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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

JUN 17 1997

Federal Communications Commission
Office of Secretary

In the Matter of)
) CC Docket 95-116
Telephone Number Portability)

REPLY COMMENTS OF GTE

GTE Service Corporation, on behalf of its affiliated domestic telephone operating and wireless companies ("GTE"), submits the following comments in reply to those comments addressing the recommendations of the of the North American Numbering Council ("NANC") regarding Local Number Portability Administrator ("LNPA") selection and the continuing role of the number portability Limited Liability Corporations ("LLCs").

GTE has been actively involved as a member in five of the existing LLCs¹ since their inception and has experienced, first hand, the commendable effort made to further the goal of implementing number portability. GTE shares the concern of the USTA, however, that the voting rules that are in effect in the LLCs may jeopardize their ability to perform in an independent and competitively neutral manner in all matters. For this reason, GTE believes that if LLCs are to be vested with first-tier oversight of the LNPAs, any party aggrieved by any decision of an LLC should have immediate recourse to the Commission, or any other entity having jurisdiction, to challenge that decision.

¹ GTE is a member of the following LLCs: Mid-Atlantic Carrier Acquisition Company, L.L.C., Southeast Number Portability Administration Company, L.L.C., Southwest Region Number Portability Company, L.L.C., West Coast Portability Services, LLC and Western Region Telephone Number Portability, LLC.

[Signature]
[Title]

As an active member of five LLCs, GTE has become intimately familiar with their operation, particularly the dynamics of LLC member voting. Specifically, the majority of members in each of the LLCs in which GTE participates are CLEC (as opposed to ILEC) entities. Thus, to the extent that a discrete issue may have disparate implications depending on whether an entity is an ILEC or a CLEC, the potential for the majority of CLEC members to vote in unison in the manner most favorable to CLECs may be significant.

Inextricably linked to the potential impact of these voting dynamics is the fact that at least one of the LLC operating agreements requires that any dispute resulting from a decision of the LLC membership be resolved through arbitration before the LLC decision can be taken to the Commission for review. This means that any formal Commission challenge to an LLC decision, no matter how significant that decision might be, must await potentially time-consuming and costly arbitration proceedings. In addition, most LLC operating agreements do not require a written opinion by the arbitrator. Thus, under such provisions, all of the time and resources expended in arbitration proceedings would not even result in a written record that could be reviewed by the Commission, thereby possibly expediting the review process.

GTE is particularly concerned with LLC decisions that implicate or require an interpretation of Commission rules or regulatory policy that are not the result of a consensus. In these types of matters, opposing parties who each believe they are correct will not likely be content to abide by the unwritten decision of an arbitrator. And if the decision rendered involves a rule or obligation that should be applied uniformly to

all parties in all regions, the value of an undocumented arbitrator's ruling rendered behind "closed doors" will be of questionable value.

For all of these reasons, GTE wholeheartedly agrees with the USTA that rules must be established "to ensure procedural and substantive fairness." (USTA Comments at 3.) Such rules should ensure that any party aggrieved by the decision or action of an LLC or LNPA be allowed, in the first instance, to appeal that decision or challenge the action before the Commission or in any other forum having jurisdiction.²

In addition to the foregoing, the Commission should ensure that the LNPA/end user relationship³, particularly with respect to rates charged for service, is properly monitored to ensure consistency and uniformity across all end users in all regions. As it stands, the agreements that will govern the LNPA/end user relationship have been negotiated privately between the LLCs and the LNPAs. Thus, once these agreements have been finalized, it would be appropriate to require that they be filed with the Commission and subject to limited public comment. In this way, the industry may be able to avoid possible legal challenges by individual companies to one or more provisions of specific end user agreements. This exercise also would provide a

² GTE is not opposed to arbitrating LLC member disputes that involve internal operating issues.

³ As used here, the term "end user" means the carrier that contracts for the number portability services of the LNPA.

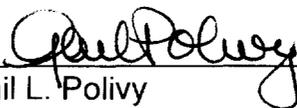
mechanism for comparing these agreements to ensure that all end users are treated fairly, no matter in what region they may operate.⁴

Finally, if the suggestion of Bell Atlantic to tariff the services offered by LNPAs proves unfeasible, the Commission should require, at a minimum, that the LNPAs periodically file the price lists for all of their services. By establishing a central public source for such information, this requirement would similarly assure that all end users, over time, are treated equally within all regions.

Respectfully submitted,

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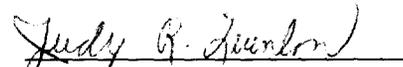
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Their Attorneys

⁴ As another means of ensuring consistent treatment of end users across all regions, the Commission should also consider a requirement that individual decisions of LLCs interpreting any applicable law or Commission Rule be filed with the Commission or submitted to the NANC for placement in a public file.

Certificate of Service

I, Judy R. Quinlan, hereby certify that copies of the foregoing "Reply Comments of GTE" have been mailed by first class United States mail, postage prepaid, on June 17, 1997 to all parties on the attached list.



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