

claim that the NANC recommendation cannot be justified due to its costs. However, the cost of implementing the NANC recommendation is nominal and – as the NANC found – will not represent a burden for any wireline carriers or their customers.

During the past year and a half, the Commission has rejected a number of LEC attempts to further delay the implementation of nationwide intermodal local number portability (“LNP”).² The NANC recommendations – while not perfect – represent a substantial step towards resolving the current problems in the intermodal porting process. Therefore, Nextel again urges the Commission to adopt – 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 also urges the Commission to consider other proposals – such as Sprint’s A3 supplemental proposal – which could further reduce the intermodal porting interval.

II. THERE IS SUBSTANTIAL CONSUMER DEMAND FOR TIMELY INTERMODAL PORTS

In initial comments, a number of LECs argued against the NANC recommendation by claiming that there is no market for intermodal porting. Verizon, for instance, claims that “there is no evidence that an appreciable number of customers

² See, e.g., *Telephone Number Portability; Petition of the North-Eastern Pennsylvania Telephone Company for Temporary Waiver of its Porting Obligations, Order*, 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.”); *Telephone Number Portability; Petition of Yorkville Telephone Cooperative Inc. and Yorkville Communications, Inc. for a Limited Waiver and Extension of Time to Port Numbers to Wireless Carriers, To Support Nationwide Roaming of Ported Numbers, and to Participate in Thousands-Block Number Pooling, Order*, 19 FCC Rcd 9296, 9299 (2004) (noting that the benefits of intermodal porting are “particularly important in smaller markets across the country where competition may be less robust than in more urban areas”).

actually request intermodal porting.”³ Similarly, BellSouth claims that there are no problems with the current intermodal process because “the evidence clearly demonstrates that intramodal porting is the dominant form of porting.”⁴

These assertions, however, completely contradict the statistics on intermodal porting. According to the latest statistics released by the Commission and NeuStar, Inc. (“Neustar”), approximately 544,000 customers had moved from wireline to wireless service as of the end of July 2004, just eight months after the launch of intermodal LNP and only two months after the nationwide roll-out of intermodal LNP.⁵ These numbers are hardly inconsequential, and plainly indicate consumer demand for intermodal porting.

However, to the extent that current demand for intermodal porting is lower than demand for intramodal porting, it could be largely due to the unacceptably long interval to complete the ports. After over a year of successful porting among wireless carriers, consumers have generally grown to expect quick porting intervals – regardless of whether the port is an intramodal port or an intermodal port. The current four-day intermodal porting interval “requirement,” however, has proven to be the best possible outcome that many consumers can expect. In fact, Sprint Corporation (“Sprint”) notes that “it takes on average eight days for Sprint to complete approximately 80 percent of the successful intermodal port requests – longer for the remaining successful requests.”⁶ Even

³ Comments of the Verizon telephone companies at 3 (hereinafter “Verizon Comments”).

⁴ Comments of BellSouth Corporation at 3 (hereinafter “BellSouth Comments”).

⁵ 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 544,000 customers had “cut the cord” as of July 31, 2004).

⁶ Comments of Sprint Corporation at 6 (hereinafter “Sprint Comments”).

BellSouth, while claiming that “there is no evidence showing that use of the current four-day interval has hindered porting between wireless and wireline carriers,”⁷ acknowledges that many intermodal ports have taken “up to several weeks to accomplish.”⁸ Four-day porting intervals have proven to be the exception, not the rule, in intermodal porting.

It is obvious that consumer demand for intermodal porting exists. The full potential of intermodal porting, however, cannot be realized until the Commission takes concrete steps to reduce both the porting interval and the number of wireline-to-wireless ports that completely “fall out” during the porting process. The NANC C2/A3 solution and the adoption of a common LSOG – while not perfect – represent a significant step in that direction.

III. THE COSTS ASSOCIATED WITH THE C2/A3 PROPOSAL ARE MODEST AND WILL PROVIDE SUBSTANTIAL BENEFITS TO CONSUMERS

Notwithstanding the minimal cost of any required upgrades, some LECs still claim that the implementation costs associated with the NANC recommendation are unwarranted. For instance, Verizon claims – without a single piece of supporting evidence – that the NANC proposal will cost it “tens of millions of dollars in hardware, software and labor costs to upgrade its network to achieve a 53-hour intermodal porting interval.”⁹ Like claims that there is no consumer demand for intermodal porting, these claims are also without merit, and should be rejected.

⁷ BellSouth Comments at 2.

⁸ *Id.* at 3.

⁹ Verizon Comments at 4.

During the course of its deliberations, the Intermodal Porting Interval Issue Management Group (“IMG”) of the NANC considered six independent proposals to reduce the intermodal porting interval.¹⁰ In reaching consensus on the C2/A3 proposal, the NANC rejected those proposals with substantial implementation costs, and specifically noted that the C2/A3 “proposal combination could offer *the most economical opportunity* for the industry to substantially reduce the porting interval for consumers.”¹¹ In fact, as Sprint notes, the total cost to implement this solution throughout the industry – estimated at less than \$50 million – equates to approximately “30 cents (\$0.30) per LEC access line.”¹²

Wireless carriers have spent large sums of money to implement LNP nationwide. In doing so, wireless carriers have worked cooperatively to develop and maintain an automated system that can generally complete a port within a number of hours, instead of days. Unfortunately, a number of wireline carriers have continually failed to agree to any voluntary solutions to reduce the current wireline-to-wireless porting interval or, in many cases, to even ensure that wireline-to-wireless ports are completed at all. The NANC recommendation offers a cost-effective measure to remedy this failure.

¹⁰ *NANC Report and Recommendation on Intermodal Porting Intervals*, Prepared for the NANC by the Intermodal Porting Interval Issue Management Group, at 4 (dated May 3, 2004) (hereinafter “NANC Report”) (noting that the IMG considered “six proposal combinations”).

¹¹ *Id.* at 30.

¹² Sprint Comments at 3.

IV. THE COMMISSION SHOULD ALSO CONSIDER OTHER OPTIONS – SUCH AS THE SPRINT ALTERNATE A3 PROPOSAL – TO FURTHER REDUCE THE INTERMODAL PORTING INTERVAL

In the *Second Further Notice*, the Commission also requested comment on “alternative mechanisms for reducing the intermodal porting interval.”¹³ To this end, Nextel’s initial comments urged the Commission to consider modifications to the C2 component of the NANC proposal by using a standardized LSOG format – combined with a mechanized interface to transmit the LSOG information – to reduce the Confirmation Interval below the 5 hours envisioned in the C2 component of the C2/A3 proposal.¹⁴

As a complement to that proposal, Nextel also believes that the Commission should adopt Sprint’s proposal to modify the A3 component of the NANC’s C2/A3 proposal.¹⁵ Under the current intermodal porting rules, a LEC has a minimum 3-day interval to activate the ten-digit trigger (“TDT”) that directs porting customer calls to the LNP database first to determine if a new service provider has activated the port.¹⁶ The NANC’s A3 proposal would reduce the current interval for the TNT activation process from 72 hours to 48 hours.¹⁷

Sprint notes, however, that it is technically feasible to accelerate the activation of the TNT by another 24-36 hours by setting the TNT “concurrently with the return of the

¹³ Second Further Notice at 5, ¶ 10.

¹⁴ See Comments of Nextel Communications, Inc. at 6.

¹⁵ See Sprint Comments at 3-4.

¹⁶ See NANC Report at 7-8.

¹⁷ See *id.* at 21.

port response (aka Firm Order Confirmation).”¹⁸ Therefore, Sprint requests that the Commission modify the A3 guideline to specify “the minimum time for LECs to set the 10-digit trigger (upon return of the port response) rather than the maximum time before the trigger must be set (‘no later than’ 11:59 p.m. on the due date minus two).”¹⁹ The Sprint proposal has the potential to further reduce the intermodal porting interval, and substantially improve the customer experience for intermodal ports. Accordingly, Nextel requests that the Commission adopt the Sprint proposal as part of the A3 component of the NANC recommendation.

¹⁸ Sprint Comments at 4.

¹⁹ *Id.*

CONCLUSION

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

Respectfully submitted,

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