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September 30, 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, 99-200

Dear Ms. Dortch:

On September 29, 2003, the undersigned and Tom Soroka, United States Telecom Association (USTA), Michael O'Connor, [Verizon Communications](#), and Mike Tan, SBC Communications, Inc. met with the following members of the Federal Communications Commission (FCC) Wireline Competition Bureau: Cheryl Callahan, Pam Slipakoff, and Scott Mackoul. Participating from the Wireless Telecommunications Bureau was Jennifer Salhus. The purpose of the meeting was to discuss USTA's recently filed Expedited Petition for Clarification and Exemption from porting of "Grandfathered NXX Codes" (Grandfathered NXX Code Petition) and local number portability (LNP) in the context of the Cellular Telecommunications and Internet Association's (CTIA) Petitions' for Declaratory Ruling (Petitions').¹ The Verizon representative, Michael O'Connor, was only present for discussions concerning the Grandfathered NXX Code Petition.

The Ex Parte meeting was divided into two portions. During the first portion, USTA discussed the Grandfathered NXX Code Petition, which was filed with the FCC on September 8, 2003, in CC Docket 99-200. In the attached presentation, USTA advocated that the FCC should grant the Grandfathered NXX Code Petition and clarify and exempt certain NXX codes from being ported to wireline carriers. A copy of the attached presentation is included herewith.

During the final portion of the meeting, USTA discussed LNP in relation to CTIA's Petitions'. USTA expressed its position that the impacts of inter-modal number portability upon wireline carriers must be fully considered by the FCC in a rulemaking proceeding. 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

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.

porting outside of the ILEC rate centers will undermine and dramatically impact intrastate rate structures administered by state public service commissions. Unless and until ILEC number porting obligations are changed in an appropriate rulemaking proceeding, wireless service providers should have a physical interconnecting presence within the ILEC rate center in order for numbers to be ported, as is the case today for CLECs requesting LNP. USTA also conveyed that ILEC's should retain the right to require an interconnection agreement in order to accommodate number portability with a wireless provider. Finally, USTA explained that the porting interval for wireline to wireless carriers should remain as currently set forth in FCC Rule 52.26(a).² The expense for ILECs to make the network changes required to significantly decrease the currently prescribed porting interval would be substantial and not justified by the incremental benefit to customers.

In accordance with Section 1.1206(b)(2) of the Federal Communications Commission's (FCC) rules, this letter and the attached presentation used during the meeting are 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: Cheryl Callahan
Pam Slipakoff
Scott Mackoul
Jennifer Salhus

² 47 CFR § 52.26(a).