

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Telephone Number Portability)	CC Docket No. 95-116
)	
)	

ORDER

Adopted: December 19, 2003

Released: December 22, 2003

By the Chief, Telecommunications Access Policy Division, Wireline Competition Bureau:

1. In this Order, we grant an extension of time to submit comments and reply comments pursuant to the Memorandum Opinion and Order and Further Notice of Proposed Rulemaking (*Further Notice*) released by the Commission in this proceeding on November 10, 2003.¹ Specifically, interested parties may now file comments on or before January 20, 2004, and reply comments on or before February 4, 2004.

2. In the *Further Notice*, the Commission sought comment on how to facilitate wireless-to-wireline porting if the rate center associated with the wireless number is different from the rate center in which the wireline carrier seeks to serve the customer.² The *Further Notice* also sought comment on whether carriers should be required to reduce the length of the porting interval for ports between wireless and wireline carriers.³ The *Further Notice* stated that interested parties may file comments on or before twenty days after the date of publication of the item in the Federal Register and reply comments on or before thirty days after the publication date.⁴ The *Further Notice* was published in the Federal Register on December 10, 2003. Therefore, comments would have had to be received on or before December 30, 2003, and reply comments on or before January 9, 2004.⁵

3. On December 11, 2003, BellSouth Corporation (BellSouth) filed a Motion for Extension of Time, requesting that the Commission extend the time to file comments and reply comments.⁶ BellSouth asserts that interested parties need more time than has been provided to provide “meaningful and substantive input” on the issues raised in the *Further Notice* because they are both complex and have significant technical and competitive implications.⁷ BellSouth points out that the comments are currently due in the middle of the holiday season when a majority of its and probably most other commenters’

¹ See Telephone Number Portability, CC Docket No. 95-116, *Memorandum Opinion and Order and Further Notice of Proposed Rulemaking*, FCC 03-284 (rel. Nov. 10, 2003) (*Further Notice*).

² *Further Notice* at paras. 42-44.

³ *Id.* at para. 49.

⁴ *Id.* at para. 55.

⁵ 68 Fed. Reg. 68,831 (Dec. 10, 2003)

⁶ Motion for Extension of Time, filed by BellSouth Corporation on December 11, 2003 (Extension Request).

⁷ Extension Request at 1-2.

technical personnel and subject matter experts, who are crucial to providing a thorough response to the *Further Notice*, will be on vacation.⁸ BellSouth also remarks that the Commission asked the North American Numbering Council (NANC) to provide input on one of the major issues raised in the *Further Notice*.⁹ Because the next NANC meeting is on January 13, 2004, BellSouth argues that the comment deadline should be extended to give interested parties time to include their reactions to the NANC recommendation, which will in turn, greatly benefit the record in this proceeding.¹⁰

4. Additionally, BellSouth requests that the period to file reply comments should be extended because the current ten day period will not allow interested parties enough time to adequately respond to the significant number of comments it expects will be submitted due to the fact that numerous parties will be affected by the outcome of the proceeding.¹¹ Finally, BellSouth asserts that a modest extension would not prejudice any interested party or harm the public interest because many of these issues have been unresolved for a number of years and wireless number portability is already underway.¹² Based on these reasons, BellSouth requests that the deadline for submitting comments be extended to January 30, 2004 and for reply comments to February 20, 2004.¹³ Subsequent to filing of the Extension Request, the National Emergency Number Association (NENA), the United States Telecom Association (USTA), and various telephone companies affiliated with Verizon Communications, Inc. (collectively, Verizon) submitted comments supporting BellSouth's request to extend the pleading cycle.¹⁴

5. It is the policy of the Commission that extensions are not routinely granted.¹⁵ In this instance, however, we find that special circumstances warrant a modest extension and that additional time that would produce a more thorough and complete record would be in the public interest. We agree with BellSouth, NENA, and USTA that the issues presented in the *Further Notice* are rather complex and can have considerable technical and competitive implications.¹⁶ We recognize, as BellSouth and NENA noted, that the current deadline for submitting comments is at a time when the staff necessary to address these complex issues will not be available for a number of commenters.¹⁷ Moreover, we anticipate, like BellSouth, that many interested parties will file comments pursuant to the *Further Notice* and we prefer that any replies to these comments be as thorough and complete as possible.¹⁸ Finally, we agree with BellSouth, USTA, and Verizon that the Commission will likely benefit from comments that include the

⁸ *Id.* at 2.

⁹ *Id.* at 3. Specifically, the Commission has asked that NANC provide input on modifying the porting interval for intermodal porting. *Further Notice* at para. 51.

¹⁰ Extension Request at 3. BellSouth adds that allowing interested parties to comment on the NANC recommendation will provide "a more complete and reliable record upon which the Commission could render a decision." *Id.*

¹¹ *Id.* at 2.

¹² *Id.*

¹³ *Id.*

¹⁴ See Comments filed by National Emergency Number Association on December 15, 2003 (NENA Comments); Motion in Support of BellSouth's Motion for Extension, filed by the United States Telecom Association on December 16, 2003 (USTA Comments); and Support of BellSouth's Petition for Extension, filed by several telephone companies affiliated with Verizon Communications, Inc. on December 17, 2003 (Verizon Comments).

¹⁵ See 47 C.F.R. § 1.46(a).

¹⁶ See Extension Request at 1-2; NENA Comments at 1-2; USTA Comments at 1.

¹⁷ See Extension Request at 2. See also NENA Comments at 2.

¹⁸ See Extension Request at 2.

commenters' reactions to the anticipated NANC recommendation on the porting interval.¹⁹ Accordingly, we extend the period in which comments may be filed in response to the Further Notice. Comments must now be filed by January 20, 2004, and reply comments by February 4, 2004.

6. IT IS ORDERED that, pursuant to sections 0.91, 0.291, 1.46, 1.415 and 1.419 of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, 1.46, 1.415 and 1.419, interested parties may file comments on or before January 20, 2004, and reply comments on or before February 4, 2004.

FEDERAL COMMUNICATIONS COMMISSION

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¹⁹ See Extension Request at 3; USTA Comments at 1-2; Verizon Comments at 1.