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July 7, 2003,

EX PARTE NOTICE

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

Re: Petition for Declaratory Ruling of the Cellular Telecommunications & Internet Association; CC Docket No. 95-116

Dear Ms. Dortch:

The purpose of this letter is to supplement the July 1, 2003 Ex Parte Notice, AT&T Wireless filed in this docket. On June 27, 2003, Suzanne Toller of Davis Wright Tremaine and Doug Brandon of AT&T Wireless Services met with Jared Carlson, Patrick Forster, David Furth, Stacy Jordan, Joe Levin, Jennifer Salhus, Jennifer Tomchin, and Peter Trachtenberg of the Wireless Telecommunications Bureau and Cheryl Callahan, Paul Garnett, and Steve Morris of the Wireline Competition Bureau. As was discussed at this meeting, AT&T Wireless is providing some additional information on the outstanding local number portability issues related to the Cellular Telecommunications & Internet Association's ("CTIA") petition for declaratory ruling. Specifically, AT&T Wireless provides the following:

- (1) Attached is the draft National Emergency Numbering Association statement on local number portability and E911 service. This statement can be used to help educate consumers about the potential E911 callback limitation during the "mixed service" period.
- (2) Attached is the North American Numbering Council ("NANC") local number portability flows. These flows were submitted to the Commission with the NANC's 2nd Report on Wireline Wireless Integration on November 4, 1999. As we discussed in the meeting, the Commission should put these flows out for comment and adopt them as rules, so there is a formal structured wireless local number portability process that has the force of law. It should be noted that the process flows are still being revised in one area – the treatment of resellers. These revisions may be considered at the July NANC meeting. However, the Commission should not wait for the latest revision because it is critical that a formalized and enforceable process is established

- as soon as possible. Any revisions can be put out for comment and adopted as rules at a later date.
- (3) Approximately 1.7% of AT&T Wireless's numbering inventory consists of Type 1 numbers and we hope to convert most of these numbers to Type 2 numbers prior to November 24, 2003. It is AT&T Wireless's understanding that a number of other wireless carriers intend to retain Type 1 numbers. Although, AT&T Wireless does not have any estimate of the total number of Type 1 numbers in service, it does appear that a significant number of wireless customers will continue to have Type 1 numbers.¹ For the reasons we discussed, the Commission should not allow carriers to "lock up" these numbers and prevent them from being ported.
- (4) Attached is a Qwest proposed local number portability amendment to the Qwest/AT&T Wireless interconnection agreement. Section 1.2.14 is an example of an attempt to limit inter-modal porting from a wireline carrier to a wireless carrier to the situation where the customer remains physically in the same rate center. In this regard, Section 1.2.14 provides that: "the current service provider may require that the Customer's relocation at the time of the Port to the new service provider be limited to the geographic area represented by the NXX of the ported telephone number." As is explained in detail in AT&T Wireless's Comments on the CTIA *Petition for Declaratory Ruling that Wireline Carriers Must Provide Portability to Wireless Carriers Operating Within Their Service Areas*, this type of limitation is not based on technical feasibility but instead is designed to limit the potential competitive threat from wireless carriers.
- (5) Attached is Verizon's proposal at the Industry Numbering Committee to prohibit the porting of grandfathered numbers. It is not technically *infeasible* to port grandfathered numbers and restricting this type of porting would give wireless carriers with a large number of grandfathered numbers an unfair competitive advantage. As we discussed, to the extent that a carrier does not want to port in grandfathered numbers because of any additional cost or upgrades it may entail (which appear to be primarily on the wireline network) that carrier should be permitted not to port in the number. However, no restriction should be placed on carriers like AT&T Wireless that want to port in these numbers.

Please direct any questions regarding this matter to the undersigned.

Very truly yours,

/S/
Suzanne K. Toller

¹ See, e.g., Cingular Reply Comments on CTIA LNP Petition, June 24, 2003, CC Docket No. 95-116, at 4 (Cingular serves approximately one million customers on Type 1 numbers.)

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Encls.

CC (via email):

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