

**STATEMENT OF  
COMMISSIONER MICHAEL J. COPPS**

*Re: Verizon Wireless's Petition for Partial Forbearance from the Commercial Mobile Radio Services Number Portability Obligation and Telephone Number Portability, Memorandum Opinion and Order (WT Docket No. 01-184; CC Docket No. 95-116) (July 16, 2002).*

Today we grant wireless carriers a one year delay of their local number portability responsibilities. I believe that a shorter delay would have sufficed. But faced with the alternative of a longer delay, and because the Order strongly reaffirms the necessity of LNP rules and states that carriers must meet this new schedule absent extraordinary circumstances, I support the Order.

A brief delay of LNP responsibilities is warranted. If for no other reason, a short delay is appropriate to allow carriers and public safety answering points to coordinate so there are no negative effects on 911 emergency response. APCO, NENA, and NASNA suggested that a short period of time would allow such coordination and would ensure that any network changes are accomplished effectively.<sup>1</sup> I find their arguments persuasive.

Many colleagues from State Commissions around the country believe that porting changes are likely less expensive than carriers suggest. They believe that carriers don't need a long delay to accomplish pooling, and that, in fact, porting actually assists the pooling effort. They also believe that delay would not serve the public interest, would undermine competition, would fail to protect consumers, and could result in number exhaustion problems.<sup>2</sup> I am mindful of these arguments, and appreciate the effort our State colleagues have made in participating in our proceeding. In fact, their input has significantly enhanced the quality of our dialogue on local number portability.

I believe that a delay shorter than one year would have provided carriers with ample time to resolve all LNP, pooling, and public safety concerns. However, I support today's Order because it is significantly superior to such options as an even longer delay or, worse, to forbearance that would result from Commission inaction. A failure to reach agreement within one year of the Petition would have resulted, under the Communications Act, in an automatic grant of the request for permanent forbearance of LNP responsibilities.

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<sup>1</sup> See, Letter from James R. Hobson, Counsel for NENA, to Magalie Roman Salas, Secretary, FCC (filed Jan. 30, 2002).

<sup>2</sup> See, generally, NARUC Comments; California Commission Comments; Connecticut Commission Comments; Iowa Commission Comments; Maryland Commission Comments; Michigan Commission Comments; New Hampshire Commission Comments; New York Commission Comments; Ohio Commission Comments; Pennsylvania Commission Comments; State Coordination Group Comments; Texas Commission Comments; Letter from Loretta M. Lynch, President, California PUC, to Michael Powell, Chairman FC (filed Nov. 19, 2001); Letter from James Bradford Ramsey, NARUC, General Counsel, to Michael Powell, Chairman, FCC (filed Nov. 20, 2001).

In addition, I support this Order because it strongly reaffirms the Commission's determination that LNP rules are in the public interest and important for the protection of consumers, for competition, and because market forces without an FCC rule could create a "first mover problem" where no nationwide wireless company would step forward and offer portability unilaterally for fear that other companies would not reciprocate.

Finally, I support this Order because it explains that the Commission reviewed, considered, and found unpersuasive carrier arguments that a permanent waiver, or a waiver of longer than one year, was necessary. The Commission considered arguments that a longer delay was needed to allow time for pooling changes, inter-carrier testing, and to account for delays in the delivery of switch software. We also considered whether a longer delay was necessary because of the potentially large querying volumes associated with porting and pooling, because the delay ends during the busy holiday season, because of the costs of LNP-associated changes, so that carriers could focus on other responsibilities, such as E911 and CALEA, and for reasons raised in the other arguments on the record. The Commission found that none of these arguments justified a delay of longer than one year.

Carriers were granted their first delay of LNP responsibilities in 1998.<sup>3</sup> They received their second delay in 1999.<sup>4</sup> Carriers receive their third delay today. I hope we are resolved that on November 24, 2003, rather than a fourth delay, we will be able to deliver number portability to American consumers.

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<sup>3</sup> *Petition for Extension of Implementation of the Cellular Telecommunications Industry Association*, CC Docket No. 95-116, Memorandum Opinion and Order, 13 FCC Rcd 16315 (1998).

<sup>4</sup> *Petition for Forbearance from Commercial Mobile Radio Services Number Portability Obligations*, WT Docket No. 98-229, Memorandum Opinion and Order, 14 FCC Rcd 3092 (1999).