STATE OF NEW YORK DEPARTMENT OF PUBLIC SERVICE

THREE EMPIRE STATE PLAZA, ALBANY, NY 12223-1350

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

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October 19, 2001

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Hon. Magalie Roman Salas
Office of the Secretary
Federal Communications Commission
445 Twelfth St., S.W.
The Portals II
Washington, D.C. 20554

Re: Reply Comments of the New York State Department of Public Service 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; CC Docket No. 99-200)

Dear Secretary Salas:

On July 26, 2001, Verizon Wireless (Verizon) petitioned for forbearance from the local number portability (LNP) requirements promulgated by the Federal Communications Commission (Commission).[1] On September 21, 2001 the New York State Department of Public Service (NYDPS) submitted initial comments in response to the Commission's Public Notice. The national wireless carriers (AT&T Wireless, Cingular, Sprint PCS, and Voicestream) submitted comments in support of Verizon's petition. The NYDPS submits these reply comments to point out that LNP capability is necessary to promote competition and to permit customers to change carriers without changing their mobile phone number. Moreover, the Commission need not undertake a cost/benefit analysis to mandate LNP.

The wireless carriers claim that LNP is not needed because competition in the mobile sector continues to flourish without LNP capability.[2] Voicestream notes that approximately 20% of wireless customers switched carriers in 2000 without LNP.[3] Voicestream further suggests that

[1] 47 C.F.R. § 52.31.

[2] Cingular comments at p. 6.
[3] Voicestream comments at p. 6.

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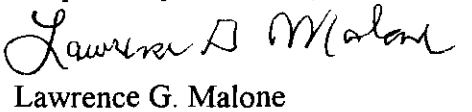
LNP "is not on any mobile customer's radar screen."[4] These carriers acknowledge that large volumes of wireless port requests could be expected if LNP is introduced.[5] In fact, Cingular acknowledges that, if LNP is mandated, "many customers probably would choose to keep their numbers when switching wireless service providers."[6]

Several carriers note that a cost/benefit analysis was never performed to justify the LNP requirements.[7] Such an analysis is unnecessary. The Commission explicitly dealt with this issue in the First Report and Order in 1996 when it noted that, in light of Congress' mandate to prescribe requirements for number portability, it is not necessary to engage in a cost/benefit analysis in the first instance.[8] Thus, this argument is untimely.

By their own admission, the wireless carriers acknowledge that LNP is an important capability that will allow customers to readily change carriers. Their claim that 20% of customers switched in 2000 is no indication of how many customers would change carriers if they were not required to change their numbers. Finally, the Commission's First Report and Order confirms that number portability provides consumers flexibility in the way they use their telecommunications services, and promotes the development of competition among alternative providers of telephone and other telecommunications services.[9]

In sum, consumers should have the option of keeping their telephone numbers when they switch carriers – be it from wireline to wireline, wireline to wireless, or wireless to wireless. Technology should not be a limiting factor in that decision. Based on the foregoing, Verizon Wireless' petition for forbearance from LNP capability should be denied.

Respectfully submitted,



Lawrence G. Malone
General Counsel
Brian Ossias
Assistant Counsel
Public Service Commission
Of The State Of New York
Three Empire State Plaza
Albany, New York 12223-1350

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[4] Id. at p. 9.
[5] Id. at p. 16; Alltel comments at p. 4, CTIA comments at p. 16.
[6] Cingular comments at p. 23.
[7] Id. at 14, Sprint comments at 11.
[8] First Report and Order at 36.
[9] In the Matter of Number Telephone Portability, First Report and Order and Further Notice of Proposed Rulemaking, FCC No. 96-286, CC Docket No. 95-116 at ¶ 28 (rel. July 2,1996)("First Report and Order").