



1401 H Street NW  
Suite 600  
Washington DC  
20005-2164

Tel (202) 326-7244  
Fax (202) 326-7333  
wmccormick@usta.org  
www.usta.org

Walter B. McCormick, Jr.  
President and Chief Executive Officer

November 3, 2003

***EX PARTE PRESENTATION***

The Honorable Michael K. Powell,  
Chairman  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW, Room 8 B201  
Washington, D.C. 20554

The Honorable Kathleen Q. Abernathy  
Commissioner  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW, Room 8 B115  
Washington, D.C. 20554

The Honorable Jonathan Adelstein  
Commissioner  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, D.C. 20554

The Honorable Michael Copps  
Commissioner  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW, Room 8 A302  
Washington, D.C. 20554

The Honorable Kevin Martin  
Commissioner  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW, Room 8 A204  
Washington, D.C. 20554

**Re: Telephone Number Portability, CC Docket No. 95-116**

Dear Commissioners:

The undersigned (USTA Member Companies) believe that the Federal Communications Commission (FCC/Commission) must institute a rulemaking proceeding before changing its rules regarding number porting outside of the rate centers of wireline carriers. For the Commission to permit wireline-to-wireless number porting outside of the wireline rate center into larger wireless local calling areas would be anti-competitive, and in violation of the Administrative Procedure Act (APA).

Permitting wireline-to-wireless number porting outside of the wireline rate center into larger wireless local calling areas impairs the ability of many 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. Moreover, competition is not a one-way street. Because of the geographic disparity between wireline and wireless carriers, consumers will be harmed by the lack of full competitive choice, due to the inability to port most numbers from wireless providers to wireline providers. And with inconsistent rules, the consumers will likely be caught in the middle. Hence, we contend that the FCC cannot change the wireline porting boundary via a declaratory ruling proceeding, but rather must institute a rulemaking proceeding in conformance with the APA.

USTA Member Companies do not oppose inter-modal local number portability under the current law. However, we believe that any change to the current law cannot occur unless the FCC fully considers the impacts of inter-modal number portability upon all carriers. A rulemaking proceeding would better enable the FCC to adequately examine the rate center issue, which will require the creation of a concrete record in order that cost, efficiency, administrative simplicity, and effects on intrastate rate structures administered by state public service commissions, as well as the consumer impacts that will result, are taken into account.

Sincerely,

A handwritten signature in black ink, appearing to read "Walter B. McCormick, Jr.", written in a cursive style.

Walter B. McCormick, Jr.  
President & CEO  
United States Telecom Association

Albion Telephone Co  
All West Communications  
Andrew Telephone Co  
Bear Lake Telephone Co  
BellSouth Corporation  
Belmont Telephone Co  
Bentleyville Telephone Co  
Big Bend Telephone Co  
Bretton Woods Telephone Co  
Cascade Utilities, Inc.  
Cassadaga Telephone Co  
Central Scott Telephone Co  
Central Utah Telephone Co  
CenturyTel  
Citizens Communications  
Clear Lake telephone Co, Inc  
Comporium  
Connections ETC  
Consolidated Communications  
Cuba City Telephone Exchange Co  
D&E Communications  
Dubois Telephone Exchange  
Dunbarton Telephone Co  
Dunkirk & Fredonia Telephone Co  
Epic Touch  
Fairpoint Communications, Inc.  
Granite State Telephone, Inc.  
Guadalupe Valley Telephone Cooperative, Inc.  
Harrisonville Telephone Co  
Haviland Telephone Co  
Heartland Telecommunications  
Hinton Telephone Co  
Horizon Chillicothe Telephone  
Hutchison Telephone Co  
Industry Telephone Co  
Inter-Community Telephone Co  
JBN Telephone Co  
Jefferson Telephone Co  
Kalona Cooperative Telephone Co  
Lakedale Communications  
LaMotte Telephone Co  
Lincolnvill Telephone Co  
Local Access Prime, LLC  
Mankato Citizens Telecommunications  
Manti Telephone Company  
Mashell Telecom, Inc.  
MercedNet, Inc.  
Midcommunications Telephone Company  
Middleburgh Telephone Co  
Monroe Telephone  
New Ulm Telecom  
Nortex Communications

North Pittsburgh Telephone Co  
Pottawatomie Telephone Co.  
Paul Bunyan Rural Telephone Cooperative  
PBT Telecom, Inc.  
Pine Drive Telephone Co  
Ponderosa telephone Co  
Pymatuning Independent Telephone Co  
Rainier Connect, Inc.  
Range Telephone Cooperative, Inc.  
RT Communications  
SBC Communications, Inc.  
Skyline Telephone Co  
Southwest Texas Telephone Co  
Tidewater Telecom  
Toledo Telephone Co  
Upper Peninsula Telephone Co  
Warwick Valley Telephone Co.  
Western New Mexico Telephone Co  
Wilson Telephone Co