



**Qwest**  
607 14<sup>th</sup> Street, NW, Suite 950  
Washington, DC 20005  
Phone 202.429.3121  
Fax 202.293.0561

**Cronan O'Connell**  
Vice President-Federal Regulatory

*EX PARTE*

October 23, 2003

Ms. Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12<sup>th</sup> 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 October 21, 2003, Melissa Newman, Cronan O'Connell and Mary Retka of Qwest Communications International Inc. ("Qwest") met with Daniel Gonzalez, Senior Legal Advisor and Jason Williams, Special Assistant to Commissioner Kevin Martin, to discuss intermodal Local Number Portability ("LNP"). In particular, Qwest addressed the competitive inequities for all providers who implemented LNP according to the Commission's rules, in effect since 1996, should the Commission alter the current LNP rules and the current criteria that all parties abide by today, but are at present being opposed by wireless providers.

Qwest also discussed the fact that wireless customers, for the most part, will not have choice and thereby will be limited in their ability to port to Qwest wireline – and Qwest wireline will be limited in its ability to compete for a large percentage of the wireless customer base on November 24, 2003 – where there is a **"mismatch"** (see attached drawing) between the rate center of the customer's telephone and the rate center of the customer's physical address. Qwest stated that the match between the rate center of the customer's TN and the rate center of the customer's physical address are the definitive criteria that continues to define intermodal LNP "within the rate center" for all carriers today. In fact, the Commission recognized that this "match" was a definitive criteria for porting "within the rate center" as it was clearly noted in the FCC's Second Report and Order<sup>1</sup> in a discussion on number pooling, as follows:

"Pooling of geographic numbers **in a local number portability environment** is a number administration and assignment process that allocates numbering resources to a shared reservoir **associated with a designated geographic area. Initially, the**

---

<sup>1</sup> See attached excerpts: Second Report and Order, CC Docket No. 95-116, RM 8535, *In the Matter of Telephone Number Portability*, 12 FCC Rcd. 12281, 12328-29 ¶ 83, footnote 232 (emphasis added) (1997).

Oct. 23, 2003

*Ex parte* letter to Ms. Dortch

Page 2

**designated geographic area is limited to an existing rate center within a geographic NPA. The numbering resources in the shared reservoir would be available, potentially, in blocks of numbers or on an individual number basis, for assignment to competing service providers participating in local number portability for the purpose of providing services to customers in that area.”**

The discussion was consistent with Qwest’s comments and *ex partes* as filed on the record.

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 proceeding pursuant to FCC Rule 47 C.F.R. § 1.1206(b)(2).

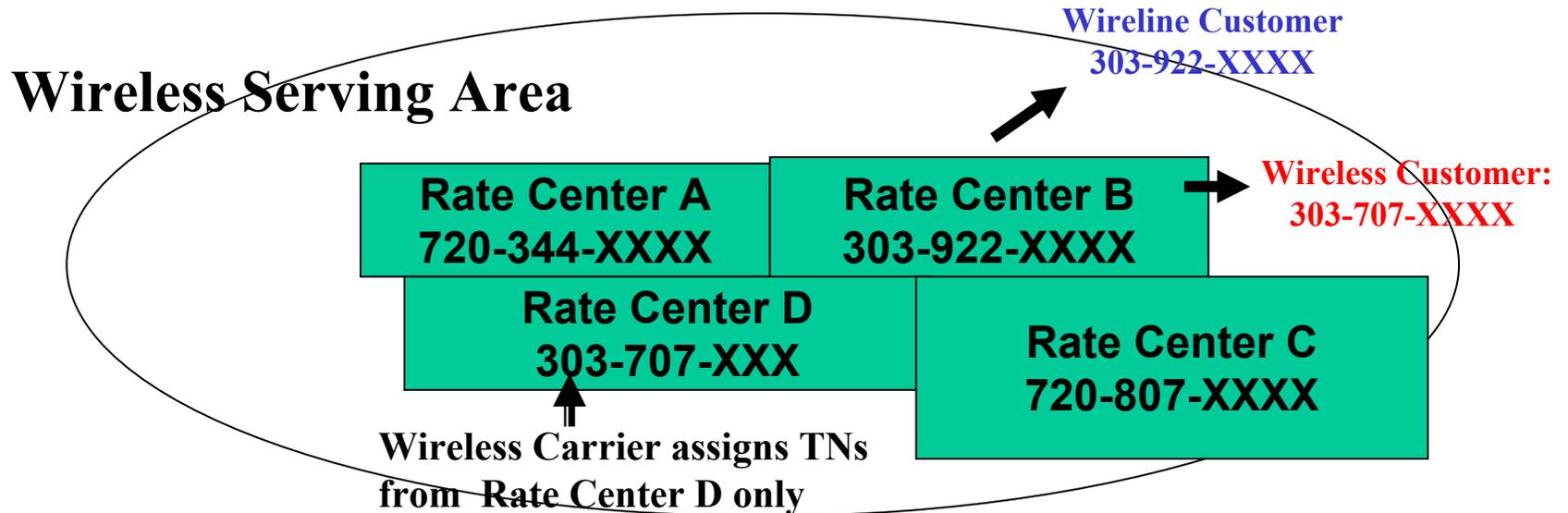
Sincerely,

/s/ Cronan O’Connell

cc:

William Maher ([william.maher@fcc.gov](mailto:william.maher@fcc.gov))  
Carol Matthey ([carol.matthey@fcc.gov](mailto:carol.matthey@fcc.gov))  
Joshua Swift ([joshua.swift@fcc.gov](mailto:joshua.swift@fcc.gov))  
Eric Einhorn ([eric.einhorn@fcc.gov](mailto:eric.einhorn@fcc.gov))  
Robert Tanner ([robert.tanner@fcc.gov](mailto:robert.tanner@fcc.gov))  
John Muleta ([john.muleta@fcc.gov](mailto:john.muleta@fcc.gov))  
Jared Carlson ([jared.carlson@fcc.gov](mailto:jared.carlson@fcc.gov))  
Jennifer Salhus ([jennifer.salhus@fcc.gov](mailto:jennifer.salhus@fcc.gov))  
David Furth ([david.furth@fcc.gov](mailto:david.furth@fcc.gov))  
Scott Bergmann ([scott.bergmann@fcc.gov](mailto:scott.bergmann@fcc.gov))  
Cheryl Callahan ([cheryl.callahan@fcc.gov](mailto:cheryl.callahan@fcc.gov))  
Bryan Tramont ([bryan.tramont@fcc.gov](mailto:bryan.tramont@fcc.gov))  
Daniel Gonzalez ([daniel.gonzalez@fcc.gov](mailto:daniel.gonzalez@fcc.gov))  
Lisa Zaina ([lisa.zaina@fcc.gov](mailto:lisa.zaina@fcc.gov))  
Matthew Brill ([matthew.brill@fcc.gov](mailto:matthew.brill@fcc.gov))  
Christopher Libertelli ([christopher.libertelli@fcc.gov](mailto:christopher.libertelli@fcc.gov))  
Jessica Rosenworcel ([jessica.rosenworcel@fcc.gov](mailto:jessica.rosenworcel@fcc.gov))  
Samuel Feder ([samuel.feder@fcc.gov](mailto:samuel.feder@fcc.gov))  
Jennifer Manner ([jennifer.manner@fcc.gov](mailto:jennifer.manner@fcc.gov))  
Sheryl Wilkerson ([sheryl.wilkerson@fcc.gov](mailto:sheryl.wilkerson@fcc.gov))  
Barry Ohlson ([barry.ohlson@fcc.gov](mailto:barry.ohlson@fcc.gov))  
Paul Margie ([paul.margie@fcc.gov](mailto:paul.margie@fcc.gov))  
Jeffrey Dygert ([jeffrey.dygert@fcc.gov](mailto:jeffrey.dygert@fcc.gov))  
Simon Wilkie ([simon.wilkie@fcc.gov](mailto:simon.wilkie@fcc.gov))  
Kathleen O’Brien Ham ([kathleen.ham@fcc.gov](mailto:kathleen.ham@fcc.gov))  
Donald Stockdale ([donald.stockdale@fcc.gov](mailto:donald.stockdale@fcc.gov))  
Sarah Whitesell ([sarah.whitesell@fcc.gov](mailto:sarah.whitesell@fcc.gov))

# The Mismatch Problem



Two customers live in Rate Center B.

**Wireline** Customer TN and physical address **match** Rate Center B: 303-922-XXXX

**Wireless** Customer TN and physical address **do not match** Rate Center B: 303-707-XXXX

## Scenario 1:

Both Customers *want to port their numbers to a **wireline carrier***. Customers do not move

**Result: Wireline** Customer keeps his TN and ports to another wireline carrier

**Result: Wireless** Customer must change his TN to move to a wireline provider

## Scenario 2:

Customers *want to port their numbers to a **wireless carrier***. Customers do not move

**Result: Wireline** Customer can keep his TN and ports to wireless carrier

**Result: Wireless** Customer can keep his TN and port to wireless carrier

**Impact: The Mismatch results in lack of competitive neutrality**

volumes of queries that could congest the Service Control Points.<sup>226</sup> Also, if a high volume call-in network number is ported and a location routing number is returned in the database response, the call will not be routed via trunks dedicated to high volume call-in networks. This congestion can in turn affect other services and compromise the design of high volume call-in network networks.<sup>227</sup> The Architecture Task Force suggests that one way to avoid this problem is to prohibit database queries for numbers attached to switches serving high volume call-in network networks.<sup>228</sup>

82. Bell Atlantic and NYNEX contend that the NANC must conduct further study before high volume call-in numbers are ported to ensure that calls to such numbers do not cause network congestion.<sup>229</sup> We agree that additional study is necessary before we allow porting of numbers to high volume call-in networks. We, therefore, urge the industry, under the auspices of the NANC, to study this matter further and prepare recommendations on how best to incorporate high volume call-in networks into the local number portability scheme. We direct the NANC to continue to examine this matter and make recommendations to the Commission consistent with the procedures set forth in ¶¶ 128-132, *infra*.

### C. Numbering Information Sharing

#### 1. Background

83. In the *First Report & Order*, the Commission noted that "it will be essential for the [North American Numbering Plan Administrator] to keep track of information regarding the porting of numbers between and among carriers."<sup>230</sup> The Commission, therefore, directed the NANC "to set guidelines and standards by which the [North American Numbering Plan Administrator] and [local number portability administrators] share numbering information so that both entities can efficiently and effectively administer the assignment of the numbering resource."<sup>231</sup> The NANC determined that the manner in which the North American

---

<sup>226</sup> *Id.* Service Control Points are discussed at n.29, *supra*.

<sup>227</sup> *Architecture Task Force Report* at § 7.13.

<sup>228</sup> *Id.*

<sup>229</sup> Bell Atlantic/NYNEX Comments at 8.

<sup>230</sup> *First Report & Order*, 11 FCC Rcd at 8402, ¶ 95.

<sup>231</sup> *Id.* As an example, the Commission suggested that the NANC might require that the Service Management System databases easily integrate with 911 databases.

Numbering Plan Administrator and the local number portability administrators might share numbering information is an aspect of number pooling outside the scope of the Working Group's immediate mission.<sup>232</sup> As a result, the NANC did not make any recommendations with respect to the sharing of numbering information.<sup>233</sup> The NANC acknowledges, however, that "[n]umber pooling and any other steps required to achieve number utilization efficiency are a short term priority."<sup>234</sup> The NANC added that "[t]o ensure a coordinated number pooling effort, interaction between the "[North American Numbering Plan Administrator] and the [local number portability administrators] is required during the design, development, and implementation of number pooling."<sup>235</sup> As such, the NANC recommends that its Local Number Portability Administration Selection and North American Numbering Plan Administration Working Groups work jointly in support of number utilization efficiency.<sup>236</sup>

## 2. Positions of the Parties

84. CTIA notes that some state commissions are already moving towards mandating number pooling in order to conserve numbering resources.<sup>237</sup> CTIA asserts that

---

<sup>232</sup> *Working Group Report* at § 6.8.1. According to the Industry Numbering Committee (INC):

Pooling of geographic numbers in a local number portability environment is a number administration and assignment process that allocates numbering resources to a shared reservoir associated with a designated geographic area. Initially, the designated geographic area is limited to an existing rate center within a geographic NPA. The numbering resources in the shared reservoir would be available, potentially, in blocks of numbers or on an individual number basis, for assignment to competing service providers participating in local number portability for the purpose of providing services to customers in that area.

Industry Numbering Committee, Status Report on Issue 105 -- Number Pooling at 6 (June 10, 1997). The INC is a standing committee of the Industry Carriers Compatibility Forum (ICCF), which in turn exists under the auspices of the Carrier Liaison Committee (CLC) of the Alliance for Telecommunications Industry Solutions (ATIS). ATIS sponsors a number of industry committees and forums, including the CLC, ICCF and INC. The CLC seeks to resolve, through consensus procedures, equal access and network interconnection issues arising on a communications industry-wide basis.

<sup>233</sup> *Working Group Report* at § 6.8.

<sup>234</sup> *Id.* at § 7.1.1A.

<sup>235</sup> *Id.*

<sup>236</sup> *Id.*

<sup>237</sup> CTIA Comments at n.11.