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STATE OF NEW YORK DEPARTMENT OF PUBLIC SERVICE

THREE EMPIRE STATE PLAZA, ALBANY, NY 12223-1350

Internet Address: <http://www.dps.state.ny.us>

PUBLIC SERVICE COMMISSION

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LAWRENCE G. MALONE
General Counsel

DEBRA RENNER
Acting Secretary

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December 10, 1998

Hon. Magalie Roman Salas
Secretary
Federal Communications Commission
The Portals, 445 Twelfth Street, S.W.
Washington, D.C. 20554

Dear Secretary Salas:

In accordance with Section 1.1206(b) of the Commission's rules, two copies of a written ex parte presentation are enclosed for inclusion in the public record.

Sincerely,

A handwritten signature in black ink, appearing to read 'Penny Rubin', written over a horizontal line.

Penny Rubin
Managing Attorney

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Hon. William E. Kennard
Chairman
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

Re: Ex Parte Comments - In the Matter of CTIA Petition
Requesting Forbearance from CMRS Number Portability
Requirements, CC Docket No. 95-116

Dear Chairman Kennard:

Cellular Telecommunications Industry Association has requested the Commission to forebear from enforcing the June 30, 1999 local number portability implementation date for Commercial Mobile Radio Service (CMRS) providers "until completion of the five-year build-out period for broadband personal communications services (PCS) has expired."¹ Allowing CMRS providers to delay implementation of local number portability substantially beyond the implementation dates for other carriers could jeopardize the viability of number optimization measures such as 1,000 block number pooling.² Also, substantial delay in CMRS compliance could also exacerbate number exhaust problems inasmuch as these carriers will presumably continue to obtain numbers in 10,000 blocks without contributing unneeded 1,000 blocks to a number pool.

We fully appreciate the technical constraints and competitive priorities facing CMRS providers. However, as the Commission found in the Number Portability First Report and

¹ Wireless Telecommunications Bureau Seeks Comment on CTIA Petition Requesting Forbearance From CMRS Number Portability Requirements, CC Docket No. 95-116, 13 FCC Rcd 955.

² Local number portability is the recommended technical platform for number pooling.

NYDPS Ex Parte Comments - In the Matter
of CTIA Petition Requesting Forbearance
from CMRS Number Portability Requirements,
CC Docket No. 95-116

Order, implementation of local number portability by CMRS
providers is necessary for the efficient use and uniform
administration of telephone numbering resources.³

Although CTIA suggests that competition is flourishing
in the CMRS market, delaying the local number portability
implementation date could make CMRS entry into the local exchange
market less effective because customers wishing to switch to a
CMRS provider would be unable to retain their existing telephone
numbers. Moreover, the Commission has recognized that local
number portability is important to a competitive local market;⁴
and wireline carriers have been required to implement local
number portability in the face of similar market and regulatory
priorities. CMRS technology should not receive special treatment
in this regard. Rather, all carriers, including CMRS providers,
should be required to implement local number portability in a
timely manner as directed by the Commission.⁵

Sincerely,



Lawrence G. Malone
General Counsel

cc: Hon. Magalie Roman Salas
Hon. Susan Ness
Hon. Gloria Tristani
Hon. Michael K. Powell
Hon. Harold Furchgott-Roth
Lawrence Strickling
Daniel Phythyon

³ In the Matter of Telephone Number Portability, CC Docket
No. 95-116, RM 8535, 11 FCC Rcd 8352 (June 27, 1996).

⁴ In the Number Portability First Memorandum Opinion and
Order on Reconsideration, CC Docket No. 95-116, the Commission
concluded that "the public interest is served by requiring the
provision of number portability by CMRS providers because number
portability will promote competition between providers of local
telephone services and thereby promote competition between
providers of interstate access service" (para. 141).

⁵ Short extensions can be addressed on a carrier specific
basis as has been done for wireline carriers.