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Before the
Federal Communications Commission
Washington, D.C. 20554

MAR 10 1998

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
) CC Docket No. 95-116
Telephone Number Portability) (DA 98-111)

REPLY COMMENTS OF THE ASSOCIATION FOR
LOCAL TELECOMMUNICATIONS SERVICES TO THE
PETITION FOR FORBEARANCE OF THE
CELLULAR TELECOMMUNICATIONS INDUSTRY ASSOCIATION

The Association for Local Telecommunications Services ("ALTS") hereby files its Reply Comments in the above-captioned proceeding pursuant to Public Notice DA 98-111. ALTS has filed similar comments in response to another CTIA petition in this docket seeking virtually the same relief sought here - to significantly extend the number portability deployment deadlines for wireless carriers.¹

The members of ALTS, facilities-based competitive local exchange carriers, are vitally interested in the prompt implementation of number portability by all carriers, including commercial mobile radio service (CMRS) providers. To the extent any carrier is not providing number portability, all other competing carriers, even if the service provided is not a close substitute, will be affected. Competition will never flourish among services and carriers until permanent number portability is

¹ See Comments of ALTS in this Docket in response to Public Notice DA 97-2579, filed January 9, 1998.

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a reality. Therefore, the members of ALTS believe that the Commission should be careful not to extend the deadlines or change the rules that it adopted nearly two years ago with respect to the implementation of number portability unless there is strong evidence that circumstances have changed since the adoption of the rules.²

The CTIA request is nominally predicated upon the Commission's power under Section 10 of the Telecommunications Act of 1996, 47 U.S.C. § 160, to forbear from applying regulations when the Commission has determined that the regulation in question is no longer necessary to protect consumers and the public interest. But CTIA's argument that the CMRS industry is competitive misses the mark. Section 10 is clearly aimed at eliminating pricing and other similar regulations adopted to protect consumers in a monopoly environment from abuses of power. Section 10 should not and cannot be used to allow carriers to circumvent other requirements of the 1996 Act just because the particular service at issue is somewhat competitive. Section 251(b)(2) specifically requires all local exchange carriers to provide, to the extent technically feasible, number portability

² In fact, the Commission may not arbitrarily modify rules that it has adopted after notice and comment rulemaking proceeding. To the extent that the CTIA petition is really just an untimely petition for reconsideration of the Commission's July 2, 1996 First Report and Order in this Docket, the Commission must deny the request or start another rulemaking proceeding.

in accordance with requirements prescribed by the Commission. The Commission cannot read Section 10 of the Act as allowing forbearance from the requirements of another Section of the Act that has not yet been implemented.

As indicated in our previous comments filed in this Docket, ALTS is particularly concerned that the CMRS industry not be allowed to use any difficulty it is having in implementing number portability on schedule to argue against measures that are designed to address area code depletion and preserve numbering resources for all carriers. The genesis of ALTS' concern is the insistence of the CMRS industry that measures such as number pooling under an NXX-X Location Routing Number (LRN) scheme not be implemented prior to the adoption of local number portability for all carriers.³ The members of CTIA have argued that the implementation of number pooling prior to the implementation of LNP for all carriers is not "technology neutral," and thus somehow anticompetitive.

While number pooling is not the only method of delaying the introduction to new NPAs and encouraging efficient utilization of numbering resources, it is viewed by most industry

³ Traditionally, numbers have been assigned to all carriers by full NXX, i.e., carriers receive 10,000 numbers at a time. Number pooling under an NXX-X LRN is a method of sharing NXX 10,000 blocks among multiple service providers in the same rate center by dividing the NXX code into blocks of 1000 numbers each. This enables a more efficient use of existing number resources

representatives as one reasonable step to take to conserve numbering resources. The CMRS industry should not be allowed to delay implementation of measures designed to preserve numbers simply because it is unwilling to expend the resources necessary to implement number portability as required by the Act and the Commission.

If, however, the Commission agrees with CTIA that some extension, or forbearance for a period of time is warranted, the Commission should expressly condition any such action on a commitment by the wireless industry not to object to, or seek to delay, otherwise reasonable steps being taken to implement number portability and numbering administration policies by other telecommunications carriers.

Respectfully submitted,

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March 10, 1998

CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of March, 1998, copies of the foregoing Comments of the Association for Local Telecommunications Services were served via first class mail, postage prepaid, or by hand as indicated to the parties listed below.

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