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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

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

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To: The Secretary

COMMENTS IN SUPPORT OF PETITION FOR CLARIFICATION AND/OR RECONSIDERATION

The Rural Telecommunications Group ("RTG") by its attorneys, and pursuant to § 1.429 of the Commission's Rules, hereby supports the Petition for Clarification and/or Reconsideration ("Petition") filed by the Cellular Telecommunications Industry Association ("CTIA") on August 21, 1996, seeking clarification or reconsideration of the Commission's *Order*[1] in the above captioned proceeding. Specifically, RTG supports CTIA's requests that the Commission: (1) clarify the extent to which providers of Commercial Mobile Radio Service ("CMRS") must provide number portability by June 30, 1999; and (2) delegate authority to stay or grant waivers of the number portability implementation schedule for an unlimited period of time.

RTG is a group of concerned rural telephone companies who have joined together to promote the efforts of all rural telephone companies to speed the delivery of new, efficient and innovative telecommunications technologies to the populations of remote and under-

[1] Telephone Number Portability, *First Report and Order*, CC Docket 95-116 (rel. July 2, 1996) ("*Order*").

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served parts of the country. RTG especially advances the interests of rural telephone companies in wireless technologies. RTG members include CMRS licensees and applicants for CMRS licenses.

I. CMRS PROVIDERS SHOULD NOT BE PLACED UNDER MORE BURDENSOME OBLIGATIONS THAN LOCAL EXCHANGE COMPANIES TO PROVIDE NUMBER PORTABILITY.

Under the implementation schedule adopted in the *Order*, wireline local exchange companies ("LECs") operating in the 100 largest Metropolitan Statistical Areas ("MSAs") must begin offering long-term service provider portability commencing on October 1, 1997 and concluding by December 31, 1998, according to a phased deployment schedule. *Order* at 42, ¶ 77. After December 31, 1998, each LEC must make long-term number portability available in smaller MSAs within six months after a specific request by another telecommunications carrier who plans to operate in the area. *Order* at 43, ¶ 80. The Commission envisions accomplishing this long-term number portability through the use of a nationwide system of regionally-deployed databases administered by a neutral party or parties. *Order* at 48-49, ¶ 91, 92.

With respect to CMRS providers, the Commission stated that "all cellular, broadband PCS, and covered SMR carriers must have the capability of querying appropriate number portability database systems in order to deliver calls from their networks to ported numbers *anywhere in the country* by December 31, 1998, the date by which wireline carriers must complete implementation of number portability in the largest 100 MSAs." *Order* at 88, ¶ 165 (emphasis added). The Commission further ordered that by June 30, 1999, all cellular,

broadband PCS and covered SMR carriers must offer service provider portability, including the capability to support roaming, throughout their networks. *Order* at 4, 89, ¶ 166.

CTIA observes that the Commission places a greater burden on CMRS providers to provide number portability than it does on LECs. Petition at 2. CTIA notes, "Just six months after LECs are required to implement number portability in the 100 largest MSAs, CMRS providers are required to implement number portability in *all markets*—including those in which the LEC has not received a request to provide number portability." Petition at 2 (emphasis added).

CTIA correctly warns that CMRS providers may lack the technical capability to implement number portability by the deadlines in the *Order*. The Commission itself recognized that CMRS providers face unique technical difficulties related to roaming that make number portability more difficult to implement and that CMRS providers are only beginning to address number portability. *Order* at 87-88, ¶ 163-165. The technical demands of supporting roaming on a nationwide basis are significantly different from those for supporting local number portability on a market or regional basis. *Cf.* Petition at 3.

Moreover, in rural areas, local number portability administrators ("LNPAs") may not have been designated or may not have created databases where the LEC has not received a request to provide number portability. Rural CMRS providers would then be forced to create their own databases unsupported by the LECs—a result contrary to the Commission's goals.

In fact, the Commission's statements presume the existence of a database or databases since the Commission framed CMRS number portability obligations in terms of querying database systems. *See, Order* at 88, para ¶ 165. The Commission recognized that

implementing number portability through a nationwide system of regional databases: (1) would relieve individual carriers of the burden of deploying multiple number portability databases over various geographic areas; (2) will ensure that carriers have equal and nondiscriminatory access to the information necessary to route calls; and, (3) will promote uniformity and consistency in the data. *See, Order* at 48-49, ¶ 91. Requiring CMRS providers alone to develop databases would frustrate these objectives, and would be grossly unfair. *See, Order* at 52, ¶ 98.

The Commission surely did not intend to impose a greater burden on CMRS providers than on LECs and should therefore clarify or modify the language of the *Order* to require providers of CMRS to provide service provider number portability to markets outside the 100 largest MSAs not before June 30, 1999,[2] and only upon the creation of regional databases supported by both LECs and CMRS providers and including both LEC and CMRS numbers. *Cf.* Petition at 4-5.

II. THE COMMISSION SHOULD DELEGATE AUTHORITY TO WAIVE OR STAY THE IMPLEMENTATION SCHEDULE FOR AN UNLIMITED PERIOD OF TIME.

In the *Order*, the Commission delegated authority to the Chief, Wireless Telecommunications Bureau ("WTB") to waive or stay any of the dates in the CMRS

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[2] CMRS providers in the top 100 MSAs should remain subject to the current June 30, 1999, deadline for providing number portability (subject to the development of satisfactory technology). To the extent that CTIA's Petition could be read as suggesting that CMRS providers be required to offer service provider number portability by an earlier date—December 31, 1998—RTG opposes such a suggestion.

implementation schedule for a period up to nine months in the event that additional technical problems arise with respect to implementation of number portability. *Order* at 89-90, ¶ 167. CTIA correctly notes that this nine month limitation was established arbitrarily, without support from the record.

In light of the many technical difficulties challenging CMRS number portability, and the uncertainty surrounding the availability of satisfactory technical solutions, the Commission should expand the authority of the WTB to extend or waive the implementation schedule for an unlimited time period, if necessary, based on specific technical information as it becomes available.

RTG therefore respectfully requests that the Commission reconsider, clarify and modify its *Order* as requested herein.

Respectfully submitted,

The Rural Telecommunications Group,

By: _____

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September 27, 1996

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Certificate of Service

I, Caroline Hill, an employee of the Law Offices of Bennet & Bennet, PLLC, certify that on this 27th day of September, 1996, I mailed by United States mail, postage prepaid, a copy of the foregoing "Comments in Support of Petition for Claricication and/or Reconsideration" to the following:

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