



CTIA

Building The Wireless Future™
Cellular Telecommunications & Internet Association

August 25, 2003

Chairman Michael K. Powell
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Re: CC Docket No. 95-116: Wireless Local Number Portability Implementation

Dear Chairman Powell:

Pending before the Commission are two petitions filed by the Cellular Telecommunications & Internet Association (“CTIA”) seeking clarification of a number of outstanding implementation issues for local number portability (“LNP”). In one petition, CTIA sought a formal declaration from the Commission as to whether historic wireline rate center boundaries can be used by carriers to limit consumers’ access to LNP.¹ In the other petition, CTIA sought a declaration from the Commission determining, *inter alia*, whether carriers may (1) delay a customer’s ability to port a telephone number by several days, and (2) impose unwieldy and unnecessary negotiation processes for the purpose of testing and agreeing to the terms and conditions of number portability.² Recent statements by the chief of the Wireless Telecommunications Bureau unfortunately suggest that the Commission may not address the critical issues raised in the petitions until after September 1, 2003.³

¹ Comment Sought on CTIA Petition for Declaratory Ruling that Wireline Carriers Must Provide Portability to Wireless Carriers Operating Within Their Service Areas, CC Docket No. 95-116, *Public Notice*, 18 FCC Rcd 832 (2003); *Petition For Declaratory Ruling of the Cellular Telecommunications & Internet Association* (filed Jan. 23, 2003).

² Comment Sought On CTIA Petition For Declaratory Ruling On Local Number Portability Implementation Issues, CC Docket No. 95-116, *Public Notice*, DA 03-1753 (rel. May 22, 2003) (“*Public Notice*”); *Petition For Declaratory Ruling of the Cellular Telecommunications & Internet Association* (filed May 13, 2003) (also requesting the Commission address several other outstanding matters that directly affect consumers’ access to LNP).

³ Letter from John Muleta, Chief, Wireless Telecommunications Bureau, FCC to John Scott and Michael F. Altschul (July 3, 2003).



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The petitions themselves reflect on matters that have been pending before the Commission for almost six years. Indeed, these are matters that were brought to the Commission's attention on several occasions since 1998 by the North American Numbering Council, a federal advisory commission chartered by the FCC. Expeditious resolution of these issues is critical to the successful deployment of LNP by both wireless and wireline carriers. As CTIA previously explained, a decision clarifying carrier responsibilities must be rendered in time to reduce legal duties to operational realities. Moreover, until the Commission resolves the implementation issues addressed in CTIA's petitions, it will be impossible for carriers -- or for the Commission -- to communicate with consumers about their rights and opportunities with respect to LNP.

CTIA respectfully requested that the Commission decide all of the issues raised in its petitions by September 1, 2003, explaining that a decision by this date was essential to afford the absolute minimum amount of time carriers required to load and test software and systems, install circuits, obtain additional numbering resources, and train customer contact personnel before the November 24, 2003 deadline. With only 7 days left before Labor Day, and 92 days until the Commission's self-imposed LNP deadline, CTIA is writing to respectfully request, once again, an expedited decision on all of the issues raised in its petitions -- issues that have been fully vetted through several comment rounds and *ex parte* filings, and that have been pending for six years.

Absent the release of definitive requirements directing LNP implementation by wireless and wireline carriers, by September 1, 2003, CTIA will be left with no choice but to seek a *writ of mandamus*. Courts have made clear that agencies' decisions must be rendered within a reasonable amount of time. Considering the number of years these issues have been pending before the Commission, coupled with the extensive cost and the potential for great consumer confusion associated with LNP, it is readily apparent that further delay would exceed any reasonable deference owed the agency under the Communications Act and the Administrative Procedures Act.

Very truly yours,

/s/ Michael F. Altschul

Michael F. Altschul
Vice President, General Counsel

cc: William Maher
John Muleta
John Rogovin
Bryan Tramont