

**SEPARATE STATEMENT OF  
COMMISSIONER JONATHAN S. ADELSTEIN  
Approving in Part, Concurring in Part**

*Re: IP-Enabled Services; Telephone Number Portability; CTIA Petitions for Declaratory Ruling on Wireline-Wireless Porting Issues; Final Regulatory Flexibility Analysis; Numbering Resources Optimization; Telephone Number Requirements for IP-Enabled Service Providers; Local Number Portability Porting Interval and Validation Requirements; WC Docket No. 04-36, CC Docket Nos. 95-116 and 99-200, WC Docket Nos. 07-243 and 07-244; Report and Order, Declaratory Ruling, Order on Remand, and Notice of Proposed Rulemaking (FCC 07-188), Oct. 31, 2007.*

Through this Order we expand the availability of local number portability, which has provided important benefits to consumers through the ability to take their number with them when they change providers. Congress viewed the ability of consumers to keep their phone numbers to be an important component of the effort to develop local phone competition and consumer choice, and our experiences of the past four years have borne out this prediction.

I'm pleased that this Order extends number portability to interconnected voice over the Internet (VoIP) providers. To their credit, many interconnected VoIP providers have acknowledged the need to offer number portability to their customers. I fully agree with the Order's conclusion that consumers reasonably expect that they will have the ability to take their number with them when they switch to another provider, whether they subscribe to an interconnected VoIP providers or another provider of telecommunications services. So, I support the decision to apply these requirements evenly.

I also appreciate the Order's efforts to address the process for completing requested ports. Given the Order's findings that many ports are delayed due to difficulties with "burdensome porting-related procedures," the Commission should take steps to improve this process, not only for providers but also for consumers. In this respect, I am particularly hopefully that we can work to reduce the porting interval for simple porting requests, so that consumers are left on hold no longer than necessary.

This Order also responds to a 2005 remand from the U.S. Court of Appeals for the District of Columbia Circuit by re-imposing number portability requirements on small carriers. The Commission's prior decision to extend these requirements to small carriers was stayed because the Commission failed to comply with the Regulatory Flexibility Act (RFA). While this Order checks a box by completing the final analysis required by the RFA, we miss an opportunity here to address the some of the critical and expensive underlying issues – such as the transport costs associated with calls to ported numbers – that are exacerbated by our porting requirements.

Four years ago, when these portability requirements were first imposed, I called on the Commission to resolve this critical intercarrier compensation issue as quickly and comprehensively as possible, so I'm disappointed that we've made no more progress since then, and fail to do so here. Although this Commission could do more to recognize and address the

unique needs of small providers, I am pleased that small providers will have the ability to raise these issues before state commissions through the process set out by Congress in Section 251(f)(2) and I will concur to this portion of the Order.