

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

In the Matter of

Telephone Number Portability

CC Docket No. 95-116

REPLY COMMENTS OF BELLSOUTH

BellSouth Corporation, by counsel and on behalf of itself and its wholly owned subsidiaries (“BellSouth”), respectfully submits its reply to those parties filing comments on the petition for declaratory ruling filed by the Cellular Telecommunications and Internet Association (“CTIA”).¹ In its petition, CTIA asks the Commission to issue two declaratory rulings: (1) that wireline carriers have an obligation to port their customers’ telephone numbers to a CMRS provider whose service area overlaps the wireline carrier’s rate center and (2) that a wireline carrier’s obligation to port numbers to a wireless carrier requires a service-level porting agreement between the carriers, not an interconnection agreement.²

I. THE COMMISSION SHOULD INITIATE A RULEMAKING TO ADDRESS INTERMODAL PORTING.

The obvious theme emerging from the widely divergent comments is that additional time and dialogue are needed to address the multitude of issues surrounding intermodal porting.

“Rate center disparity,” timeframes for intermodal ports, the porting of Type 1 numbers – these

¹ *Comment Sought on CTIA Petition for Declaratory Ruling That Wireline Carriers Must Provide Portability To Wireless Carriers Operating Within Their Service Areas*, CC Docket No. 95-116, *Public Notice*, DA 03-211 (rel. Jan. 27, 2003) (“*Public Notice*”).

² *Petition for Declaratory Ruling of the Cellular Telecommunications & Internet Association*, CC Docket No. 95-116 (filed Jan. 23, 2003) (“*CTIA Petition*”).

are just some of the issues that must be resolved prior to the commencement of porting between wireless and wireline carriers. Given the number of outstanding issues regarding intermodal porting, including the potential anticompetitive effect on wireline carriers due to “rate center disparity,” the Commission is obligated to deny the CTIA petition. Rather than issue the declaratory ruling sought by CTIA, the more appropriate course of action is establish a separate proceeding or rulemaking to develop a current record on intermodal porting.

Initiating a separate proceeding would enable the Commission to seek input on a variety of issues. For example, as ALLTEL Corporation points out, “there does not appear to be any definitive resolution of the time frame in which an intermodal port must be achieved, nor have the implications of intermodal ports to E-911 service been definitely resolved.”³

Another outstanding issue that has received little attention thus far, but is nonetheless significant, is the porting of wireless telephone numbers that use a Type 1 interconnection. These numbers (referred to as Type 1 numbers) reside in the end office of a local exchange carrier (“LEC”) and are assigned to a Type 1 wireless interconnection trunk group, which connects the wireless carrier switch and the LEC’s end office switch. All traffic terminating to Type 1 wireless numbers routes to the LEC Type 1 interconnection end office.⁴ Because of this interconnection arrangement, a wireline LEC will always be involved in the porting of a Type 1 wireless number, regardless of whether the porting is between two wireless carriers or a wireless and wireline carrier (intermodal porting).

³ Comments of ALLTEL Corporation at 6-7.

⁴ With Type 2 wireless interconnection trunks, the numbers reside in the wireless carrier’s switch.

Because the porting of Type 1 wireless numbers will involve at least three carriers – the recipient of the Type 1 number (a wireline or wireless carrier), the wireline donor, and the wireless donor – there are administrative complexities. If the number is ported from one Type 1 carrier to another Type 1 carrier, a fourth carrier could potentially be involved, thereby further complicating the process. Coordinating service order processes and interfaces among three or more carriers to accommodate Type 1 porting is no small task, and the industry has encountered some difficulty agreeing on these processes and requirements. Given the inability of the industry to arrive at a consensus, if the Commission were to adopt a separate proceeding on intermodal porting, it would be appropriate to seek input on Type 1 porting.

As the record demonstrates, intermodal number portability carries with it a complex set of issues that must be resolved before porting can occur between wireless and wireline carriers. Advance resolution is necessary to ensure that intermodal porting is implemented in a competitively neutral manner. Accordingly, BellSouth urges the Commission to establish a rulemaking to address intermodal porting and its subset of issues.

II. THE COMMISSION SHOULD NOT MANDATE THAT A SERVICE-LEVEL ONLY PORTING AGREEMENT IS REQUIRED FOR INTERMODAL PORTING.

The record does not support a Commission determination that nothing beyond a service-level porting agreement is required for porting between wireless and wireline carriers. First, it is unclear from CTIA's petition what exactly a service-level porting agreement is. As SBC points out, "[t]here is no industry-wide consensus on the terms and conditions of a service-level porting agreement."⁵ Thus, the Commission cannot declare that intermodal porting necessitates only a

⁵ Comments of SBC at 7.

service-level porting agreement when there is no clear explanation of what constitutes such an agreement.

In addition, the Commission is not authorized to eliminate a LEC's rights and duties regarding the negotiation of interconnection agreements pursuant to Sections 251 and 252.⁶ As SBC points out, an interconnection agreement negotiated pursuant to these statutory sections provides carriers with certain rights and protections (*e.g.*, flexibility to negotiate terms without regard to the standards set forth in Sections 252 (b) and (c); a means of resolving disputes).⁷ Accordingly, rather than ruling that carriers are limited to service-level porting agreements only, the Commission should allow the affected carriers to determine what type of agreement best suits their needs. This approach allows flexibility and does not encroach upon a carrier's lawful rights under the Act.

Respectfully submitted,

BELLSOUTH CORPORATION

Its Attorney

By: /s/ Angela N. Brown
Angela N. Brown
Suite 4300
675 West Peachtree Street, N. E.
Atlanta, GA 30375
(404) 335-0724

Date: March 13, 2003

⁶ See *id.* at 7-8; Comments of Nebraska Rural Independent Companies at 2-3.

⁷ Comments of SBC at 8.

CERTIFICATE OF SERVICE

I do hereby certify that I have this 13th day of March 2003 served the following parties to this action with a copy of the foregoing **REPLY COMMENTS OF BELLSOUTH** by electronic filing and/or by placing a copy of the same in the United States Mail, addressed to the parties listed on the attached service.

/s/ Juanita H. Lee
Juanita H. Lee

Service List CC Docket No. 95-116

Michael F. Altschul
Senior Vice President, General Counsel
Cellular Telecommunications &
Internet Association
1250 Connecticut Avenue, N. W.
Suite 800
Washington, D.C. 20036

Glenn S. Rabin
Vice President
ALLTEL Corporation
601 Pennsylvania Avenue, N. W.
Suite 720
Washington, D. C. 20004

Lawrence J. Lafaro
Stephen C. Garavuti
Richard A. Rocchini
AT&T Corporation
One AT&T Way
Room 3A227
Bedminister, NJ 07921

Suzanne Toller
Jane Whang
Davis Wright Tremaine LLP
AT&T Wireless Services, Inc.
One Embarcadero Center, Suite 600
San Francisco, CA 94111

Douglas I. Brandon
Vice President-Legal and External Affairs
AT&T Wireless Services, Inc.
1150 Connecticut Avenue, N.W.
4th Floor
Washington, D. C. 20036

Gary Cohen
Helen M. MickieWicz
Public Utilities Commission
State of California
505 Van Ness Avenue
San Francisco, CA 94102

John F. Jones
Vice President
Federal Government Relations
CenturyTel, Inc.
100 Century Park Drive
Monroe, Louisiana 71203

Benjamin H. Dickens, Jr.
Mary J. Sisak
CenturyTel, Inc.
Blooston, Mordkofsky, Dickens,
Duffy & Prendergast
2120 L Street, NW, Suite 300
Washington, D. C. 20037

Laurie Itkin
Director, Government Affairs
Lep Wireless International, Inc.
10307 Pacific Center Court
San Diego, California 92121

Julie Lucas
Illinois Citizens Utility Board
Suite 1760
208 South LaSalle Street
Chicago, IL 60604

Agris Pavlovskis
President
Michigan Exchange Carriers Association, Inc.
124 W. Allegan, Suite 1400
Lansing, Michigan 48933

David L. Nace
Pamela L. Gist
Midwest Wireless Holding, L.L.C.
Lukas, Nace, Gutierrez &
Sachs, Chartered
Suite 1200, 111 19th Street, N. W.
Washington, D. C. 20036

Richard A. Askoff
National Exchange Carrier
Association, Inc.
80 South Jefferson Road
Whippany, New Jersey 07981

Daniel Mitchell
National Telephone Cooperative
Association
4121 Wilson Blvd., Tenth Floor
Arlington, VA 22203

Robert S. Foosner
Lawrence R. Krevor
Laura L. Holloway
Nextel Communications
2001 Edmund Halley Drive
Reston, VA 20191

Dawn K. Jablonski
Kathleen H. Burgess
Public Service Commission of
The State of New York
Three Empire State Plaza
Albany, New York 12223-1350

Jodi J. Bair
Public Utilities Commission
Of Ohio
Public Utilities Section
180 East Broad Street
Columbus, OH 43215-3793

John McHugh, Stuart Polikoff,
Stephen Pastorkovich
OPASTCO
21 Dupont Circle, N. W., Suite 700
Washington, D.C. 20036

Thomas G. Fisher, Jr.
Rural Iowa Independent
Telephone Association
Hogan & Fisher, P.L.C.
3101 Ingerroll Avenue
Des Moines, Iowa 50312

Caressa D. Bennet,
Gregory W. Whiteaker,
Kenneth C. Johnson
Rural Telecommunications Group
Bennet & Bonnet, PLLC
1000 Vermont Avenue, N. W., 10th Floor
Washington, D. C. 20005

Paul M. Schudel, No. 13723
James A. Overcash, No. 18627
Nebraska Rural Independent Companies
Woods & Aitken LLP
301 South 13th Street, Suite 500
Lincoln, Nebraska 68508

William A. Brown
Gary L. Phillips
Paul K. Mancini
SBC Telecommunications, Inc.
1401 Eye Street, N.W. Suite 400
Washington, D. C. 20005

TCA, Inc.
Telcom Consulting Associates
1465 Kelly Johnson Blvd.
Suite 200
Colorado Springs, CO 80920

Rupaco T. Gonzalez, Jr.
Richard A. Muscat
TX-CSEC
The Gonzalez Law Firm, P.C.
PMB # 117
8127 Mesa Drive, B206
Austin, Texas 78759

Harold Salters
Anna MilLer
Michele Thomas
T-Mobile USA, Inc.
401 9th Street, N. W.
Suite 550
Washington, D. C. 20004

Robert J. Aamoth
Todd D. Daubert
T-Mobile USA, Inc.
Kelley Drye & Warren LLP
1200 19th Street, N. W., Suite 500
Washington, D.C. 20036

Peter M. Connolly
United States Cellular Corporation
Holland & Knight LLP
2099 Pennsylvania Avenue, N. W. #100
Washington, D. C. 20006-6801

Lawrence E. Sarjeant
Indra Sehdev Chalk
Michael T. McMEnamin
Robin E. Tuttle
United States Telecom Association
1401 H Street, N. E., Suite 600
Washington, D. C. 20005

+Marlene H. Dortch
Office of the Secretary
Federal Communications Commission
The Portals, 445 12th Street, S. W.
Room TW-A325
Washington, D. C. 20554

+Qualex International
The Portals, 445 12th Street, S. W.
Room CY-B02
Washington, D. C. 20554

Henry G. Hultquist
WorldCom, Inc.
1133 19th Street, N. W.
Washington, D. C. 20036

Fred Williamson and Associates, Inc.
2921 East 91st Street, Suite #200
Tulsa, OK 74137-3355

+ VIA ELECTRONIC FILING