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Cronan O'Connell
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EX PARTE

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W., TW-A325
Washington, DC 20554

Re: *In the Matter of Telephone Number Portability*, CC Docket No. 95-116

Dear Ms. Dortch:

Due to an oversight, Qwest erroneously filed the attached *ex parte* in CC Docket Nos. 02-33 and 01-337 and CS Docket No. 02-52 on July 2, 2003. Qwest is refiling its July 2, 2003 *ex parte* for inclusion in the public record of the correct proceeding, CC Docket No. 95-116, as referenced above. The only changes made to the attached *ex parte* are reflected in the Re: line and the date. Qwest apologizes for any inconvenience this error may have caused the Commission.

/s/ Cronan O'Connell



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EX PARTE

July 9, 2003

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street S.W., TW-A325
Washington, DC 20554

RE: *In the Matter of Telephone Number Portability*, CC Docket No. 95-116

Dear Ms. Dortch:

On July 2, 2003, Cronan O'Connell representing Qwest Communications International Inc., Kathleen Levitz of BellSouth and Michael Tan of SBC met with Lisa Zaina, Legal Advisor to Commissioner Adelstein. The purpose of the meeting was to discuss intermodal telephone number portability issues. In particular, we discussed the fact that local number portability ("LNP") mandated by the FCC is defined as service provider portability, which enables a customer's number to be ported within a wireline rate center.¹ Expansion of LNP beyond the wireline rate center is equivalent to Location Portability. As the FCC's *First Report and Order* clearly articulates, Location Portability has been delegated to the states:

To avoid the consumer confusion and other disadvantages inherent in requiring location portability, however, we believe state regulatory bodies should determine, consistent with this Order, whether to require carriers to provide location portability. We believe the states should address this issue because we recognize that "rate centers" and local calling areas have been created by individual state commissions, and may vary from state to state. To the extent rate centers and/or local calling areas vary from state to state, the degree of location portability possible without causing consumer confusion may also vary. We therefore expect state regulatory bodies to consider the particular circumstances in their respective locales in determining whether to require carriers to implement location portability.²

¹ See *In the Matter of Telephone Number Portability, First Report and Order and Further Notice of Proposed Rulemaking*, 11 FCC Rcd. 8352, 8447-40 ¶¶ 181-87 (the relevant pages are appended hereto).

² *Id.* at 8449 ¶ 186.

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Therefore, as wireless LNP is implemented on November 24, 2003, the FCC should defer intermodal LNP implementation until such time as the FCC has initiated a *Notice of Proposed Rulemaking* to weigh: 1) the costs of implementation by local exchange carriers (“LECs”); 2) the implications to the consumer; and, 3) the need for state commission review of the cost implications of expanding LNP beyond the wireline rate center from both a consumer and LEC standpoint.³ Alternatively, the FCC should affirm that intermodal LNP is defined as service provider portability for implementation on November 24, 2003. Any other decision to expand the LNP scope beyond the wireline rate center would be contrary to the current FCC mandate, State Commission review, NANC recommendation and industry practice.

Finally, regarding porting intervals between wireline and wireless providers, current FCC rules clearly state that LNP administration shall comply with the recommendations of the NANC’s Local Number Portability Administration (“LNPA”) Selection Working Group, dated April 25, 1997 and its appendices. *See* 47 C.F.R. § 52.26(a). In particular, the “LNPA - Technical & Operational Requirements Task Force Report,” dated April 25, 1997, appended hereto, accepted the incumbent LECs’ proposal of three days following Firm Order Confirmation due date for completion of number porting requests (*see* Pages A-1&2). Any interval contrary to the current rules must be promulgated through a proper rulemaking with notice and comment as contemplated by the Administrative Procedure Act and fully taking into consideration the costs of the changes required to all LECs’ operating support systems.⁴ This is not to say that wireless providers cannot implement a 2.5 hour window between themselves, but in instances where a port is submitted between two LECs or from a LEC to a CMRS provider, the approved 4-day interval is and should remain the standard.⁵

In accordance with FCC Rule 47 C.F.R. § 1.49(f), this *ex parte* letter is being filed electronically for inclusion in the public record of the above-referenced dockets pursuant to FCC Rule 47 C.F.R. § 1.1206(b)(2).

Sincerely,
/s/ Cronan O’Connell

³ *See* Reply Comments of the Association for Local Telecommunications Services (“ALTS”), CC Docket No. 95-116, filed June 24, 2003 in response to the Cellular Telecommunications & Internet Association’s (“CTIA”) May 13, 2003, Petition for Declaratory Ruling (“PFDR”). ALTS urges the FCC not to make a hasty decision without understanding the implications to the LEC billing systems. Rather, the FCC should address these issues through a rulemaking proceeding. *Id.* at 1, 3-4.

⁴ *Id.* at 2-3. which supports the current four-day interval between LECs.

⁵ *See* Comments of Qwest Corporation, CC Docket No. 95-116, filed June 13, 2003, in response to CTIA’s PFDR. In its Comments, Qwest stated that its porting intervals for most simple ports are within three days rather than the four-day process as a result of deliberate system enhancements and service delivery modifications. *Id.* at 5-6.

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July 02, 2003

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cc: Lisa Zaina (via e-mail at Lisa.Zaina@fcc.gov with attachments)
Kathleen Levitz (via e-mail at Kathleen.Levitz@BellSouth.com with attachments)
Michael Tan (via e-mail at jt7967@sbc.com with attachments)

Attachments