



PUBLIC NOTICE

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WIRELESS TELECOMMUNICATIONS BUREAU AND WIRELINE COMPETITION BUREAU REMIND CARRIERS OUTSIDE THE 100 LARGEST MSAs OF THE UPCOMING MAY 24, 2004 LOCAL NUMBER PORTABILITY IMPLEMENTATION DEADLINE

On May 24, 2004, the Commission's wireless local number portability (LNP) requirements will take effect in areas outside the 100 largest Metropolitan Statistical Areas (MSAs).¹ Under these rules, commercial mobile radio service (CMRS) carriers outside the 100 largest MSAs must be able to port their numbers by May 24 or within six months of receiving a "bona fide" request from another carrier to provision their switches for wireless porting, whichever is later. Similarly, wireline carriers outside the 100 largest MSAs must be able to port their numbers to CMRS carriers by May 24 or within six months of receiving a bona fide request, whichever is later.

As the May 24th deadline approaches, it is critical that affected carriers understand their porting obligations and take the necessary steps to ensure the smooth deployment of LNP. We urge carriers to make every effort prior to the deadline to test their own systems and to exchange contact information and conduct testing with other carriers in their area.

In response to questions that some carriers may have about particular aspects of the LNP rules, we also reiterate the following guidance from the Commission's October and November orders in the LNP proceeding:²

Bona Fide Requests – Any carrier outside the top 100 MSAs that received a bona fide request for wireless porting on or before November 24, 2003, must begin porting on May 24, 2004. A bona fide request may come from any carrier whose service area overlaps with the service area of the carrier receiving the request. In the *Wireless LNP* and *Intermodal LNP* orders, the

¹ Within the top 100 MSAs, the wireless LNP rules have been in effect since November 24, 2003.

² Telephone Number Portability, Carrier Requests for Clarification of Wireless-Wireless Porting Issues, CC Docket No. 95-116, *Memorandum Opinion and Order*, 18 FCC Rcd 20971 (2003) (*Wireless LNP Order*); CTIA Petitions for Declaratory Ruling on Wireline-Wireless Porting Issues, *Memorandum Opinion and Order and Further Notice of Proposed Rulemaking*, 18 FCC Rcd 23697 (2003) (*Intermodal LNP Order*).

Commission clarified that it is not necessary for the requesting carrier to have an interconnection agreement with the requested carrier.³ While it is permissible for carriers to negotiate such agreements, no carrier may unilaterally refuse to port with another carrier because the carrier will not negotiate an interconnection agreement. Once a carrier has implemented LNP capability in response to a bona fide request from one carrier, it must port numbers on request to any other carrier providing service in the area that provides basic contact and technical information sufficient to perform the port.

Rate Centers – In the *Intermodal LNP Order*, the Commission addressed questions regarding wireless porting “outside the rate center,” *i.e.*, porting a wireless or wireline number to a wireless carrier that does not have a physical point of presence or numbering resources in the rate center where the number was originally assigned. The Commission clarified that porting is required regardless of whether the porting-in carrier has a presence or numbering resources in the originating rate center so long as 1) the requesting wireless carrier’s coverage area overlaps the geographic location in which the customer’s number is provisioned, and 2) the porting-in carrier maintains the number’s original rate center designation following the port to prevent customer confusion.⁴

Routing Issues -- Some carriers have expressed concern about transport costs associated with routing calls to ported numbers where porting results in calls to the ported number being routed outside the original rate center. The Commission clarified in the *Intermodal LNP Order* that the requirements of the LNP rules do not vary depending on how calls to the number will be routed after the port occurs.⁵ Thus, a carrier may not refuse or condition a porting request based on routing issues.

We also remind carriers that, regardless of the status of their obligation to provide number portability, all carriers have the duty to route calls to ported numbers. In other words, carriers must ensure that their call routing procedures do not result in dropped calls to ported numbers.⁶ Furthermore, the Commission clearly imposed requirements on the carrier immediately preceding the terminating carrier, designated the “N-1 carrier,” to ensure that number portability databases are queried and thus that calls are properly routed.⁷

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³ *Wireless LNP Order*, 18 FCC Rcd at 20977; *Intermodal LNP Order*, 18 FCC Rcd at 23711.

⁴ *Intermodal LNP Order*, 18 FCC Rcd at 23706.

⁵ *Id.* at 23713.

⁶ Telephone Number Portability, *First Memorandum Opinion and Order on Reconsideration*, 12 FCC Rcd 7236, 7277 (1997)

⁷ Telephone Number Portability, *Second Report and Order*, 12 FCC Rcd 12281, 12323-24 (1997).

