

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

In the Matter of)	
)	CC Docket No. 99-200, 95-200
Number Resource Optimization)	
)	WT Docket No. 01-184
_____)	

**COMMENTS OF AT&T WIRELESS SERVICES, INC. ON
PINE BELT AND KODIAK PETITIONS FOR WAIVER**

Pursuant to Public Notice DA 03-148,¹ AT&T Wireless Services, Inc. (“AWS”) respectfully submits these comments on the petitions by Pine Belt PCS, Inc. and Pine Belt Cellular, Inc. (“Pine Belt”) and Kodiak Wireless, LLC (“Kodiak”) seeking extensions or limited waivers of Sections 20.12(c) and 52.31(a)(2) of the Commission’s rules.² Pine Belt and Kodiak have filed requests for temporary extension of the requirement for CMRS providers to support roaming for customers with pooled and ported numbers until November 23, 2003, and July 1, 2003, respectively. Both carriers are small wireless carriers serving rural areas, and assert that they have limited resources to be able to implement the necessary software and equipment upgrades in order to support roaming. Pine Belt also seeks a waiver from the Commission’s enhanced 911 service requirements at Section 20.18(d) of the Commission’s rules. AWS urges the Commission to deny these waiver requests. It is critically important that all wireless customers (regardless of the type of number they have -- pooled or ported) be able to roam and

¹ Public Notice, *Wireless Telecommunications Bureau Seeks Comment on Petitions for Extension of the Deadline for Support of Roaming by Wireless End-Users with Ported or Pooled Numbers*, DA 03-148 (Jan. 16, 2003) (comments due Feb. 13, 2003, and replies due Feb. 27, 2003).

² 47 C.F.R. Section 52.31(a)(2)(requiring all covered CMRS providers to be able to support roaming nationwide).

be billed correctly for their calls, and to send correct 911 call-back information.³

The risks to reliable wireless service are considerable if carriers have yet to upgrade their networks to support roaming, because the process requires not only extensive network changes but also thorough interoperability testing. Moreover, as the Pine Belt petition notes, there is some danger that it may not be able to support emergency 911 functions adequately. The Pine Belt petition specifically requests a waiver or temporary extension of the Commission's requirement for carriers to deliver valid call back numbers to Public Safety Answering Points ("PSAPs") in areas where the carriers are providing Phase I enhanced 911 service.⁴ The Commission must be particularly cautious about doing anything that would increase network vulnerability at a time when national security concerns are prominent.

These same risks to reliable wireless service and emergency systems would also occur and perhaps be exacerbated once wireless carriers begin to port numbers.⁵ Among other things, there will be more customers roaming with numbers that have separated mobile identification number ("MIN")/mobile directory numbers ("MDNs") once porting commences.⁶ In addition, as a general matter, the impact and burdens on the network are increased with wireless pooling *and porting*. For example, wireless carrier participation in pooling and porting dramatically increases

³ While the LNP mandate on CMRS providers is set to become effective in November 2003, AWS notes that CTIA is currently appealing the Commission's decision to mandate wireless LNP. AWS is an intervenor in this appeal in support of the CTIA petition for review. See *Cellular Telecommunications & Internet Association and Cellco Partnership, d/b/a Verizon Wireless v. FCC*, No. 02-1264 (D.C. Cir.). If wireless LNP is to be implemented according to the current schedule, it is critical that carriers be able to support roaming of pooled *and ported* numbers.

⁴ Pine Belt petition at 4, n.10.

⁵ All CMRS providers are required to support roaming in a pooling *or* porting environment. The same network upgrades must be made to pool or port numbers.

⁶ Specifically, CMRS carriers must separate the MDN from the mobile identification number MIN in order to pool and port numbers, and MIN-based CMRS providers must also implement this MIN/MDN software to fully support roaming in a pooling or porting environment.

demands on the LNP architecture, including NPAC/Service Order Administrator (“SOA”)/Local Service Management Systems (“LSMS”) and number portability databases.⁷ Furthermore, a carrier innately has less control and customers are subject to more risk with ported as opposed to pooled numbers. Although carriers can first test pooled numbers to ensure they are working properly before they are assigned to a customer, in the case of porting, there is no way of first testing a ported number and a bad port immediately affects the customer.

The Kodiak and Pine Belt petitions are only the most recent illustration of the complex issues, technical difficulties, and cost burdens that exist for carriers attempting to comply with the Commission’s LNP and pooling mandates.⁸ The Commission has already entertained and granted petitions by several small carriers for limited extension of the roaming requirement and further waiver petitions are likely.⁹ As these carriers noted, the costs of network upgrades to support roaming and implement the architecture to support pooling and porting are substantial and particularly burdensome for small rural carriers who are trying to comply with other Commission mandates (CALEA, TTY, and Enhanced 911).¹⁰ In addition, CTIA recently filed a petition asking the Commission to resolve one of the outstanding issues relating to wireline-wireless LNP – the so-called “rate center disparity” issue.¹¹ Other issues related to wireless-wireline porting remain to be resolved, including how 911 calls are delivered during the period

⁷ See Task Force Draft Pooling Before Porting Report (August 27, 2001).

⁸ Other carriers have also filed petitions concerning roaming as well as LNP implementation. See, e.g., Petition for Declaratory Ruling of the Cellular Telecommunications and Internet Association (CTIA), CC Docket No. 95-116 (filed Jan. 23, 2003) (“CTIA LNP Petition”); Petitions for Temporary Waiver and Extension of Time by Cellular Phone of Kentucky, Inc., and Litchfield County Cellular, Inc. (filed Nov. 22, 2002).

⁹ See Letter from James D. Schlichting, Wireless Telecommunications Bureau, FCC, to William J. Sill, Wilkinson Barker Knauer, LLP (Jan. 17, 2003) (granting extensions).

¹⁰ See, e.g., Kodiak petition at 3.

¹¹ See CTIA LNP Petition.

