

existing telephone numbers from one carrier to another.⁴ The vast majority of these ports have been completed within the wireless industry's voluntary porting interval target of two and a half hours or less. As a result, wireless customers have been able to take advantage of lower prices and innovative service offerings due to fierce competition among a variety of Commercial Mobile Radio Service ("CMRS") competitors. Indeed, as the Commission noted in the *Ninth CMRS Competition Report*, "the advent of wireless LNP has indeed increased competitive pressures on CMRS carriers with regard to existing customers, with the result that such customers are receiving improved service."⁵

While the implementation of wireless-to-wireless porting has proceeded smoothly, intermodal porting between wireless and wireline carriers has faced a number of impediments. In addition to lengthy porting intervals, the intermodal porting process has also suffered from the intransigence of certain incumbent local exchange carriers ("ILECs") that have either sought state commission waivers to delay or avoid the Commission's WNP requirements,⁶ or have ignored the Commission's WNP

⁴ See Heather Forsgren Weaver, *FCC Wants to Slash Time Allowed for Wireline to Wireless Porting*, RCR WIRELESS NEWS, Sept. 13, 2004, at 4 (noting that "the total number for mobile-to-mobile switching increased from nearly 3.35 million at the end of April [2004] to 5.4 million at the end of July [2004]").

⁵ *Implementation of Section 6002(b) of the Omnibus Budget Reconciliation Act of 1993; Annual Report and Analysis of Competitive Market Conditions With Respect to Commercial Mobile Services, Ninth Report*, WT 04-111, FCC 04-216, at ¶ 166 (rel. Sept. 28, 2004).

⁶ See Heather Forsgren Weaver, *CenturyTel to Pay \$100,000 for Not Porting Wireless Calls*, RCR WIRELESS NEWS, July 19, 2004, at 13 (noting that the "FCC has encouraged state regulators not to grant waivers to rural wireline companies").

requirements entirely.⁷ As a result, many wireline telephone consumers are denied the ability to port their existing telephone numbers to wireless service providers.

Nextel strongly believes that all consumers should have the same choices and options currently available to wireless consumers. Accordingly, Nextel supports – as an interim step – the NANC’s proposal to adopt a common Local Service Ordering Guideline (“LSOG”), and reduce the intermodal porting interval from 96 hours to 53 hours. In addition, Nextel urges the Commission to require all wireline carriers to implement this change within 12 months of the effective date of a Commission order adopting a shorter porting interval.

II. THE COMMISSION SHOULD REQUIRE A COMMON LOCAL SERVICE ORDERING GUIDELINE FOR PORTING

In the *Second Further Notice*, the Commission requests comment on the NANC’s recommendation that the “industry establish one common LSOG version to facilitate a reduction in the Confirmation Interval.”⁸ In addition, the Commission also requests that parties in favor of a common LSOG “specify the items that should be included in a standardized LSOG.”⁹

Nextel strongly supports the NANC’s efforts to establish a common LSOG. As noted in the NANC Report, each carrier currently “may choose a different LSOG version

⁷ See *CenturyTel, Inc., CenturyTel of Washington, Inc., CenturyTel of Cowiche, Inc., and CenturyTel of Inter Island, Inc., Notice of Apparent Liability for Forfeiture*, 19 FCC Rcd 8543 (2004) (finding that CenturyTel “apparently violated Section 52.26(a) of the Commission’s rules by willfully and repeatedly failing to route calls from CenturyTel’s customers in Washington to wireless customers with ported numbers”).

⁸ Second Further Notice at 6.

⁹ *Id.*

based on their business needs to process consumer updates including porting.”¹⁰ Since the “standard in porting is to use the Old Service Provider’s (OSP) forms,”¹¹ wireless providers seeking to port wireline numbers are often required to complete forms that require extensive information – much of which is not even relevant in the wireless environment. For instance, many of the wireline LSOG versions require information that is not necessary to complete ports successfully, including a “purchase order number” (usually a 16-digit sequence of alphanumeric characters beginning with the wireline carrier’s Service Provider Identification (“SPID”)) and any additional wireline numbers that are included on the customer’s wireline account.

During the implementation phase of WNP, wireless carriers worked together to implement a simplified process for migrating customers’ wireless numbers from one carrier to another. As a result of this process, the vast majority of companies in the wireless industry have now moved from having 14 “validation” fields in their porting requests to only 3 (account number or Social Security/Tax Identification number, telephone number and – if applicable – any password used to access the customer’s old account). Thus, even without a requirement that there be a common wireless LSOG, wireless carriers have effectively created one.

There is no practical reason why the wireline industry cannot work cooperatively to reduce the amount of information exchanged to complete intermodal ports.

Streamlining would reduce the paperwork involved in the porting process, reduce porting interval times and reduce ports that “fall out” during the current process. Most

¹⁰ *NANC Report and Recommendation on Intermodal Porting Intervals*, Prepared for the NANC by the Intermodal Porting Interval Issue Management Group, at 28 (dated May 3, 2004) (hereinafter “NANC Report”).

¹¹ *Id.*

importantly, however, further streamlining and the introduction of a common LSOG would create a far better experience for those consumers that seek to migrate from wireline service to wireless service, or vice-versa. Accordingly, Nextel urges the Commission to direct the wireline industry to work with the NANC and the wireless industry to develop a single common LSOG version.¹²

III. AS AN INTERIM STEP, THE INTERMODAL PORTING INTERVAL SHOULD BE REDUCED FROM 96 HOURS TO 53 HOURS

The *Second Further Notice* notes that the adoption of a standardized LSOG version would also reduce the first stage of the porting process – the Confirmation Interval “from 24 hour [sic] to five hours.”¹³ Accordingly, the Commission requests comment on the NANC’s proposal to use a standardized LSOG to shorten “the intermodal porting interval to 53 hours.”¹⁴ In addition, the Commission also requests comment on “alternative mechanisms for reducing the intermodal porting interval.”

Nextel supports – as an interim step – the NANC’s recommendation to reduce the porting interval from 96 hours to 53 hours through adoption of the “C2/A3 Combination,” of which the C2 Proposal component would establish a Confirmation Interval timeframe “not to exceed five hours” from the receipt of “an error-free order”

¹² The common LSOG version could be based on the criteria delineated in the NANC Report’s Proposal C1, which called for the establishment of standardized data fields (New Network Service Provider Service Profile, Old Network Service Provider Service Profile, Request Number, Number Portability Direction Indicator, Due Date and Time and Contact Information), along with the validation information currently used by the major wireless carriers (Ported Telephone Number, Social Security Number or Account Number, Zip Code and Account Password (if applicable)). *See, e.g.*, NANC Report at 15-16.

¹³ *Second Further Notice* at 5, ¶ 11.

¹⁴ *Id.* at 5, ¶ 10.

through a “mechanized interface.”¹⁵ In reviewing this proposal, however, Nextel urges the Commission to study ways to move the C2 Proposal timeframe closer to the one-hour interval delineated in the “C1 Proposal.”

For instance, the C1 Proposal recommends that carriers use an automated interface to transmit a standardized list of data fields and validation criteria for port requests.¹⁶ In the NANC Report, a number of wireline carriers criticized the anticipated cost of implementing the C1 Proposal and, in particular, the C1 Proposal’s call for an automated interface to exchange porting information.¹⁷ The Commission could, however, take the standardized data fields and validation criteria contained in the C1 Proposal, and make this information the basis of the common LSOG version. Thus, through the use of a standardized format, the Commission and the NANC may be able to arrive at a “hybrid” Proposal C1/C2 solution that could use a standardized LSOG – with a mechanized rather than completely automated process – to reduce the Confirmation Interval below the 5 hours envisioned in Proposal C2.

IV. THE REDUCED INTERMODAL PORTING INTERVALS SHOULD BE IMPLEMENTED BY ALL CARRIERS WITHIN 12 MONTHS

The NANC Report notes that implementation of the proposal to reduce the intermodal porting interval to 53 hours could take “approximately 24 months.”¹⁸ The *Second Further Notice* requests comment on whether the “proposed implementation

¹⁵ NANC Report at 16.

¹⁶ *Id.* at 15-16.

¹⁷ *Id.* at 29.

¹⁸ *Id.* at 4; *see also* Second Further Notice at 7, ¶ 15 (suggesting that the “industry could require up to 24 months to reduce the intermodal porting interval as recommended in Proposal C2/A3”).

timeframe” is appropriate.¹⁹ In addition, the *Second Further Notice* also requests comment on “whether an alternate timeframe should be established for certain classes of carriers (e.g., SBA Tier III wireless carriers, rural telephone companies and/or rural carrier) or carriers operating in different geographic areas.”²⁰

Since 1996, wireline carriers have been on notice of the Commission’s intention to implement wireline-to-wireless number portability.²¹ In 1997, the NANC set a 96 hour porting interval for wireline-to-wireless ports, which the Commission later adopted, with the expectation that this timeframe would be revisited as WNP moved closer to implementation.²² In 2000, the NANC again studied the issue, and recommended that the intermodal porting interval be reduced, but failed to reach consensus due to objections from certain wireline carriers.²³ On November 7, 2003, just prior to the implementation of WNP, the Commission again addressed this issue in the *Intermodal Porting Order and FNPRM* (“Intermodal Order”).²⁴ In the *Intermodal Order*, the Commission stated that it would soon seek comment on further methods to reduce the intermodal porting interval, and noted that the four day intermodal interval represented the “*outer limit of what we*

¹⁹ Second Further Notice at 7, ¶ 15.

²⁰ *Id.*

²¹ See *Telephone Number Portability, First Report and Order and Further Notice of Proposed Rulemaking*, 11 FCC Rcd 8352 (1996) (hereinafter “First Report and Order”).

²² See *Telephone Number Portability, Second Report and Order*, 12 FCC Rcd 12281, 12284 (1997) (hereinafter “Second Report and Order”).

²³ See Letter from John R. Hoffman, NANC Chair to Dorothy Attwood, Chief, Common Carrier Bureau (filed Nov. 29, 2000).

²⁴ *Telephone Number Portability; CTIA Petitions for Declaratory Ruling on Wireline-Wireless Porting Issues, Memorandum Opinion and Order and Further Notice of Proposed Rulemaking*, 18 FCC Rcd 23697 (2003) (hereinafter “Intermodal Order”).

would consider to be a reasonable amount of time in which wireline carriers may complete ports.”²⁵

The vast majority of wireless-to-wireless ports are now completed in under two hours. The time has come for the Commission to ensure that wireline consumers have the same benefits of competition and are able to switch carriers in a timely fashion. Accordingly, Nextel urges the Commission to require wireline carriers to implement the reduced intermodal porting intervals within 12 months of the effective date of the Commission’s action adopting reduced intermodal porting intervals.

The reduced porting intervals should apply to all carriers, regardless of their size. To date, the Commission has rejected almost all requests from wireline carriers seeking exemptions from the nationwide WNP rules.²⁶ In doing so, the Commission has noted that “[p]ortability will promote competition by allowing consumers to move to carriers that would better serve consumers’ needs without having to make the difficult choice to give up their numbers.”²⁷ On May 21, 2004, Chairman Powell noted the benefits of nationwide intermodal competition, and concluded that: “Your phone number belongs to

²⁵ *Id.* at 23712-13.

²⁶ See, e.g., *Telephone Number Portability; Petition of the North-Eastern Pennsylvania Telephone Company for Temporary Waiver of its Porting Obligations*, 19 FCC Rcd 8570, 8574 (2004) (“Generalized references to limited resources and implementation problems do not constitute substantial, credible evidence justifying exemption from the porting requirements.”); *Numbering Resource Optimization, Western Wireless’ Limited, Conditional Petition for Waiver of Local Number Portability and Thousands-Block Number Pooling Obligations*, 18 FCC Rcd 24692, 24696 (2003) (hereinafter “Western Wireless LNP Order”).

²⁷ Western Wireless LNP Order, 18 FCC Rcd at 24698.

you, and you can take it with you – no matter where you live.”²⁸ Nextel urges the Commission to require that all carriers live up to the promise of prompt, nationwide intermodal porting, and continue to reject attempts to impose a two-tiered system of intermodal competition on American consumers.

²⁸ *News, FCC Chairman Powell: Another 70 Million American Have Freedom to Switch Wireless Carriers and Keep Their Phone Number on Monday* (rel. May 21, 2004).

CONCLUSION

For the aforementioned reasons, Nextel urges the Commission to adopt the intermodal porting recommendations contained herein.

Respectfully submitted,

NEXTEL COMMUNICATIONS, INC.

By: /s/ Laura L. Holloway

Laura L. Holloway
Vice President – Government Affairs

Christopher R. Day
Counsel – Government Affairs

NEXTEL COMMUNICATIONS, INC.

2001 Edmund Halley Drive
Reston, VA 20191
(703) 433-4141

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