

**BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554**

In the Matter of:  
  
Telephone Number Portability

CC Docket No. 95-116

**COMMENTS OF THE CALIFORNIA PUBLIC UTILITIES  
COMMISSION AND THE PEOPLE OF THE STATE OF CALIFORNIA  
ON PETITION FOR DECLARATORY RULING**

The California Public Utilities Commission and the People of the State of California (CPUC or California) respond here to the Petition for Declaratory Ruling (Petition) filed by T-Mobile USA, Inc. and Sprint Nextel Corporation (Petitioners) on December 20, 2006. In their Petition, Petitioners request that the Federal Communications Commission (FCC or Commission) issue a ruling requiring that “all carriers obligated to provide number portability may not obstruct or delay the porting process by demanding from the porting-in carrier information in excess of the minimum information needed to validate the requesting customer.”<sup>1</sup> The CPUC offers these brief comments in support of the Petition.

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<sup>1</sup> Petition, p. 1.

## I. BACKGROUND

As explained at some length in the Petition, the FCC has adopted rules requiring that all carriers, both wireline and wireless, implement the appropriate technology and protocols to allow customers to port between and among carriers. The FCC first imposed the obligation to port on wireline carriers, and subsequently imposed the same requirement on wireless carriers. Customers have taken advantage of the opportunity to port by moving from one wireline carrier to another, from one wireless carrier to another, from wireline to wireless carriers, and vice versa.<sup>2</sup>

The FCC having done its part to enact appropriate rules to enable customers to port and to require carriers to effect the porting process, the carriers are now actively engaged in seeking to recruit new customers from among the ranks of their competitors' customers. The ability of any carrier to effectively "port in" a customer is directly tied to the practices of the carrier that will be "porting out" the customer. Petitioners allege that some carriers have adopted practices which complicate and prolong the "porting out" process, thus hindering the effectiveness of competition.

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<sup>2</sup> The incidence of porting from wireline to wireless is far greater than the reverse, but, certainly, the FCC's rules allow for both.

## II. THE FCC SHOULD PROHIBIT COMPLICATED AND UNWIELDY PORTING REQUIREMENTS

During the course of the FCC's lengthy proceedings on number portability, the CPUC has consistently advocated that the Commission require *all* carriers to port. California consistently argued that wireless carriers should be required to implement local number portability (LNP) precisely so that competition between wireless and wireline carriers would not be hindered by a practice requiring customers to change a phone number to switch carriers. The FCC's rules mandating that carriers implement LNP has had the effect of fostering competition, which was the result California advocated and the FCC envisioned.

Now, however, Petitioners raise a concern about some competitor local exchange carriers (LECs) imposing onerous requirements on the "porting out" process. Specifically, Petitioners claim that some LECs are insisting on "outdated and unnecessarily arduous procedures, such as completion of port request forms with more than 100 data fields."<sup>3</sup> Petitioners attached to their filing a sample form with more than 100 data fields, including fields requiring input of "additional engineering," "additional forms," "additional labor," and "account regrade." It is difficult to fathom how this much information could be required to port a customer from one carrier to another.

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<sup>3</sup> Petition, pp. 2, 4, and attachment.

It is especially curious given Petitioners' representation, which the CPUC does not question, that wireless carriers initially required nine data fields to port a customer, then whittled that to four data fields, and now are down to a mere three data fields.<sup>4</sup>

It would appear that some LECs are imposing onerous and burdensome porting requirements in order to render the porting process complicated and time-consuming. The FCC should actively discourage and indeed prohibit such practices as they are anti-competitive and anti-consumer.

### III. CONCLUSION

For the reasons stated, the CPUC urges the FCC to carefully review the allegations contained in the Petition, and to take appropriate steps to eliminate unreasonable and burdensome carrier practices that impair customers' ability to port from one carrier to another.

Respectfully submitted,

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<sup>4</sup> See Petition, p. 4, Fn. 13.

February 8, 2007

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