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

In the Matter of	)	
	)	
Telcordia Technologies, Inc. Petition to Reform Amendment 57 and to Order a Competitive Bidding Process for Number Portability Administration	)	WC Docket No. 07-149
	)	
Petition of Telcordia Technologies, Inc. to Reform or Strike Amendment 70, to Institute Competitive Bidding for Number Portability Administration, and to End the NAPM LLC's Interim Role in Number Portability Administration Contract Management	)	WC Docket No. 09-109
	)	
Telephone Number Portability	)	CC Docket No. 95-116
	)	

JOINT REPLY COMMENTS OF COMPETITIVE CARRIERS ASSOCIATION, THE OPEN TECHNOLOGY INSTITUTE AT NEW AMERICA, AND PUBLIC KNOWLEDGE

Competitive Carriers Association ("CCA"), the Open Technology Institute at New America ("OTI"), and Public Knowledge (collectively, the "Associations") hereby respond to initial comments on the Transition Oversight Plan ("Transition Plan") submitted by North American Portability Management LLC ("NAPM") in the above-captioned proceedings.[1] Several commenters agree with CCA and OTI that NAPM's recommendations for transitioning to a new Local Number Portability Administrator ("LNPA") could benefit from targeted

[1] Public Notice, *Wireline Competition Bureau Seeks Comment on the North American Portability Management LLC's Transition Oversight Plan For Local Number Portability Administrator Contract*, WC Docket No. 07-149, *et al*. (rel. May 7, 2015); *Ex Parte* Letter from Todd D. Daubert, Counsel to the NAPM LLC to Marlene H. Dortch, Secretary, FCC, WC Docket No. 07-149, *et al*. (filed Apr. 27, 2015) (attaching The North American Portability Management LLC Transition Oversight Plan ("Transition Plan")).

improvements to maximize small carrier and consumer participation in the transition process. Additionally, the Associations jointly request that the Commission direct the North American Numbering Council ("NANC") and the new LNPA to help facilitate immediate, seamless wireless-to-wireless number porting nationwide. Consumers and competitive carriers continue to be disadvantaged by unnecessary geographic constraints on number portability, and the LNPA transition provides an ideal opportunity to rectify this divide.

DISCUSSION

I. THE RECORD SUPPORTS THE COMMISSION AND NAPM PROVIDING FOR CONSUMER CONTRIBUTION AND SMALL PROVIDER PARTICIPATION DURING THE LNPA TRANSITION PROCESS

CCA and Public Knowledge wholly agree with OTI that the impact of the LNPA transition process on consumers should be seriously taken into account, for several important reasons. First, a well-functioning LNPA promotes greater competition among communications providers, which ultimately inures to the benefit of consumers in ways such as lower prices, higher service quality and innovative offerings.[2] Second, to the extent carriers pass number porting costs on to their subscribers, consumers deserve a transition that is both expedient and cost-effective. As OTI astutely recognized, seamless nationwide number porting accomplishes at least two competitive goals by allowing consumers the freedom and convenience to choose their service providers, while simultaneously fueling needed competition into the wireless market.[3] To preserve these benefits and maximize consumer and small provider participation in the transition process, the Associations echo certain recommendations provided by other commenters in the record.

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[2] Comments of Open Technology Institute at New America, WC Docket No. 07-149 *et al.* at 2 (filed May 22, 2015) ("OTI Comments").

[3] *Id*. at 2-3.

Several commenters raised concerns similar to those initially put forward by CCA and OTI for needed improvements to the Transition Plan to allow for a more inclusive transition process. For example, the LNPA Alliance notes that the Transition Plan lacks specificity as to how transition costs will be apportioned among various providers.[4] To remedy this, the LNP Alliance suggests that the Commission require additional details be provided regarding the benchmarks and incentives described in the Transition Plan for encouraging performance outcomes, such as which entities will pay for incentive payments.[5] The Associations agree that the Commission should make the details of each benchmark publicly available.[6]

The record also shows that NAPM must be mindful of avoiding imposing overly burdensome costs on small providers throughout the transition process. Particularly, the Commission should ensure that testing plans, as well as programs for stakeholder outreach and education, are developed with attention to potential costs that may be imposed on participating entities.[7] The Commission should also direct the NAPM to avoid unforeseen costs to consumers throughout the transition to the new LNPA, including disruption to telephone services.[8]

Several parties agree that the Commission should consider an outreach forum other than the NANC for engaging with smaller service providers and consumer groups. NTCA notes that the NANC's quarterly meeting schedule and large carrier representation may jeopardize small

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4 Comments of the LNP Alliance, WC Docket No. 07-149 *et al.* at 8-9. (filed May 21, 2015) ("LNP Alliance Comments").

5 *Id*.

6 *See* Comments of Competitive Carriers Association, WC Docket 07-149 *et al.* at 3 (filed May 22, 2015) ("CCA Comments"); OTI Comments at 5.

7 Transition Plan at 3-5; LNP Alliance Comments at 9-10; Comments of NTCA – The Rural Broadband Association, WC Docket No. 07-149 *et al.* at 2 (filed May 21, 2015) ("NTCA Comments").

8 OTI Comments at 4-5.

carrier voices in expressing concerns related to the transition process.[9] To address these concerns, the Associations support NTCA's recommendation that the NAPM include several small carrier representatives to ensure consistent interaction and guidance from smaller providers throughout the transition process.[10] The LNP Alliance similarly suggests the Commission consider requiring regular, ongoing contact with trade associations throughout the transition.[11] The Associations suggest that these ongoing consultations include consumer representatives as well. These recommendations would help to ensure greater small carrier and consumer participation throughout the transition process. This recommendation more effectively achieves the NAPM's goal of transparency better than several state Public Service Commissions' suggestion that the LNPA Working Group serve as the forum for industry stakeholders.[12] Although the Associations agree with the Joint State Commissions that small provider participation must be maximized throughout the transition process, voting in the LNPA Working Group is limited to entities that pay for LNPA services, which limits the ability of representative trade associations or consumer advocacy groups to participate in formulating recommendations for the transition process.

Additionally, several parties recommend that the Wireline Competition Bureau actively work to ensure there is adequate outreach and engagement opportunities for all stakeholders.[13] For example, the LNP Alliance agrees with OTI's recommendation that the Wireline

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9 NTCA Comments at 3.

10 *Id*. at 4.

11 LNP Alliance Comments at 6.

12 Comments of Joint State Commissions, WC Docket No. 07-149 *et al.* (filed May 21, 2015).

13 OTI Comments at 6.

Competition Bureau have an oversight role, such as by convening roundtable discussions or hosting webinars with a variety of stakeholders at appropriate milestones.[14] This would allow the Bureau to obtain immediate feedback and allow direct engagement with the Commission on the intricacies of the transition process. The Associations also urge the Commission to continue facilitating a transparent transition process through ongoing public notice and comment periods, so that small providers, consumer advocates, and other stakeholders can readily participate in the transition process.

Taken together, the Associations respectfully request that NAPM incorporate these suggestions to the Transition Plan, to maintain transparency and maximize opportunities for small provider participation throughout the transition process.

II. THE COMMISSION HAS A COMPETITIVE IMPERATIVE TO FACILITATE SEAMLESS NATIONWIDE PORTING OF WIRELESS NUMBERS

The Associations agree that the Commission should direct the NANC and the LNPA to provide for seamless nationwide porting of wireless numbers as soon as feasibly possible.[15] The Commission should act now to expand competition for smaller providers and promote opportunities for consumers through reduced prices and innovative product and service offerings.[16] The inability of competitive wireless carriers to seamlessly port numbers from disparate parts of the country onto their networks stifles competition and further restricts consumers' ability to switch carriers.[17] As OTI previously noted, Chairman Wheeler himself

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14 LNP Alliance Comments at 3

15 CCA Comments at 4; OTI Comments at 2.

16 *See* Comments of Competitive Carriers Association, GN Docket No. 13-5, *et al*. at 6-8 (filed Mar. 31, 2014); *Ex Parte* Letter from C. Sean Spivey, Assistant General Counsel to CCA to Marlene H. Dortch, Secretary, FCC, WC Docket No. 13-97 (filed May 23, 2014) ("CCA May 23rd *Ex Parte* Letter").

17 *Id*.

acknowledged the importance of number portability in his statement before the vote on the *LNPA Selection Order*, noting that "[e]very day, more than 100,000 individuals and businesses in America switch their phone carriers but keep their old number."[18]

As such, an LNPA transition process that encompasses seamless, nationwide number porting is critical for ensuring consumer choice and promoting competition for all providers. CCA and Public Knowledge further agree with OTI that seamless number porting is a "pillar" of competition policy.[19] Indeed, numerous studies have shown that consumers will not switch service providers if required to change their mobile numbers – a fact that led the Commission to initially adopt number portability requirements.[20] In practice, however, many of CCA's rural and regional members have encountered obstacles when attempting to port an existing number for a new customer.[21] Likewise, OTI has previously explained how the benefits of a fully functioning local number portability platform extend well beyond providing routine number porting services between telecom carriers, including broader public interest implications for consumers, non-national carriers, and other stakeholders.[22] For example, roughly one in twenty

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18 OTI Comments at 2 (*quoting* Statement of Chairman Tom Wheeler, *LNPA Selection Order* (rel. Mar. 26, 2015)).

19 OTI Comments at 2-3.

20 CCA Comments at 5-6.

21 *Id*. at 6.

22 *See* J. Armand Musey & Michael Calabrese, *A Public Interest Perspective on Local Number Portability: Consumers, Competition and Other Risks* (Mar. 2015), *attached to* Letter from Michael Calabrese, Director, Wireless Future Project, Open Technology Institute at New America, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket Nos. 07-149, 09-109; CC Docket No. 95- 116 (filed Mar. 9, 2015); *Ex Parte* Letter from Michael Calabrese, Director, Wireless Future Project, Open Technology Institute at New America, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket Nos. 07-149, 09-109; CC Docket No. 95-116 (filed Mar. 18, 2015).

numbers are ported each year, the increasing majority of which are wireless-to-wireless numbers.[23] Considering the enormous competitive benefits, porting should be universal to all subscribers no matter what carrier they choose to use.

CONCLUSION

The record supports CCA and OTI's original recommendations for improving the Transition Plan to enhance consumer contribution and maximize small carrier participation throughout the transition process. Moving forward, the Commission should consider these targeted improvements to the Transition Plan to ensure the transition is a success for all stakeholders, by expanding competition for smaller providers and promoting opportunities for consumers. The Associations respectfully request the Commission act expeditiously to improve the Transition Plan and implement seamless nationwide non-geographic number portability as part of the LNPA transition.

Respectfully submitted,

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[23] OTI Comments at 2.