

93-4000-TP-FAD



Attorney General  
Betty D. Montgomery

December 20, 2002

Ms. Marlene Dortch  
Secretary  
Federal Communications Commission  
445 12th Street S.W.  
Washington, D.C. 20554

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PUCO

**RE: Notice of Written Ex Parte Comments - Two Originals filed in the proceeding captioned: *In the Matter of Numbering Resource Optimization, Notice of Proposed Rulemaking*, CC Docket No. 99-200; CC Docket No. 96-98; CC Docket No 96-116**

Dear Secretary Dortch,

The Public Utility Commission of Ohio (PUCO) respectfully urges the FCC to affirm its earlier December 2001 finding that ALL carriers in the top 100 MSA meet the current pooling and porting deadlines, regardless of whether they have received a specific request ("BFR") from another carrier to provide LNP.

This letter is being provided to each FCC Commissioner's office. The purpose of this letter is to express PUCO's concerns regarding the FCC's March 14, 2002 Reconsideration of its findings concerning local number portability (LNP) for carriers in the 100 largest Metropolitan Statistical Areas (MSAs). The PUCO urges the FCC to require all carriers within the largest 100 MSAs to implement portability regardless of whether they have received a request for LNP from another carrier. Some small local exchange carriers (LECs) serving less than 15,000 access lines, have cost concerns that may create a need for a waiver of the LNP rule. The PUCO recommends that state commissions exercise their discretion to determine whether a small incumbent LEC within the largest 100 MSAs should be LNP-capable.

In the FCC's 1996 First Report and Order on Local Number Portability, the FCC ordered LNP in the top 100 MSAs. Subsequently, on Reconsideration in 1997, the FCC clarified that no carrier would have to implement LNP absent a request from a competing carrier to do so. In December 2001, the FCC's Order removed the request requirement and thereby ordered carriers to implement LNP regardless of whether they had received a request. In a March 13, 2002 Notice, the FCC reversed its clarification

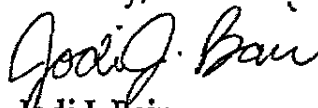
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that the LNP requirements extended to all carriers within the largest 100 MSAs, regardless of whether they have received a specific request from another carrier to provide LNP. The FCC then requested comment on this topic. The Ohio Commission filed comments in this docket in May 2002.

Because the FCC has yet to issue an order clarifying its position, the PUCO, consistent with its previously filed comments reiterates the importance of requiring all carriers<sup>1</sup> within the top 100 MSAs to unconditionally implement LNP. If the request requirement remains, the wireless carriers will have yet another loophole to use in avoiding LNP. Consumers want to seamlessly transfer service between providers without changing phone numbers each time. The lack of LNP is a deterrent to competition because consumers are hesitant to switch providers. With an LNP requirement, end users can take advantage of competitive rates without the burden of changing their telephone numbers. In addition to LNP's importance as a competitive measure, it utilizes the same technology upon which number pooling is based. Number pooling is vital to number conservation because it allows blocks of numbers to be assigned in 1000 rather than 10,000 number increments. Because LNP serves two important goals, number conservation and competition, participation by all local exchange carriers and wireless carriers in the largest 100 MSAs serves an important policy goal.

The PUCO recommends that the FCC establish rules that mandate implementation of LNP, regardless of whether a request has been made, for all carriers in the largest 100 MSAs.

Sincerely,



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<sup>1</sup> As noted above, the PUCO recognizes that small LECs in these large MSAs may not be required to implement LNP due to cost considerations.