

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

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

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**REPLY COMMENTS OF THE
INTERACTIVE SERVICES ASSOCIATION**

The Interactive Services Association ("ISA"), by counsel and pursuant to 47 C.F.R. § 1.415, submits these reply comments in response to the FCC's Notice of Proposed Rulemaking ("NPRM"), released July 13, 1995.

I. INTRODUCTION

The ISA concurs with the Commission's tentative conclusion that service provider portability is crucial to the development of competition among 900 service providers.^{1/} The ISA also recognizes that the Commission cannot determine whether portability presently is economically reasonable without knowing both the costs and benefits of 900 number portability. Indeed, one of the Commission's objectives in releasing the NPRM was to gather concrete, quantifiable data from the industry regarding 900 portability so that it could judge whether the benefits of

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^{1/} See NPRM ¶¶ 69-74. The Commission divides telephone number portability into three categories: service provider portability, service portability and location portability. Service provider portability refers to the ability of end users to retain the same telephone numbers when changing from one service provider to another. See id. ¶ 13.

portability outweigh the costs (i.e., whether mandating 900 number portability would serve the public interest).^{2/} Unfortunately, the comments did not contain the information the Commission requested. Rather, the comments consisted merely of sweeping assertions and unsupported conclusions about the advisability of implementing 900 portability.

For the reasons discussed below, the ISA urges the Commission (i) to require the RBOCs to show why 900 portability should not be mandated, and (ii) to continue developing industry guidelines for 900 portability while additional information is gathered so that portability can be implemented promptly should the record ultimately warrant it.

II. ARGUMENT

A. The Commission Should Require The RBOCs To Show Why 900 Portability Should Not Be Mandated.

The Commission should not allow a few members of the industry to manipulate its procedures to the detriment of the public. The Commission has acknowledged the many benefits of 900 portability, and has asked the industry for "comment, studies, data, and other information on the estimated costs of designing, building, and deploying a 900 database, and the estimated costs of operating such a database."^{3/} Without even attempting to address this request, the RBOCs responded by simply stonewalling

^{2/} See id. ¶¶ 69-74.

^{3/} Id. ¶ 74 (emphasis added).

the Commission.^{4/} It is clear that unless the Commission demands evidence of the costs associated with 900 portability, as requested herein, the agency will be denied the information it concluded it needs, and will be unable to weigh the costs and benefits of 900 portability.^{5/}

Those commenters who oppose 900 portability invariably cite one of two reasons for doing so -- they contend either (i) that there is not enough market demand for 900 services to warrant what they allege will be major expenditures to achieve number portability for 900 services,^{6/} or (ii) that the database system created to achieve 800 number portability either will not work for 900 numbers or would be too expensive and complicated to

^{4/} NYNEX is the only party who even acknowledged that its comments were not responsive to the Commission's request. See Comments of NYNEX at 17 (stating that the cost data the Commission requested has not yet been developed because many studies, trials and other efforts concerning number portability are in progress or still being planned).

^{5/} This situation is nearly identical to that which occurred in connection with the transition to 800 portability. The RBOCs' failure to respond to similar information requests in that proceeding compelled the Commission to issue a Supplemental Notice of Proposed Rulemaking demanding that detailed cost data be provided. See In re Provision of Access for 800 Services, Supplemental Notice of Proposed Rulemaking, 3 FCC Rcd. 721, ¶ 20 (1988) ("Supplemental Notice"). The RBOCs have left the Commission with no choice but to respond similarly in this proceeding.

^{6/} See, e.g., Comments of Ameritech at 13-14; Comments of Bell Atlantic at 22-23; Comments of BellSouth at 17; Comments of GTE at 24; Comments of NYNEX at 19; Comments of Sprint at 19-20; Comments of USTA at 11. Notwithstanding these parties skepticism, recent experience suggests that, for the right programs, market demand for 900 services can be overwhelming. For example, during a 900 number poll conducted during last months Miss America pagaent, 3 million people attempted to call during the first 13 minutes of voting. Audiotex News, October 1995 at 8.

reconfigure.^{7/} None of these parties, however, responds to the Commission's requests with specific information concerning consumer demand for 900 services or the estimated costs of implementing 900 number portability. Instead, the parties simply assert that converting the 800 database network to accommodate 900 portability would require changing such things as number databases, the national Service Management System, and service control points so the network would be able to screen for two service access codes (i.e., 900 as well as 800) instead of just one. This process, the parties allege without any support whatsoever, will be too costly for the benefit that will result.^{8/}

Significantly, not a single commenter -- not even one of those who oppose the Commission's proposal to implement 900 portability -- disputes the benefits that would accrue to the public as a result of 900 portability.^{9/} Moreover, the argu-

^{7/} See, e.g., Comments of Ameritech at 15; Comments of Bell Atlantic at 23; Comments of BellSouth at 17-19; Comments of GTE at 24; Comments of NYNEX at 19; Comments of SBC Communications at 25, 27; Comments of USTA at 12.

^{8/} Note that this position is contrary to that taken by several RBOCs during the 800 portability proceeding. See infra note 16 and accompanying text.

^{9/} The majority of commenters who addressed 900 number portability expressed support for the Commission's tentative conclusion that portability would benefit 900 subscribers and promote the public interest. See, e.g., Comments of the Ad Hoc Coalition of Competitive Carriers at 23-24; Joint Comments of Airtouch Paging and Arch Communications Group at 17-18; Comments of America's Carriers Telecommunications Association at 16-18; Comments of Ameritech at 13; Comments of Citizens Utilities Company at 18; Comments of Florida Public Service Commission at 9; Comments of the Interactive Services Association at 2-4; Comments of David L. Kahn at 3; Comments of MCI at 24-25; Comments of Telemation International at 1; Comments of the Teleservices Industry Association at 5-9.

ments proffered in opposition to 900 portability are unsupported by the evidence. To enable the Commission to make an informed decision concerning this important subject, the ISA urges the Commission to require the RBOCs to show why 900 portability should not be mandated.^{10/}

Specifically, the Commission should demand (as it did in the 800 proceeding) that these parties submit data concerning the total costs of implementing and operating the equipment needed to make 900 numbers portable. These costs would include the reconfiguration costs associated with changing from the current NXX system to a database system, Bellcore's costs for updating the database and assigning numbers to 900 customers, and any other on-going RBOC costs. Moreover, all cost figures should be broken down into their component elements and supported with an explanation of how they were generated (e.g., what assumptions were made concerning depreciation and amortization schedules) so that the Commission and interested parties can assess their accuracy.^{11/}

If the RBOCs fail to respond to this supplemental request for information with evidence that supports their contentions that 900 portability would not serve the public interest, the Commission should assume that no such evidence exists and should

^{10/} For other comments consistent with this request, see Comments of US West at 21-22 (urging the Commission to commence a supplemental rulemaking to develop a more complete record concerning the costs and benefits associated with new portability solutions while the industry evaluates how best to implement such solutions); Comments of Sprint at 19-20 (recommending that a comprehensive, industry-sponsored survey be conducted to determine whether demand exists for portable non-geographic numbers).

^{11/} See Supplemental Notice ¶¶ 20-23.

require the industry to implement 900 portability by a date certain. The ISA would support a date 12 months after the Commission releases its order.

B. The Commission Should Resist Attempts To Delay Evaluation of 900 Portability While Additional Information Is Gathered.

The Commission asks at paragraph 70 of the NPRM whether it should deal with geographic and non-geographic numbers in the same or in separate proceedings. The ISA strongly encourages the Commission to examine portability solutions for both types of numbers in the same proceeding, and most commenters agree.^{12/}

Sprint, for example, previously observed that "[e]fficiencies will be gained and technical solutions will be improved by addressing all number portability issues together, rather than in a piecemeal fashion."^{13/} Specifically, Sprint contends that an integrated approach will produce economies of both scale and scope because hardware and software can be designed to accommodate all existing and future services which require number portability.^{14/} Moreover, linking consideration of these matters is a more efficient use of both industry and FCC resources

^{12/} Only three parties asked the Commission to treat geographic and non-geographic numbers separately. See Comments of Ameritech at 13; Comments of Bell Atlantic at 23-24; Comments of SBC Communications at 24. Cf. Comments of AT&T at 39 (arguing that since the benefits of portability for 900 and 500 services are "less apparent" than for geographic numbers, "this issue should not delay implementation of number portability for geographic numbers").

^{13/} Comments of Sprint, RM No. 8535, at 4.

^{14/} Id. at 2-4.

and decreases the likelihood that 900 portability will be delayed. Once the RBOCs respond to the Commission's supplemental information request, the industry and the Commission will be better positioned to implement 900 portability promptly.

A few RBOCs also would have the Commission delay 900 portability until after AIN is deployed throughout their networks.^{15/} The Commission should not be misled to believe that portability can be achieved only through the use of AIN technology, or that AIN is a near-term portability solution. While AIN may allow full number portability when deployed nationwide, this will not occur for many years to come. Meanwhile, technologies are available now to make 900 numbers portable.

Several RBOCs informed the Commission during the 800 portability proceeding, for example, that the 800 database system could be used to accommodate 900 services.^{16/} The Teleservices Industry Association ("TIA") made the same argument in its Petition for Rulemaking last year.^{17/} Now the RBOCs have asserted, wholly without support, that converting the 800 database system to screen for multiple service access codes ("SACs") is too costly to undertake.^{18/}

^{15/} See, e.g., Comments of BellSouth at 37. See also Comments of Pacific Bell, RM No. 8535, at 4; Comments of Southwestern Bell, RM No. 8535, at 2-3; Comments of US West, RM No. 8535, at 4-5.

^{16/} See Supplemental Notice ¶ 21 n.31.

^{17/} See Petition for Rulemaking by the Teleservices Industry Association, RM No. 8535 (filed Oct. 18, 1994).

^{18/} See supra note 7 and accompanying text.

As TIA notes in its comments, however, the industry is already in the process of doing precisely that to accommodate the 888 SAC along with the 800 SAC.^{19/} Among other things, TIA argues that since the service switching points for end offices will be updated to screen for multiple SACs under an 800/888 scenario, it might as well be updated to screen for a third SAC (i.e., 900) at the same time.^{20/} Other portability solutions could be used for 900 numbers as well. Most importantly, however, the Commission must not permit these obvious delay tactics to stall the development of principles and guidelines for 900 portability while it is gathering additional technical and cost information from the industry. The public interest would be disserved if 900 portability were delayed because a handful of parties with access to information the Commission has requested fail to provide it.

III. CONCLUSION

The benefits of 900 portability are clear and undisputed. Given the Commission's leadership role in developing a national number portability policy, the agency should require the industry to provide it with sufficient data from which it can assess the costs associated with 900 portability. The Commission should not delay the administrative procedures necessary to implement 900

^{19/} Comments of the Teleservices Industry Association at 7-8.

^{20/} Id.

portability while waiting for the industry to respond to its request for further information. Developing such policies now will enable the Commission to address and resolve implementation issues more rapidly should the decision ultimately be made to move forward with service provider portability for 900 services.

Respectfully submitted,

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