



PUBLIC NOTICE

Federal Communications Commission
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January 27, 2003

**COMMENT SOUGHT ON CTIA PETITION FOR DECLARATORY RULING THAT
WIRELINE CARRIERS MUST PROVIDE PORTABILITY TO WIRELESS
CARRIERS OPERATING WITHIN THEIR SERVICE AREAS**

(CC Docket No. 95-116)

Comments Due: February 26, 2003
Reply Comments Due: March 13, 2003

On January 23, 2003, the Cellular Telecommunications & Internet Association (CTIA) filed a Petition for Declaratory Ruling (Petition),¹ asking the Commission to rule that wireline carriers are obligated to provide portability of their customers' telephone numbers to Commercial Mobile Radio Service (CMRS) providers whose service area overlaps the wireline carriers' rate centers.² CTIA contends that some local exchange carriers (LECs) have narrowly construed the number portability obligations with regard to CMRS providers, taking the position that portability is required only where CMRS providers have established a presence in the landline rate center where customers seek to port numbers from the LEC to CMRS providers.³

We seek comment on the issues raised in the Petition. Interested parties may file comments on or before February 26, 2003. Reply comments are due March 13, 2003. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies.⁴ Comments and reply comments should be filed in the docket number, CC Docket No. 95-116.

This is a "permit but disclose" proceeding pursuant to § 1.1206 of the Commission's Rules.⁵ Ex parte presentations that are made with respect to the issues involved in the Petition

¹ *Telephone Number Portability*, CC Docket No. 95-116, Petition for Declaratory Ruling of the Cellular Telecommunications & Internet Association, filed January 23, 2003 (Petition).

² *Id.* at 1.

³ *Id.* at 3.

⁴ See *Electronic Filing of Documents in Rulemaking Proceedings*, GC Docket No. 97-113, Report and Order, 13 FCC Rcd 11322, 11326, para. 8 (1998); 63 Fed. Reg. 24121 (1998).

⁵ 47 C.F.R. § 1.1206.

will be allowed but must be disclosed in accordance with the requirements of § 1.1206(b) of the Commission's Rules.⁶

Comments filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/e-file/ecfs.html>. Generally, only one copy of an electronic submission must be filed. In completing the transmittal screen, filing parties should include their full name, Postal Service mailing address, and the applicable docket number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, parties should send an e-mail to ecfs@fcc.gov, and should include the following words in the body of the message, "get form <your e-mail address>." A sample form and directions will be sent in reply. Commenters also may obtain a copy of the ASCII Electronic Transmittal Form (FORM-ET) at <http://www.fcc.gov/e-file/email.html>.

Parties who choose to file by paper must file an original and four copies of each filing. Each filing should include the applicable docket number. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission's contractor, Vistrionix, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, SW, Washington, D.C. 20554. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission. In addition, a diskette copy should be sent to the Commission's copy contractor, Qualex International, Portals II, 445 12th Street, S.W., Room CY-B402, Washington, DC, 20554, telephone 202-863-2893, facsimile 202-863-2898, or via e-mail to qualexint@aol.com.

The full text of the Petition and responsive comments will be available electronically on the Commission's ECFS under CC Docket No. 95-116. In addition, copies of these documents are available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW, Room CY-A257, Washington, DC, 20554. Documents may also be purchased from the Commission's duplicating contractor. Alternative formats (computer diskette, large print, audio recording and Braille) are available to persons with disabilities by contacting Brian Millin, of the Consumer and Governmental Affairs Bureau, at (202) 418-7426 (voice) or (202) 418-7365 (TTY), or at bmillin@fcc.gov. This Public Notice can also be downloaded in Text and ASCII formats at: <http://www.fcc.gov/cib/dro>. For further information concerning this proceeding, contact Jennifer Salhus, Policy Division, Wireless Telecommunications Bureau, at (202) 418-1310 (voice), Pam Slipakoff, at (202) 418-1500 (voice), or (202) 418-1169 (TTY).

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⁶ 47 C.F.R. § 1.1206(b).