

STATEMENT OF JONATHAN BANKS
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Committee on Commerce, Science and Transportation
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Chairman Inouye, Vice Chairman Stevens, members of the committee: Thank you for this opportunity to appear before you today. I am Jonathan Banks, Senior Vice President for Law and Policy for the USTelecom Association. I am pleased to appear before this committee to discuss USTelecom's perspective on telephone number porting, as well as the provisions of the proposed "*Same Number Act of 2007*."

USTelecom represents innovative companies ranging from the smallest rural telecoms in the nation to some of the largest corporations in the U.S. economy. Our member companies offer a wide range of services across the communications landscape, including voice, video and data over local exchange, long distance, Internet, and cable networks. USTelecom is the nation's most established – and largest – association representing rural telecom providers.

USTelecom and its member companies have been instrumental in bringing number portability to American consumers and have made significant contributions toward making portability more efficient. For over a decade, our members have seen number portability become an increasingly important facet of a competitive telecommunications service marketplace. However, the introduction of communications platforms different from traditional wireline—including cable systems, fixed wireless, and mobile wireless--has made the process more complex. Our members have a strong interest in improving the efficiency of the number porting process, and we agree that inter-modal porting could be further streamlined.

To put number portability in perspective, since November 2003 when portability was extended to wireless carriers, there have been approximately 57 million ports. Fewer than three percent of these ports have involved customers moving from wireline to wireless. In addition, the Federal Communications Commission has been active on porting issues, and it is not an area over which the Federal Communications Commission lacks statutory authority. The Commission has the requisite authority, and has exercised it accordingly. Since 1997, the wireline local exchange carrier community has worked tirelessly—and with a high level of efficiency—to implement federal mandates addressing local number portability. In 2003, the FCC issued an order mandating both wireless number portability and portability between wireline and wireless networks. Despite technical challenges, local exchange carriers have cooperated and contributed significant energy to support inter-modal number portability.

In January 2003, USTelecom and CTIA formed a joint working group to solve the early technical and implementation problems inherent in inter-modal porting. Experts from member companies worked together to investigate the cause of inter-modal porting

failures and to come up with solutions to alleviate the backlog of consumer porting requests. The working group discovered that the clearinghouses used by the wireless carriers were not equipped to handle port request validation queries, so many requests were simply dropped without either side knowing why. The combined USTelecom-CTIA team determined the appropriate technical requirements for clearinghouses to meet. The group also decided that until the clearinghouses could automate inter-modal porting, protocols for manual porting should be implemented. These changes have resulted in substantial improvement. For example, one of our member companies reports that for all of 2006, the company received a total of nine porting complaints out of approximately 900,000 number ports.

On November 10, 2003, the FCC asked the North American Numbering Council (NANC) to offer suggestions for improving inter-modal porting. The NANC is a Federal Advisory Committee comprised of representatives from carriers, trade associations such as CTIA, USTelecom and NCTA, cable operators, VoIP providers, and consumer advocates. The committee advises the FCC and makes recommendations based on committee consensus. The Commission has identified the NANC's tasks and objectives in multiple Commission proceedings, and number portability is one of those tasks.

A NANC working group consisting of both USTelecom member companies and wireless carriers generated two proposals, and on May 3, 2004, the NANC sent William Maher, Chief of the FCC's Wireline Competition Bureau, a formal report. The "Report & Recommendation on Intermodal Porting Intervals" recommended a porting procedure that would shorten porting times and also identified additional issues that need to be addressed by industry and regulatory bodies.

USTelecom's members believe that porting is best addressed by the Commission, working in conjunction with the North American Numbering Council. Currently, the NANC and the Ordering and Billing Forum (OBF) have ongoing efforts to resolve issues of inter-modal porting. We believe that these two industry organizations are well-suited to address the streamlining of the porting process, and they will do so with consumer well-being in mind. Already, their ongoing evaluation of porting practices is geared towards reducing inter-modal porting intervals and making the porting process more satisfactory to consumers.

USTelecom encourages the continuation of joint government-industry working groups like the NANC, and its Local Number Portability Working Group sub-group. This working group has successfully resolved issue after issue and will continue to do so. At the end of my statement I have affixed a table summarizing the working group's results to date. We feel that these groups should remain the primary source for technical solutions. The communications industry has shown repeatedly that it can solve technical issues through innovation and market-driven solutions, and USTelecom supports the continuation of entrepreneurial problem-solving with respect to local number portability.

Mr. Chairman, we also appreciate the opportunity to comment on the "Same Number Act of 2007." Our members endorse the ostensible goal of this proposed

legislation, which is to further streamline the number portability process. Furthermore, we agree with the content of Section 715(a) in the proposed bill, which establishes a duty of all voice service providers to provide number portability.

However, as the Committee continues to perfect this bill, let me offer two thoughts. First, while section 715(b) requires in paragraph (1) the establishment of “reciprocal number portability standards,” subparagraphs (B) and (b)(2) permit discriminatory treatment of providers given the Commission’s authority to “establish more flexible standards or delayed deadlines for different classes of providers.” USTelecom members are invariably on the receiving end of these more onerous requirements.

Second, Section 715(c) would require voice service providers to report to the Commission on their porting activities for the 12 months preceding the date of issuance of Section 715(b) required porting rules. This is an overly onerous requirement. As I mentioned earlier, there have been more than 57 million ports since November of 2003. To report on this activity and explain why any given port fails would be an overwhelmingly burdensome undertaking.

Mr. Chairman, thank you again for the opportunity to appear today. USTelecom member companies have always cooperated in numerous industry fora for the improvement of telecommunications services, and we will continue to do so. USTelecom and its member companies look forward to our continued work with the Committee and will continue to work through the Commission and NANC to streamline the porting process.

North American Numbering Council – April 10, 2007
LOCAL NUMBER PORTABILITY ADMINISTRATION WORKING GROUP
STATUS OF OPEN INDUSTRY ISSUES AND ISSUES SUBMITTED AND/OR
RESOLVED SINCE MAY 2004

ISSUES SUBMITTED:	122	
ISSUES RESOLVED:		96
ISSUES REMAINING OPEN OR UNRESOLVED:		26
PERCENTAGE OF ISSUES RESOLVED:		79%