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October 12, 1995

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VIA EXPRESS MAIL

The Honorable William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20544

Re: Telephone Number Portability
CC Docket No. 95-116 RM 8535

Dear Mr. Caton:

Enclosed for filing are an original and eleven copies of the Reply Comments of the Maryland Public Service Commission. Please distribute a copy to each of the Commissioners.

Very truly yours,

Bryan G. Moorhouse
General Counsel

amn
Enclosures

cc: International Transcription Service
Suite 140
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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20544

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OCT 13 1995

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In the Matter of)
Telephone Number Portability)

CC Docket No. 95-116)
RM 8535)

Reply Comments of the Maryland Public Service Commission

Pursuant to the Federal Communications Commission's ("FCC's") Notice of Proposed Rulemaking ("NPRM") in CC Docket No. 95-116, the Maryland Public Service Commission respectfully submits the following reply comments.

The Maryland Public Service Commission ("MDPSC") urges the FCC to work cooperatively and formally with the States, especially those states which have already begun to pursue local number portability, in order to foster a nationally compatible number portability solution. The MDPSC further encourages the FCC to participate in its ongoing number portability proceeding as well as in similar proceedings in other states in an effort to build upon the significant effort which has already been undertaken and the experience which has been gained.

Over the past several years, the MDPSC has addressed a large number of issues which it feels are instrumental to the development of competitive telecommunications markets. Particular concentration has been focused on the local exchange telecommunications marketplace and ways in which competition can be facilitated while maintaining public policy goals. A major issue which the MDPSC has had to address is the ability of Maryland customers to retain their current telephone number when changing between competing local telecommunications providers.

To gain additional information and to educate ourselves on the issues involved with number retention in a competitive environment, the MDPSC in Order No. 71485, issued October 5, 1994 directed its Staff to convene informal meetings with interested parties to explore specific steps which may be undertaken in Maryland to bring about "number portability." On April 3, 1995 Staff filed its report summarizing its discussions with the parties and making recommendations regarding the best way to implement a long-term number portability solution in Maryland. On June 29, 1995, after considering the Staff's report and the comments of the parties, the MDPSC issued Order No. 72060. The following is an excerpt from that Order:

Local telephone numbers are among the technical resources that must be fairly and efficiently allocated in the newly competitive local exchange market. Further, upon review of the information available to date, the Commission believes that the lack of true number portability is a barrier to a competitive local exchange market. (MDPSC Order No. 72060 at 2)

It became clear to the Commission through Case No. 8584¹, that competition in the local exchange marketplace would be significantly restrained if customers were required to change telephone numbers whenever they chose to obtain service from a competing local exchange provider. The expense, administrative burden, and potential lost business opportunities involved with a telephone number change are obvious barriers to the successful entry of new competitive local exchange providers and will certainly limit the competitiveness of the local exchange marketplace.

In Case 8584 many number portability options were discussed yet it became apparent that all solutions which had been proposed were truly interim portability solutions. While these methods will prove helpful in the short term, each interim solution causes significant routing inefficiencies and prohibits the use of many features which are

¹ Case No. 8584 was originally established to consider Metropolitan Fiber Systems, Inc.'s request for authority to provide competitive local exchange services within Maryland. The Commission issued Order No. 71155 in Case No. 8584 on April 25, 1995. Order No. 71155 granted MFS authority to provide competitive local exchange services to Maryland's business customers and also established a second phase of Case No. 8584. Phase II of Case No. 8584 focused on the policies and technical arrangements for interconnection and all other issues which require a decision before local competition in Maryland can become a reality. The Commission has concluded hearings and briefs in Phase II of Case No. 8584. A Commission Order is forthcoming.

commonly available without number portability. More importantly, each of the short term solutions requires calls ultimately to pass through the company's switch which was initially assigned the number (in most cases initially the incumbent LEC who has lost the customer) hence, placing the carrier losing the customer's traffic in the middle of routing each of the customer's calls. This result is unacceptable. For these reasons, the MDPSC concluded in Order No. 72060 that a "long term local number portability" solution should be pursued to afford Maryland citizens the maximum level of choice and services available through a competitive market. In this regard, the Commission ordered the following:

The Commission, therefore, orders Staff to convene a number portability consortium within one month of the date of this Order.

The Consortium will be charged with the responsibility of developing a long-term number portability solution within 18 months of the date of this Order. Any solution shall provide number portability in all areas of the State in which customers have a choice of selecting a local exchange service provider among two or more providers. While the Consortium may consider any workable solution, the ultimate solution must permit end users to utilize all services to the same extent such services would be available if purchased from Bell Atlantic of Maryland, Inc. or any other local service provider without number portability. (MDPSC Order No. 72060 at 4,5)

MDPSC Order No. 72060 was issued on June 29, 1995 such that compliance with the Order requires the Consortium to develop a statewide Maryland solution by December 31, 1996. In response to this direction, a Maryland Local Number Portability Consortium (Consortium) was formed and met for the first time on July 31, 1995. Since that time, the Consortium has met on several occasions and has made significant progress toward understanding the many issues involved with an undertaking of this magnitude. In order to meet its commitment to the Commission's December 31, 1996 time frame, the Maryland Consortium has been in contact with other state number portability initiatives (California, New York, Illinois) and is coordinating closely with the Illinois Commerce Commission's process. The Maryland Consortium has worked jointly with the Illinois Commerce Commission Staff and its Task Force participants in sharing information and is striving to follow a consistent process for developing a standard number portability solution in the most cost effective and timely manner.

During the initial process of understanding what is required to implement local number portability, it has become obvious that the greatest challenge will be found in fostering cooperation among providers, vendors and regulatory jurisdictions. It has become apparent that the technology necessary to provide portability to the nation's numbering resource is available, yet, the development of administrative mechanisms, the development of standards required to deploy new technologies and the necessary policy groundwork for establishing a new routing procedure lag far behind. An enormous amount of work in these areas stands between each of the state initiatives mentioned above and the implementation of number portability. In addition, to this point, while in contact with one another, these state initiatives are proceeding in relative isolation. Each state conducts its own consortium, each consortium has established somewhat different processes for development and each state has adopted widely disparate implementation objectives. It seems apparent that a joint effort of the FCC and active State participants should begin to address number portability in a cohesive and comprehensive national fashion. Perhaps this process could be accomplished under the auspices of a Federal-State Joint Board on Numbering Issues² or through another formal coordination process. Regardless of the process chosen, however, it is apparent that national coordination could provide an extremely important avenue for avoiding disparate, and perhaps non-compatible, state number portability solutions and systems.

The MDPSC believes that a consistent approach to number portability development incorporating the views and experience of the entire telecommunications industry is critical. For this reason, the MDPSC believes the Consortium process is the structure most conducive to full industry/consumer/regulatory participation and the MDPSC invites the FCC to attend and participate in the Maryland Consortium. It seems

² The FCC has recognized in the past that State Commissions have an involved interest and role in policies regarding the nation's numbering resource. (See FCC IAD 94-102 and FCC CC Docket 92-237) Many aspects of number portability will require changes in policies regarding number administration and the role of the number administrator. A body able to incorporate all of these aspects of numbering into a comprehensive policy framework would be a significant benefit in the long term. A joint body of the FCC and State Commissions actively involved in these issues could serve an important function not only for number portability but also for number administration and other NANP issues which will arise with the growth of competition in the local exchange marketplace.

obvious that because national consistency and inter-workability of the ultimate number portability solution is critical, the FCC is a logical central point for fostering a national number portability policy as well as in facilitating a national solution. The MDPSC believes that the FCC should provide its support in fostering a national number portability solution in a time frame which ensures competition in the local marketplace. The MDPSC, however, strongly urges the FCC to work closely with the States, especially those states which have already begun the process of implementing long term number portability solutions (New York, Illinois, Maryland, California, etc.), in order to accommodate diverse regulatory and network topologies and also in order to accommodate diverse implementation timelines. While the MDPSC believes the FCC has a large part to play in developing and implementing a long term number portability solution, the MDPSC does not believe that its efforts or its timeline for implementation of number portability or local competition should be compromised.

We agree with many of the parties' comments that urge the FCC to respect state efforts. Particularly, we agree with the National Association of Regulatory Utility Commissioners when it states, "[w]hatever action the FCC takes in this docket has obvious impacts on existing state efforts to address the issue. The FCC should allow and encourage state commissions to move forward with number portability workshops, and scheduled full... implementations as one means of gathering timely information about number portability deployment." We also agree with the Illinois Commerce Commission when it recognizes "the need for federal involvement if number portability is to become a reality nationwide..." while understanding that the FCC should "not take any steps that would intrude into the authority of the states" to set number portability policies particular to their jurisdiction.

In summary, the Maryland Commission believes that the FCC must become involved in developing a long term number portability solution in order to ensure a comprehensive and compatible national solution. The Maryland Commission also believes that the process most conducive to developing such a solution would be a joint effort of the FCC and the states ensuring that state initiatives are not hindered while providing a

national scope for addressing the inter-jurisdictional nature of a true, long term number portability solution.

Dated: October 12, 1995

Respectfully submitted,

A handwritten signature in cursive script that reads "Bryan G. Moorhouse".

Bryan G. Moorhouse
General Counsel

A handwritten signature in cursive script that reads "Susan Stevens Miller".

Susan Stevens Miller
Assistant General Counsel

**Public Service Commission
of Maryland
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