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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554

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OCT 12 1995

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE SECRETARY

In the Matter of )  
 )  
Telephone Number Portability )

CC Dkt. No. 95-116  
RM 8535

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REPLY COMMENTS OF AIRTOUCH COMMUNICATIONS, INC.  
AND U S WEST NEWVECTOR GROUP, INC.

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## SUMMARY

AirTouch Communications, Inc. (“AirTouch”) and U S West NewVector Group, Inc. (“U S West NewVector”), in the following reply comments, conclude that the substantial costs of imposing number portability on the wireless industry greatly outweigh any small potential benefits.

In fact, there would likely be little or no benefit from imposing number portability on the wireless industry because, in contrast to wireline customers’ attachment to “their” telephone numbers, wireless customers have demonstrated a willingness to change their wireless telephone numbers when they can get better or cheaper services from another carrier. Furthermore, while local exchange carriers may monopolize services in the wireline industry, wireless service providers function within a much more competitive structure. This is evidenced not only by the growing number of new wireless carriers who have bought licenses with little or no expectation of there being wireless number portability, but also by the significant annual turnover of customers who leave one wireless service provider for another. This level of competition and customer churn means that number portability would be much less valuable for wireless customers than for traditional wireline users.

In addition, number portability would impose significant technical problems and costs on the wireless industry. As opposed to the relatively standard network configurations and interfaces used by wireline providers, wireless carriers share no such standard technology. If number portability were to be imposed upon the wireless industry, wireless carriers would not be able to provide prompt and effective roaming

services to customers as easily as they do today--a result which would contradict the Commission's previously voiced support of roaming and the geographic portability which it already provides. Furthermore, other technical issues would make number portability very costly to both the wireless industry and consumers. Some of these difficulties involve fraud detection and prevention technologies, billing methods, routing emergency 911 calls, and changing customers' system identification ("SID") numbers.

Carriers and customers that do not benefit from wireline number portability should not have to pay for it. If the Commission does decide to impose number portability on the wireline industry, AirTouch and U S West NewVector recommend that third parties who do not benefit from this portability (such as the wireless industry and its customers), not be charged directly or indirectly for these services. Because there are few, if any, benefits of number portability in the relatively near future for the wireless industry, it is especially important that the Commission not economically harm the wireless industry and its million customers when it makes decisions that will benefit the wireline industry.

The Commission should establish a wireless industry group to promote reasonable, long-term number portability. To expedite the day when wireless carriers develop new technologies which efficiently achieve number portability, the FCC should authorize a wireless industry group to analyze how best to achieve this goal in the long term and have that group report back to the Commission within a reasonable period of time. Those recommendations should then form the basis for establishing a national policy regarding wireless number portability. This approach would permit the FCC to

assure the public that the eventual movement to wireless number portability will occur in a consistent and nationwide manner.

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**REPLY COMMENTS OF AIRTOUCH COMMUNICATIONS, INC.**  
**AND U S WEST NEWVECTOR**

AirTouch Communications, Inc. ("AirTouch") and U S West NewVector Group, Inc. ("U S West NewVector") hereby submit their reply comments in the above-captioned proceeding. As explained below, AirTouch and U S West NewVector strongly believe that a careful review of the comments filed in this proceeding demonstrate that there is absolutely no reason for the Commission to mandate number portability for the wireless industry at this time. Instead, the Commission should focus its attention on the difficult and complex issues associated with number portability for the wireline industry,<sup>1</sup> including the important issue of ensuring that the costs of number portability are

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<sup>1</sup> As discussed below and in many of the initial comments, the issues associated with wireless number portability are even more difficult and complex than for the wireline industry. Thus, the Commission should initially focus its attention on wireline portability issues before grappling with these issues as they may apply to the wireless industry.

appropriately borne by only those who will benefit from it and that others are not inappropriately penalized.

I. Background.

Based in San Francisco, AirTouch is one of the world's largest wireless telecommunications companies, providing cellular, paging and other wireless services throughout much of the United States, Europe and Asia. U S West NewVector operates cellular systems in the Midwest, Southwest and Western states. AirTouch and U S West NewVector have long been active participants in Commission proceedings involving the wireless industry.<sup>2</sup> As the initial comments make clear, this proceeding could have a direct and substantial impact on the wireless industry in at least two ways. First -- and most directly -- the Commission must decide whether to require wireless carriers to substantially reorganize their systems to provide for number portability in the near term.<sup>3</sup> Second, the Commission must decide how to ensure that those wireless carriers and their customers who do not benefit from number portability will not be penalized by having their costs increased.

In reviewing the comments filed in this proceeding, it is clear that, although there is substantial dispute regarding the costs, benefits, and appropriate timeframe regarding

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<sup>2</sup> AirTouch Paging, together with Arch Communications Group, filed initial comments in this proceeding. U S West NewVector's parent, U S West, Inc., also submitted initial comments.

<sup>3</sup> AirTouch and U S West NewVector believe that, regardless of Commission requirements, in the long term the wireless industry will itself naturally develop some type of number portability.

various types of number portability for the wireline industry, there is substantial consensus that number portability should not be mandated for the wireless industry. This is because, at least in the near term, the costs for wireless number portability greatly outweigh any potential benefits.

II. There Would Be No Real Benefit From Imposing Number Portability On The Wireless Industry.

Many commenters agree that, especially in the near term, there is no substantial -- if any -- need or benefit associated with number portability for wireless customers. This is because, as Bell Atlantic Nynex Mobile has accurately stated, “[c]ustomers already have multiple competitive carriers from which to purchase wireless services” and as a result “there is no demonstrable demand for [wireless] portability.”<sup>4</sup> In fact, it is because the local wireline industry is still characterized by monopoly providers while the competitive wireless industry already provides consumers with multiple service providers that “number portability initiatives have almost exclusively focused on technical routing from a wireline perspective.”<sup>5</sup> The lack of need or demand for wireless number portability, together with the fact that number portability has primarily focused on wireline-related technical issues, has led even state public utility commissions such as the California PUC to recognize that “[b]ecause of technical and economic feasibility

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<sup>4</sup> Bell Atlantic Nynex Mobile at 2-4.

<sup>5</sup> BellSouth at 36.

concerns, it may not be appropriate to require local number portability between wireline and wireless service providers at this time.”<sup>6</sup>

In performing its cost-benefit analysis, the Commission must recognize that one of the fundamental differences between wireline and wireless telephone numbers is that wireless customers are generally not attached to “their” wireless numbers. As a result, wireless customers are very willing to change telephone numbers when they can get better or cheaper service from another carrier.<sup>7</sup> This difference is traceable to the fact that wireless customers primarily use their wireless telephones to make calls rather than to receive calls. Because of this fundamentally different usage pattern, most wireless customers do not give out their telephone numbers and, in fact, usually don’t even remember their own wireless telephone number. For example, BellSouth has pointed out that:

“cellular telephone subscribers generally keep their telephone numbers confidential. In fact, Morgan Stanley reports that ‘a large portion (probably over 90%) of the cellular users today do not even know their cellular phone number.’ Not many people dial cellular telephone numbers. According to the Cellular Telecommunications Industry of America [sic], only ten percent (10%) of all air time in the cellular industry is from calls which were placed to a cellular number. Further, while a landline phone is always ‘on’ and able to receive calls, cellular phones are often switched on only when needed. For all of these reasons, customers have much less attachment or assign less value to their cellular phone number than to their landline number. A regulatory mandate for service provider portability in this market at this time is inappropriate.”<sup>8</sup>

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<sup>6</sup> CPUC at 7-8.

<sup>7</sup> Of course, on the other hand, wireless customers are often very unhappy if their area codes are changed involuntarily since wireless customers receive no economic or service benefits from such number changes.

<sup>8</sup> BellSouth at 13-14 (emphasis added.)

This same important point was made by Bell Atlantic Nynex Mobile ( “[t]he business ‘value’ of a wireless phone number is ... far less than that of a wireline number.”)<sup>9</sup> and the Cellular Telecommunications Industry Association (“CTIA”) (“[w]ireless subscribers make many more phone calls than they receive, by choosing when they can be reached (by turning their mobile units off) and restricting the number of persons with access to their mobile telephone number. Thus, the value of mobile numbers to CMRS [commercial mobile radio service] subscribers is not as great as a landline number.”)<sup>10</sup>

Another critically important distinction between the potential benefits of wireline and wireless number portability that must be recognized by the Commission is that the primary rationale for establishing number portability -- i.e., to lower the technical barriers to having local loop competition -- simply does not exist for wireless service providers. Virtually all commenters agree that there is already substantial wireless competition in the local market. Even relatively new wireless competitors such as Nextel recognize that “the wireline local loop (at which number portability is particularly directed) consists of essentially one provider while the wireless industry offers consumers numerous choices among many providers.”<sup>11</sup> Similarly, CTIA -- whose membership includes virtually all segments of the wireless industry including new personal communication service (“PCS”)

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<sup>9</sup> Bell Atlantic Nynex Mobile at 3.

<sup>10</sup> CTIA at 9-10.

<sup>11</sup> Nextel at 7.

providers -- believes that “[t]he need to foster competition in the wireless industry is not as significant as it is in the wireline industry given the more competitive structure of the wireless business.”<sup>12</sup> This more competitive structure of the wireless industry has been recognized by both the Commission<sup>13</sup> and Congress<sup>14</sup> and must be reflected in any decision reached by the Commission regarding the imposition of number portability on the wireless industry.

The fact that new wireless competitors such as PCS providers have recently spent billions of dollars on new wireless licenses without the expectation that there would be wireless number portability in the near term is further evidence that there is no immediate need for number portability for the wireless industry. This lack of need or benefit is probably because, unlike the local wireline industry where virtually all attractive “potential” customers are already customers of the incumbent wireline carrier (i.e., the LECs), the “penetration” rate for wireless carriers such as cellular is now only about 11%.<sup>15</sup> This means that, unlike the wireline market, even new entrants in the wireless market (such as PCS carriers) have tremendous opportunities to attract millions of new

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<sup>12</sup> CTIA at 9.

<sup>13</sup> See, e.g., First Report (Annual Report and Analysis of Competitive Market Conditions with Respect to Commercial Mobile Services), adopted July 28, 1995; released August 18, 1995.

<sup>14</sup> See, e.g., The Omnibus Budget Reconciliation Act of 1993, Pub. L. No. 103-66, Title VI.

<sup>15</sup> In contrast, LECs serve approximately 94% of United States households. See, e.g., Notice of Proposed Rulemaking (CC Docket No. 95-115) at para. 1 (released July 20, 1995).

customers without having to convince them to change their telephone numbers since they do not already have a “wireless” telephone number.<sup>16</sup>

The very substantial annual churn of customers who leave one wireless carrier for another also demonstrates that successful, vigorous competition among wireless carriers does not depend upon the existence of wireless number portability. As BellSouth has correctly pointed out, “[e]vidence of competition [among wireless carriers] is also demonstrated by the fact that 13% of cellular customers move to a competitor annually.”<sup>17</sup>

That there would be little or no benefit from mandating number portability for the wireless industry is underscored by the fact that, unlike wireline carriers, wireless carriers already supply significant geographic number portability, especially within a market. As Bell Atlantic Nynex Mobile has explained, “[c]ellular telephone numbers are, as the Commission notes, already completely ‘portable’ in the sense that they can be taken anywhere in the nation and used to make or receive calls.”<sup>18</sup> In addition, when wireless customers change where they live or work within a specific metropolitan or rural area,

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<sup>16</sup> Some prospective PCS carriers filed brief comments voicing some generalized support for more immediate wireless number portability. However, the focus of those few comments appeared to be primarily on the potential benefits such portability might have to increase competition with wireline LECs. It is important to recognize that those comments did not address the fundamentally different and more difficult technical issues associated with wireless number portability as compared to wireline number portability. See, e.g., GO Communications at 3 (service provider number portability “will help to level the playing field between the entrenched monopoly providers of local telephone service and new entrants, such as GO... .”)

<sup>17</sup> BellSouth at 13. See also CTIA at 10.

<sup>18</sup> Bell Atlantic Nynex Mobile at 3.

there is generally no need for those customers to change wireless telephone numbers -- they can just take their phones and phone numbers with them.

In contrast to other commenters and under the guise of discussing number portability, the National Wireless Resellers Association (“Reseller Association”) attempts to raise the fundamentally different issue of “number transferability.” However, contrary to the Reseller Association’s claim, “number transferability” is not “essentially another term for ‘service provider number portability.’”<sup>19</sup> Number transferability would give competing reseller carriers the right to transfer their customers from one facilities-based carrier to another without necessarily receiving the consent of the ultimate end user customer. In contrast, number portability would provide customers (not other carriers such as resellers) the ability to change carriers without switching telephone numbers. This important distinction is made clear by the Reseller Association itself, who notes that it seeks the right for “resellers to transfer their customers from one carrier to another” and that lack of number transferability allegedly “impedes a reseller’s ability to negotiate better wholesale rates from carriers.”<sup>20</sup> However, it is a fundamental requirement of any type of number portability that “it is the telephone subscriber, *i.e.*, the end user, who has the right to portability, and not telecommunications service providers.”<sup>21</sup>

In addition, any Commission mandate regarding “number transportability” that would allow resellers or others to transfer individual wireless telephone numbers to other facilities-based wireless carriers would cause tremendous roaming problems because

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<sup>19</sup> Reseller Association at 1.

<sup>20</sup> Reseller Association at 2 (emphasis added).

<sup>21</sup> CTIA at 2.

“cellular carriers rely on the ability to identify a roaming cellular customer’s Home Carrier by the NPA/NXX or a certain sequential block of numbers in a NPA/NXX.”<sup>22</sup>

Any change to this system whereby carriers would have to check individual wireless telephone numbers to authorize roaming would cause severe operational problems, significantly increase costs, and delay connections.

III. There Would Be Significant Technical Problems And Costs If Number Portability Were Imposed Upon the Wireless Industry.

As the comments in this proceeding make abundantly clear, number portability for the wireless industry raises fundamentally different technical issues than those raised regarding the wireline industry. For example, network configurations and interfaces are different for the wireless industry than for the wireline industry. As Nextel accurately explained, “the technological differences between the wireline and wireless industries are significant. \*\*\* [T]he wireless industry has no standard technology or signalling protocol.”<sup>23</sup>

These technical problems mean that, among other things, any attempt to impose number portability at this time on the wireless industry would have a significant, adverse impact on the ability of wireless carriers to provide prompt, easy roaming to their

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<sup>22</sup> SBC at Appendix F, p. 3 (emphasis added.)

<sup>23</sup> Nextel at 7-8.

customers. In fact “[n]one of the wireline-based number portability proposals will permit cellular roaming.”<sup>24</sup>

The Commission has often recognized the important public interest benefits of roaming and has strongly encouraged wireless carriers to expand such roaming relationships.<sup>25</sup> Any decision in this proceeding that would have a negative impact on the ability of wireless carriers to provide roaming services to the public would be inconsistent not only with the Commission’s previous statements about the importance of roaming, but also with the Commission’s interest in obtaining geographic number portability since roaming already provides a large measure of the geographic portability sought by the FCC and some consumers.

Further, premature imposition of number portability on the wireless industry would likely make fraud detection and prevention significantly more difficult and expensive for wireless carriers. This is because “[p]ortability could also interfere with the wireless industry’s efforts to prevent fraudulent use of numbers by impairing the ability of a carrier to identify immediately the validity of a customer’s number.”<sup>26</sup> The Commission has often demonstrated its commitment to fighting the serious problem of wireless fraud, and a decision that would impose number portability requirements

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<sup>24</sup> CTIA at 6. See also Bell Atlantic Nynex Mobile at 3-4 (“existing number portability technology generally does not permit nationwide roaming.”) See also SBC’s Appendix F for a detailed discussion of the technical problems associated with wireless number portability. Cf. AT&T at 22, n.28.

<sup>25</sup> See, e.g., Second Notice of Proposed Rulemaking (CC Docket No. 94-54) at para. 45-59 (released April 20, 1995).

<sup>26</sup> Bell Atlantic Nynex Mobile at 4. See also CTIA at 7.

prematurely could gravely hurt those efforts. The Commission should not take such action.

Similarly, because wireless carriers often do not use wireline-based rating or billing systems, premature adoption of number portability for wireless carriers could result in the existing detailed billing that is provided by wireless carriers to consumers being “rendered inoperable.”<sup>27</sup> This is because “CMRS providers utilize their own operating, billing, rating, recording, and other systems that co-exist with, but are not the same as, wireline systems. Therefore, CMRS providers will have to both retain interconnectivity with wireline providers as well as to make dramatic changes to their systems to accommodate number portability demands.”<sup>28</sup>

A related, serious technical problem will likely also arise if the number portability approach chosen were to use a “pseudo-number” or otherwise were to change the telephone “number” being transmitted by the carrier from the number that is known by the caller. Such an approach could lead to serious and costly billing disputes and confusion between wireless carriers and their customers because the number called or the number placing the call will be different from the number known by the customer.<sup>29</sup> As a result, customers could find it difficult, if not impossible, to check their monthly wireless bill for accuracy. This could, in turn, result not only in more billing disputes between carriers and their customers, but also more unnecessary complaints being filed with the

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<sup>27</sup> BellSouth at 40.

<sup>28</sup> BellSouth at 40.

<sup>29</sup> BellSouth at 44-45.

Commission and state public utility commissions. The Commission should, of course, avoid such a result.

Other serious technical problems that would occur if number portability were prematurely imposed upon the wireless industry involve emergency calls made to 911<sup>30</sup> and the fact that when wireless customers change carriers there must be physical changes made to their telephones to modify the “system identification” (“SID”) number transmitted by the wireless telephone. In the case of 911 calls, these problems could involve important issues of health and safety, while modifying a wireless telephone’s SID results in potentially significant economic costs for carriers and customers alike.<sup>31</sup>

It is important for the Commission to recognize that the many, complex technical and other issues outlined above means that there is no reasonable basis for it to mandate number portability in the near term for wireless carriers.<sup>32</sup> In fact, because of “the vast complexity and number of concerns raised regarding number portability implementation in wireless systems,” even the Illinois Commerce Commission’s Number Portability Task Force has excluded wireless number portability issues from immediate consideration.<sup>33</sup> As a result, AirTouch and U S West NewVector agree with Bell Atlantic Nynex Mobile that “the Commission [should] defer considering the adoption of regulations creating new

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<sup>30</sup> BellSouth at 41. See also CTIA at 7.

<sup>31</sup> BellSouth at 43; MCI at 3.

<sup>32</sup> Even some of those few commenters that support wireless number portability nevertheless recognize that there are certain difficult “technical” problems associated with the wireless industry that do not affect the wireline industry. See, e.g., MCI at 3-4.

<sup>33</sup> CTIA at 7-8.

obligations on wireless carriers in this area until the numerous technical issues involved with portability can be resolved, and until the Commission has developed a record that establishes a clear need for such rules.”<sup>34</sup>

IV. Carriers and Customers That Do Not Benefit From Wireline Number Portability Should Not Pay For It.

The issue of whether the Commission should mandate interim number portability for wireline carriers is a complex and difficult issue. Although we, as wireless carriers, do not address the issue of whether or not the Commission should find that it is in the public interest for wireline carriers to be required to implement interim number portability, it is very important that -- if the Commission does decide to require interim number portability for wireline carriers -- it should make clear that third parties (such as the wireless industry and its customers) that do not benefit from such portability should not be charged -- directly or indirectly -- for portability-related services.<sup>35</sup>

Because there are few, if any, benefits of number portability in the relatively near term for the wireless industry, it is especially important that the FCC not economically harm the wireless industry and its millions of customers when it makes decisions seeking to benefit the wireline industry. This is especially the case since, as discussed above, the costs and technical problems of number portability for the wireless industry are substantial.

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<sup>34</sup> Bell Atlantic Nynex Mobile at 6.

<sup>35</sup> Cf. Paging Network at 13 (those who “will derive no sufficient direct benefit” from number portability “should not be required to shoulder [the] expense ... .”)

The issue of increased costs being imposed upon those who will not benefit from wireline number portability is very real for the wireless industry and a matter of great concern. The costs of providing telecommunications services could be increased for those wireless carriers that are not subject to number portability and do not benefit from it because some portability approaches would require all carriers, including wireless carriers, that originate calls to perform -- or have performed for them -- additional services, such as "database dips." Such database dips would have to be performed by either the connecting LEC (or by a subsequent carrier) or by the originating wireless carrier.

If the database dip is to be performed by either the LEC or a subsequent carrier, then the wireless carrier would have to use a "Type 2A" connection to the LEC for any call made to an NXX prefix that might contain even one ported number. Such Type 2A connections are less efficient and are significantly more expensive than "Type 2B" connections commonly used by cellular carriers. The reconfiguration of existing network interconnection arrangements are also likely to take many months to accomplish. On the other hand, if the database dip were to be performed by the originating wireless carrier, such originating networks would have to be significantly upgraded to have AIN capability. Such upgrades are very expensive (for example, many millions of dollars for each cellular carrier in every metropolitan area) and time consuming.

Because database number portability approaches for wireline carriers will impose these significant costs on wireless carriers without those wireless carriers or customers receiving any corresponding benefit, such non-benefiting carriers should either be entitled

to receive any required database dipping services without charge or those costs should be directly borne by those who benefit, i.e., by the local and long distance wireline carriers.

Similarly, if the FCC decides that it is in the public interest to mandate interim number portability, the use of Remote Call Forwarding or flex-DID would be best because they would not result in increased interconnection or other costs for non-benefiting carriers. However, even these “interim” approaches have significant technical and economic problems that may make them counter-productive to adopt.<sup>36</sup> The bottom line is that for the Commission to act in the public interest regarding number portability, it must move cautiously and carefully so as not to hurt other carriers and the public.

V. The Commission Should Establish A Wireless Industry Group to Promote Reasonable, Long-Term Number Portability.

In the long term, new technologies for wireless systems will be deployed that will make number portability easier, less costly, and achievable without the loss of important functionalities such as easy roaming. To expedite the day when those new technologies are deployed, the FCC should authorize a wireless industry group to analyze how best to achieve number portability in the long term and have that group report back to the FCC within a reasonable period of time.<sup>37</sup> Those recommendations should then form the basis for establishing a national policy regarding wireless number portability. As PCS PrimeCo has stated, “industry groups should be directed to develop recommendations (on

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<sup>36</sup> Nextel at 5, n.5.

<sup>37</sup> See, e.g., Nextel at 9-10; U S West at 20-21; cf. Bell Atlantic Nynex Mobile at 4-5.

a consensus basis whenever possible) within a specified time established by the Commission” to create a uniform, national set of standards.<sup>38</sup> This approach has also been endorsed by SBC which has correctly recognized that, because of the “unique problems” associated with wireless portability, “[t]he Commission should defer to the industry committees to further define the potential impact on wireless service, particularly nationwide seamless roaming, to develop standards, and to examine whether wireless portability is technically feasible, practical, and desirable.”<sup>39</sup>

By taking this approach, the Commission can help assure the public that the eventual movement to wireless number portability will occur in a way that is consistent nationwide so as to avoid potential “Balkanization.” As Nextel has noted, “the Commission’s role in assuring nationwide standards is vital to a workable number portability solution. \*\*\* [T]he only assurance that number portability will be provided in an efficient and effective manner is a national policy developed through industry consensus and overseen by the Commission.”<sup>40</sup> Similarly, Omnipoint has recognized that “[t]he Commission can and should expeditiously formulate *national* service and service provider number portability regulations.”<sup>41</sup> See also CTIA at 13 (“CTIA urges the

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<sup>38</sup> PCS PrimeCo at 10.

<sup>39</sup> SBC at 16.

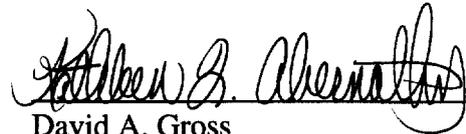
<sup>40</sup> Nextel at 10.

<sup>41</sup> Omnipoint at 4 (emphasis in original).

FCC to permit the wireless industry to develop the network architecture and the technical standards needed to support LEC to CMRS and CMRS to CMRS number portability.”)<sup>42</sup>

VI. Conclusion.

Wherefore, for the foregoing reasons, the Commission should not mandate number portability for wireless carriers and should ensure that those carriers and customers that do not benefit from wireline number portability do not pay -- either directly or indirectly -- for it.



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<sup>42</sup> Other commenters supported this national approach. See, e.g., U S West at 20-21; Paging Network, Inc. at 5-8 (“There must be a federal long-term number portability plan.”) and PCIA at 7 (“federal regulation is necessary in order [to] ensure the timely implementation of a uniform, national telephone number portability plan.”)

## CERTIFICATE OF SERVICE

I, Tina L. Murray, hereby certify that I have caused to be served on this 12th day of October 1995, via U.S. First Class Mail, postage prepaid, a copy of the foregoing "Reply Comments of AirTouch Communications, Inc. and U S West NewVector Group, Inc. Regarding Telephone Number Portability" to the following:

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