

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Rules and Regulations Implementing)	
Minimum Customer Account Record)	CG Docket No. 02-386
Exchange Obligations on All Local and)	
Interexchange Carriers)	
)	
)	
)	

**COMMENTS OF
CTIA – THE WIRELESS ASSOCIATION™**

Pursuant to Section 1.415 of the Commission’s rules,¹ CTIA – The Wireless Association™ (“CTIA”)² hereby submits its Comments on the Commission’s *Notice of Proposed Rulemaking* (“*Notice*”) issued in the above-referenced matter³ seeking comment on whether the Commission should impose mandatory minimum Customer Account Record Exchange (“CARE”) obligations on all local and interexchange carriers.

¹ 47 C.F.R. § 1.415.

² CTIA – The Wireless Association™ (formally known as the Cellular Telecommunications & Internet Association) is the international organization of the wireless communications industry for both wireless carriers and manufacturers. Membership in the organization covers all Commercial Mobile Radio Service (“CMRS”) providers and manufacturers, including cellular, broadband PCS, ESMR, as well as providers and manufacturers of wireless data services and products.

³ *Rules and Regulations Implementing Minimum Customer Account Record Exchange Obligations on All Local and Interexchange Carriers*, CG Docket No. 02-386, Notice of Proposed Rulemaking, FCC 04-50 (rel. April 19, 2004) (“*Notice*”).

As the Commission describes in the *Notice*, the CARE process was developed by the telecommunications industry in response to the break-up of the Bell System and the equal access requirements set forth in Section II of the Modification of Final Judgment.⁴ The CARE standards were developed to allow the Bell Operating Companies to comply with their obligation to provide all interexchange carriers with access that is equal in type, quality, and price to that provided to AT&T and its affiliates.

The CARE process allows carriers to exchange the data necessary to establish and maintain customer accounts, and to execute and confirm customer orders and customer transfers from one long distance carrier to another. CARE generically identifies data elements that might be shared between carriers and supports a data format intended to facilitate the mechanized exchange of that information.

In its *Notice*, the Commission seeks comment on whether it should impose mandatory minimum CARE obligations on all local and interexchange carriers, and, in specified situations, require all carriers -- including CMRS carriers -- to transmit certain CARE codes to involved carriers that are designated to provide specific billing and other essential customer data.⁵

CTIA's comments are limited to the wireless questions raised in the paragraphs 13 and 14 of the *Notice*. The basic issue, as described in the *Notice*, arises in the context of intermodal number portability "... where a standalone interexchange carrier customer exercises the right to port a wireline telephone number to a wireless carrier, there are no procedures currently in place requiring notification of interexchange carriers that the

⁴ See *United States v. AT&T*, 552 F. Supp. 131 (D.D.C. 1982), *aff'd sub nom. Maryland v. United States*, 460 U.S. 1001 (1983).

⁵ *Notice* at para. 13-14.

customer has selected a wireless carrier to provide long distance service. As a result, those customers may continue to be billed by their former interexchange carrier unless and until they advise that carrier that they are discontinuing their long distance service.”⁶

CTIA believes there is no basis for imposing the CARE obligations on wireless carriers. To date, CMRS carriers have not participated in the CARE process. This is because there has been no reason to include wireless carriers in the CARE data exchange, either before or after the implementation of wireline-to-wireless local number portability on November 24, 2003. The implementation of intermodal number porting does not justify imposing the CARE obligations on CMRS carriers.

As the Commission has recognized, notification issues do not arise in the context of wireless-to-wireline porting because wireless customers typically do not have a separate commercial relationship with an interexchange carrier.⁷ Thus, the only justification for imposing a new burden on wireless carriers would be in the context of wireline-to-wireless porting. However, when a customer ports a wireline number to a wireless carrier, the LEC always will have the information necessary for CARE reporting.

Since the LECs already participate in the CARE process, reporting these customer changes will not impose any new burdens on wireline carriers. In contrast, in the circumstance of a wireline-to-wireless port, the CMRS provider (unlike the LEC) would not know the identity of the customer’s presubscribed carrier. CMRS carriers would have to obtain sufficient information from the porting-in customer (or the customer’s

⁶ *Id.* at para. 13.

⁷ *Id.* See also, Sec. 332(c)(8), 47 U.S.C. 332(c)(8).

LEC) to properly identify the customer's interexchange carrier for the CARE record.

Because wireless carriers typically utilize retail distribution channels, shifting the burden to CMRS carriers would be particularly burdensome and susceptible to error.⁸ Moreover, if the customer has the information required to identify the correct interexchange carrier, the Commission should consider whether, in a competitive market, the burden properly lies with the customer to discontinue any continuing account relationship.⁹

The Joint Petitioners have suggested that a possible solution to their concerns in the context of wireline-to-wireless porting would be to require the LECs to notify the customer's interexchange carrier when a local exchange number is ported from a wireline to a wireless carrier. If there is a real-world problem raised by these intermodal ports, CTIA agrees that this is the best solution. In the *Notice*, the Commission suggests that a further possibility might be a CARE code that would add a "W" designation for local

⁸ CTIA and CMRS carriers have instructed customers seeking to port their numbers to bring a recent bill to their new carrier to initiate the porting process. See <www.easyporring.com>. For intermodal ports, if a customer's interexchange carrier does not use the LEC for billing and collection, the customer may not recall the interexchange carrier that is presubscribed to the account. Moreover, a clerk at a CMRS retail outlet, such as a Best Buy or Radio Shack, will not be familiar with the carrier codes required to complete a CARE record, and with hundreds of interexchange carriers, many with similar sounding names, customer confusion would result in incorrect information being entered on the CARE record. The different sales channels used by interexchange carriers also would contribute to customer confusion. For example, customers purchasing "long distance" service through Costco may not realize that MCI is their interexchange carrier.

⁹ The approximately fifty million wireless customers who will change carriers ("churn") this year understand it is their obligation to discontinue service with their former carrier. Similarly, when changing ISPs, customers assume responsibility for canceling service with their former provider, as do customers switching between cable and satellite television providers. As the *Notice* describes, the CARE process was created to satisfy the equal access requirements set forth in the Modification of Final Judgment more than twenty years ago, when competition was not a common experience.

lines that are ported to wireless carriers.¹⁰ While CTIA takes no position on this proposal, the ATIS Ordering and Billing Forum is discussing the possibility of adding a field to the CARE record that if checked would indicate a wireless port. Including a new field to the CARE record, or use of the “W” designation within the CARE record,¹¹ will provide interexchange carriers with notification that the port is to a wireless provider and thus enable an interexchange carrier to immediately cease billing for the telephone number.

For the aforementioned reasons, if the lack of notice to interexchange carriers associated with wireline-to-wireless intermodal ports requires Commission action, the best solution is to require the LECs to notify the customer’s interexchange carrier when a local exchange number is ported from a wireline to a wireless carrier. In contrast, there is no basis for extending the CARE system to CMRS carriers.

Respectfully submitted,

CTIA – THE WIRELESS ASSOCIATION™

By: _____ /s/

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¹⁰ Notice at para. 14.

¹¹ The “W” designation would be incorporated into the Number Portability Indicator (“NPI”) field of the CARE record. The value “W” would be defined as indicating the number being ported is moving from a wireline provider to a wireless provider.