

Resolution Concerning Number Portability For Wireless Carriers

WHEREAS, The FCC has set a deadline for wireless carriers to implement number portability by November 24, 2003; and

WHEREAS, Notwithstanding this deadline, the FCC has left in place the requirement for bona fide requests (BFRs) in the top 100 MSAs, wherein no wireless carrier must implement LNP in a given Metropolitan Statistical Area (MSA) unless requested to do so by another carrier; and

WHEREAS, The current BFR requirement allows wireless carriers to decide in which MSAs Wireless LNP is implemented making the FCC's mandate of November 24, 2003 dependent on wireless industry choice; and

WHEREAS, Although some wireless carriers have submitted BFRs to other companies in their service areas, it is unclear to what extent BFRs have been issued and, therefore, unclear in which MSAs customers will be able to benefit from LNP come November 24, 2003; and

WHEREAS, The Cellular Telecommunications & Internet Association (CTIA) filed a petition in CC Docket No. 95-116, on January 23, 2003, seeking a declaratory ruling to resolve inter-modal porting implementation issues forwarded to the FCC by the North American Numbering Council (NANC) via the Wireless Wireline Integration Task Force (WWITF) First, Second, and Third Reports; and

WHEREAS, The wireless carriers represented in the WWITF previously stated that LNP should move forward without

resolution of the rate center disparity issue and that this issue does not present a technical impediment to wire line to wireless porting; and

WHEREAS, Public comments on the January 23, 2003 CTIA petition for declaratory ruling are due February 26, 2003, and reply comments are due by March 13, 2003; and

WHEREAS, The CTIA states in its petition that the "FCC should promptly clarify that wireline firms must port throughout the wireless carrier's service area;" and

WHEREAS, A primary goal of the petition filed by the CTIA is to have the FCC resolve various issues or delay, again, the implementation date for LNP; and there are no technical issues presented by the CTIA that will prevent customers in the top 100 Metropolitan Statistical Areas from porting their numbers to wireless carriers, and

WHEREAS, Wireless carriers have argued in other FCC proceedings for "technology neutral" regulation and lack of LNP remains a significant disparity between the wire line and wireless industries; and

WHEREAS, Delays in the implementation of wireless number portability continue to pose an obstacle to consumer choice; now therefore be it

RESOLVED, That the Board of Directors of the National Association of Regulatory Utility Commissioners (NARUC), convened in its February 2003 Winter Meetings in Washington, D.C. encourages the FCC to require that wireless to wireless

and inter-modal number portability be implemented for wireless carriers by the November 2003 deadline; and be it further

RESOLVED, That wireless carriers should be allowed to recapture implementation costs through any lawful means; and be it further

RESOLVED, That NARUC encourages the FCC either to eliminate the BFR requirement in the top 100 MSAs, or provide a mechanism whereby State regulatory agencies can issue BFRs to implement LNP by the November 24, 2003 deadline; and be it further

RESOLVED, That NARUC commends those wireless carriers that have filed BFRs for their pro-competitive actions and encourages them to report to the FCC and relevant State regulatory agencies in which MSAs BFRs have been filed; and be it further

RESOLVED, That NARUC file comments with the FCC in CC Docket No. 95-116, encouraging the FCC to resolve the CTIA petition and finding that issues raised in the CTIA petition do not necessitate a further delay for wireless LNP and the benefits it will bring to consumers.

Sponsored by the Consumer Affairs Committee

Adopted by the NARUC Board of Directors February 26, 2003