

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

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In the Matter of)
)
Verizon Wireless' Petition Pursuant to)
47 U.S.C. §160 for Partial Forbearance)
From the Commercial Mobile Radio)
Services Number Portability Obligation)

WT Docket No. 01-184

**REPLY COMMENTS OF BUSINESS
SERVICE CENTER, INC., CONESTOGA MOBILE SYSTEMS,
INC., COM-NAV, INC., REDI-CALL COMMUNICATIONS
COMPANY AND SALISBURY MOBILE TELEPHONE, INC.**

Business Service Center, Inc., Conestoga Mobile Systems, Inc., Com-Nav, Inc., Redi-Call Communications Company, and Salisbury Mobile Telephone, Inc. ("Paging Companies"), by counsel, hereby submit their reply comments in response to the Wireless Telecommunications Bureau's September 5, 2001 Public Notice concerning the Petition for Forbearance filed by Verizon Wireless.

In its petition, Verizon Wireless has requested permanent forbearance from the local number portability ("LNP") requirements applicable to "covered" commercial mobile radio service ("CMRS" or "wireless") providers.¹ These requirements are

¹ The term "covered CMRS" refers to broadband Personal Communications Service, cellular, and 800/900 MHz Specialized Mobile Radio ("SMR") licensees that: (1) hold geographic area licenses or are incumbent SMR wide area licensees; and (2) offer real-time, two-way switched voice service, are interconnected with the public switched network, and utilize an in-network switching facility that enables such CMRS systems to reuse frequencies and accomplish seamless hand-offs of subscriber calls. See 47 C.F.R. § 52.21(c). Non-"covered" CMRS providers, such as paging carriers, are not subject to LNP requirements of any kind. See, e.g., Telephone Number Portability, Second Memorandum Opinion and Order on Reconsideration, 13 FCC Rcd 21204, at ¶¶ 51-55 (1998)(clarifying definition of "covered" services subject to wireless LNP requirements and exclusions from this class).

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currently scheduled to become effective on November 24, 2002. Paging carriers are not subject to wireless LNP requirements.²

Verizon Wireless' forbearance request should be denied. While Verizon Wireless has been seeking relief from the Commission's wireless LNP implementation requirements, its wireline affiliate (referred to herein as "Verizon") has been notifying the paging carriers with which it interconnects that it will be discontinuing a valuable and efficient service in October of 2002. This product is primarily a billing service that permits single message unit rates to be charged for intra-LATA calls. It is known by various titles, but will be referred to herein as "LATAWide Paging," its most popular name.³ Verizon cites the difficulty in the billing and administration of LATAWide Paging once LNP is deployed as its primary reason for discontinuing the service. Verizon Wireless should not be given relief from the Commission's wireless LNP implementation requirements when its wireline affiliate is denying a valuable service to paging carriers and their subscribers because of purported LNP-related costs.

I. Verizon's Discontinuance Notice

The Paging Companies all operate as paging service providers in small-to-medium-sized markets in Verizon service territories in Delaware, Maine, Maryland, Pennsylvania and Wisconsin. Each of the Paging Companies interconnects with Verizon.

² Id.

³ The service is also apparently marketed as Verizon's "Wide Area Calling," "Type 3A" service, or "Type 2/Calling Plan 2" plans. Verizon's own name for the service is its "Reverse Billing/Standard Billing Alternative product."

All of the Paging Companies are currently receiving Verizon's LATAWide Paging product, and are in turn using this product in their provision of service to the public.

From the perspective of paging carriers, LATAWide Paging permits them to assign a single telephone number to the receivers of their customers. The customers can then be paged throughout a local access transport area ("LATA") using a single telephone number, at the single message unit rate, without the calling party incurring additional toll charges. Put another way, LATAWide Paging makes intra-LATA rate centers irrelevant when paging these subscribers inside of their relevant local service areas.

On October 8, 2001, Verizon sent a termination notice to many or all of the paging carriers that use Verizon's LATAWide Paging Service to provide service to end users. The notice informs them that Verizon will be terminating the service effective October 1, 2002. No substitute or alternative is offered.

Verizon's termination notice states that the effective date of the discontinuance will be October 1, 2001 (approximately seven weeks before the Commission's wireless number portability requirement will become effective). It asserts the following justification for terminating the service:

Verizon is [eliminating the service] due to a number of factors, in particular the difficulty in the billing and administration of the product once wireless number portability goes into effect. This notification is being provided to you at this time to allow a significant period of time (i.e., 12 months) to plan for elimination of this billing product. Where the product is offered via tariff, appropriate tariff filings will be made for product removal.

A copy of the discontinuance notice is attached as Exhibit A.

Verizon's asserted justification for terminating LATAWide Paging entails billing and administrative costs for implementing wireless LNP that are similar or identical to

those addressed in its forbearance petition. However, Verizon's claim that these costs will apply to paging services such as LATAWide Service appears to be erroneous. As the Commission is aware, paging services are not included in the Commission's definition of "covered" CMRS, and will not be included in the upcoming deployment of wireless LNP.⁴ It is therefore unclear what Verizon's LNP-based "billing and administration issues" would be for paging services such as LATAWide Paging, or whether this service will in fact bear such costs at all.

II. Discontinuing LATA-Wide Services Would Be Disruptive and Inefficient

Discontinuance of Verizon's LATAWide Service would be extremely disruptive to paging carriers such as the Paging Companies and their subscribers. The carriers would have to undertake substantial reconfiguration of their service offerings and networks, thereby involving additional costs which they would need either to pass along to their customers or absorb. Either of these options would be difficult if the basic utility of paging service were to be simultaneously diminished. The Paging Companies could be expected to lose a great deal of customer goodwill from possible rate increases and service inconveniences, such as having their paging units reprogrammed. Many paging customers would likely discontinue service, or would seek alternatives. This comes at the least opportune time, as the paging industry is already reeling from the Commission's

⁴ See, *infra* at n. 1.

five-year freeze on applications for new and improved facilities and stiff competition from other CMRS services.⁵

Discontinuance of LATAWide Service would also be disruptive to end users – particularly those who currently rely heavily on their pagers, and who have widely distributed their paging number to family, customers, clients, patients, and employers. If callers that make local, intra-LATA paging calls to local customers begin to incur unpredictable toll charges, based upon the caller's location and the customer's location relative to the LATA's rate center boundaries, it is clear that the ease, value and utility of paging services will decrease substantially. Paging usage and subscribership to paging services would likely decrease.

The Paging Companies have no alternative LATAWide Paging service provider other than Verizon in their service areas. The only alternative to incurring intra-LATA toll charges would be to assign multiple telephone numbers to each pager (the quantity of which would depend on the number of rate centers within the LATA). While assigning multiple telephone numbers to each pager might permit the continuance of toll-free, single message unit rate paging, it would be extraordinarily wasteful of scarce number resources, as well as costly to paging carriers and confusing to end users.

This alternative would likewise be disruptive to paging subscribers and would render paging service less attractive to consumers. The Paging Companies believe that

⁵ See In the Matter of Revision of Part 22 and Part 90 of the Commission's Rules to Facilitate Future Development of Paging Systems, WT Docket No. 96-18 and Implementation of Section 309 (j) of the Communications Act—Competitive Bidding, PP Docket No. 93-253, Notice of Proposed Rule Making, 11 FCC Rcd 3108 (1996) (suspending acceptance of new paging applications because of the proposed transition to geographic area licensing); see also First Report and Order, 11 FCC Rcd 16570 (1996) (declined to lift the freeze).

few professionals or tradespeople that rely on pagers will want to distribute multiple pager numbers, however, or print such numbers on their business cards. As such, this is not truly a viable business option for most paging customers.

Regardless of how paging carriers such as the Paging Companies react to the problem, it is clear that Verizon's plans to discontinue LATAWide Service will inevitably make paging both more expensive and less useful to consumers. Given their difficult business environment and narrow profit margin, carriers such as the Paging Companies may even be driven out of business. These public interest considerations have seemingly been overlooked by Verizon as it proceeds toward terminating a valuable and efficient service to its co-carriers – the Paging Companies – without having sought their input as to the effect this service termination will have.

The regulatory “costs” underlying Verizon Wireless’ forbearance petition appear to be the same as those cited by its wireline affiliate, Verizon, as justification for terminating their LATAWide Service. If the Commission grants Verizon Wireless’s forbearance request, Verizon’s supposed rationale for discontinuing its LATAWide Service will vanish. As a result, the Paging Companies believe that the two issues are related, and should be resolved at the same time. Before the Commission gives serious consideration to Verizon Wireless’s forbearance request regarding wireless LNP, the Commission should inquire into whether these costs apply to LATAWide Paging and to what extent.

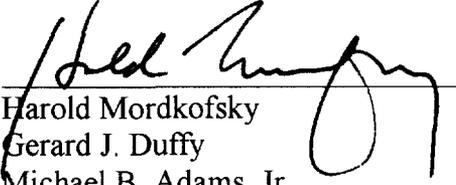
III. Conclusion

For the foregoing reasons, the Paging Companies request that Verizon Wireless' forbearance request concerning wireless LNP not be considered until Verizon, its wireline affiliate, has provided justification for proposing to terminate its LATAWide Paging Service to the paging carriers with which it interconnects.

Respectfully submitted,

**BUSINESS SERVICE CENTER, INC.,
CONESTOGA MOBILE SYSTEMS,
INC., COM-NAV, INC., REDI-CALL
COMMUNICATIONS COMPANY, AND
SALISBURY MOBILE TELEPHONE,
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Exhibit A

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October 8, 2001

Subject: Verizon "Reverse Billing" Products

This is to inform you that Verizon will eliminate the Reverse Billing/Standard Billing Alternative product (also known as LATA Wide Paging, Wide Area Calling, Type 3A service or Type 2/Calling Plan 2, depending upon the service area) effective October 1, 2002. Verizon is doing so due to a number of factors, in particular the difficulty in the billing and administration of the product once wireless Local Number Portability goes into effect. This notification is being provided to you at this time to allow a significant period of time (i.e., 12 months) to plan for elimination of this billing product. Where the product is offered via tariff, appropriate tariff filings will be made for product removal.

The product termination process will follow normal ordering procedures. Product termination will proceed in one of two ways: 1) you, the customer, may place orders for Reverse Billing/Standard Billing Alternative termination prior to October 1, 2002, and the orders will be worked via business-as-usual processes; or, 2) you may elect not to place your own orders in which case Verizon will generate internal orders for product termination with a due date of October 1, 2002. In the case of selection "2", work on the internal orders will begin on October 1, 2002 and proceed to completion. There will be no ordering charges applied for removal of Reverse Billing/Standard Billing Alternative.

Please note that only the Reverse Billing/Standard Billing Alternative billing option is affected. Other products and services will not be affected.

It is Verizon's desire to accomplish a smooth termination of this product, and Verizon will work with customers to do so. If you have questions about the ordering process or the product termination, please contact your Account Manager.

Sincerely,

A handwritten signature in cursive script that reads "John P. Sullivan".