

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

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In the Matter of:)	
)	
Telephone Number Portability)	CC Docket No. 95-116
)	
CTIA Petitions for Declaratory Ruling on)	
Wireless-Wireline Porting Issues)	
)	

REPLY COMMENTS OF T-MOBILE USA, INC.

T-Mobile USA, Inc. (“T-Mobile”) hereby replies to comments filed on January 20, 2004 in response to the Federal Communications Commission’s (“FCC” or “Commission”) November 10, 2003 *Further Notice of Proposed Rulemaking* requesting comment on various issues relating to wireless-to-wireline local number portability (“LNP”).¹ In its initial comments, T-Mobile urged the Commission to facilitate wireless-to-wireline porting in a manner that enhances competition and maximizes consumer choice and recommended that the Commission reduce the porting interval to two days for intermodal simple ports.² The record in this proceeding confirms that the Commission can best facilitate consumer choice and competition by imposing a broad mandate to port numbers out upon request and by reducing the intermodal porting interval for simple ports.

¹ *Telephone Number Portability*, Memorandum Opinion and Order and Further Notice of Proposed Rulemaking, FCC 03-284 (rel. Nov. 10, 2003) (“*Further Notice*”).

² Comments of T-Mobile USA, Inc. at 1.

I. A BROAD MANDATE TO PORT NUMBERS OUT UPON REQUEST WILL FACILITATE COMPETITION AND CONSUMER CHOICE

In its initial comments, T-Mobile urged the Commission to eliminate all unnecessary restrictions on LNP by requiring all carriers – whether wireline or wireless – to port numbers out upon request without regard to the difference in the ways in which wireless and wireline carriers have traditionally provided service.³ T-Mobile agrees with the Illinois Citizens Utility Board that the Commission should “ensure that all barriers to intra-modal and inter-modal competition are removed. . . . By maintaining parity between the requirements for intermodal porting and intramodal porting, the Commission will ensure its legislative mandate to support competition is successfully achieved.”⁴ As T-Mobile explained in its comments, competition will create the appropriate incentives for carriers to introduce technical upgrades designed to improve their ability to compete in the marketplace.⁵

Some commenters, including SBC and Bellsouth, argue that the Commission should not require wireline carriers to accept port requests.⁶ T-Mobile agrees that the Commission should not impose a requirement that carriers – whether wireline or wireless – blindly accept port-in requests. Although carriers face few, if any, barriers when porting numbers out, they may face obstacles that make it, as a practical

³ *Id.* at 4.

⁴ *See e.g.*, Comments of the Illinois Citizens Utility Board at 1-2.

⁵ Comments of T-Mobile USA, Inc. at 4.

⁶ *See e.g.*, Comments of BellSouth Corporation at 4 (arguing that “the Commission should not require a wireline carrier to port in a number from a wireless carrier” particularly when there is a rate center disparity); Comments of SBC Communications Inc. at 3-6 (arguing that porting in is technically feasible but there are significant technical issue to be resolved and the cost of the technical solutions is not in the public interest); Comments of Verizon at 2-9 (detailing the problems which can occur if wireline carriers are required to port in numbers from wireless carriers).

matter, technically or economically infeasible to port certain numbers in. Some commenters identified potential technical impediments to certain intermodal porting requests,⁷ but T-Mobile agrees with Sprint and other commenters that there are alternative methods by which each of these impediments can be resolved.⁸

T-Mobile submits that the Commission should not attempt to identify or prescribe the methods by which carriers resolve potential impediments to porting numbers in, but rather facilitate competition, which will create incentives for carriers to find the most efficient means for overcoming those impediments. The best way to facilitate competition is to require all carriers – whether wireless or wireline – to port numbers out upon request, which secures for customers the freedom to choose the carrier

⁷ See e.g., Comments of BellSouth at 5 (stating that “[t]hese technical impediments are well documented. . . . These modifications might include the possible replacement of industry billing and rating mechanisms; switching signaling, and support system modifications”) and at 4-12 (discussing the network systems that must be changed to implement intermodal porting and arguing that “[t]he necessary modification . . . will require substantial funding”); Comments of Verizon at 5-9 (arguing that intermodal porting requires changes to billing and switching systems and explaining that “[t]he cost to fix [the rate center disparity] problem through billing system changes is prohibitive”); Comments of SBC Communications Inc. at 3-4 (asserting that [c]hanges to the billing system would present a special challenge” and ILECs would have to spend “tens of millions of dollars” to revise their systems to enable them to handle intermodal porting) and at 4-6 (explaining the technical concerns related to 911 service); See e.g., Comments of Qwest Corporation at 4-5 (asserting that carriers should not be required to absorb the costs of maintaining a porting in customer’s previous local calling area); (See e.g., Comments of Verizon at 3-5 (discussing the “adverse consequences [that] are caused by the established system of LEC rate centers, which significantly complicate using CMRS telephone numbers in the LEC network”); Comments of SBC Communications Inc. at 3-7 (explaining the effect of rate center disparity on the E911 system); Comments of BellSouth Corporation at 4-12 (describing the problems associated with requiring porting without rate center restrictions).

⁸ See e.g., Sprint Comments at 11-12 (explaining that “LECs can serve . . . wireless customers with their existing FX services”); Comments of AT&T Corp. at 3 (stating “the rate center issue identified by the incumbent LECs is not a technical impediment to the provision of wireless-to-wireline porting.”); Comments of the Cellular Telecommunications & Internet Association at 2-3 (arguing that wireline carriers can provide service via FX)

that best serves their needs. Under this framework, carriers will be forced to overcome impediments to porting in numbers, or they will no longer remain competitive.

II. THE FCC SHOULD ADOPT A MAXIMUM INTERVAL FOR INTERMODAL SIMPLE PORTS AND PERMIT THE INDUSTRY TO DEVELOP THE MEANS FOR MEETING THE TIMEFRAME

T-Mobile supports those commenters that recommend a reduced porting interval,⁹ and proposes allowing the industry, through the North American Numbering Council's ("NANC") Issue Management Group ("IMG") to develop the procedures carriers will use to meet the new intermodal interval. T-Mobile urges the Commission to set a reduced porting interval of 2 days for simple ports and establish an implementation deadline.

A. A Reduced Intermodal Porting Interval for Simple Ports Is Technically Feasible.

The record demonstrates that a reduced intermodal porting interval for simple ports is technically feasible. Most parties admit that a reduced porting interval is technically feasible,¹⁰ and commenters that oppose reducing the porting interval typically

⁹ See e.g., Comments of Nextel Communications, Inc. at 8 (explaining that "Nextel supports shortening the intermodal porting interval from the present four business day interval."); Comments of the Cellular Telecommunications & Internet Association at 4 ("CTIA supports reducing the current wireline porting interval for intermodal porting."); Sprint Comments at 5 (stating that it supports giving NANC "an adequate period of time to develop comprehensive recommendations for a modified and improved port provisioning process that will likely lead to a reduced porting interval.").

¹⁰ See e.g., Comments of SBC Communications, Inc. at 12-13 (stating that "SBC is confident that a NANC-mediated industry consensus can be reached to refine the porting process and ultimately reduce the porting interval."); Comments of the United States Telecom Association at 6 (arguing that "[i]f the FCC were to shorten the porting interval for LECs, it would require LECs to reconfigure their networks"); Comments of Verizon (stating that "it may be possible to process simple ports in less than four days" but complex ports will take longer); Sprint Comments at 8 (stating that "[t]he benefits of reducing the current LEC four-business day porting interval are clear."); Comments of Nextel Communications,

base their opposition on the costs associated with upgrading their systems, not upon claims of technical infeasibility.¹¹

The NANC IMG is currently exploring potential means for reducing the intermodal porting interval. T-Mobile, and active participant in the NANC IMG, recently submitted a proposal for reducing the intermodal interval for simple ports. In its submission, T-Mobile proposed that all carriers adopt the same validation criteria as the major wireless carriers and use a standard automated interface, which reduces the amount of information to be exchanged and simplifies the porting request process.¹² By simplifying the port process, T-Mobile submits that the intermodal porting interval can be reduced to a maximum of two day for simple ports involving a single line, a mechanized interface and 10-digit trigger.”¹³

Inc. at 8 (explaining that “Nextel supports shortening the intermodal porting interval from the present four business day interval.”); Comments of the Cellular Telecommunications & Internet Association at 4 (“CTIA supports reducing the current wireline porting interval for intermodal porting.”);

¹¹ See e.g., Comments of Verizon at 13-14 (stating that it will cost Verizon millions of dollars to upgrade its systems to meet a reduced porting interval); Comments of Qwest Corporation at 9 (arguing that adjustments to wireline porting intervals “would entail costs”); Comments of Texas Statewide Telephone Cooperative at 2-3 (asserting that “TSTCI member companies . . . cannot afford to dedicate employees to the porting process”). Commenters like Verizon, SBC and the South Dakota Telecommunications Association, et al. that oppose reducing the interval detail in their comments the changes that will need to be made to their databases in order to comply with a reduced porting interval. Comments of Verizon at 22; Comments of Qwest at 10-11; Comments of the South Dakota Telecommunications Association, Townes Telecommunications, Inc., and Dickey Rural Telephone Cooperative at 6-8.

¹² T-Mobile, Option A discussed during the NANC Port Interval IMG Conference Call (Jan. 20, 2004).

¹³ Comments of T-Mobile at 6.

B. The Commission Should Ensure That Carriers Are Able To Recover the Costs Associated With A Reduced the Intermodal Porting Interval.

As many commenters point out, there are significant costs associated with the technical upgrades necessary to meet a reduced porting interval.¹⁴ T-Mobile is mindful of the costs associated with number portability because, as Nextel explained in its comments, “CMRS carriers have spent many millions of dollars to upgrade their networks to ensure that consumers would be able to port their numbers to both wireline and wireless carriers.”¹⁵ Nonetheless, these costs should not stand in the way of reducing the porting interval. Accordingly, T-Mobile agrees with Sprint’s recommendation that the Commission “assure all carriers, and incumbent LECs in particular, that they will be able to recover their upgrade costs to meet any new interval ultimately adopted.”¹⁶ The Commission’s assurance that carriers will not be forced to absorb the costs associated with implementing a reduced porting interval will facilitate reduction of the intermodal porting interval.

C. The Commission Should Establish a 2-Day Intermodal Porting Interval and Implementation Deadline, and Allow the Industry To Develop the Procedures Necessary To Meet the Interval.

Several commenters have urged the Commission to take steps to reduce the porting interval and allow carriers to work together to develop the processes

¹⁴ See e.g., Comments of Verizon at 13-14 (stating that it will cost Verizon millions of dollars to upgrade its systems to meet a reduced porting interval); Comments of Qwest Corporation at 9 (arguing that adjustments to wireline porting intervals “would entail costs”); Comments of Texas Statewide Telephone Cooperative at 2-3 (asserting that “TSTCI member companies . . . cannot afford to dedicate employees to the porting process”).

¹⁵ Comments of Nextel Communications, Inc. at 4-5.

¹⁶ Sprint Comments at 9. T-Mobile submits that, consistent with the current regulatory framework, carriers should not be permitted to recover their LNP costs from other carriers.

necessary to comply with the new interval.¹⁷ T-Mobile agrees and suggests that the Commission reduce the intermodal porting interval to two days for simple ports and establish an implementation date by which all carriers must comply with the interval. It is important that the Commission both reduce the interval *and* establish an implementation deadline in order to facilitate the process of reaching consensus about the best way to implement the reduction.

T-Mobile agrees with commenters who recognize that carriers can work together, in conjunction with the NANC IMG, to develop the procedures necessary to comply with the new interval.¹⁸ T-Mobile fully supports Sprint in its suggestion that the Commission direct the IMG to “consider appropriate ways of improving the port provisioning process and accelerating current port interval targets” and that “NANC’s mission should be clear to all industry members: the issue is *how* the porting interval can be reduced, *not whether* the porting interval should be reduced from four business days.

¹⁹ T-Mobile also supports Sprint’s recommendation that the IMG be given until June 1,

¹⁷ See, e.g., Comments of the Cellular Telecommunications & Internet Association at 4 (advocating that the Commission reduce the porting interval and describing its role in the IMG); Comments of Nextel Communications, Inc. at 8 (supporting “shortening the intermodal porting interval from the present four business day interval.”); Comments of SBC Communications Inc. at 12 (stating “SBC is confident that a NANC-mediated industry consensus can be reached to refine the porting process and ultimately reduce the porting interval.”); Sprint Comments at 5 (stating that “the most important step that the Commission can take at the present is to give NANC an adequate period of time to develop comprehensive recommendations for a modified and improved port provisioning process that will likely lead to a reduced porting interval.”)

¹⁸ See, e.g., Comments of SBC at 12 (stating “SBC is confident that a NANC-mediated industry consensus can be reached to refine the porting process and ultimately reduce the porting interval.”); Sprint Comments at 5 (stating that “the most important step that the Commission can take at the present is to give NANC an adequate period of time to develop comprehensive recommendations for a modified and improved port provisioning process that will likely lead to a reduced porting interval.”)

¹⁹ Sprint Comments at 8-9.

2004 to develop any new procedures.²⁰ It is imperative that the Commission work quickly to establish a new interval and implementation deadline, because it will take an even longer time for carriers to implement the new processes developed by the IMG.

D. Consumers Will Benefit from a Reduced Intermodal Porting Interval.

Contrary to the contentions of some commenters,²¹ the benefits to consumers from a reduced porting interval outweigh any cost concerns associated with complying with a reduced interval. T-Mobile agrees with Nextel that “consumers are demanding and expecting a quicker turnaround on their port requests.”²² This demand is likely to increase as consumers become accustomed to a two and a half hour porting interval for wireless-to-wireless porting. As the JP Morgan report quoted in the Sprint comments observes, it is “intuitive that the length of the porting period . . . will have an impact on a subscriber’s willingness to use [number portability], as the inconvenience of having to wait several days or even weeks to have a number ported will offset some of the benefit.”²³

²⁰ *Id.* at 5.

²¹ *See e.g.*, Comments of Qwest Corporation at 11 (arguing that “[s]ince LNP began, wireline carriers have been porting numbers utilizing a four-day interval for simple ports. Prior to wireless LNP, this was the settled customer expectation. During these years, there has been no customer outcry that the porting interval was unreasonable.”); Comments of SBC Communications Inc. at 13 (“claiming that “[t]here is no evidence to support any supposition that the existing wireline porting interval is anti-competitive or detrimental to consumers”); Comments of AT&T Corp. at 10 (stating that “[t]here is no evidence that wireline customers will decline to port to wireless carriers, and thus there is no need to rush to judgment in reducing the current four-day interval for wireline-to-wireless ports.”); Comments of BellSouth Corporation at 23 (stating that “[i]t is highly unlikely that a four-day processing interval would dissuade a customer potentially seeking lower rates from porting his number.”).

²² Comments of Nextel Communications. Inc. at 8.

²³ Sprint Comments at 8.

Consumer satisfaction alone is justification enough for reducing the porting interval, but there are additional reasons for reducing the porting interval. As CTIA explains, shortening the porting interval will “reduce the level of customer port cancellations and reduce the period of ‘mixed service’ that may effect 911 service.”²⁴ Therefore, T-Mobile agrees with Sprint’s conclusion that “[t]he benefits of reducing the current LEC four-business day porting interval are clear.”²⁵

²⁴ Comments of the Cellular Telecommunications & Internet association at 4. A reduced interval will also minimize the period of “mixed service” which occurs when a consumer has requested to port its number but is receiving service from both the old and new carrier until the port is complete. During this time, there is a potential problem if an arises because the 911 system may not be able to accurately identify and locate the caller based on the caller’s telephone number.

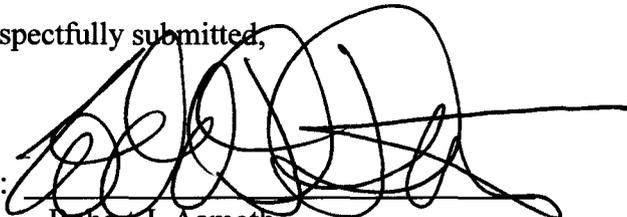
²⁵ Sprint Comments at 8.

III. CONCLUSION

For the foregoing reasons, T-Mobile respectfully urges the Commission to mandate that all carriers are required to port numbers out upon request. In addition, T-Mobile recommends that the Commission reduce the intermodal porting interval to two days for simple ports, establish an implementation date for compliance with the new interval, and allow the industry in conjunction with the NANC IMG to develop the procedures necessary to meet the two-day interval. These measures will facilitate intermodal porting in a manner that enhances competition and maximizes consumer choice by eliminating all unnecessary restrictions on LNP.

Respectfully submitted,

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