Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20544

In the Matter of	)	
	)	
Telephone Number Portability	)	CC Docket No. 95-116
	)	
CTIA Petition for Declaratory Ruling on	)	
Local Number Portability	)	
Implementation Issues	)	

REPLY COMMENTS OF
THE SOUTH DAKOTA TELECOMMUNICATIONS ASSOCIATION

The South Dakota Telecommunications Association (SDTA)[1] hereby submits reply comments on the petition for declaratory ruling (Petition) filed on May 13, 2003, in which the Cellular Telecommunications & Internet Association (CTIA) asks the Commission to clarify certain carrier obligations with respect to local number portability (LNP) issues. SDTA supports the comments of various parties, as discussed below.

I. THE ISSUES CONCERNING WIRELINE TO WIRELESS PORTING SHOULD BE ADDRESSED IN A SEPARATE RULEMAKING PROCEEDING

In the Petition, CTIA raises a number of issues concerning wireline to wireless porting such as the proper porting interval when a customer desires to port its number from a wireline to wireless carrier; the role of interconnection agreements in the porting process; and whether wireline carriers can limit the scope of porting to the rate center.

[1] SDTA is an association of 30 independent, cooperative and municipal incumbent local exchange carriers (LECs) serving rural areas in South Dakota.

Some of the issues, such as the porting interval for wireline carriers and the limitation of wireline porting to the rate center, are established in Commission rules and CTIA's attempt to change these rules in a Petition for Declaratory Ruling should be denied.[2]

To the extent CTIA's requests are not covered by current rules or the Commission believes the rules should be reexamined in light of CTIA's petitions, SDTA supports the comments of AT&T Corp. (AT&T) that issues concerning wireline to wireless porting should be referred to an appropriate rulemaking proceeding. As argued by AT&T, "the *Petition* demonstrates there are additional, complex issues to be addressed that go well beyond the scope of wireless-to-wireless local number portability, making it imperative that the Commission institute a separate proceeding to address the scope of the carriers' porting requirements"[3] and that "the Commission need not, and should not, unduly rush to decide these matters...".[4] Careful consideration of the issues presented by CTIA is required especially for rural carriers, as discussed below, whose networks, systems and interconnection arrangements with wireless carriers (or lack thereof), present special challenges in connection with LNP.

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[2] See, Opposition of Verizon at 5, which discusses the Commission's rule on the porting interval.
[3] Comments of AT&T Corp. at 5.
[4] *Id.* at 6.

II. THE CTIA PORTING INTERVAL PROPOSAL IS NOT REASONABLE FOR A RURAL LEC.

SDTA strongly urges the Commission to reject the 2.5 hour porting timeframe suggested by the CTIA[5]. This timeframe simply is not reasonable for rural LECs in general or for the SDTA member companies because they do not have the customized, automated LNP support systems and dedicated support staff that is required to reduce porting intervals. A longer porting interval allows rural LECs to utilize existing staff and Operational Support Systems (OSS) which are based on an economic mixture of automated and manual tools for implementation of number porting processes, thereby minimizing the overall cost increase to the rural LEC and its subscribers.

Large wireline and CMRS carriers that port hundreds (or thousands) of telephone numbers each day can simplify and expedite the process by hiring dedicated, specialized staff and through automating processes in their OSS. This type of investment is not practical for smaller carriers that are likely to have a very small quantity of numbers ported in their service areas.

The North American Numbering Council (NANC) Inter-Service Provider LNP Operations Flow Chart, attached as Appendix 1, shows how complicated and time consuming the porting process can be. As detailed in the Flow Chart, the New Service Provider (NSP) (in this case the CMRS carrier) must complete the first portion of the requisite paperwork to port the telephone number and inform the Old Service Provider (OSP) (in this case a rural LEC) that a number port is being requested. Since it is highly

unlikely that a rural LEC will have an integrated electronic interface into the CMRS carrier's OSS system, notification may have to rely on fax delivery.

The rural LEC must review, verify, and approve all of the number port information submitted by the CMRS carrier. This involves the review of the forms submitted by the CMRS carrier, verification of the volumes of information contained in the forms, and scheduling of resources required to coordinate the number port. A number of LEC departments such as Management, Central Office Equipment Provisioning, Customer Service, Billing, E911 Coordinator, Operator Services Coordinator, etc., will have to review the forms provided by the CMRS carrier. After the review, these departments also will need to coordinate manpower and resources to accommodate the number port.

Assuming that the rural LEC has not identified any issues with the CMRS carrier's number port request and forms, the rural LEC will generate a Firm Order Confirmation (FOC) and transmit it to the CMRS carrier. The remaining steps in the process are completed utilizing an electronic interface into the North American Number Plan Administrator (NANPA) to update the national ported number database. Once these steps are complete, the number is ported.

The above-described process simply deals with the inter-service provider communication documents. In addition to this, the rural LEC must also update some or all of the following:

- Service Order Systems – The service order must be generated to perform the required provisioning on the telephone switch.

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[5] Telephone Number Portability, CC Docket No. 95-116, Petition for Declaratory Ruling of the Cellular Telecommunications & Internet Association, filed may 13, 2003.

- Work Force Assignment – The staff required to perform the equipment provisioning operations must be allocated.
- Switch Translations – The rural LEC must perform translations on the telephone switch to ensure local calls are handled properly.
- Inventory Systems – The systems used to manage and track resources, equipment, and telephone numbers must be updated.
- Billing Systems – The billing system must be updated to account for the loss of the customer and the porting of the number.
- Maintenance Systems – The maintenance systems must be updated to enable quality trouble resolution.
- E911 Systems – The E911 systems must be updated to ensure accurate customer data.

To comply with a shorter porting interval as requested by CTIA, rural LECs would need to add additional staff dedicated to number porting and implement integrated OSS systems. Since it is likely that the volume of ports performed by rural LECs will be significantly less than those of larger carriers, the increased cost of dedicated staff and new systems cannot be cost justified. Accordingly, SDTA urges the Commission to deny CTIA's request.

III. PORTING OF NUMBERS BETWEEN RATE CENTERS SHOULD NOT BE ALLOWED.

As stated in its Reply Comments on the CTIA Petition for Declaratory Ruling filed on January 23, 2003, SDTA believes that the Commission has limited wireline LNP to the existing rate center boundaries of incumbent LECs.[6] Moreover, SDTA believes that CTIA's request amounts to location portability, which the Commission has not required. For these reasons, the Commission should deny CTIA's Petition asking the Commission

to require wireline carriers to port numbers whenever the CMRS provider's service area overlaps the wireline carriers's rate center. At a minimum, before any change is made in porting scope, this issue should be thoroughly examined in a rulemaking proceeding to minimize any adverse consequences.

Currently, LECs rate and route calls based on the NPA-NXX associated with a specific rate center. To ensure the proper rating and routing of calls in an LNP environment, wireline LNP is required only where the customer's NPA-NXX matches the rate center of the carrier to which the number is being ported as defined by the Telcordia Local Exchange Routing Guide (LERG) database. Simply put, in wireline LNP implementations, LNP is available only in areas where the two carriers have the same rate center.

CTIA now asks the Commission to find that wireline carriers should be required to port numbers even if the wireless carrier has a different rate center, which is not compatible with the current rating of calls. For example, a call to a number (NPA-NXX) associated with rate center A is rated as local. Under CTIA's proposal, if the number is ported to a wireless carrier, a call to the number associated with rate center A would now have to be routed to a wireless carrier in rate center B. However, if calls to rate center B are toll calls, what was once a local call may now be rated as a toll call.

This would result in customer confusion because it would be the non-ported customers who would no longer know whether a specific call will be billed as local or toll. It also conflicts with the statutory definition of LNP, which requires, among other

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[6] See, Telephone Number Portability, *Second Report and Order*, CC Docket No. 95-116, 12 FCC Rcd 12281 (1997).

things, that consumers be able to retain telephone numbers without impairment of "quality, reliability, or convenience."[7]

Porting of numbers between rate centers also would result in added complexity and confusion on the part of the carriers to determine local versus toll calls. And, it would result in costs to carriers, such as interexchange carriers, which may not be recoverable.

Therefore, the SDTA strongly urges the Commission to reject any LNP implementation plan that does not adhere to the use of aligned rate centers. At a minimum, any change in the current rate center system should be thoroughly examined in a rulemaking proceeding to ensure the parties understand any changes in their obligations; that systems can be appropriately modified to prevent unintended consequences; and to examine the costs of changing systems and processes.

IV. INTERCONNECTION FACILITIES SHOULD BE REQUIRED FOR NUMBER PORTING

CTIA's petition requests that number portability should be achieved without requiring interconnection agreements.[8] A fundamental issue that seems to have been overlooked in the CTIA petition is the fact that the wireless carrier should have facilities in the LEC rate center for the wireline carrier to deliver calls to a ported customer on a local basis.

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[7] 47 U.S.C. § 153 (30)

[8] Telephone Number Portability, CC Docket No. 95-116, Petition for Declaratory Ruling of the Cellular Telecommunications & Internet Association, filed may 13, 2003, Section III.

Without facilities in the rate center, the wireline carrier would have no method of delivering traffic on a local basis to the wireless carrier. In this case, the traffic likely would be routed to an IXC, the wireline provider would bill access charges to the IXC, and the IXC would bill toll charges to the wireline customer placing a call to the ported number. Thus, if there are no facilities of the wireless carrier in the rate center, the wireline customer could incur toll charges when dialing a number that previously was local. This can be avoided if the wireline and wireless carrier work together to establish mutually acceptable interconnection arrangements.

Pursuant to Sections 251 and 252 of the Act, wireless carriers are not required to request LNP or interconnection from LECs. However, once they do so, the LEC's actions are governed by these sections. Thus, pursuant to Section 251(c)(1) of the Act, an incumbent LEC must 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)," which includes number portability.

If the wireless carrier refuses to engage in the interconnection process and appropriate facilities are not in place, subscribers may be charged toll charges for calls to ported numbers that previously were local calls.

V. TYPE 1 CMRS DIRECT INTERCONNECTIONS PRESENT ADDITIONAL ISSUES THAT SHOULD BE RESOLVED

There are several issues associated with Type 1 interconnections that have been documented by other carriers. The basis of the issues surrounds the fact that the wireline carrier hosts the NPA-NXX, even for the telephone numbers that are being used by the

CMRS carrier. Because of this, the wireline carrier will be involved in all number ports even if the customer's number is being ported between two other carriers. The procedures for number porting when three carriers are involved in the porting process are not defined. In this scenario, the wireline carrier would incur costs associated with the porting of the number, yet none of their customers are involved in the number port. There are no methods for the wireline carrier to recover their costs. Accordingly, SDTA requests that the Commission address this issue in a rulemaking proceeding.

VI. CONCLUSION

Based on the foregoing, SDTA requests that the Commission deny the CTIA Petitions and consider any proposed changes in the requirements of wireline carriers with respect to number porting in a separate rulemaking proceeding.

Respectfully submitted,

SOUTH DAKOTA TELECOMMUNICATIONS ASSOCIATION

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Appendix 1

INTER-SERVICE PROVIDER LNP OPERATIONS FLOWS
- PROVISIONING WITH LSR -

10/28/98
NANC

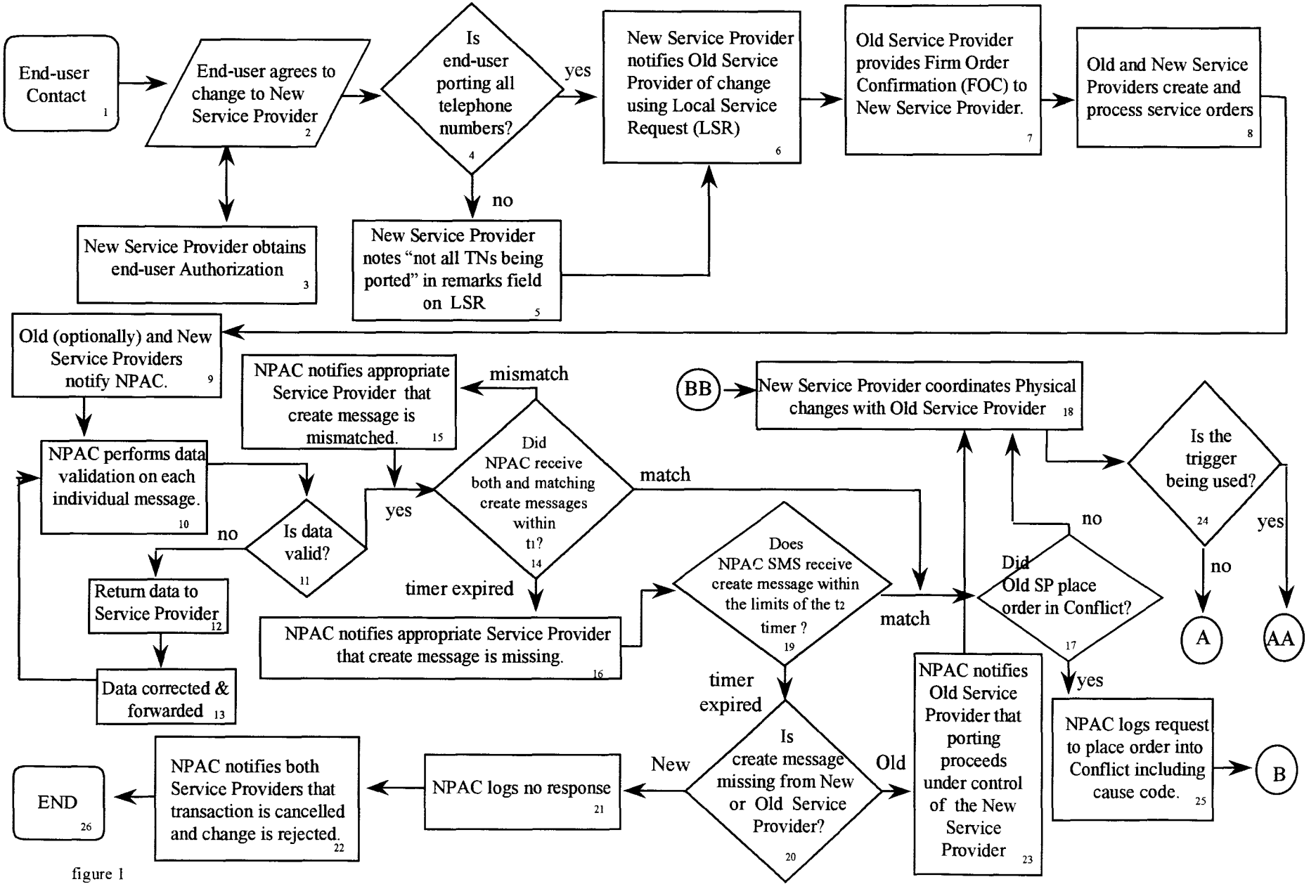


figure 1

INTER-SERVICE PROVIDER LNP OPERATIONS FLOWS
- PROVISIONING WITHOUT TRIGGER -

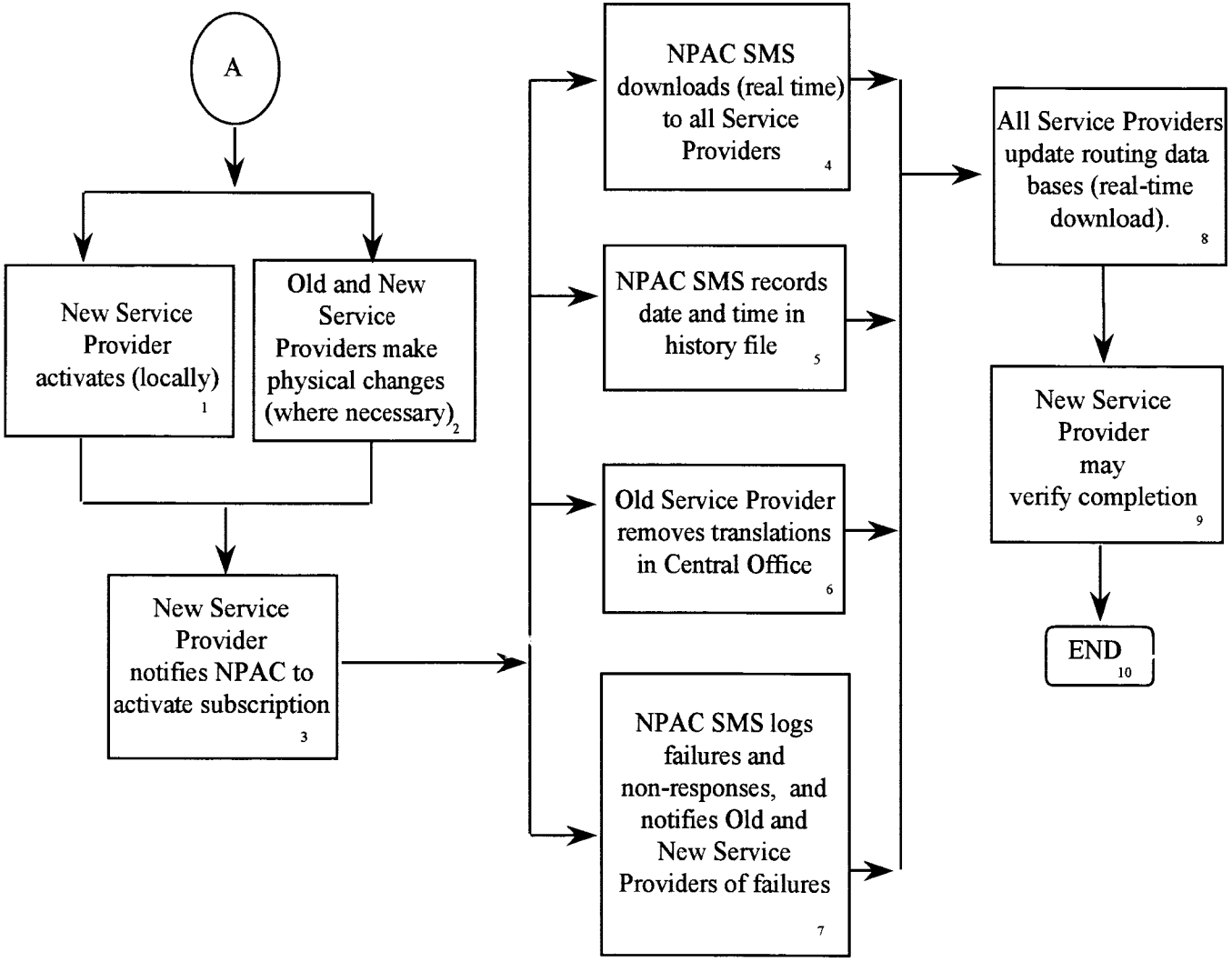


figure 2

INTER-SERVICE PROVIDER LNP OPERATIONS FLOWS
- PROVISIONING WITH UNCONDITIONAL 10-DIGIT TRIGGER -

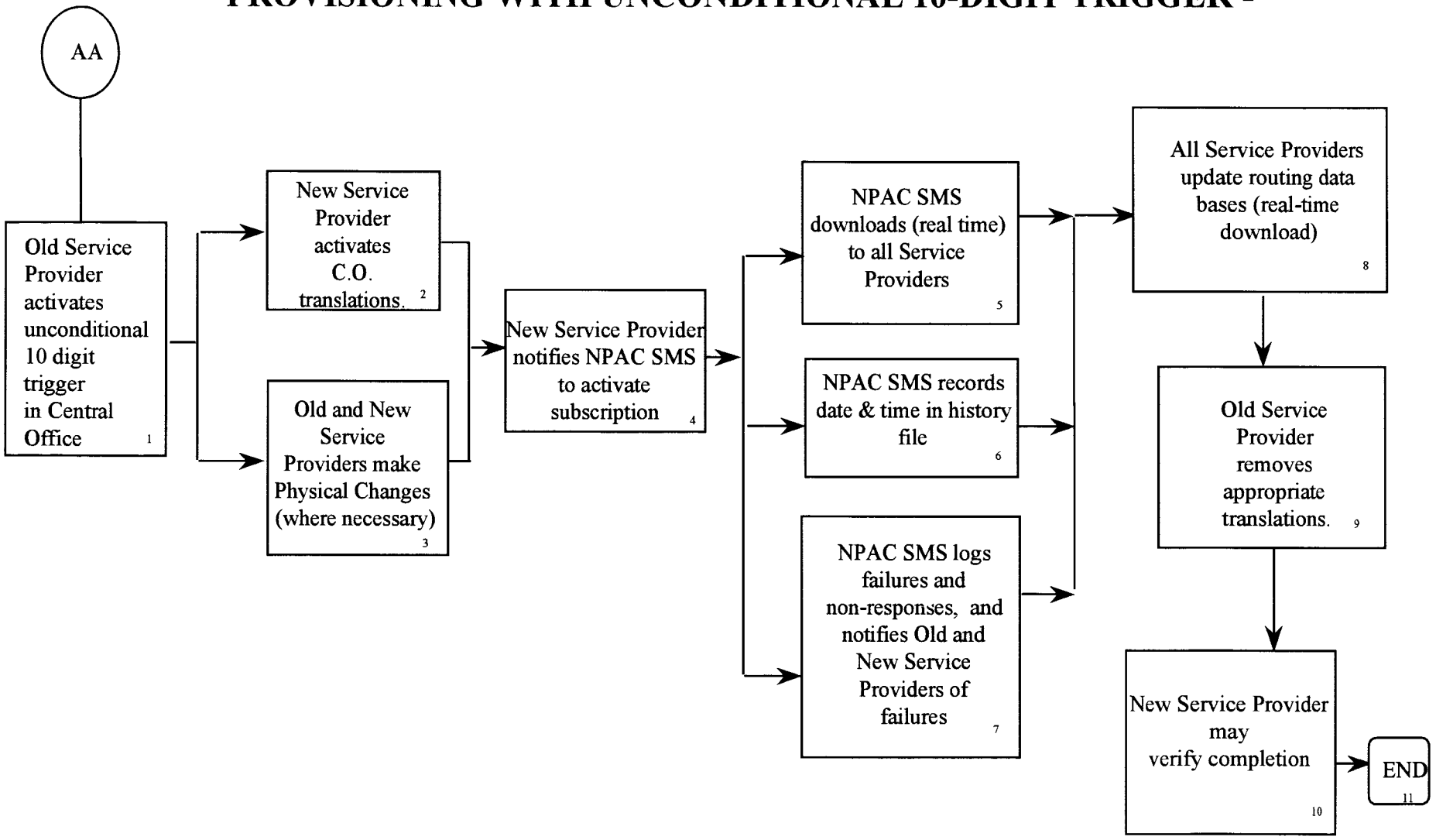


figure 3

INTER-SERVICE PROVIDER LNP OPERATIONS FLOWS - CONFLICT FLOW FOR THE SERVICE CREATION PROVISIONING PROCESS -

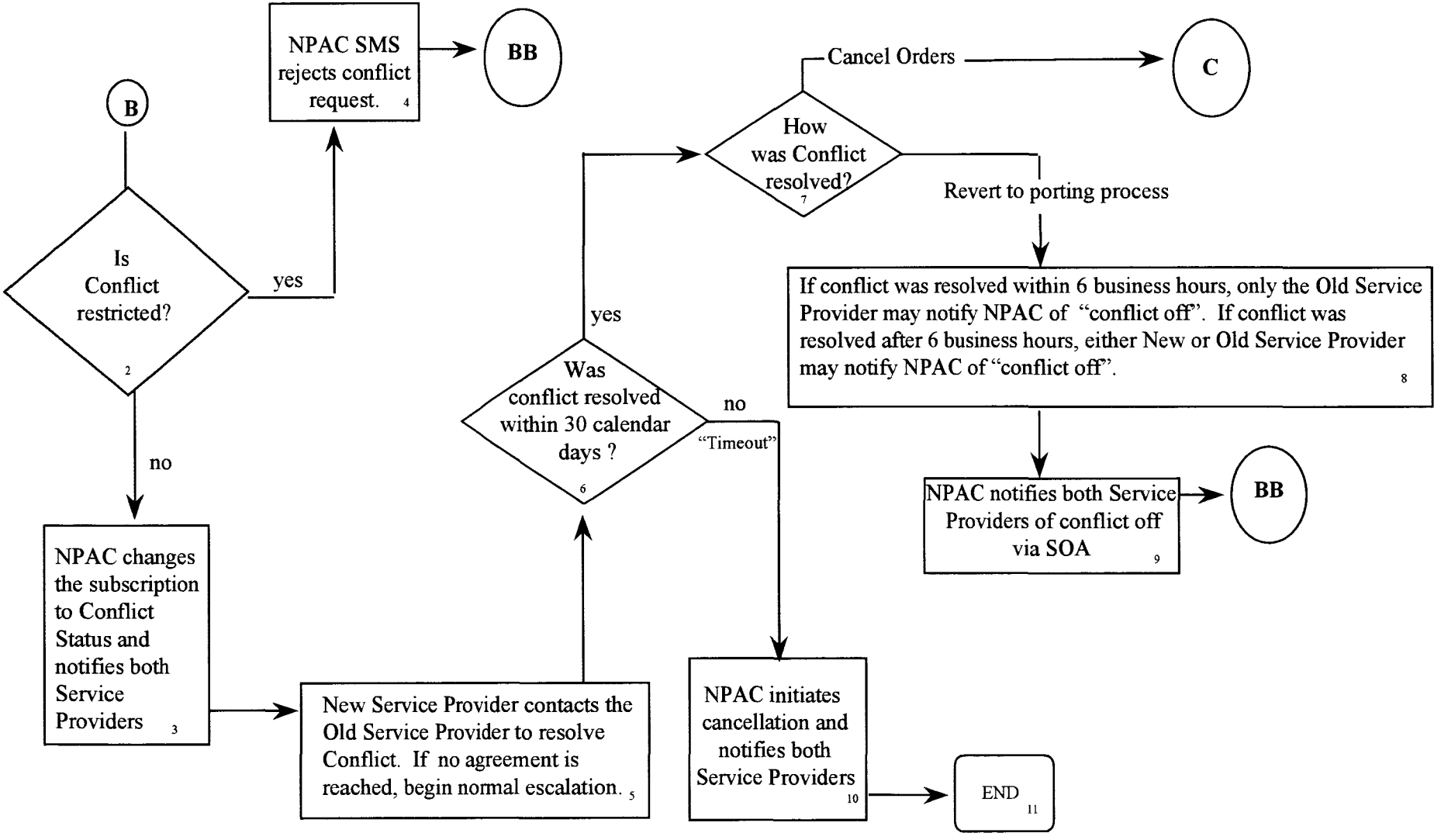


figure 4

INTER-SERVICE PROVIDER LNP OPERATIONS FLOWS
- CANCELLATION FLOW FOR PROVISIONING PROCESS -

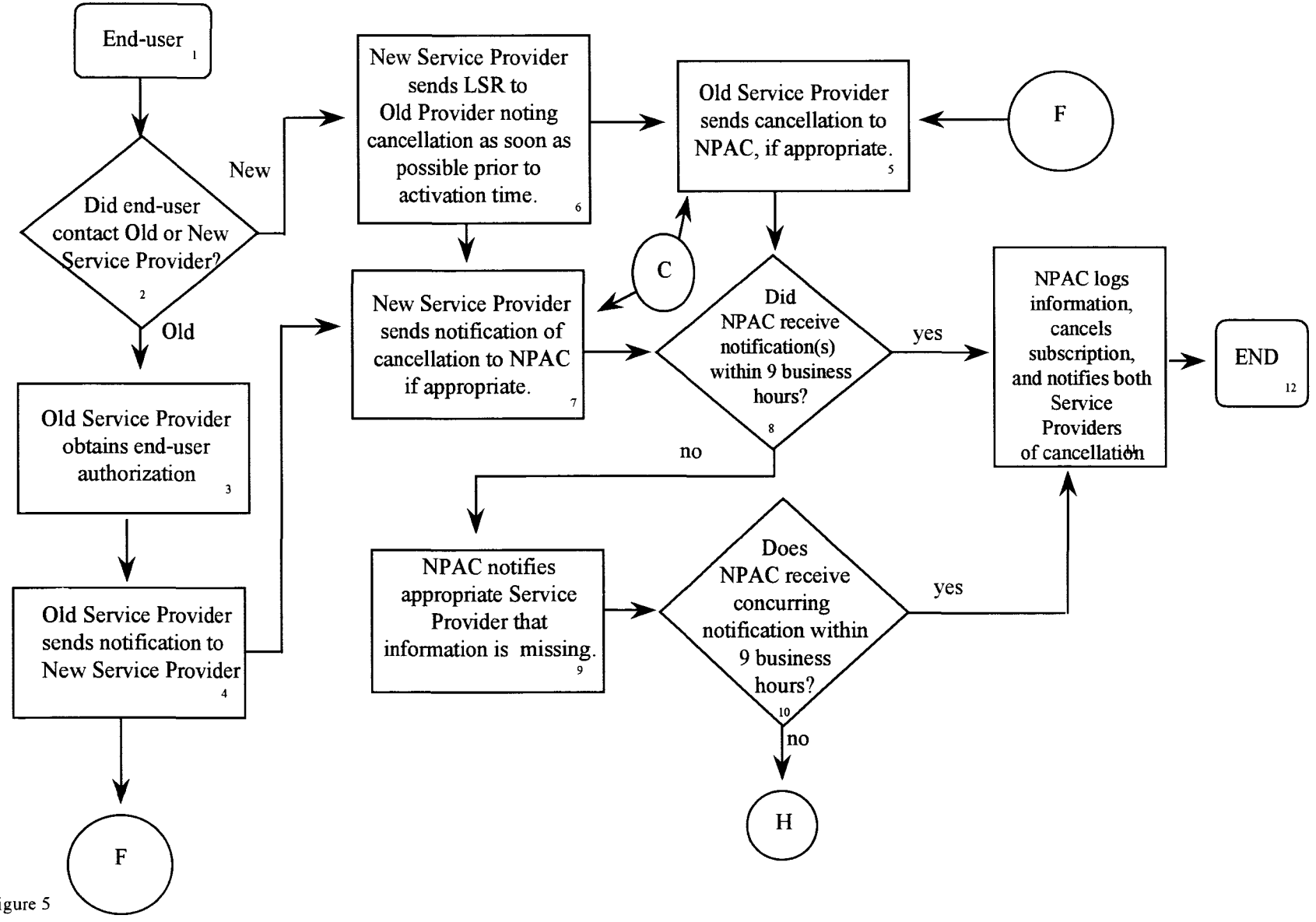


figure 5

INTER-SERVICE PROVIDER LNP OPERATIONS FLOWS
- CANCELLATION CONFLICT FLOW FOR PROVISIONING PROCESS -

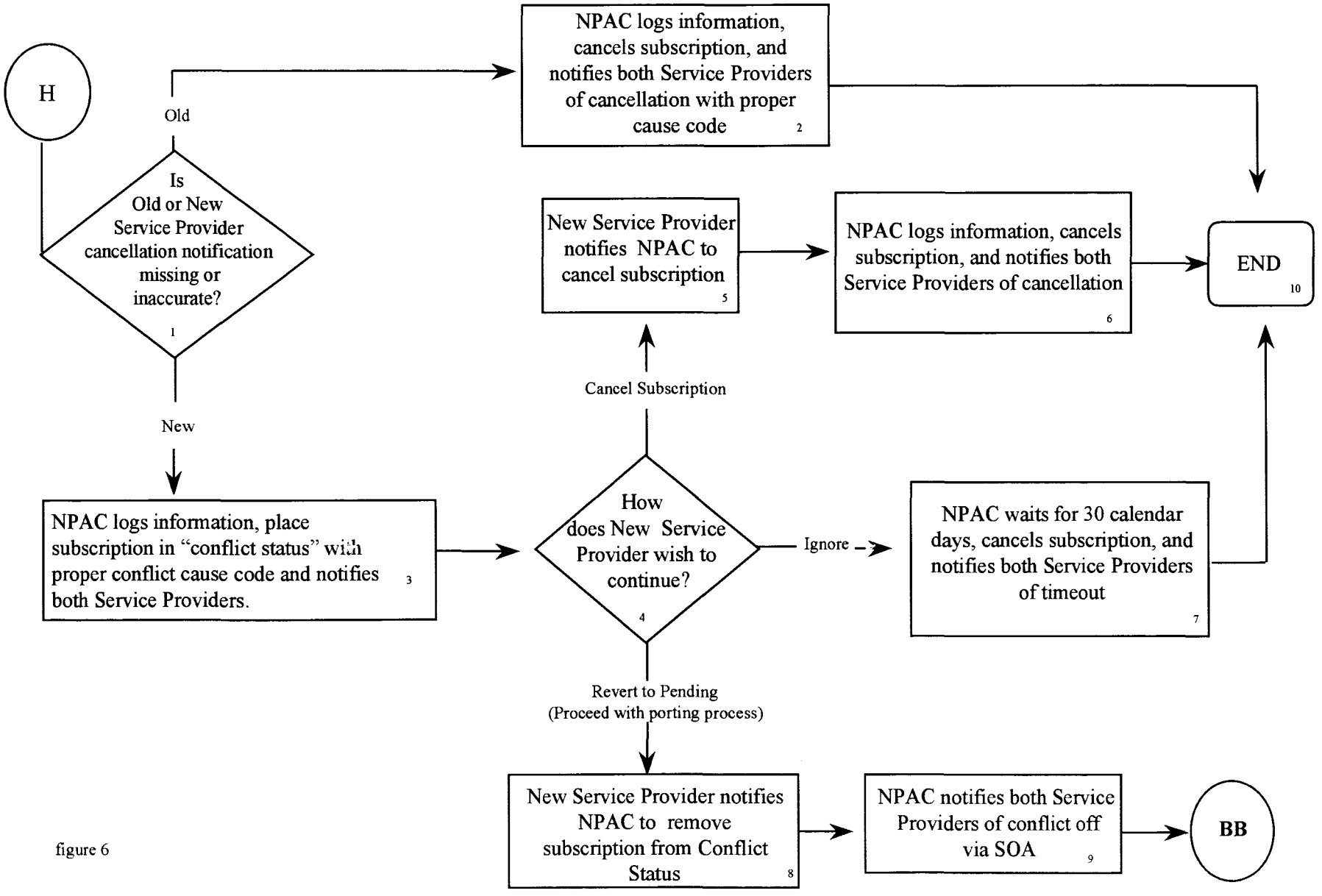


figure 6

INTER-SERVICE PROVIDER LNP OPERATIONS FLOWS
- DISCONNECT PROCESS FOR PORTED TELEPHONE NUMBERS -

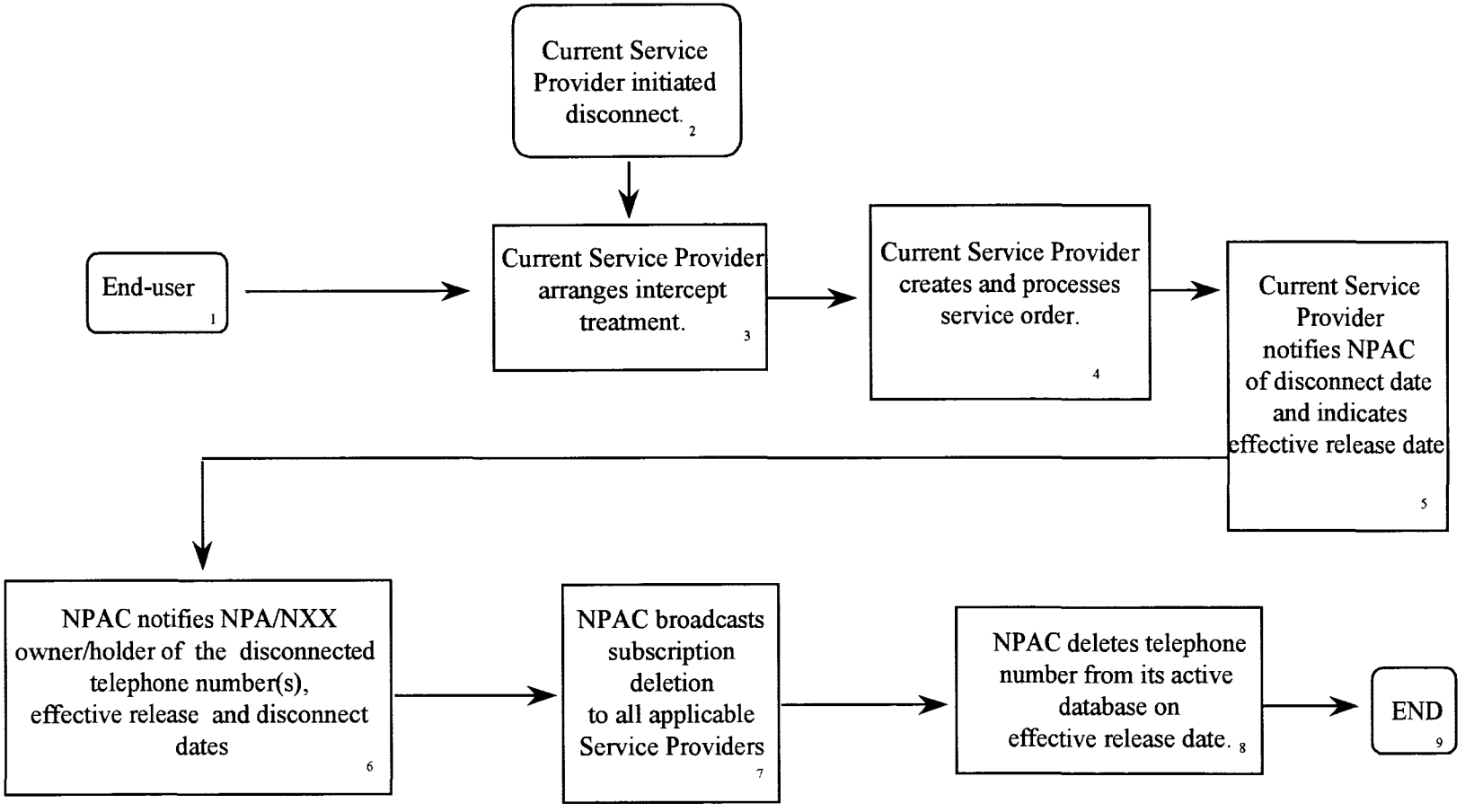


figure 7

INTER-SERVICE PROVIDER LNP OPERATIONS FLOWS
- AUDIT PROCESS -

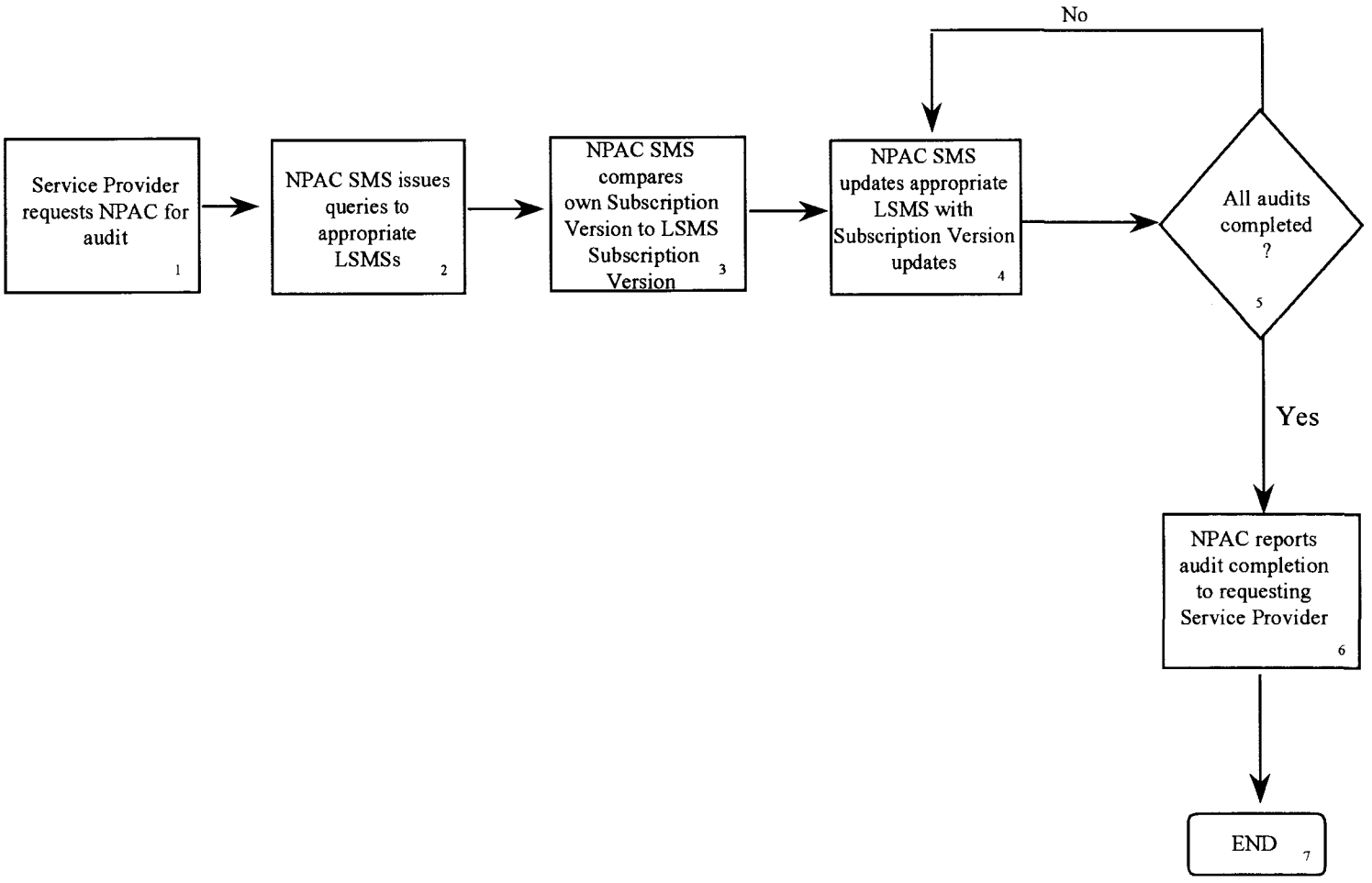
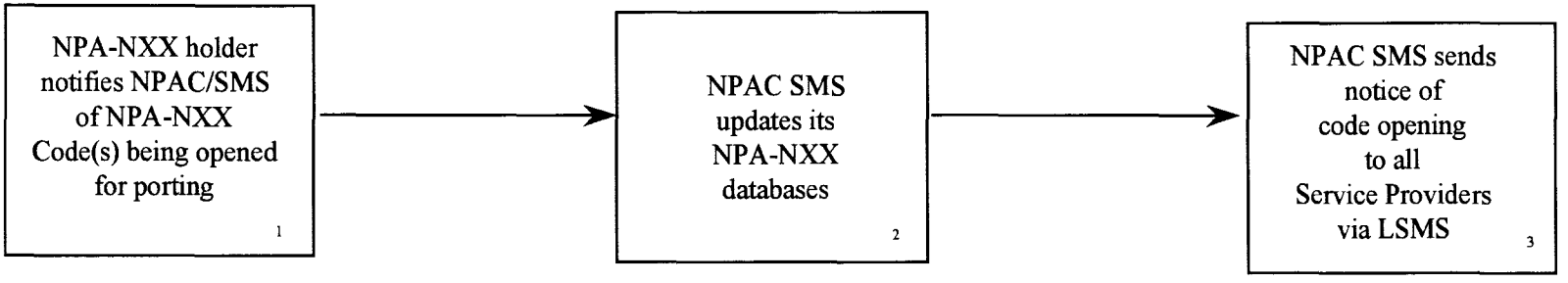


figure 8

INTER-SERVICE PROVIDER LNP OPERATIONS FLOWS
- CODE OPENING PROCESSES-

NPA-NXX Code Opening



First TN Ported in NPA-NXX

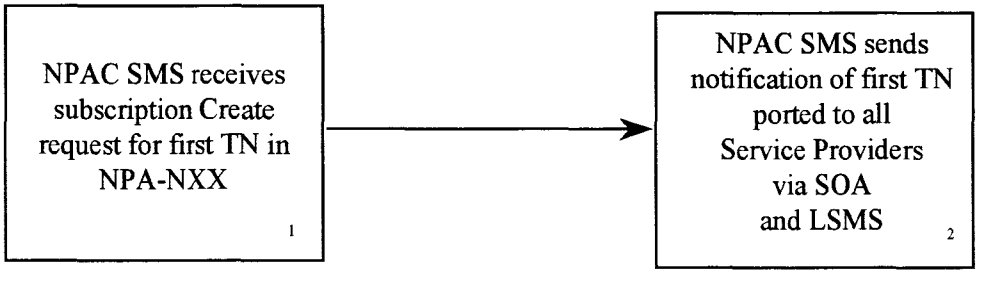


figure 9

CERTIFICATE OF SERVICE

I, Douglas W. Everette, hereby certify that I am an attorney with the law firm of Blooston, Mordkofsky, Dickens, Duffy & Prendergast, and that copies of the foregoing "Reply Comments" were served by first class U.S. mail on this 24th day of June, 2003 to the following:

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