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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

JAN 26 1998

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)	
)	
Telephone Number Portability)	CC Docket No. 95-116
)	
Petition for Extension of Implementation)	DA 97-2579
Deadlines of the Cellular Telecommunications)	
Industry Association)	

TO: CHIEF, WIRELESS TELECOMMUNICATIONS BUREAU

REPLY COMMENTS OF GTE SERVICE CORPORATION

GTE Service Corporation and its telephone
and wireless companies

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January 26, 1998

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SUMMARY

GTE joins the vast majority of commenters in supporting the CTIA Petition for extension of the June 30, 1999 wireless service provider portability implementation deadline. GTE notes that support for the Petition came not only from cellular providers – many of whom have opposed wireless number portability -- but also from many of the parties that have supported wireless number portability throughout this proceeding. Given this broad-based support for the CTIA Petition, the Commission should act quickly to grant CTIA's request and extend the wireless service provider portability deadline to March 31, 2000.

Contrary to assertions by two parties that CTIA did not adequately justify its extension request, GTE believes that CTIA provided more than enough evidence to satisfy the WTB that a waiver is warranted. If, however, more specific information is needed, it can be found in supporting comments. In particular, GTE and other commenters assert that standards governing the separation of the mobile identification number ("MIN") from the mobile directory number ("MDN") are not expected to be adopted until May, 1998, at best. The comments also state that it typically takes 18-24 months after standards are adopted to bring a new product or technology to market.

MCI also argues that CTIA's Petition cannot be granted because CTIA failed to meet the Commission's enumerated criteria for obtaining a waiver of the number portability implementation schedule. MCI fails to mention, however, that the five criteria were designed to apply to applications for waiver by individual companies, not an

industry-wide request like CTIA's. CTIA and supporting commenters have provided ample detail to support the requested extension.

MCI's plea for an FCC-mandated milestone list and compliance updates should be dismissed because: (1) record evidence shows that the suggested milestones are not attainable; (2) neither MCI nor any other party has shown that heavy-handed FCC oversight is necessary; and (3) developing and complying with milestone deadlines will take time and cost money, and will divert wireless carriers' resources away from the task at hand – deploying wireless number portability.

Finally, the Wireless Bureau should reject concerns that granting CTIA's Petition will delay wireless carriers' obligation to share in the costs of local number portability. Even if the extension is granted, CMRS providers will be obligated to port wireline numbers by December 31, 1998. To meet this requirement, CMRS providers initially will need to rely on (and pay for) the default query capabilities of local exchange carriers ("LECs").

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REPLY COMMENTS OF GTE SERVICE CORPORATION

GTE Service Corporation and its telephone and wireless subsidiaries ("GTE") hereby submit reply comments in support of the above-referenced Petition filed by the Cellular Telecommunications Industry Association ("CTIA") on November 24, 1997.¹ In the Petition, CTIA asks the Wireless Telecommunications Bureau ("WTB") of the Federal Communications Commission ("FCC" or "Commission") to extend the deadline for commercial mobile radio services ("CMRS") providers to implement service provider portability by nine months to March 31, 2000. While the vast majority of commenters supported the CTIA Petition, three parties oppose the extension request, arguing primarily that CTIA failed to adequately justify the need for a 9-month extension. In these reply comments, GTE addresses the opposing comments. In particular, GTE

¹ Telephone Number Portability, Petition for Extension of Implementation Deadlines of the Cellular Telecommunications Industry Association, CC Docket No. 95-116, filed November 24, 1997 (hereinafter "Petition").

shows that CTIA and those supporting the Petition have more than met their burden of demonstrating that the requested extension is warranted.

I. Discussion

A. There Is Broad-Based Support for the CTIA Petition

The vast majority of commenters addressing the CTIA Petition supported granting the requested extension.² Significantly, support for the Petition came not only from cellular providers – many of whom have opposed wireless number portability -- but also from many of the parties that have supported wireless number portability throughout this proceeding. In adopting the wireless number portability requirements in the *First Report and Order and Further Notice of Proposed Rulemaking* in this proceeding,³ the Commission noted that three distinct groups of commenters had emerged: (1) PCS providers that “want number portability to be implemented as soon as technically possible;”⁴ (2) cellular, paging, and messaging service providers that generally oppose wireless number portability; and (3) a third group including Ameritech

² By GTE’s count, 17 parties filed comments. Of those, 11 supported the Petition and only 3 entities opposed the Petition. Two other entities filed comments addressing subsidiary issues, while BellSouth asked the FCC to delay consideration of the merits of the Petition until after the CTIA submits follow-up reports from its Wireless Number Portability Task Force in April, 1998, and the North American Numbering Council (“NANC”) submits its recommendation on wireless number portability implementation issues in May, 1998. BellSouth Comments at 2.

³ Telephone Number Portability, *First Report and Order and Further Notice of Proposed Rulemaking*, CC Docket No. 95-116, 11 FCC Rcd 8352 (1996) (hereinafter “*First Report and Order*”).

⁴ *Id.* at 8425 (¶ 142). In discussing the position of PCS providers, the Commission cited to the comments submitted by Omnipoint, the Personal Communications Industry Association (“PCIA”), and PCS Primeco. *Id.* at 8426-8427.

and AT&T Wireless, "that support implementation of number portability by CMRS providers, but on a later deployment schedule than wireline portability so as to allow time for technical issues specific to CMRS to be resolved."⁵

With the exception of Omnipoint, however, all wireless parties from each of these groups that submitted comments responsive to the CTIA Petition agree that technical and operational issues will prevent CMRS providers from being able to comply with the Commission's June 30, 1999 service provider portability deadline.⁶ Thus, for example, Primeco (formerly PCS Primeco) comments that it "agrees with CTIA's discussion of the technical issues relating to [wireless number portability] implementation."⁷ Accordingly, it urges the Commission to grant CTIA's petition.⁸ Similarly, AT&T Wireless states that "because of technical problems unique to the wireless industry, wireless carriers will not be able to meet the Commission's June 30, 1999 deadline to implement [local number portability] in their networks."⁹ Likewise, other mixed PCS/cellular providers and pure cellular providers support CTIA's request.¹⁰ Finally, the Rural Telecommunications Group ("RTG"), commenting on behalf of rural telephone companies' CMRS interests,

⁵ *Id.* at 8425 (¶ 142).

⁶ As discussed below, MCI and WorldCom joined Omnipoint in opposing the Petition.

⁷ PrimeCo comments at 2.

⁸ *Id.* at 1, 4. Another pure PCS provider, Sprint PCS, also supports the Petition. Sprint PCS comments at 1-3.

⁹ AT&T Wireless Comments at 1.

¹⁰ AirTouch Comments at 1-5; Southwestern Bell Mobile Systems and Pacific Bell Mobile Services Comments at 1-3; 360° Communications Comments at 1-3; United States Cellular Corporation Comments at 1-4.

and two specialized mobile radio ("SMR") service providers (Mobex and Southern Company) also support the Petition.¹¹

Given this broad-based support for the CTIA Petition – even among the entities the Commission found would benefit most from wireless number portability – the Commission should act quickly to grant CTIA's request and extend the wireless service provider portability deadline to March 31, 2000.

B. CTIA and Supporting Commenters Provide Ample Justification for the Requested Extension

1. Information Justifying the Extension

As noted above, the only entities opposing the CTIA Petition are WorldCom, MCI, and Omnipoint.¹² WorldCom and MCI argue that CTIA has failed to provide adequate support for a number of its allegations regarding unresolved technical and standards issues.¹³ For example, WorldCom states, with respect to the need to develop standards for splitting the mobile identification number ("MIN") from the mobile directory number ("MDN"), that CTIA "lays out the situation . . . [but] fails to mention when the

¹¹ RTG Comments at 1-5; Mobex Comments at 1-5; Southern Comments at 1-5.

¹² Omnipoint opposes the Petition because it claims that GSM technology, used by a handful of broadband PCS providers including Omnipoint, is capable of supporting the Commission's number portability requirements. It argues that because GSM already separates the subscription account identification from the telephone number, GSM users do not face the same technological obstacles that other carriers face. Omnipoint Comments at 1-2, 4-5. Omnipoint's arguments, if correct, however, are not a basis for denying CTIA's Petition. Given that the vast majority of broadband PCS, cellular and SMR providers use technologies other than GSM that do not currently separate the subscription account identification from the telephone number, at most Omnipoint's opposition merits granting the Petition for users of any technology other than GSM.

¹³ WorldCom Comments at 5; MCI Comments at 2-3, and 6-7.

industry actually expects to settle on a standard, or the specific issues involved in timely development and testing of such a standard.”¹⁴ WorldCom also faults CTIA for failing to state how circumstances have changed since the FCC denied Petitions for Reconsideration in March, 1997.¹⁵

Contrary to these assertions, GTE believes that CTIA provided more than enough evidence to satisfy the WTB that a waiver is warranted. In particular, the CTIA Petition and the Declaration of Arthur L. Prest, appended to the CTIA Petition, state that (1) wireless carriers began working on a solution to wireless number portability prior to the time the FCC adopted a wireless number portability standard; (2) the wireless industry has agreed that the best way to provision wireless number portability is to separate the MIN from the MDN; (3) separating the MIN from the MDN will affect other wireless services such as enhanced 911, and automatic roaming; (4) in order to implement wireless number portability without degrading other services, all wireless network and back office systems must be modified; (5) that the industry standards body is currently working on developing Phase II standards necessary for wireless number portability; and (6) that the requested nine-month extension is needed to allow standards to be adopted, implemented and tested and for systems to be modified.¹⁶

¹⁴ WorldCom Comments at 5.

¹⁵ WorldCom Comments at 3-4. GTE notes in this regard, however, that the Commission stated that the June 30, 1999 deadline could be waived “to the extent necessary to ensure the efficient development of number portability.” *First Report and Order* at 8440-8441 (¶ 167). Given this standard, whether or not circumstances have changed since March of 1997 is entirely irrelevant.

¹⁶ Petition at 6-7, and Declaration of Arthur L. Prest.

If, however, more specific information is needed to support CTIA's assertions, it can be found in supporting comments. Thus, GTE and others state that the technical committee addressing standards governing the separation of the MIN from the MDN (TR 45.2) is not expected to submit proposed standards for ballot until May, 1998.¹⁷ The comments also make clear that only after standards are adopted can switching equipment and software vendors begin to design and produce the modifications necessary to implement wireless number portability. Typically, it takes 18-24 months after standards are adopted to bring a new product or technology to market.¹⁸

Finally, commenters agree with CTIA that the MIN/MDN split will affect virtually every system they use in provisioning wireless service.¹⁹ Thus, once switch and software modifications become available, vendors and carriers will have to work together to test the new application. As AirTouch indicates, testing new applications involves at least four-steps. First, each switch vendor must work with one wireless carrier-customer to test the application and remove any bugs before wide scale deployment in other carriers' networks. Second, once deployed in each carrier's network, carriers must test the new application in their networks with all of their systems and products to detect and resolve any problems. Third, each carrier must use the

¹⁷ GTE Comments at 5-6; Sprint PCS Comments at 1; PrimeCo Comments at 2-3; AirTouch Comments at 2.

¹⁸ GTE Comments at 6; Sprint PCS Comments at 1-2; PrimeCo Comments at 2-3; AirTouch Comments at 2; 360° Communications Comments at 2-3.

¹⁹ GTE Comments at 3-5; AT&T Wireless Comments at 3-4; Sprint PCS Comments at 2; PrimeCo Comments at 3; 360° Communications Comments at 2.

application in a limited, live environment. Fourth, once all bugs are removed, the application must be deployed and tested in additional markets.²⁰

2. The FCC's Waiver Criteria

MCI also argues that CTIA's Petition cannot be granted because CTIA failed to meet the Commission's enumerated criteria for obtaining a waiver of the number portability implementation schedule.²¹ What MCI does not mention, however, is that the five criteria were designed to apply to applications for waiver by individual companies. Thus, the third criteria asks the carrier to identify particular switches for which an extension is requested, the fourth criteria asks when the carrier will complete deployment in the affected switches, and the fifth asks for the carrier's deployment schedule, including milestones.²² CTIA, filing on behalf of its member companies, cannot possibly provide such company-specific information.²³ Rather, CTIA has explained that due to technological and operational barriers, implementation of wireless service provider portability in any switch cannot occur by the June 30, 1999 deadline. CTIA and supporting commenters have laid out in as much detail as possible what must occur for wireless number portability to be deployed and properly tested. Based on this information, the vast majority of the wireless industry has concluded that a nine-month

²⁰ AirTouch Comments at 3-4.

²¹ MCI Comments at 6-7.

²² *First Report and Order* at 8441 (¶ 168).

²³ Nevertheless, the information satisfying each criteria can be found in the supporting comments. For example, regarding the third criterion, the extension is necessary for all non-GSM switches.

extension of the service provider portability deadline is necessary. This information is more than sufficient to justify the requested extension.

3. MCI's Request to Set Specific Milestones

Finally, MCI asks the WTB "to define specific interim wireless number portability milestones that the wireless industry must meet." To that end, MCI submits a proposed list of milestone dates aimed at completing wireless number portability deployment by June 30, 1999. MCI also recommends that CTIA provide monthly reports that identify the progress being made on the 15 milestones identified by MCI.²⁴

MCI's list does not represent a reasonable timetable for wireless number portability deployment. In creating its list, MCI, an outsider to wireless number portability process, selects milestone dates that are neither supported nor possible based on the current state of technology. For example, MCI selects March 1, 1998 as the date for completing the standards-setting process. As noted above, however, record evidence shows that standards will not be adopted until May, 1998, at best. In addition, MCI suggests that applications based on the new standards can be deployed and completely tested by June 1, 1999, 15 months after it says the standards should be adopted. In reality, however, an 18-24 month period is typically needed to develop and test technology based upon new standards. Thus, simply by substituting into MCI's framework milestone dates based on reality rather than conjecture or wishful thinking,

²⁴ MCI Comments at 11-14.

one can see that initial deployment could not occur for 5 to 11 months later than June 30, 1999.²⁵

The WTB should reject MCI's plea for an FCC-mandated milestone list and compliance updates. MCI's request should be dismissed because: (1) as shown above, the suggested milestones are not attainable; (2) neither MCI nor any other party has shown that heavy-handed FCC oversight is necessary; and (3) developing and complying with milestone deadlines will take time and cost money, and will divert wireless carriers' resources away from the task at hand – deploying wireless number portability.²⁶

C. Granting the CTIA Petition Will Not Delay Wireless Carrier Payment of Local Number Portability Costs.

Both WorldCom and MCI comment that CTIA's members' primary concerns are financial rather than technical.²⁷ WorldCom, in particular, is concerned that granting CTIA's Petition will delay wireless carriers' obligation to share in the costs of local

²⁵ GTE does not concede that any of MCI's time frames or milestones are reasonable or represent all of the steps that must be completed prior to wireless number portability deployment.

²⁶ MCI, WorldCom, and the Association for Local Telecommunications Services ("ALTS") also express concerns about the effect that an extension would have on telephone number exhaustion and the implementation of number pooling. Numbering concerns, however, do not justify adherence to a deadline that is not technologically feasible. In any event, there is no evidence to suggest that the requested extension will affect the implementation of number pooling, or that number pooling will significantly retard number exhaustion.

²⁷ WorldCom Comments at 5-6; MCI Comments at 3-4. In fact, it is WorldCom, not CTIA, whose policies are based on financial concerns. Thus, WorldCom states it "would be willing to drop its opposition on this point," if CTIA were to propose "that the wireless industry begin to pay LNP deployment costs effective immediately." WorldCom comments at 6.

number portability. GTE disagrees. CTIA has requested an extension of the service provider portability deadline. Even if the Petition is granted, CMRS providers will be obligated to port wireline numbers by December 31, 1998. To meet this requirement, CMRS providers initially will need to rely on the default query capabilities of local exchange carriers ("LECs"). Thus, regardless of what action the WTB takes on the Petition, CMRS providers will begin paying LECs for porting wireline numbers after December 31 of this year. Accordingly, WorldCom's argument should be rejected.²⁸

²⁸ In any event, given that local number portability cost recovery is being considered in a different phase of this proceeding, the WTB should not allow such issues to interfere with its consideration of CTIA's request.

II. Conclusion

Comments submitted in response to CTIA's Petition to extend the deadline for wireless service provider portability demonstrate broad-based support for the Petition, even among entities the Commission believes would benefit most from the requirement. Moreover, these comments demonstrate exactly why implementation cannot be completed by the current June 30, 1999 deadline. Accordingly, the Wireless Telecommunications Bureau should expeditiously grant CTIA's Petition.

Respectfully submitted,

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