



Verizon Wireless
1300 Eye Street, N.W.
Suite 400 West
Washington, D.C. 20005

May 20, 2003

Via Electronic Filing

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: *Ex Parte*, CC Docket No. 95-116
CTIA Second LNP Declaratory Ruling Petition

Dear Ms. Dortch:

Verizon Wireless submits this letter to elaborate upon an important issue raised in the most recent petition for declaratory ruling filed by the Cellular Telecommunications & Internet Association ("CTIA") related to implementation of local number portability ("LNP") by Commercial Mobile Radio Service ("CMRS") providers.¹

Although Verizon Wireless continues to believe that the Commission should have granted forbearance from the CMRS LNP requirement,² Verizon Wireless concurs with CTIA that the Commission must clarify some critical issues if LNP is to work. LNP will work only if it provides customers with the maximum flexibility to switch carriers, subject only to verification procedures to validate a port request. To that end, Verizon Wireless urges the Commission, in acting on CTIA's petition, to confirm that carriers may not impose restrictions on the porting-out process, beyond necessary customer validation requirements to prevent fraud. The Commission also must ensure a level playing field for porting. One carrier should not be allowed to implement portability subject to restrictive conditions, such as refusing to port to a customer who has an unpaid balance, while other carriers allow customers to leave freely upon validation of identity.

¹ Petition for Declaratory Ruling of the Cellular Telecommunications & Internet Association, *Telephone Number Portability*, CC Docket No. 95-116 (filed May 13, 2003) ("*Second CTIA Petition*").

² *Cellular Telecommunications & Internet Ass'n and Cellco Partnership d/b/a Verizon Wireless v. FCC* (D.C. Cir. No. 02-1264).

Despite significant efforts, the industry has been unable to reach consensus on many issues.³ Even where industry standards exist, however, “some providers have already expressed an interest in imposing their own unique requirements in addition to or instead of generally approved procedures.”⁴ In the absence of clear guidance regarding the obligation of carriers to port numbers at the request of their customers, carriers may attempt to impose non-porting related conditions as an impediment to porting, *e.g.*, by refusing to port if a consumer owes an early termination fee to the old service provider or otherwise has an arrearage on his or her account. The bilateral contractual relationship between the old service provider and its customer will have to be worked out between the two of them, but it cannot be used as an irrelevant basis to subvert porting by refusing to port to the new service provider when the customer directs it. Otherwise, the *new* carrier’s porting interval is impaired, and the free flow of numbers between carriers envisioned by the FCC will be blocked.

As the *Second CTIA Petition* notes, “[i]n the absence of specific direction from the Commission, it is not clear whether all wireless carriers will enter into streamlined negotiations and reach satisfactory agreements to engage in number portability with one another.”⁵ The concerns raised in the *Second CTIA Petition* are real. Verizon Wireless has initiated the inter-carrier communications process by offering a proposed service level agreement (“SLA”)⁶ to wireless carriers operating within the top 100 MSAs designed to expedite the porting process for customers. To date, no SLA has been signed, in part due to carriers’ uncertainty as to standards applicable to the porting process.

Clear Commission direction is *necessary for successful implementation of wireless-wireless portability*, as well as wireline-wireless portability.⁷ CTIA’s filing, by referencing the many uncertainties in the porting process, points to the risk that negotiations will result in “lowest common denominator” outcomes, which could significantly reduce customers’ abilities to port their numbers. As the *Second CTIA Petition* notes, the porting interval has been raised by the NANC for FCC resolution.⁸ This issue is a sub-set of the “porting interval” issue raised in the *Second CTIA Petition*, and should be clearly noticed as an issue for comment in any notice seeking public comment.

³ *Second CTIA Petition* at 2-3, 5-6. See also 47 CFR § 52.26(a) (codifying the North American Numbering Council’s recommendations as set forth in the report from the Local Number Portability Administration Selection Working Group dated April 25, 1997, which by its own terms dealt only with wireline LNP).

⁴ *Second CTIA Petition* at 8 n.16.

⁵ *Second CTIA Petition* at 16 n.42.

⁶ Verizon Wireless’ SLA is a modification of the model CTIA agreement which was created to facilitate the porting process.

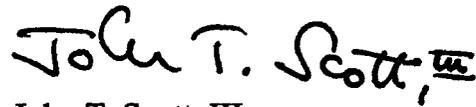
⁷ See *Second CTIA Petition* at 4 & n.10.

⁸ *Second CTIA Petition* at 8-11.

Verizon Wireless requests that the Commission follow the procedure set forth in section 52.26(b) of its rules to resolve the porting interval controversy and specifically clarify that the porting-out carrier may not impose any restrictions on releasing a number other than those necessary to validate the identity of the customer requesting the port and that such customer is currently assigned the number.

Thank you for your prompt consideration of this matter.

Sincerely,

A handwritten signature in black ink that reads "John T. Scott, III". The signature is written in a cursive style with a small "III" at the end.

John T. Scott, III

cc: (via e-mail)
Bryan Tramont
Jennifer Manner
Paul Margie
Samuel Feder
Barry Ohlson
William Maher
John Muleta
Catherine Seidel
David Furth
Jared Carlson
Jennifer Salhus