

Number portability, i.e., local number portability (LNP), is an obligation placed on all local exchange carriers (LECs) by Section 252(b) of the Telecommunications Act of 1996 (the Act). The term LEC includes both ILECs and CLECs. The Oregon Commission has the authority and obligation to act on the petitions under Section 252(f)(2) of the Act. That section also specifies that state commissions shall act on filed petitions within 180 days. For the two petitions now before us, that deadline is March 22, 2004.

Background

Number portability allows customers to keep their telephone numbers when changing from one service provider to another. Number portability is under federal jurisdiction, and the Federal Communications Commission (FCC) has adopted rules and issued several orders related to LNP. However, many aspects of the Act and of FCC rules are administered by state commissions.

Number portability was first implemented by wireline carriers in large metropolitan areas. LNP has been in effect in Portland since September 1998. Typically, customers kept their ILEC phone number when they changed service to a CLEC. Number portability is also available in large metropolitan areas for customers who move from CLECs back to ILECs or between CLECs.

The FCC directed wireless carriers (essentially cellular carriers or CMRS providers) to develop procedures for porting cellular numbers among wireless carriers. After several extensions, the FCC set a deadline of November 24, 2003, for the wireless carriers to comply. The FCC also directed wireline carriers, including both ILECs and CLECs, to implement number portability from wireline to wireless carriers by the same deadline. Number portability from wireline to wireless is often called inter-modal portability.

In the last few months, Sprint PCS and Verizon Wireless requested several ILECs in Oregon to provide inter-modal number portability. Verizon Wireless also sent a similar request to SCS Communications, a CLEC. The due date is November 24, 2003. Of the petitioners, some received number portability requests from Sprint PCS, some from Verizon Wireless, some from both, and some from neither.

The Petitions

The petitioners request the Commission to grant temporary suspension of the obligations imposed on wireline local exchange carriers to provide number portability to CMRS providers until six months following the FCC's full and final disposition of issues related to such porting. Given the history of FCC orders being appealed, remanded,

reconsidered, appealed again, and remanded again, etc., the “full and final disposition” is likely many years in the future.

As an alternative, the petitioners request the Commission to grant temporary suspension of the wireline LECs’ obligations to provide number portability to CMRS providers except where:

1. The requesting CMRS entity demonstrates that its use of ported numbers complies with the Act’s definition of number portability, and
2. The Commission approves a traffic exchange agreement between the wireline LEC and the requesting CMRS provider under which number portability will be achieved.

Either alternative will be controversial.

There are twenty-three petitioners. However, the Commission has before it just two petitions, one for a CLEC (UM 1113) and the other for twenty-two ILECs (UM 1114). Staff believes that legal and policy issues will be relatively common to all twenty-three petitioning LECs. Staff is uncertain how OTA fits in as a petitioner, since OTA is not a telecommunications carrier. Because of the commonality of issues, staff believes it is reasonable to conduct the investigation with just the two dockets. Staff also believes that factual issues will differ from company to company. For example, the financial impact on a company basis and on a per customer basis will differ for each carrier. It is possible that the Commission’s ultimate decision will not be the same for each petitioning LEC. Section 252(f)(2) of the Act provides guidelines for state commissions to make those determinations.

The petitioners also make another, more urgent, request. So that the petitioners will not run afoul of the November 24 deadline, they request that the Commission promptly grant them temporary suspension of all number portability obligations to CMRS providers, while the Commission considers the above requests, that is, while dockets UM 1113 and UM 1114 are in progress.

Staff recommends that the Commission grant the immediate suspension requested, and that such suspension be done well before November 24, 2003. Staff believes that Section 252(f)(2) of the Act permits state commissions to do so.

Requests from CMRS providers for the wireline carriers to provide number portability will impose some, perhaps substantial, burdens on the wireline carriers. The petitioners

have raised issues regarding costs of providing portability and the legality and adequacy of the bona fide requests for number portability. Staff believes it is reasonable for the petitioners to be granted temporary suspensions in order to avoid the costs of implementing wireline to wireless portability while the Commission considers the factual, policy, and legal issues raised. Sprint PCS advised staff that it does not object to the immediate suspension for the duration of dockets UM 1113 and UM 1114. Verizon Wireless did not respond to staff's inquiry regarding whether it would object to the immediate suspension.

PROPOSED COMMISSION MOTION:

Docket UM 1113 be opened to investigate whether petitioner SCS Communications & Security, Inc., should be granted a temporary suspension of wireline to wireless number portability obligations.

Docket UM 1114 be opened to investigate whether petitioners, twenty-two incumbent local exchange carriers, should be granted a temporary suspension of wireline to wireless number portability obligations.

All petitioners be promptly granted a temporary suspension of all wireline to wireless number portability obligations while dockets UM 1113 and UM 1114 are in progress.

Exhibit

<u>Company</u>	<u>Lines in Oregon</u>	<u>Request From</u>
UM 1113		
SCS Communications	--	Verizon Wireless
UM 1114		
Asotin	139	Sprint PCS
Beaver Creek	4,554	None
Canby	11,414	Verizon & Sprint
Cascade	10,048	Verizon & Sprint
CenturyTel	77,672	Verizon & Sprint
Clear Creek	4,010	Verizon
Colton	1,311	None
Gervais	1,272	Sprint
Home	851	Verizon & Sprint
Molalla	6,919	Sprint
Monitor	754	Verizon & Sprint
Monroe	1,039	None
Mt. Angel	2,169	Sprint
Nehalem	3,253	None
North-State	561	None
OTC (Oregon Tel)	1,911	None
People's	1,600	Verizon & Sprint
Pioneer	16,243	Verizon
Roome (RTI)	797	Sprint
St. Paul	674	Sprint
Scio	1,959	Sprint
Stayton	8,084	Verizon & Sprint