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Before the
Federal Communications Commission
Washington, D.C.

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)	
)	
Cellular Telecommunications Industry Assn.))	DA No. 97-2759
)	
Petition for Waiver to Extend the)	
Implementation Deadlines of)	CC Dkt. No. 95-116
Wireless Number Portability)	

To: The Wireless Telecommunications Bureau

COMMENTS OF OMNIPOINT COMMUNICATIONS, INC.

Omnipoint Communications, Inc. ("Omnipoint"), by its attorneys, files these comments to provide the Wireless Telecommunications Bureau (the "Bureau") with additional input on wireless number portability from the perspective of a Personal Communications Services ("PCS") provider that operates using the Global System for Mobile communications ("GSM") standard. Omnipoint is a significant new entrant in broadband PCS. Omnipoint and its affiliates are small business licensees holding PCS licenses—including the New York MTA Block A license, 18 Block C PCS licenses and 108 Block D, E and F licenses—to serve over 96.5 million people in the United States. Omnipoint currently operates PCS systems in a number of significant markets, including New York City and Philadelphia, and will soon be launching service in Boston and Miami. Each of these systems currently operates using the GSM standard which, as further discussed herein, is capable of supporting the Commission's wireless number portability requirements.

Omnipoint notes CTIA's claims that it is "the international organization of the wireless communications industry" with membership covering "all Commercial Mobile

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Radio Service providers,” and that it represents “more broadband PCS carriers...than any other trade association.”¹ CTIA does not speak for Omnipoint, one of the largest PCS operators in the country. Omnipoint agrees with the Commission’s conclusions that wireless number portability will promote competition between CMRS and wireline carriers, as well as competition among wireless carriers.² Omnipoint intends to meet the Commission’s current implementation schedule and urges the Commission to act appropriately to ensure that the impending competitive benefits of wireline to wireless number portability are not deferred for those carriers that are technologically capable of realizing them.³

In its petition for extension of implementation deadlines for wireless number portability, CTIA raises issues of cost, and technical issues, that do not apply to all CMRS carriers. Therefore, Omnipoint does not believe that any waiver or stay of the

¹ Telephone Number Portability, CC Docket No. 95-116, CTIA Petition for Extension of Implementation Deadlines of Wireless Number Portability (Nov. 24, 1997) (“*CTIA Petition*”), at n. 1.

² See Telephone Number Portability, *First Report and Order and Further Notice of Proposed Rulemaking*, CC Dkt. No. 95-116, 11 FCC Rcd 8352, ¶¶ 154 & 160 (1996), *recon. pending* (“*Number Portability First Report and Order*”).

³ CTIA questions the competitive advantages of number portability, stating rather that “CMRS licensees may be more interested in devoting their resources to improving network coverage.” *CTIA Petition* at n. 3. The Commission already has found “unpersuasive commenters’ arguments that number portability is not a competitive issue for CMRS providers because consumers are not interested in retaining their CMRS numbers.” *Number Portability First Report and Order* at ¶ 161 (citing *CTIA Petition*). The Commission also found “unpersuasive arguments that number portability is unimportant because the CMRS market is already substantially competitive since CMRS customers already may choose from multiple competitive carriers.” *Id.* at ¶ 158. If CTIA members wish to raise an economic argument concerning devotion of their internal resources as a basis for refusing to comply with Commission regulations, they should do so in individual petitions to extend the time by which implementation in their own network will be completed, pursuant to Commission rules. See *infra* n. 5.

implementation schedule is necessary or desirable. If, however, the Bureau should choose to waive or stay any of the dates in the implementation schedule, wireline carriers must continue to be capable of porting telephone numbers to and from number portability capable wireless carriers by the existing date of June 30, 1999. No Commission action taken with regard to any CMRS carrier, or the entire CMRS industry, should relieve wireline carriers from meeting their number portability obligations.

We urge the Bureau not to provide an excuse for wireline carriers—with whom harmonized number portability implementation is required—to put the brakes on an industry-wide implementation process that currently is moving ahead despite the wireline industry's stalling tactics.⁴ As CTIA states, "CMRS providers are dependent upon the implementation of wireline number portability to develop compatible systems between wireless and wireline carriers."⁵

In addition, Omnipoint suggests that, if the Bureau waives or stays the implementation schedule, the Commission should concurrently mandate that wireline local exchange carriers not be permitted to charge CMRS carriers for default routing for calls.⁶

As the Commission stated in the *Number Portability First Report & Order*, some CMRS carriers "may implement number portability sooner, and we expect that some carriers will do so based on individual technical, economic, and marketing

⁴ Wireline carriers' attempts to stall wireless-wireline integration have been experienced at the Wireless/Wireline Integration Task Force of the North American Numbering Council.

⁵ *CTIA Petition* at 3.

⁶ See Telephone Number Portability, *Second Report and Order*, CC Dkt. No. 95-116 at ¶¶ 76-78 (rel. Aug. 17, 1997).

considerations.”⁷ Those CMRS carriers that implement number portability should not be deprived of the benefits of open competition with wireline carriers.

CTIA raises the issue of Mobile Identification Numbers (“MIN”) and Mobile Directory Numbers (“MDN”), concepts not applicable to the GSM technology, as the basis for its argument that “the industry cannot meet the June 30, 1999 deadline for service provider portability”⁸ and, therefore, that “the industry must be given adequate opportunity to develop a number portability solution that will be transparent to subscribers and permit them to use their wireless telephones everywhere.”⁹ The problem described by CTIA results from the dual use of a single identifying number which simultaneously: (1) uniquely identifies the mobile station subscription account, and (2) serves as the telephone number for the mobile customer.

Not all CMRS technologies, however, are so encumbered. From its inception, GSM technology has separated the subscription account identification from the assigned telephone number. Each subscription account is identified by a unique International Mobile Subscriber Identity (“IMSI”) numbers¹⁰ to identify its subscribers. IMSIs are unrelated to subscribers’ telephone numbers, which are maintained in a database on the subscriber’s home GSM carrier’s network.¹¹ Thus, it is clear that while some carriers

⁷ Number Portability First Report and Order at ¶ 166.

⁸ *CTIA Petition* at 4.

⁹ Wireless Telecommunications Bureau Seeks Comment on CTIA Petition for Waiver to Extend the Implementation Deadlines of Wireless Number Portability, *Public Notice*, CC Docket No. 95-116, DA No. 97-2579 (rel. Dec. 9, 1997).

¹⁰ In GSM technology, the IMSI is a unique identifier for each subscription. It resides in the Subscriber Identity Module (“SIM”), which is a small integrated circuit-based “personality module” that is inserted into a GSM-compatible handset.

¹¹ In GSM terminology, the telephone number associated with an IMSI is known as the Mobile Station Integrated Services Digital Network (“MSISDN”) number. The

(Footnote continued to next page)

claim technical difficulties that prevent implementation of the Commission's number portability mandates, GSM carriers should not be made to suffer for having had the foresight to choose a PCS technology that avoided the error of using a single identifier for two separate and distinct functions.

Omnipoint suggests that, given the technological impediments claimed by CTIA concerning implementation of the industry's mandated wireless number portability obligations, the Bureau should exercise its delegated authority "to establish reporting requirements in order to monitor the progress of cellular, broadband PCS, and covered SMR providers implementing number portability, and to direct such carriers to take any actions necessary to ensure compliance with this deployment schedule."¹² However, any carrier's or CMRS industry segment's inability to show adequate progress toward meeting the implementation schedule should not result in GSM carriers' being unable to reap the benefits of open competition with wireline carriers.

(Footnote continued from previous page)

association between the IMSI and MSISDN exists in the Home Location Register ("HLR") database at the customer's home GSM network, which remains responsible for implementing local number portability. Omnipoint further notes that a GSM subscriber may have several MSISDN telephone numbers for the same SIM, or handset, while maintaining only one IMSI.

¹² *Number Portability First Report and Order* at ¶ 166 ("We believe it necessary to establish reporting requirements for CMRS to ensure timely resolution of the standards issues unique to CMRS number portability, particularly roaming.").

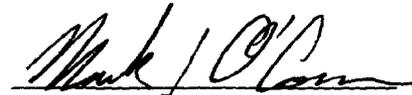
Conclusion

Omnipoint believes that if the Bureau waives or stays the wireless number portability implementation schedules, it must ensure that wireline carriers meet their number portability obligations and continue to allow porting to and from CMRS carriers under the current implementation schedule. Further, the Commission should mandate that LECs not be permitted to charge CMRS carriers for default routing.

Respectfully submitted,

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