, to accommodate the variety of diverging interests, the Commission should follow earlier examples, such as that in the Intelligent Networks proceeding,^{26/} and organize a task force composed of industry, consumer, and state and federal governmental interests to identify and resolve technical issues associated with a uniform, nationwide plan for service provider number portability and to conceive a national plan for public comment.

Indeed, the Commission has indicated in this proceeding that the formation of such a task force would be consistent with past practice, stating that "[t]ypically, we look to

^{25/} 800 Access (Notice of Proposed Rulemaking), 102 F.C.C.2d 1387 (1986) at ¶ 16.

^{26/} Intelligent Networks, CC Docket No. 91-346 (Notice of Proposed Rulemaking), 8 F.C.C. Rcd. 6813 (1993) at 6820, ¶¶ 55-56 & n. 64.

industry bodies to develop standards in the first place."^{27/} As to the technical steps that should be included in any uniform plan, the Commission in the 800 Access proceeding already has provided a rudimentary blueprint to follow.^{28/}

A key element of any plan, however, should be a date certain for completion of the plan and a target date for implementation of the recommendations contained in the plan, taking into account a period for public comment. Although several states may assert their own interests in promulgating their own number portability standards, this is a clear case requiring a uniform national standard and thus federal preemption of state initiatives. States' interests can be accommodated through the multi-sector task force which the Commission should appoint.

C. It is Within the Commission's Authority to Mandate Service Provider Number Portability Because a Uniform Nationwide Plan for Number Portability is in the Public Interest and Could be Thwarted by Inconsistent and Incompatible Actions by the States.

The Commission has recently evaluated the circumstances under which preemption of state regulation would be appropriate, and has concluded that, while the states have interests and should have a role in matters relating to numbering resources, a uniform system of numbering is essential to the accomplishment of certain federal telecommunications policy objectives, including promoting competition, fostering a rapid, efficient, nationwide, and worldwide communications system, introducing new technologies, and

^{27/} NPRM at ¶ 34.

^{28/} See 800 Access (Memorandum Opinion and Order on Reconsideration), 6 F.C.C.Rcd. 5421 (1991) at 5426-27, ¶ 27.

modernizing the nation's infrastructure.^{29/} Because the Commission can preempt state regulation of intrastate telephone services when it is "not possible to separate the interstate and intrastate components of the asserted regulation,"^{30/} and "it is a practical and economic impossibility to separate [telephone numbers] for local use from [numbers] for interstate use,"^{31/} preemption of state regulation of service provider number portability would be appropriate in this proceeding.

Preemption is particularly desirable here, since inconsistent state regulations could seriously undermine federal efforts to establish a uniform, nationwide plan for implementing number portability. Under relevant judicial precedent,^{32/} the Commission may preempt state action when:

- (1) the matter to be regulated has both interstate and intrastate aspects; (2) preemption is necessary to protect a valid federal regulatory objective; and (3) state regulation would "negate" the exercise of [the Commission's] authority because regulation of the interstate aspects of the matter cannot be severed from regulation of the intrastate aspects.

Since the same telephone numbers are used for both intra- and interstate calls, the Commission has articulated a number of federal policy objectives to achieve through the

^{29/} Proposed 708 Relief Plan and 630 Numbering Plan Area Code by Ameritech - Illinois, 10 F.C.C. Rcd. 4596 (1995) ("708 Relief Plan") at 4601-02, ¶¶ 10, 12.

^{30/} Louisiana Public Service Commission v. FCC, 476 U.S. 355 (1986) at 375, n.4 (emphasis in original).

^{31/} 708 Relief Plan at 4602, ¶ 14; accord, NPRM at 29.

^{32/} Public Service Commission of Maryland v. FCC, 909 F.2d 1510, 1515 (D.C. Cir. 1990) (cited in 708 Relief Plan, 10 F.C.C. Rcd. at 4601, ¶ 11 & n. 24).

establishment of service provider number portability, and inconsistent state regulation could negate federal regulatory efforts in this area, this is a matter ripe for federal preemption.^{33/}

The Commission has ample authority to undertake the steps necessary to appoint a task force, oversee its progress, make final recommendations to the public, and finally promulgate rules to implement the plan proposed by the task force and reviewed by the public.^{34/}

D. Because the Public Interest Would be Served by Prompt Deployment of Number Portability, the Commission Should Announce an Interim Number Portability Solution Which Could be Implemented at the Earliest Possible Date, Pending Development of a Permanent Approach.

The public should not be made to wait for the benefits of number portability, when interim measures, though less than perfect, exist today to provide simulated, simplified versions of portability. During the months, and perhaps years, that will be required to develop and implement a uniform nationwide standard for service provider number portability, the public should be permitted to take advantage of existing technologies, provided that they do not interfere with the implementation of a national plan, once it is developed.

The Commission should articulate which of the interim measures it has identified would be suitable as a transitional mechanism, and should specify (or authorize the task force to specify) the manner in which members of the public using such interim measures will transition to the permanent portability plan, once implemented.

^{33/} See National Association of Regulatory Utility Commissioners v. FCC, 880 F.2d 422 (D.C. Cir. 1989); Illinois Bell Telephone Co. v. FCC, 883 F.2d 104 (D.C. Cir. 1989).

^{34/} See 800 Access (Memorandum Opinion and Order on Reconsideration), 6 F.C.C. Rcd. 5421 (1991) at 5427, ¶ 29 (Commission has authority under Sections 154, 201-05, and 214 of the Communications Act to issue orders necessary to implement 800 number portability).

In this way, the public will have an opportunity to gain some idea as to the benefits that will be achievable when true service provider portability becomes available.

III.

CONCLUSION

For the foregoing reasons, the Commission should assume a strong leadership role in promoting service provider number portability, and should establish and oversee a multi-sector task force to design a uniform nationwide plan for service provider portability. The Commission should strive to accommodate state interests through representation on the task force, but should recognize that overarching federal policy goals are at stake and must be protected through preemption of state action if necessary.

Respectfully submitted,

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