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July 18, 2003

SUMMARY OF
***EX PARTE* PRESENTATION**

Ms. Marlene Dortch
Secretary
Federal Communications Commission
445 12th Street, SW, Room TWA325
Washington, DC 20554

Re: Ex Parte Presentation CC Docket No. 95-116, 02-33

Dear Ms. Dortch:

On July 17, 2003, the undersigned and Lawrence E. Sarjeant, United States Telecom Association (USTA), Mike Tan, SBC Communications, Inc., and Katheleen Levitz, BellSouth Corporation, met with Christopher Libertelli, Legal Advisor to Chairman Michael K. Powell. The purpose of the meeting was to discuss local number portability (LNP) in the context of the Cellular Telecommunications and Internet Association's (CTIA) Petitions' for Declaratory Ruling (Petitions')[1] and the *Wireline Broadband* proceeding.[2]

Consistent with its prior filings in these proceedings, USTA articulated its concerns in relation to CTIA's Petitions' and the *Wireline Broadband* proceeding. In regards to CTIA's Petitions', USTA expressed its position that the impacts of inter-modal number portability upon wireline carriers be fully considered by the FCC as it implements wireless LNP. Permitting wireline-to-wireless number porting outside of the wireline rate center into larger wireless local calling areas, which in some instances would cross state boundaries, impairs the ability of incumbent local exchange carriers (ILECs) to rate toll calls. Requiring number porting outside of the ILEC rate centers will undermine and dramatically impact intrastate rate structures administered by state public service commissions. Changes in the scope of ILEC porting obligations cannot be lawfully done outside of a rulemaking proceeding that takes into account rate structures imposed upon ILECs by state regulators. Unless and until ILEC

[1] *See* Telephone Number Portability, CC Docket No. 95-116, *Petition for Declaratory Ruling of the Cellular Telecommunications & Internet Association* (filed Jan. 23, 2003); Petition for Declaratory Ruling of the Cellular Telecommunications & Internet Association, filed May 13, 2003.
[2] *Appropriate Framework for Broadband Access to the Internet over Wireline Facilities; Universal service Obligations of Broadband Providers; Computer III further remand proceedings: Bell Operating Company Provision of Enhanced services; 1998 Biennial Regulatory Review-Review of Computer II and ONA Safeguards and Requirements*, CC Docket Nos. 02-33; 95-20; 98-10, FCC 02-42, Notice of Proposed Rulemaking (rel. Feb. 15, 2002).

number porting obligations are changed in an appropriate rulemaking proceeding, wireless service providers should have a physical presence within the ILEC rate center in order for numbers to be ported, as is the case today for CLECs requesting LNP. Finally, USTA explained that the porting interval for wireline to wireless carriers should remain as currently set forth in FCC Rule 52.26(a).[3]

In relation to broadband, ILECs should be afforded the same opportunity as cable companies to structure their broadband offerings to meet the needs of their customers. USTA emphasized that the FCC's analysis in the *Cable Declaratory Ruling*[4] can be applied to ILECs, allowing ILECs the option of offering broadband transport via common carrier, private carriage, or as a telecommunications component of a single integrated Internet access service. Moreover, to ensure the future sufficiency of universal service support, the FCC should require that all broadband and broadband services (common carrier broadband transport services, private carriage broadband transport services and broadband-based information services) contribute to USF support mechanisms pursuant to section 254(d) of the Communications Act of 1934.

In accordance with Section 1.1206(b)(2) of the Federal Communications Commission's (FCC) rules, this letter is being filed electronically with your office. Please feel free to contact me at (202) 326-7271 should you have any questions.

Sincerely,

Michael T. McMenamin
Associate Counsel

cc: Christopher Libertelli

[3] 47 CFR § 52.26(a).
[4] *Inquiry Concerning High-Speed Access to the Internet Over Cable and Other Facilities; Internet Over Cable Declaratory* Ruling, GN Docket No. 00-185, FCC 02-77 (rel. Mar. 15, 2002)).