

**Before the**  
**FEDERAL COMMUNICATIONS COMMISSION**  
**Washington, D.C. 20554**

In the Matter of )  
 )  
Telephone Number Portability ) CC Docket No. 95-116  
 )

**COMMENTS OF AT&T CORP.**

AT&T Corp. (“AT&T”) submits these comments in response to the Commission’s Further Notice of Proposed Rulemaking in CC Docket No. 95-116 (“*Further Notice*”).<sup>1</sup> In the *Further Notice*, the Commission seeks comment on the porting of numbers by wireless carriers to wireline carriers when the rate center associated with the wireless number differs from the rate center in which the wireline carrier seeks to serve the customer (“wireless-to-wireline porting”), and on the current four-day interval for the porting of numbers from wireline carriers to wireless carriers (“wireline-to-wireless porting”).<sup>2</sup> AT&T believes that wireless-to-wireline porting can be achieved if the recipient wireline carrier has a point of interface within the LATA in which the number is located, and that the current wireline-to-wireless porting interval should be maintained at this time.

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<sup>1</sup> *Telephone Number Portability, CTIA Petitions for Declaratory Ruling on Wireline-Wireless Porting Issues*, CC Docket No. 95-116, *Memorandum Opinion and Order and Further Notice of Proposed Rulemaking*, FCC 03-284 (rel. Nov. 10, 2003), paras. 42-44. On December 22, 2003, the Commission extended the time in which to file comments and reply comments to January 20, 2004 and February 4, 2004, respectively. *Telephone Number Portability*, CC Docket No. 95-116, *Order*, DA 03-4059 (rel. December 22, 2003).

## Introduction

In the CTIA Petition for Declaratory Ruling (“*Rate Center Petition*”) CTIA asked the Commission to resolve issues related to intermodal porting prior to November 24, 2003, the Commission’s deadline for implementing wireless-to-wireless local number portability.<sup>3</sup> In response to the *Rate Center Petition*, AT&T and other parties argued that the Commission should address these portability issues in a separate rulemaking proceeding.<sup>4</sup> In particular, some parties asked the Commission to investigate the issues of whether wireless carriers must port numbers to wireline carriers located outside of the originating rate centers of such numbers, and whether the current four-day porting interval for wireline-to-wireless ports should be maintained.<sup>5</sup> In the *Further Notice*, the Commission has now initiated such an investigation.<sup>6</sup>

In the *Further Notice*, the Commission has determined that wireless-to-wireline porting could raise technical issues requiring close examination:

“We also reaffirm that wireless carriers must port numbers to wireline carriers within the number’s originating rate center. With respect to wireless-to-wireline porting, however, because of the limitations on wireline carriers’ networks ability to port-in numbers from distant rate centers, we will hold neither the wireline nor the wireless carriers liable for failing to port under these conditions. Rather, we seek comment on this issue in the *Further Notice* below.”<sup>7</sup>

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<sup>2</sup> *Further Notice*, paras. 49-50.

<sup>3</sup> See Petition for Declaratory Ruling of the Cellular Telecommunications & Internet Association (filed January 23, 2003) (“*Rate Center Petition*”), at page 18. References are to page numbers unless otherwise indicated.

<sup>4</sup> See, e.g. Comments of AT&T, 5-6; BellSouth, 12-13.

<sup>5</sup> See, e.g. Comments of BellSouth, 4-7; GVNW Consulting, 14-15; Illinois Citizens Utility Board, 4; Independent Alliance, 2-3; Nextel, 3-6; Public Utilities Commission of Ohio, 3; Qwest, 5-9; Rural Cellular, 2-5; SBC, 4-7; Sprint, 9-11.

<sup>6</sup> *Further Notice*, paras. 42-44.

<sup>7</sup> *Id.* para. 22.

The Commission has sought comment on, among other issues, “the technical impediments associated with requiring wireless-to-wireline LNP when the location of the wireline facilities serving the customer requesting the port is not in the rate center where the wireless number is assigned.”<sup>8</sup>

### **Wireless to Wireline Porting-Rate Center Issue**

The LECs have long argued that wireless-to-wireline porting is feasible only when the wireless customer is physically located in the wireline rate center associated with the phone number. These LECs claim they are “effectively precluded from offering wireless-to-wireline porting to those wireless subscribers who are not located in the wireline rate center associated with their wireless numbers.”<sup>9</sup> As the record in CC Docket 95-116 makes clear, however, the rate center issue identified by the incumbent LECs is not a technical impediment to the provision of wireless-to-wireline porting: it is an issue of rating and routing that applies to local services in general. As the Commission notes, if the customer’s physical location is outside the rate center associated with the number, porting the number to wireline telephone at the customer’s location could result in calls to that number being rated as toll calls.<sup>10</sup>

AT&T believes that there is no network impediment to wireless-to-wireline porting, provided that the recipient wireline carrier has a point of interface located within the LATA associated with that number. Recognizing that different service provisioning

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<sup>8</sup> *Id.* para. 42.

<sup>9</sup> *Id.* para. 41.

<sup>10</sup> *Id.*

arrangements may be required where the recipient wireline carrier does not have an appropriate point of interface in the LATA, the Commission seeks comment on “the extent to which wireline carriers can serve customers with numbers ported from wireless carriers on a Foreign Exchange (FX) or virtual FX basis.”<sup>11</sup>

An FX arrangement allows a customer to be assigned a telephone number and to receive calls as if he or she was located in a given exchange, regardless of the physical location of the customer. Traditional FX service, which is offered by the incumbent LECs, involves the provision of local dial tone to a customer from a remote local switch, meaning a switch other than the switch from which the customer would ordinarily receive local dial tone. The incumbent LECs offer FX service as an exchange service in their local exchange service tariffs. Thus, when an incumbent LEC’s customer dials a number assigned to the customer’s own legacy rate center and the ILEC routes that call to a customer who happens to be located in a different ILEC rate center, the ILEC treats this as a local call, and the ILEC end user that originated the call pays the ILEC’s local charges for that call. In the ILEC’s network, this is accomplished through the provision of remote dial tone - - dial tone from the foreign switch (*i.e.* in a distant or foreign rate center) connected to the native serving wire center (*i.e.* in the home rate center) via an interoffice private line facility. The FX customer pays the ILEC the cost of that interoffice transport. Given access to the facilities and the billing capabilities needed to provide and bill for services provided under FX provisioning arrangement, an ILEC

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<sup>11</sup> *Further Notice*, para. 44 and fn 110, *citing* Comments of T-Mobile at 11.

should have little difficulty in serving a ported-in wireless customer using such arrangements.

CLECs offer FX-like local services that can be used to serve numbers ported from wireless carriers. The CLEC service, however, is not an FX arrangement in the traditional sense, because the NPA-NXXs assigned to the CLEC reside in the same CLEC switch (wire center) that serves the customer's physical location. Therefore, CLECs (such as AT&T) neither use nor require private line arrangements such as those used by the ILECs to connect two separate wire centers, the wire center serving the customer and the wire center serving the NPA-NXX. Thus AT&T offers this local service option at no additional charge to the end user.

FX or FX-like services, while technically feasible for many carriers, may not constitute a universal solution for all customers. In addition, FX or FX-like services may be unable to support the provision of significant calling features, such as access to E-911 public service answering points.<sup>12</sup> While these are not technical impediments to wireless-to-wireline porting as such, they may raise legitimate concerns among customers. If the Commission should decide to place its imprimatur on FX or FX-like service provisioning as a solution to wireless-to-wireline portability issues in spite of these concerns, the Commission should make it clear that carriers may, but are not required, to offer wireless-to-wireline local number portability through such arrangements.

The Commission also asks whether wireline carriers should seek rate design and rate center changes to address these rating and routing issues.<sup>13</sup> In determining whether

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<sup>12</sup> See, e.g. Comments of First Cellular, filed June 13, 2003, 2-3; GVNW, 9-10; National Emergency Number Association, 1-2; SBC, 8-9; Verizon, 8-9.

<sup>13</sup> *Further Notice*, para. 44.

the rate center structure should be redesigned, the relevant public utility commissions should consider the differences between the network structures of the ILECs - - who have developed a switching topography based upon the location of the rate center - - and the CLECs and CMRS carriers, who have not. Due to the cost of infrastructure and switching, and the relatively small size of their customer base, CLECs generally enter a market with a single switch that is often located in a metropolitan area that serves many wire centers and rate centers. CMRS carriers generally enter a market with a single switch serving a geographic area defined by cellular sites they have built or leased. The ILECs' rate center structure also fails to accommodate the characteristics of emerging services, such as VoIP, that cannot and should not be tethered to the rate center in which the customer resides.

### **Wireline-to-Wireless Porting Interval**

The North American Numbering Council ("NANC") after careful consideration has determined that the porting interval for simple wireline ports should be four days.<sup>14</sup> In CC Docket 95-116, CTIA claimed that the Commission should establish a porting interval for wireline-to-wireless ports that is substantially similar in duration to the two and one half hour porting interval proposed by CMRS carriers for wireless-to-wireless

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<sup>14</sup> The NANC did not reach consensus on intermodal porting intervals. A wireline-to-wireless "porting interval" is the amount of time it takes to complete the process of porting a telephone number from a wireline carrier to a wireless carrier when a customer changes providers but intends to keep the same telephone number. The current wireline porting interval permits up to 24 hours from receipt of the local service request ("LSR") until transmission of the firm order confirmation ("FOC"), and an additional three days for the activation of the ported number. For simplicity, this is referred to as a "four-day" porting interval.

ports.<sup>15</sup> The Commission adopted a two and one half hour porting interval for wireless-to-wireless ports, but declined to do so for wireline-to-wireless ports.<sup>16</sup> Since the Commission's wireless-to-wireless LNP rules went into effect, CMRS carriers have struggled to meet the two and one half hour porting interval. In practice, simple wireless-to-wireless ports have taken two and one half *days or more* to complete.<sup>17</sup>

The argument that wireless and wireline porting intervals should be identical is based upon inapposite comparisons. The current four-day interval for simple wireline ports reflects the time necessary to update records and effectuate porting in the various wireline operations support systems ("OSS") that are implicated when a number is ported to a wireline carrier.<sup>18</sup> These considerations apply to wireline-to wireless ports but are utterly irrelevant to wireless-to-wireless ports.<sup>19</sup> The record in CC Docket 96-115 makes clear the dangers in equating wireless and wireline porting.<sup>20</sup> That difficulty is

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<sup>15</sup> *Rate Center Petition*, 7.

<sup>16</sup> *Further Notice*, para. 38.

<sup>17</sup> *See, e.g.* Press Release, "New Jersey Ratepayer Advocate Warns of Portability Problems" ("While wireless carriers initially projected they would need only 2 ½ hours to complete a port, the average time lag during the first six weeks has been more like 2 ½ days.").

<sup>18</sup> "Simple ports" are defined as those ports that do not involve unbundled network elements, involve an account for a single line (porting a single line from a multi-line account is not a simple port), do not include complex switch transactions (e.g. Centrex or Plexar, ISDN, AIN services, remote call forwarding, multiple services on the loop), may include CLASS features such as Caller ID, and do not include a reseller. All other ports are complex. *See North American Numbering Council Local Number Portability Administration Working Group, Third Report on Wireline-Wireless Integration ("Third Wireless Integration Report")*, at 6; *Further Notice*, para. 45 and fn. 112.

<sup>19</sup> First NANC Report, at 11, para. 3.3.2.5; *North American Numbering Council Local Number Portability Administration Working Group, Second Report on Wireline-Wireless Integration ("Second Wireless Integration Report")*, at 7-8, Section 3.3 (June 30, 1999).

<sup>20</sup> *Further Notice*, para. 47 ("SBC, for example, explains that the current porting interval not only ensures that the porting out carrier correctly ports a number to the porting in carrier, but

exacerbated by the need for wireline carriers to coordinate with the automated systems and complex procedures of the wireless carriers.<sup>21</sup> The CMRS carriers fail to acknowledge that even simple wireline ports are considerably more difficult to effectuate than simple wireless-to-wireless ports, focusing instead on their business objective of accelerating the migration of wireline customers to wireless carriers. As the Commission acknowledges, the wireless industry's requests for a reduced porting interval are based on the industry's concern that "the wireline four business day porting interval does not fit within its business model."<sup>22</sup>

In the *Second Wireless Integration Report*, the Local Number Portability Administration ("LNPA") Working Group concluded that "[w]ireline ports may be accomplished in less time when conditions are optimal, however the timeframes were established to support the complex systems and work processes of *all* of the wireline Service Providers." Unlike wireless-to-wireless ports, wireline-to-wireless ports typically involve the use of several different operational support systems.<sup>23</sup> The *Second Wireless*

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also that these carriers accurately update other systems, including E911, billing and maintenance. Qwest notes that wireline carriers have longer porting intervals due to differences in network and system configurations. Qwest indicates that wireline carriers are often constrained by the provisioning of physical facilities (e.g. loops) to serve customers. Moreover, LECs contend, reducing the length of the current wireline porting interval would require them to make changes to many of their systems and would involve significant expense.")

<sup>21</sup> *Id.* See also Letter from Kathleen Levitz, Vice President-Regulatory, BellSouth, to Marlene H. Dortch, Secretary, FCC (October 15, 2003).

<sup>22</sup> *Further Notice*, para. 46. See also, Comments of SBC, filed June 13, 2003, 1. ("CTIA seeks to supplant the present NANC guidelines on telephone number porting intervals with intervals that the CTIA believes better fit the wireless carriers' own business model.")

<sup>23</sup> See, e.g. Comments of Qwest, filed June 13, 2003, 7 ("Wireline carriers have longer porting times than wireless carriers in large part due to the differences in network and system configurations. Wireline carriers often are constrained by the provisioning of physical facilities

*Integration Report* listed eight major systems that are implicated by number porting, including LSR/FOC, service order, inventory, work force assignment, billing, maintenance, switch administration and E911 systems.<sup>24</sup>

In the *Third Wireless Integration Report*, the LNPA Working Group analyzed the elements of the wireline porting interval and investigated how reducing the length of the interval for simple ports would affect carriers' operations, noting that reducing the porting interval would require wireline carriers to make significant changes to their operations. In the *Further Notice*, the Commission, citing the *Third Wireless Integration Report*, identified several compelling reasons why the porting interval should *not* be reduced:

“First, reducing the porting interval would require wireline carriers to automate and make uniform the Local Service Request (LSR)/Local Service Request Confirmation (LSC) Firm Order Confirmation (FOC) process. In addition, the report indicated that wireline carriers would likely have to eliminate or adjust their batch processing operations. The report noted that a change from batch processing to real time data processing would require in-depth system analysis of all business processes that use batch processing systems. Based on its analysis of these and other challenges, the working group concluded that because most wireline carriers already found their processes and systems challenged to meet the current porting interval it was not feasible to reduce the length of the wireline porting interval for simple ports [citations omitted].”<sup>25</sup>

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(e.g. loops) to serve customers and are regularly required to administer complex as well as simple ports.”)

<sup>24</sup> *Second Report on Wireless/Wireline Integration* (“*Second Wireless Integration Report*”) Section 3.3-3.4, pp. 11-12. *See also*, Comments of SBC, filed June 13, 2003, 5 (“As noted in the same report, automation and uniformity will come with the expenditure of significant time and cost to the carriers and with significant cost to consumers.”)

<sup>25</sup> *Further Notice*, para. 45.

Changing these systems to meet a randomly chosen porting interval would require carriers to automate certain functions and scrap others, resulting in the needless imposition of costs on carriers and customers.<sup>26</sup>

There is no evidence that wireline customers will decline to port to wireless carriers, and thus no need to rush to judgment in reducing the current four-day interval for wireline-to-wireless ports.<sup>27</sup> Nor is there any competitive disadvantage to any particular wireless carrier, as all carriers seeking to win customers will experience the same porting interval. Rather than rushing to adopt a new wireline-to-wireless porting interval, the Commission should take the time to examine the systems of each type of carrier to determine whether and to what extent to allow different intervals for different types of ports, while permitting the CMRS industry to work toward meeting the Commission's objective of two and one half hours. Wireline carriers should be encouraged but not required to reduce their porting intervals if and when customer demand indicates that such reductions are essential.

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<sup>26</sup> Comments of BellSouth, 4-5; Qwest, 5-6. The CMRS carriers' LNP order processing systems are generally more fully automated than the wireline carriers' OSS systems, many of which require wireline operators to engage in the time-consuming process of reading LNP orders from a screen and typing LNP data manually into local service order processing systems.

<sup>27</sup> Comments of SBC, 6 ("In spite of the noise made by CTIA, there really is no 'porting interval issue' begging for Commission action.")

## CONCLUSION

Wireless-to-wireline porting can be achieved as long as the recipient wireline carrier has an appropriate point of interface within the LATA in which the number is located. Wireline carriers should be encouraged but not be required to port in wireless numbers using FX or FX-like arrangements. Likewise, wireline carriers should be encouraged but not required to reduce the current four-day porting interval. In addressing the issues raised in the *Further Notice*, the Commission should exercise the same degree of care and forbearance as it has employed in developing its wireless-to-wireless local number portability requirements.

Respectfully submitted,

AT&T CORP.

By           /s/ Richard A. Rocchini          

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## CERTIFICATE OF SERVICE

I, Tom Waddell, do hereby certify that on this 20<sup>th</sup> day of January 2004, a copy of the foregoing "Comments of AT&T Corp." was served on the following:

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