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EX PARTE

October 1, 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 September 26, 2003, Gary Lytle, Cronan O'Connell and Mary Retka of Qwest Communications International Inc. ("Qwest"), and Jon Nuechterlein of Wilmer Cutler and Pickering, representing Qwest, met with Bill Maher, Chief of the Wireline Competition Bureau, Carol Matthey, Deputy Chief of the Wireline Competition Bureau, Joshua Swift, Legal Counsel to the Bureau Chief, Cheryl Callahan, Assistant Division Chief of the Telecommunications Access Policy Division, and Robert Tanner, also with the Wireline Competition Bureau to discuss intermodal local number portability ("LNP") issues.

As a follow up to the *ex parte* filed on September 30, 2003, Qwest is responding to specific questions raised by the Federal Communications Commission ("Commission") with regard to the use of the Location Routing Number ("LRN") within the context of intermodal LNP between wireline and wireless carriers. During the meeting, Qwest was asked if the LRN could be used as a surrogate for a carrier requirement to acquire, at a minimum, a 1000 block from an NPA-NXX in each rate center according to the LNP rules and NANC administration. Qwest has addressed this question in detail with its subject matter experts and responds as follows:

An LRN is a ten-digit number, in the format NPA-NXX-XXXX, which uniquely identifies a switch or point of interconnection. The NPA-NXX portion of the LRN serves as a network address. Carriers routing telephone calls to customers that have ported their telephone numbers from one carrier to another perform a database query to obtain the LRN that corresponds to the dialed number. The database query is performed for all calls to NPA-NXXs from which at least one number has been ported. The carrier would route the call to the new carrier based on the LRN.

The INC's "Location Routing Number Assignment Practices" guidelines list LRN assignment criteria that should be considered when a service provider selects and assigns an

LRN.¹ In addition to other criteria, the guidelines clarify that: (1) a unique LRN is required only for LNP-capable switches that service subscriber lines or otherwise terminate traffic; (2) a unique LRN may be assigned to every LNP-equipped switch; (3) a service provider should select and assign one LRN per LATA within its switch coverage area; (4) additional LRNs should *NOT* be used to identify US wireline rate centers (emphasis added); and (5) for number pooling, the LRN shall only be selected and used by the LERG assignee from its allocated 1000 block(s).²

A **single LRN** may be used by a carrier to route calls for all rate centers within a LATA if the switch's coverage area includes the entire LATA. However, the guidelines clearly discourage carriers from obtaining LRNs to identify US wireline rate centers. Therefore, because a carrier may assign a single LRN per LATA within their switch coverage area, a single LRN used LATA-wide cannot be used to constitute presence in every wireline rate center within the LATA.

Wireless companies today have on average only (1) LRN to serve an entire LATA if the LATA is within their switch coverage area. This practice is consistent with the industry guidelines which discourage carriers from obtaining an LRN in each wireline rate center if the switch has a broader coverage area than that particular rate center. Wireless providers cannot rely on a single LRN, used LATA wide, to constitute presence in each wireline rate center within that LATA. Such an approach would violate long-accepted and well-implemented industry numbering guidelines.

A second question that was raised later in the day was whether the wireline companies themselves could use the LRN to port numbers between rate centers. Wireline carriers, like all LNP-capable service providers, use the LRN architecture as a means of properly routing calls in a porting environment. However, call routing is distinct and separate from all of the other network and operational support system considerations which make porting across a rate center boundary technically infeasible. LRNs are used to direct calls to the appropriate service provider that serves a particular telephone number. **LRNs are not used by service providers to facilitate the ordering and provisioning of service and the proper billing of calls.** As discussed by Qwest in its previous *ex partes*, there is a currently well-defined process that is used to establish and provide service to a customer. This process is separate and distinct from the customer routing information necessary to route calls to the proper terminating locations. The process and the systems must properly work in tandem to provide finished telecommunications services to the customer.

Qwest was also questioned about responses from the wireless community to John Muleta, Chief of the Wireless Telecommunications Bureau, with regard to the wireless carriers' preparations for LNP implementation on November 24, 2003. Some wireless carriers pointed to Qwest and the fact that they had been unable to close interconnection negotiations. As the

¹ See "LRN Assignment Practices," issued September 28, 2001.

² *Id.*

Commission concluded in ruling on Qwest's petition concerning the scope of the Section 252 filing requirement, any "agreement that creates an *ongoing* obligation pertaining to resale, *number portability*, dialing parity, access to rights-of-way, reciprocal compensation, interconnection, unbundled network elements, or collocation is an interconnection agreement that must be filed pursuant to section 252(a)(1)."³ Obviously, Qwest had little choice but to insist that the number portability agreement with wireless providers take the form of an interconnection agreement that will be filed with state commissions. There is no nefarious intent on the part of Qwest to frustrate consumers' ability to port numbers to and from Qwest. Rather, Qwest is simply trying to ensure that the LNP amendments contain *all* of the necessary terms and conditions.

Qwest was also questioned about porting intervals and, as we have stated previously on the record, will port with any carrier under our current three-day porting interval. Although NANC's interval is currently set at four days, Qwest has reduced the interval down to three days. Needless to say, Qwest will continue to work with the industry and the NANC to manage these timelines to meet all carriers' needs. But Qwest insists that the appropriate checks must continue to remain in place to minimize detrimental impacts to customers.

As Qwest continued to discuss various issues related to intermodal LNP between wireline and wireless carriers, Qwest raised the potential for instituting specific validation criteria to ensure that porting between the providers would continue to meet the Commission's rules of porting within the rate center until such time as the Commission has completed an Further Notice of Proposed Rulemaking ("FNPRM"). In particular, Qwest suggested the use of Letters of Agency ("LOAs") to be exchanged between the wireless and wireline providers as part of the porting process, which is a standard process used today by incumbent local exchange carriers, competitive local exchange carriers and cable telephony providers. We could perhaps augment the LOA to include an upfront validation, *e.g.*, check list, that the porting was taking place within the rate center and that the wireless company had numbers within the appropriate rate center where their customer was located. In this way, it would ensure a bi-directional, competitively neutral process in the interim.

In closing, while discussions of alternatives are helpful to facilitate a list of potential LNP porting solutions, like all proposals with regard to intermodal LNP between wireline and wireless providers, the multitude of issues have not been fully noticed on the public record and the public has not yet had the opportunity to fully document the time, and cost, let alone the technical feasibility, for any of these potential solutions. Therefore, based on the fact that the wireless carriers' proposals are neither bi-directional, nor do they meet the Commission's public policy objectives for numbering whereby an adopted policy should not favor one technology over

³ *In the Matter of Qwest Communications International Inc. Petition for Declaratory Ruling on the Scope of the Duty to File and Obtain Prior Approval of Negotiated Contractual Arrangements under Section 252(a)(1), Memorandum Opinion and Order*, 17 FCC Rcd. 19337, 19340-41 ¶ 8 (2002) (second emphasis added).

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another, let alone one service provider over another, the Commission should release an FNPRM to determine the best means to accomplish its stated objectives and meet the public interest test.

In accordance with Commission Rule 47 C.F.R. § 1.49(f), this *ex parte* is being filed electronically via the Commission's Electronic Comment Filing System for inclusion in the public record of the above-referenced proceeding pursuant to FCC Rule 47 C.F.R. § 1.1206(b)(2).

Respectfully submitted,

/s/ Cronan O'Connell

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