

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

In the Matter of)
)
Telephone Number Portability) CC Docket No. 95-116
)
Petition of T-Mobile USA, Inc. and Sprint)
Nextel Corporation for Declaratory Ruling)

**REPLY COMMENTS OF
THE NATIONAL ASSOCIATION OF STATE UTILITY CONSUMER
ADVOCATES**

In response to the Public Notice released on January 9, 2007,¹ the National Association of State Utility Consumer Advocates (“NASUCA”)² submitted brief initial comments on the petition for a declaratory ruling filed on December 20, 2006 by T-Mobile USA, Inc. and Sprint Nextel Corporation (collectively “Petitioners”). In those comments, NASUCA concluded that the Federal Communications Commission (“Commission”) should “balance easing consumers’ transitions between carriers, with

¹ Public Notice, DA-07-39 (January 9, 2007).

² NASUCA is a voluntary association of advocate offices in more than 40 states and the District of Columbia, incorporated in Florida as a non-profit corporation. NASUCA’s members are designated by the laws of their respective jurisdictions to represent the interests of utility consumers before state and federal regulators and in the courts. *See, e.g.*, Ohio. Rev. Code Ch. 4911; 71 Pa. Cons. Stat. Ann. § 309-4(a); Md. Pub. Util. Code Ann. § 2-205; Minn. Stat. § 8.33; D.C. Code Ann. § 34-804(d). NASUCA members operate independently from state utility commissions as advocates primarily for residential ratepayers. Some NASUCA member offices are separately established advocate organizations while others are divisions of larger state agencies (*e.g.*, the state Attorney General’s office). NASUCA’s associate and affiliate members also serve utility consumers, but are not created by state law or do not have statewide authority.

maintaining adequate protections against unauthorized carrier changes.”³

Comments were filed by regional Bell operating companies (“RBOCs”),⁴ other large local companies,⁵ other wireline carriers,⁶ wireless carriers and associations,⁷ and state regulators.⁸ Of the two RBOCs, Qwest opposes the Petition; AT&T is milder but recommends another strategy, as discussed below. Embarq objects to the Petition. Charter and Comcast support, Time Warner et al. oppose. Understandably, the wireless interests all support the Petition filed by their cohorts.

The three regulators all support the Petition, focusing on how burdensome requirements for porting numbers impede competition. Apparently they do not view prevention of unauthorized LNP requests to be a major problem.

None of the opponents to the Petition argues for making the LNP process more complex than it is now,⁹ but they basically oppose simplifying it as much as proposed in the Petition.¹⁰ But the opponents also raise another point that was not acknowledged in either the Petition or the comments of its supporters: The issues addressed by the Petition are

³ NASUCA Comments at 4.

⁴ AT&T Inc. (“AT&T”); Qwest Corporation and Qwest Communications Corporation (collectively, “Qwest”).

⁵ Embarq Local Operating Companies (Embarq”).

⁶ Charter Communications, Inc. (“Charter”); Comcast Corporation (“Comcast”); Time Warner Telecom Inc., Cbeyond, Inc. and One Communications Corp. (“Time Warner, et al.”).

⁷ CTIA - The Wireless Association® (“CTIA”); Leap Wireless International, Inc. (Leap”); MetroPCS Communications, Inc. (“MetroPCS”); PCIA - The Wireless Infrastructure Association (“PCIA”); United States Cellular Corporation (“USCC”).

⁸ California Public Utilities Commission and the People of the State of California (“CPUC”); Iowa Utilities Board (“IUB”); Nebraska Public Service Commission (“NPSC”).

⁹ See Time Warner, et al. Comments at 1 (“the goal of more uniform and efficient processes is certainly laudable”).

¹⁰ See Embarq Comments at 3 (supporting the use of Embarq’s 20 data fields).

currently being addressed by the Commission¹¹ and are being dealt with by a group within the North American Numbering Council (“NANC”).¹² Given the complexity of these issues, that would seem to be the more prudent course.

Time Warner cautions about the risks created by incorrectly ported wireline numbers: “While an incorrectly ported wireless number can simply be ported back to the wireless carrier, with little consequence other than a short service disruption, an incorrectly ported wireline number can have catastrophic consequences because of the services and facilities that may be associated with that number.”¹³ This suggests that it may not be feasible to streamline wireline porting to the same extent feasible for wireless service. It also suggests the preferability of the issue being addressed by NANC.

Charter and Comcast both seek to expand what will be considered by the Commission in considering the Petition. Charter wants the Commission to “express disapproval of ... other practices of incumbent and other carriers that frustrate the porting process, increase the cost of the requesting carriers, and undermine the emergence of facilities-based competition.”¹⁴ Comcast wants the Commission to reduce the porting interval, and to open an inquiry into carriers’ compliance with the current four-day interval.¹⁵ Both suggestions expand almost beyond recognition the Petition’s request “for a declaratory ruling.” Perhaps Charter and Comcast should file their own petitions.

¹¹ Qwest Comments at 3.

¹² See AT&T Comments at 3, 5. Time Warner, et al. point out that the Petitioners here have in fact submitted some of those issues to NANC. Time Warner, et al. Comments at 6.

¹³ Id. at 3. Although Time Warner, et al.’s comments focus on business customers (see id. at 4), they are also relevant for residential customers.

¹⁴ Charter Comments at 2.

¹⁵ Comcast Comments at 2-3.

And there is also something to be said for Qwest's comment that, to the extent that wireline carriers actually use the burdensome processes that the wireless carriers discuss, the wireless carriers have the option to file complaints with the Commission against those specific carriers.¹⁶ That might be more effective.

In the context of this proceeding, however, NASUCA had hoped to have a specific recommendation for the Commission. NASUCA's one recommendation is procedural: The Commission should consider the Petition in the context of the pending rulemaking on this subject, and should do so expeditiously.¹⁷ In that process, NASUCA reiterates that the Commission should "balance easing consumers' transitions between carriers, with maintaining adequate protections against unauthorized carrier changes."¹⁸

Respectfully submitted,

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¹⁶ Qwest Comments at 2.

¹⁷ See Second Notice of Proposed Rulemaking, 19 FCC Rcd 18515.

¹⁸ NASUCA Comments at 4.