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SUMMARY

In its Petition, CTIA raises many issues that have been fully briefed in earlier proceedings, some even in CTIA's own January 2003 Petition for Declaratory Ruling. SBC focuses on CTIA's comments on the Rate Center, the Porting Interval, and the Interconnection Agreement Issues.

The Rate Center Issue was raised by CTIA in its January 2003 petition. SBC and other commenters filed pleadings. In this proceeding, CTIA attempts an impermissible re-briefing of this issue. In response, SBC makes the same points it made in the earlier proceeding: the Rate Center Issue raises important concerns for consumers and for competition. Because of the existing rate center structure imbedded in state tariffs, consumers may be confused if wireline carriers were obligated to port numbers outside of rate centers. If the Commission grants CTIA's petition, some consumers will be assessed toll charges for calls that would have been previously deemed a "local" call. What's more, to grant CTIA's petition to allow porting to wireless carriers outside of rate centers would saddle one player within the market — incumbent LECs — with a competitive disadvantage. SBC supports the NANC's request for guidance on this issue; however, the Commission's recommendations should not disadvantage either consumers or carriers.

The existing number porting interval, which allows for all carriers to port numbers accurately, should not be jettisoned because the maximum four-day turn around on simple ports does not meet the wireless carriers' business model. The existing guidelines on number porting guarantee that all carriers can correctly port numbers and adequately update their systems. Contrary to CTIA's contentions, these guidelines promote competition and will not deter consumers from changing service from wireline to wireless carriers. Mixed services porting, which has been proposed to address the wireless carriers' request for shorter intervals, may present a public safety risk. If so, the answer is not to adopt the CTIA's standard, rather the answer is to keep the existing guidelines, which have been proven to work and which present no such risk. SBC can support a shorter standard for wireless-to-wireless porting or individual

agreements between carriers with shorter intervals that do not present a risk of harm to public safety.

As with the Rate Center Issue, CTIA raised the question of the necessity of interconnection agreements in its January 2003 petition. This matter has been fully briefed and the CTIA's petition amounts to an impermissible supplemental round of comments. SBC believes that, under Commission precedent, incumbent LECs need to enter into interconnection agreement with other carriers in order to meet section 251 obligations, like number porting. What's more, the interconnection mechanism provides certain safeguards that serve the public interest: the ready-made structure under which such agreements can be negotiated and approved, the public disclosure of these agreements, and the mechanism for resolving disputes that might arise both during and after contracting. CTIA exaggerates the costs associated with developing an basic interconnection agreement in which CTIA's members can opt into. And CTIA's argument that such agreements diminish the Commission's authority over numbering is entirely without basis in law or fact.

SBC generally agrees with CTIA that there are important issues to decide to facilitate the wireless carriers' efforts to comply with the Commission's number porting requirements. Moreover, SBC agrees that these issues should be decided in sufficient time to allow wireless carriers to meet their current obligation to port numbers by November 24, 2003. Regardless, SBC opposes any effort on the part of CTIA to impose burdensome and costly number porting implementation changes on wireline carriers. SBC also asks the Commission not to adopt CTIA's proposals for the Rate Center and Porting Interval Issues as these proposals are harmful to consumers and carriers alike.

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
)	CC Docket No. 95-116
Telephone Number Portability)	

**COMMENTS OF SBC COMMUNICATIONS INC. IN OPPOSITION TO
PETITION FOR DECLARATORY RULING OF THE
CELLULAR TELECOMMUNICATIONS & INTERNET ASSOCIATION**

SBC Communications Inc. (SBC) files these comments in opposition to the Petition for Declaratory Ruling of the Cellular Telecommunications & Internet Association (Petition). This filing is made on behalf of SBC’s local exchange carrier affiliates.

Introduction

The Cellular Telecommunications & Internet Association (CTIA) has filed a rather odd Petition. Much of this Petition is dedicated to issues already addressed in other pending proceedings, including the CTIA’s own prior petition for declaratory ruling. Although the “Rate Center Issue” is the subject of the CTIA petition filed on January 23, 2003, CTIA tries to get a second bite at the apple here by rehashing that topic. SBC will address that topic again briefly. The CTIA also attempts to re-brief the question of whether interconnection agreements are needed to provide for wireline-to-wireless porting. Yet, that topic too was the subject of the January 2003 petition for declaratory ruling. Moreover, the CTIA uses its Petition here to urge the Commission to rule on several matters pending in other proceedings. These issues include the definition of the top 100 Metropolitan Statistical Areas (MSAs), the use of the bona fide request, and the obligation to provide support of nationwide roaming.

Of primary concern here is the one issue CTIA has not previously presented to the Commission — the Porting Interval Issue. Briefly, the CTIA seeks to supplant the present NANC guidelines on telephone number porting intervals with intervals that the CTIA believes better fits the wireless carriers’ own business model. CTIA blithely ignores the probable negative impacts such a change would have on the wireline industry and their customers. Indeed, in spite of every evidence to the contrary, CTIA suggests that the present guidelines

frustrate competition and pose risks to public safety. CTIA has it backwards. The present guidelines have fostered competition for the past six years and guarded public safety. To change the porting interval as proposed by the CTIA in its Petition would not greatly increase competition, but it would increase costs on wireline carriers and consumers and jeopardize public safety by increasing the chances that carrier records and operating systems are not properly updated.

A. Rate Center Issue

CTIA raised the Rate Center Issue in its January 2003 petition. SBC addressed that issue there.¹ In SBC's comments, SBC attempted to alert the Commission to the consumer confusion and the competitive disparities that will be caused by allowing porting of numbers outside of rate centers.

On this and other issues presented in the Petition, CTIA persists in vilifying incumbent LECs by asserting that any opposition to the CTIA's requests is motivated solely by a desire to delay or derail number portability.² This is laughable in light of the fact that the CTIA and wireless carriers have been fighting tooth and nail against wireless-to-wireless and wireless-to-wireline portability since before the Commission issued the First Report and Order in 1996.³ Incumbent LECs have been obligated to port numbers and have been porting numbers since 1997. The topics raised in the NANC Task Force — like the Rate Center Issue — were raised because they present thorny problems in integrating number porting between two different groups of telecommunications carriers. These differences are primarily, but not exclusively, the

¹ Comments of SBC Communications Inc. in Opposition to Petition for Declaratory Ruling of the Cellular Telecommunications & Internet Association, CC Docket 95-116, dated February 26, 2003.

² *E.g.*, "These obstacles, none of which are new, have been raised primarily by wireline carriers in an effort to delay number portability, . . ." Petition of Declaratory Ruling of the Cellular Telecommunications & Internet Association, p. 3 (May 13, 2003) (Petition).

³ *See CTIA v. FCC*, No. 02-1264 (D.C. Cir. June 6, 2003). SBC is not suggesting that the CTIA or any of the wireless carriers seeking review of the Commission's ruling on wireless number porting have acted improperly. Rather, SBC is merely pointing out that any delay or opposition to number portability has arisen much closer to CTIA's home than it wants to admit here.

result of the different regulatory environments in which the two groups exist. Because of the type of regulations imposed on incumbent LECs by state and federal regulators, it has been difficult to blend the two groups without adversely impacting consumers or without creating competitive disparities.

For the wireline carrier, rating and routing for both local and toll calls are based on the use of rate centers, which are established by state commissions. Rate centers may embrace a single wire center, a portion of a wire center, or multiple wire center areas. Typically, a wireline local calling area may encompass multiple rate centers. A wireline call within a rate center or between rate centers could be billed as a local call, an extended area service call, or a toll call. Differences in local billing will depend on state regulations and the carrier's state tariffs. For example, a wireline carrier may not be able to apply its intrastate tariffs to rate or route calls if there is no correlation between the geographic location of the calling and called parties and their respective central office codes (NXXs). Generally, for wireline carriers, NXXs are assigned to individual central office switches and used in the geographic wire center serving area within a rate center. A wireline carrier's customer will be assigned a telephone number based on his or her physical location within the wire center serving area. This assignment allows for calls to be billed based on the rate-center method.

For example, this means that, were a former SBC customer to migrate to a wireless carrier and have his or her number ported outside of his or her original rate center, consumers calling the former customer might be unexpectedly charged for a toll call.⁴ Consumers will be confused and, in many cases, outraged. Their complaints will not in all likelihood be brought to this Commission. Rather, they will be brought to the state regulatory commissions. Recognition that rate centers are inherently a state-commission concern is why this Commission wisely

⁴ Each rate center has a V&H coordinate that allows carriers to calculate distance between them. Rating and billing is based upon the distance between the NPA-NXX of the originating and terminating telephone numbers and that number's association with a rate center V&H coordinate. If numbers are ported across rate center boundaries, carriers will no longer be able to rate and bill calls with the same accuracy.

elected to refer location porting to the state commissions.⁵ But this Commission should protect consumers by providing guidance to the industry that does not run rough-shod over the existing rate center mechanism.

Additionally, SBC explained that the Rate Center Issue is one of competitive fairness. If the Commission were to grant the CTIA's request, wireline carriers would be placed at an economic and competitive disadvantage. While wireline carriers would be limited by the rate center requirement, wireless carriers would enjoy practically limitless number porting, including de facto location portability.

SBC urges the Commission to respond to the NANC's request for guidance on this issue; however, SBC contends that the resolution of this issue by the Commission should not create problems and confusion for consumers or put wireline carriers at a competitive disadvantage.

B. Number Porting Interval

Wireline carriers have been porting numbers since 1997. To do this, wireline carriers developed industry guidelines. These industry guidelines have passed the test of time. They work. Now, by means of its Petition, CTIA seeks to challenge these guidelines, not because they don't work, but rather because they allegedly don't meet the wireless carriers' business model.

This business model, according to the CTIA, demands a goal of processing number porting "within two and one half hours."⁶ Admittedly, under the present guidelines, a simple port can take up to four days.⁷ As noted in the *Second Report on Wireless/Wireline Integration*, "[w]ireline ports may be accomplished in less time when conditions are optimal, however, the timeframes were established to support the complex systems and work processes of *all* the

⁵ *Telephone Number Portability*, 11 FCC Rcd 8352, 8449 (1996).

⁶ Petition, p. 7.

⁷ North American Numbering Council, "Local Number Portability Administration Working Group: 2nd Report on Wireless Wireline Integration," § 3.3, pp. 10-11 (June 30, 1999) (*Second Report on Wireless/Wireline Integration*). A copy of this document is attached as an exhibit to CTIA's January 2003 Petition for Declaratory Ruling.

wireline Service Providers.”⁸ That report lists some of the systems affected by number porting; these include:

- LSR/FOC Systems;
- Service Order Systems;
- Inventory Systems;
- Work Force Assignment Systems;
- Billing Systems;
- Maintenance Systems;
- Switch Administrations Systems; and
- E911 Systems.⁹

The report also noted that many wireline carriers use a batch service order process, which necessitates the one day of the LSR/FOC process and the three days for completing “translations work to activate the ten-digit trigger in order to enable routing calls to ported customers and, subsequently, to disconnect the porting customer.”¹⁰

The *Third Report on Wireless/Wireline Integration* concluded, among other things, that shortening the porting interval might be facilitated by industry agreement on automation and on an uniform LSR/FOC process.¹¹ In its Petition, the CTIA makes this sound easy and painless and as if the wireline carriers are somehow being obstreperous in failing to automate their processes.¹² This is not the case. As noted in the same report, automation and uniformity will come with the expenditure of significant time and cost to the carriers and with significant cost to consumers:

⁸ *Second Report on Wireless/Wireline Integration*, § 3.3, p. 11.

⁹ *Id.*

¹⁰ *Id.*

¹¹ North American Numbering Council, “Local Number Portability Administration Working Group: 3rd Report on Wireless Wireline Integration,” § 3.4.1, p. 11 (September 30, 2000) (*Third Report on Wireless/Wireline Integration*). A copy of this document is attached as an exhibit to CTIA’s January 2003 Petition for Declaratory Ruling.

¹² Petition, p. 10.

Elimination of appropriate batch processing would facilitate the possibility of a reduced porting interval. However, to consider a change from batch processing to real time data processing would require an in-depth systems analysis of all business processes that use those systems. This analysis is required to insure that other business processes are not broken by such a change. A normal high level analysis of this type requires, in addition to the systems analysis, cost development, budget preparation and approval, software/hardware development and implementation. Accomplishment of these activities would be a very labor intensive and time consuming effort leading to increased expense.

Another aspect of system change is the effect on operations personnel and staffing levels. Current operations often minimize the staffing level during off peak hours. Changing from the batch processing method of operation could extend staffing hours, particularly on the weekends. Operational changes of this nature could require 24 hours, 7 days a week (24x7) operations, making systems development, deployment and maintenance more expensive and difficult. This would require staffing on a 24x7 basis, thus increasing expense to the companies' operation and thus the consumer.¹³

Even assuming that the Commission determined that the benefits of “facilitat[ing] the possibility of a reduced porting interval” outweighed the costs, the change to these systems would not take place in the near future — and certainly not before the November 24, 2003, wireless porting deadline (the November deadline). What’s more, even if wireline carriers could achieve automation and uniformity, there is no evidence that these changes would allow them to accurately port numbers in anywhere near the time (2½ hours) sought by the CTIA. And, were the Commission to order carriers to change these processes and systems, the Commission would have to allow them to recover these exogenous costs.

In spite of the noise being made by the CTIA, there really is no “porting interval issue” begging for Commission action. As stated above, certain wireless carriers would rather be able to port numbers within a few hours because it meets their present business model. That having been said, however, the CTIA has not shown that the present porting guidelines are inadequate to the task of wireline-to-wireless number porting. In support of its position, the CTIA argues the following points:

- The present guidelines will adversely affect competition;

¹³ *Third Report on Wireless/Wireline Integration*, § 3.4.2, p. 12.

- In the absence of Commission action, some carriers may establish their own porting intervals; and,
- Under the “mixed services” recommendation, public safety will be compromised.

SBC will address each of these below.

1. Competition will not be impeded by the existing rules.

Consumers decide to change service providers for many reasons, including price, features, and service. There is no evidence to support the CTIA’s position that the porting interval will be a major factor in the decision to switch service providers. In fact, SBC has provided telephone number porting to consumers for five years. In that time, SBC has ported millions of telephone numbers to other carriers. These porting volumes demonstrate that competition has not been negatively impacted by existing wireline porting intervals.

This demonstrates that it is absurd to argue, as does the CTIA in its Petition, that the present porting intervals for simple ports will adversely affect competition in the wireline-to-wireless arena. In that arena, the consumer would be moving from working wireline service to wireless service. Consumer expectations will more likely than not be similar to consumer expectations when switching between wireline carriers — where a small delay to effectuate the change is deemed reasonable. It is significant that, during the four-day porting interval, the consumer will still have the same reliable wireline service in place and will not be greatly inconvenienced. It is not reasonable then to believe that, having decided to switch from wireline to wireless service, with all that such a decision entails, the consumer would be dissuaded from making that switch because of the short delay involved in guaranteeing the consumer reliable number porting. Any alleged inconvenience to the consumer would be *de minimus*, at worst, and would certainly not impact inter-modal competition.

As indicated above, wireline carriers have facilitated millions of number ports to alternate service providers using the current industry standard for porting intervals. This experience demonstrates that the present guidelines have been a boon to competition, and not a drag on it. Using the NANC Provisioning Flows, wireline carriers have been consistently able to meet

consumer expectations for number porting. Consistent and dependable number porting has allowed consumers to focus on more meaningful criteria when selecting alternative carriers.

2. Mutually agreed to porting intervals that are shorter than the existing guidelines are not harmful.

The existing porting intervals are neither arbitrary nor anti-competitive. They exist to satisfy the Commission's own porting standards,¹⁴ as well as to meet the needs of the industry. By means of its Petition, the CTIA is attempting to establish a new and arbitrary guideline for porting intervals without regard to existing NANC flows or the needs and limitations of the wireline industry. This is a classic case of the tail wagging the dog. The existing guidelines set standards that meet the needs of all carriers and, at the same time, allow individual carriers to address their own business models.

SBC supports allowing wireless carriers to agree to shorter porting intervals for wireless-to-wireless transactions; however, SBC opposes any attempt by wireless carriers to impose their shorter intervals on wireline carriers, who have already invested millions of dollars to provision number porting and have created OSS and operational methods and procedures based entirely upon the existing NANC provisioning flows. Changes to the current standard intervals would be unfair, arbitrary, and hugely expensive to the wireline providers.

3. If the "mixed services" recommendation presents a threat to public safety, the Commission should require carriers to follow the existing guidelines.

Under the "mixed services" recommendation, wireless carriers can enjoy the benefits of a shorter porting interval by allowing the new service provider to activate the port at the NPAC as soon as the ten-digit trigger has been applied by the old service provider or by performing the new-service-provider NPAC SMS activation of the port immediately following the receipt of the LSC/FOC by the new service provider and concurrence at the NPAC SMS by the old service provider.¹⁵ By definition, "mixed service" involves activation on two different due dates and

¹⁴ 47 C.F.R. § 52.23.

¹⁵ *Second Report on Wireless/Wireline Integration*, § 3.6. p. 11. "The unconditional ten-digit trigger is an option assigned to a line on a donor switch during the transition period when the line is physically moved from donor switch to recipient switch. During this period it is

implicates public safety, including the ability of the public safety answering point (PSAP) to reach the calling party and to receive the calling party's address location information (ALI).¹⁶

Regardless of the probability of actual harm to public safety, SBC notes that the mixed services alternatives were proposed because the wireless carriers wanted shorter porting intervals to meet their business models. If the Commission were to deem the risk to public safety to be too high, the answer is to require carriers to follow the existing guidelines unless and until a mutually acceptable alternative arrangement, which does not implicate this risk, is agreed upon by the old and new service providers (presumably in a wireless-to-wireless port). As it stands today, the existing guidelines do not pose any risk to public safety. Ironically, however, were the Commission to impose by fiat the extremely short interval proposed by the CTIA, that requirement would in all likelihood have a negative impact on public safety, because there would be less time for the parties involved to ensure that all of the systems and end-user records are updated appropriately.

SBC supports maintaining the current industry guidelines for porting intervals, because these intervals were developed for application across the industry so that all carriers could operate under a consistent set of guidelines and provide accurate and dependable number porting. SBC would not be opposed to collaborating with other service providers in an industry forum for the purpose of discussing the current porting interval guidelines.

C. Interconnection Agreements

SBC has addressed the issue of interconnection agreements in its comments filed in opposition to CTIA's previous and still pending petition for declaratory ruling.¹⁷ It is improper for CTIA to file a second petition addressing the same topic. CTIA has in fact elected to file impermissible comments and reply comments on its prior petition. SBC is forced by these

possible for the TN/MDN to reside in both donor and recipient switches at the same time." *Id.* n. 7.

¹⁶ *Third Report on Wireless/Wireline Integration*, § 1.3, p. 14.

¹⁷ See footnote 1 *supra*.

circumstances to file additional comments. Nevertheless, the Commission should reject CTIA's unlawful attempt to re-brief this issue.

In a nutshell, SBC argued in its comments that all LECs are required by section 251(b)(2) to provide "number portability in accordance with requirements prescribed by the Commission."¹⁸ When requested, incumbent LECs are also required to negotiate in good faith the particular terms and conditions of agreements to fulfill duties described in sections 251(b) and (c), including the duty to provide number portability.¹⁹ In its prior comments, SBC pointed out that, in the *Qwest Order*, this Commission ruled that, "[b]ased on these statutory provisions [sections 251 and 252], . . . an agreement that creates an *ongoing* obligation pertaining to resale, number portability, dialing parity, access to rights-of-way, reciprocal compensation, interconnection, unbundled network elements, or collocation is an interconnection agreement that must be filed pursuant to section 252(a)(1)."²⁰ Consequently, an agreed upon document that sets out the terms and conditions by which incumbent LECs provide number portability is an interconnection agreement and must be filed with the appropriate state commission.²¹ Among other things, this mechanism guarantees the parties their right to negotiate and enter into a binding agreement "without regard to the standards set forth in subsections (b) and (c) of section 251."²² What's more, it provides a means of resolving disputes concerning those terms and conditions²³ and allows public scrutiny of any such agreements.²⁴

¹⁸ 47 U.S.C. § 251(b)(2).

¹⁹ 47 U.S.C. § 251(c)(1). See *Law Offices of Curtis V. Trinko v. Bell Atlantic Corp.*, 305 F.3d 89 (D.C. Cir. 2002) (*Trinko*) ("[S]ection 251 defines duties between telecommunications carriers. It is clear that the duties enumerated in section 251 regulate the relationships between telecommunications carriers, especially those that are seeking to enter the market for local phone service, rather than the relationships between telecommunications carriers and consumers. In fact, the Committee Report notes that section 251 'imposes a general duty to interconnect directly or indirectly *between all telecommunications carriers. . .*' H.R. Conf. Rep. 104-458, 1996 WL 46795, at 121 (1996) (emphasis added).")

²⁰ *Qwest Communications International, Inc. Petition for Declaratory Ruling on the Scope of the Duty to File and Obtain Prior Approval of Negotiated Contractual Agreements under Section 252(a)(1)*, 17 FCC Rcd 19337, 19341 (2002) (*Qwest Order*).

²¹ 47 U.S.C. § 252(h).

²² 47 U.S.C. § 252(a)(1). See *Trinko*, 305 F.3d at 103 ("Such interconnection agreements do not necessarily reiterate the duties enumerated in section 251. Instead, the ILEC and requesting carrier have the option of contracting around the obligations set forth in subsections

CTIA has taken exception to SBC's position on this issue and has asserted new arguments for its so-called standard service level porting agreement.²⁵ One argument CTIA raises is that the porting obligation arises outside the scope of sections 251 and 252. This is not entirely true. It is true that the Commission cited other provisions of the Communications Act in support of its decision to require wireless-to-wireless number porting, but wireline-to-wireless number porting, which has been in place since 1996, is squarely based on section 251.

As stated above, number portability is an obligation imposed on all LECs by section 251(b). Number portability is defined in the act as "the ability of users of telecommunications services to retain, at the same location, existing telecommunications numbers without impairment of quality, reliability, or convenience when switching from one *telecommunications carrier to another*."²⁶ The Commission ruled in 1996 that, under section 251, LECs had an obligation to port numbers to telecommunications carriers, which included wireless carriers:

Pursuant to the statutory requirement in section 251 to provide number portability, we require all LECs to begin to implement a long-term service provider portability solution that meets our performance criteria in the 100 largest Metropolitan Statistical Areas (MSAs) no later than October 1, 1997, and to complete deployment in those MSAs by December 31, 1998, in accordance with a phased schedule set forth below. Number portability must be provided in these areas by all LECs to all telecommunications carriers, including commercial mobile radio services (CMRS) providers.²⁷

Whereas wireless carriers may be free to enter into so-called SLAs, incumbent LECs have section 251 and 252 obligations that require a different standard.

(b) and (c) of section 251. Section 252(a)(1) of the Telecommunications Act provides: "upon receiving a request for interconnection, services, or network elements pursuant to section 251 of this title, an incumbent local exchange carrier may negotiate and enter into a binding agreement with the requesting telecommunications carrier or carriers *without regard to the standards set forth in subsections (b) and (c) of section 251....*" 47 U.S.C. § 252 (a)(1) (emphasis added)."

²³ 47 U.S.C. § 252(b).

²⁴ 47 U.S.C. § 252(h).

²⁵ In the prior petition, CTIA referred to its "SLA" as a "*standard* service-level agreement." See CTIA's January 2003 Petition for Declaratory Ruling, p. 1. In the instant Petition, however, CTIA has dropped any pretense that there is anything "standard" about its proposed agreements.

²⁶ 47 U.S.C. § 153(30) (emphasis supplied).

²⁷ *Telephone Number Portability*, 11 FCC Rcd 8352, 8355, para. 3 (1996).

CTIA also argues that SBC's position is "a threat to the Commission's exclusive jurisdiction over numbering administration."²⁸ This is patently ridiculous. If this were true, every wireline-to-wireline interconnection agreement that deals with number porting would be such a threat. Yet, the statutory scheme created by Congress — the same one that recognizes the Commission's plenary power over numbering administration — obligates incumbent LECs "to negotiate in good faith in accordance with section 252 the particular terms and conditions of agreements to fulfill the duties described in paragraphs (1) through (5) of subsection (b),"²⁹ which includes the obligation to provide number portability.

CTIA contends that the public interest would be harmed if wireless carriers entered into interconnection agreements. In support of that contention, CTIA argues that the only purpose served by requiring interconnection agreements is to delay the availability of number porting and allow "incumbent monopolists" to raise their rivals' costs and inhibit competition.³⁰ Naturally, SBC disagrees that the purpose or effect of requiring interconnection agreements would be to delay number porting or to raise rivals' costs.³¹ Indeed, Congress might find CTIA's contention more than a little odd, because, if this were true, wouldn't it be equally true in the wireline arena? Certainly Congress didn't require interconnection agreements for incumbent LECs under sections 251 and 252 to further these alleged anti-competitive purposes.

As discussed briefly in SBC's prior comments and above, there are real benefits to carriers and the public alike to having the porting obligations set out in an interconnection agreement. These include the ready-made structure under which such agreements can be negotiated and approved, the public disclosure of these agreements, and the mechanism for resolving disputes that might arise both during and after contracting. The costs associated with the interconnection agreement process need not be much more expensive than arguing over the

²⁸ Petition, p. 17.

²⁹ 47 U.S.C. § 251(c)(1).

³⁰ Petition, p. 21.

³¹ How much delay and expense has already been fostered by the CTIA's efforts to resist number porting by seeking extensions of time to prepare for porting and by challenging the Commission's number porting order in the courts?

CTIA's proposed SLA and, once a wireless carrier has negotiated an interconnection agreement with an incumbent LEC, the other wireless carriers need only opt into the same arrangement.

The CTIA and its members have not tried the interconnection agreement process and found it wanting, they have simply not tried it at all. SBC is convinced that the process will not be as onerous as CTIA paints it out to be. This is especially so as the interconnection agreement process has been fine-tuned over the past six years by the work of incumbent and competitive LECs.

Conclusion

While SBC opposes some of the proposals put forward by the CTIA, it certainly supports any effort to get clarity on issues impacting number porting. SBC can sympathize with the CTIA's desire to work out many of these issues well in advance of the November deadline. That having been said, however, SBC respectfully requests that the Commission deny the CTIA's Petition insofar as it would require porting numbers outside the rate center or changing the present porting intervals.

Respectfully submitted,

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