

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

In the Matter of)	
)	
Wireline Competition Bureau Seeks Comment)	CC Docket Nos. 95-116
On Liberty Mobile Puerto Rico, Inc. And)	CC Docket No. 99-200
Liberty Mobile USVI, Inc. Petition For)	WC Docket No. 22-68
Declaratory Ruling Or Waiver)	

**COMMENTS
OF
NTCA–THE RURAL BROADBAND ASSOCIATION**

NTCA–The Rural Broadband Association (“NTCA”)¹ hereby submits these comments in response to the Public Notice² issued by the Federal Communications Commission’s (“Commission”) Wireline Competition Bureau in the above-captioned proceedings. The Public Notice seeks comment on a Petition filed by Liberty Mobile seeking a Declaratory Ruling, or in the alternative, waiver, of certain Commission rules (“*Liberty Mobile Petition*” or “*Petition*”).³ The *Liberty Mobile Petition* seeks: (1) a Commission ruling that AT&T Mobility must port out several thousand telephone numbers to customers acquired by the petitioner via a transaction with AT&T and (2) an agency directive that the local number portability administrator must take the necessary steps to effectuate the porting of these telephone numbers.

¹ NTCA represents approximately 850 independent, community-based companies and cooperatives that provide advanced communications services in rural America and more than 400 other firms that support or are themselves engaged in the provision of such services.

² *Wireline Competition Bureau Seeks Comment On Liberty Mobile Puerto Rico, Inc. And Liberty Mobile USVI, Inc. Petition For Declaratory Ruling Or Waiver*, CC Docket Nos. 95-116, CC Docket No. 99-200 WC Docket No. 22-68, Public Notice, DA 22-183 (Mar. 24, 2022).

³ Petition of Liberty Mobile Puerto Rico, Inc. and Liberty Mobile USVI, Inc. for Declaratory Ruling or Waiver, CC Docket Nos. 95-116, 99-200 (filed Feb. 3, 2022) (“*Liberty Mobile Petition*” or “*Petition*”).

The Commission should decline to grant the requests as made in the *Liberty Mobile Petition*. As discussed further below, the *Liberty Mobile Petition* seeks relief that has industry-wide implications that have already been the subject of many rounds of consideration and discussion by expert bodies. Indeed, what Liberty Mobile seeks is not *local* number portability (thus undermining any claim that the Commission’s local number portability rules require the result Liberty Mobile seeks⁴) but rather *nationwide* number portability (“NNP”). Thus, despite Petitioner’s claims to the contrary, the porting of these numbers *is not required* by the Commission’s rules, but would, rather, open the floodgates for nationwide number portability as a general matter while running directly counter to the agency *repeatedly* declining to date to adopt rules or otherwise take action to mandate carrier implementation of NNP given the issues presented in doing so. More specifically, after one rulemaking proceeding⁵ and *four* North American Numbering Council (“NANC”) working group reports identifying the many technical, logistical, rating/routing, billing, switch upgrade and other financial issues that must be addressed prior to implementing NNP on a mandatory basis,⁶ the agency has thus far declined to

⁴ *Id.*, p. 4 (claiming that the Commission’s rules “require” it to issue the relief they seek).

⁵ *Nationwide Number Portability*, WC Docket No. 17-244, *Numbering Policies for Modern Communications*, WC Docket No. 13-97, Notice of Proposed Rulemaking and Notice of Inquiry, FCC 17-133 (rel. Oct. 26, 2017) (“*2017 NNP NPRM*”).

⁶ Report on Nationwide Number Portability by the North American Numbering Council, (May 2016), https://apps.fcc.gov/edocs_public/attachmatch/DOC-339428A1.pdf; North American Numbering Council, Nationwide Number Portability Issues Working Group, Report on Findings Related to ATIS Models on Nationwide Number Portability (June 2018), <https://www.fcc.gov/about-fcc/advisory-committees/north-american-numbering-council/general/nanc-correspondence>; North American Numbering Council, Nationwide Number Portability Issues Working Group, Additional Findings Report on Nationwide Number Portability (May 2019) (“*2019 NNP WG Report*”), <https://www.fcc.gov/about-fcc/advisory-committees/north-american-numbering-council/general/nanc-correspondence>; North American Numbering Council, Nationwide Number Portability Working Group, Report on Nationwide Number Portability (July 2020), <https://www.fcc.gov/about-fcc/advisory-committees/north-american-numbering-council/general/nanc-correspondence>.

take such a step. In doing so, the Commission left in place “commercial agreements” that Liberty Mobile can, *today*, avail itself of, thereby expeditiously obtaining the relief it seeks via the *Petition*.

Because adopting the *Petition* would have technical and financial implications beyond the two operators involved, and because Liberty Mobile does not need Commission action to effectuate the result it desires, the agency should reject the *Petition*. Tackling issues of significance that will have widespread impact across the industry in the context of a single waiver request would represent neither sound public policy or good process, implicating many of the same issues highlighted in the NANC reports to date without the kind of thorough consideration that drove referral of such questions to that body of experts in the first instance.

Stepping back, it is important to highlight the full implications of the relief requested by Liberty Mobile here and the “spillover effects” that granting the *Petition* would have on the industry as a whole. As the *Petition* indicates, the telephone numbers at issue have “NPA-NXXs that do not correspond to landline rate centers within Puerto Rico and the [US Virgin Islands (“USVI”)]”⁷ – and these numbers would be ported out to customers residing in Puerto Rico and the USVI. Even as Liberty Mobile seems not to have considered (or perhaps specifically does not want to tackle) the routing responsibility for calls to and from the numbers at issue – and particularly how the costs of implementing NNP on this “one-off” basis would likely be borne by third parties not benefitting from offering such a service to their customers – the Commission should.

⁷ *Liberty Mobile Petition*, p. 2.

To illustrate the cost-shifting concern, the Commission should consider a call placed from a Montana-based consumer with a Montana NPA-NXX served by a carrier operating in Montana to another customer residing in Puerto Rico who has a telephone number sharing the same Montana NPA-NXX but ported to Liberty Mobile. Beyond the resolution of the more complicated routing and other technical issues discussed below (and these certainly are not minimal in the least), this porting activity has financial implications for third parties that have no relation otherwise to Liberty Mobile or its customer. In short, were the Petition granted, the originating provider in Montana would be required to transport calls to the Liberty Mobile subscriber in Puerto Rico with no apparent obligation on the part of Liberty Mobile beyond awaiting arrival of the call on the island as transported and delivered by the Montana carrier. In other words, *the costs of granting the relief requested by Liberty Mobile would almost certainly fall upon any providers exchanging calls with these ported numbers.* It is also possible that the subscribers of other operators suddenly might find themselves facing toll charges for calls that appear “local” but are being transported hundreds or thousands of miles away; in this case, the customers will be confused as to why such calls are now treated as long distance given the call appeared to be to a local number on its face.

These cost and potential consumer confusion issues only scratch the surface of the broader complexity inherent in Liberty Mobile’s request. As is abundantly clear from the four NANC working group reports (*see FN 6 infra*), implementation of NNP involves a number of technical, logistical, and financial hurdles. In 2016, NTCA submitted a series of “call flow scenarios” depicting the relatively simple fact patterns that would arise in the case of calls placed between the “porting-in” carrier’s new customer and a small rural operator should NNP be

implemented.⁸ As that exercise demonstrated, these narrow fact patterns alone engendered numerous questions regarding rating and routing of voice calls between carrier networks. In addition to highlighting the confusion of customers associated with potential new rating patterns for those calls as they are routed to long distance providers for transport to distant locations, these scenarios also highlighted the sizeable risk that smaller rural and regional operators neither involved at all in NNP implementation nor benefitting from customers seeking to port such numbers would likely be left with the bulk of the costs of transporting calls to such distant locations. In addition, the *2019 NNP WG Report* that reviewed two proposed solutions for NNP, both of which had already been the subject of various industry standards discussions,⁹ found that each would implicate numerous costs and other changes to routing and rating practices, as well as for billing and settlements, for originating, transiting, and terminating providers alike.¹⁰ Indeed, as NTCA has noted, any NNP implementation (which is precisely what Liberty Mobile is seeking, even if only for its own benefit) will require among other things “(1) switch upgrades by carriers of all sizes, (2) changes to carriers’ call routing practices in use today, (3) changes to tariffs, (4) changes to toll-free database processing, (5) changes to subscriber billing, and (6) changes to caller ID practices.”¹¹

⁸ NTCA *ex parte* letter to Chairman Kane, Betty Ann Kane, Chairman Public Service Commission of the District of Columbia, WC Docket No. 13-97, WC Docket No. 07-149, WC Docket No. 09-109, CC Docket No. 95- 116, GN Docket No. 13-5 (fil. Mar. 16, 2016), Appendix, available at: <https://ecfsapi.fcc.gov/file/60001535666.pdf>

⁹ Alliance for Telecomm. Indus. Sols., *ATIS Standard – ATIS-1000071, Technical Report on a Nationwide Number Portability Study, Technical Report* (2016).

¹⁰ *2019 NNP WG Report*, pp. 9-11.

¹¹ Comments of NTCA–The Rural Broadband Association WC Docket Nos. 17-244, 13-97 December 27, 2017, (“*NTCA 2017 NNP Comments*”), p. 7.

Most importantly, the failure to care for any of the routing responsibilities that underlie porting of telephone numbers on a nationwide basis as Liberty Mobile requests could result in misrouted/dropped calls, which would frustrate consumers and potentially prevent calls to public safety from reaching their intended destination. In short, far from being a “narrow” waiver as Liberty Mobile asserts,¹² the porting of numbers as sought in the *Petition* would raise a number of issues the Petitioner seems to have failed to consider but that the Commission and providers of all sizes across the country would need to resolve. It is also unclear why, if Liberty Mobile is granted such a waiver, this would not open the door for industry-wide implementation of NNP despite the lack of any more comprehensive decisions in a rulemaking to work through the implications of doing so as flagged by the NANC reports.

Fortunately, Liberty Mobile is not without a path forward to address the needs of the customers it seeks to serve – there is nothing whatsoever preventing Liberty Mobile from serving these customers with the numbers ported in a manner that is seamless for the customers in question. Liberty Mobile simply needs to do so via *local* number portability rather than rehomeing the numbers to locations far-flung from where they are assigned. Indeed, as NTCA¹³ and others have noted,¹⁴ Liberty Mobile can use commercial agreements with third party providers with whom it contracts and pays to ensure that calls will be transported for its customers to and from their “home” rate centers. Commercial agreements are an option

¹² *Liberty Mobile Petition*, p. 10.

¹³ *NTCA 2017 NNP Comments*, pp. 8-9.

¹⁴ Comments of Verizon, WC Docket Nos. 17-244, 13-97 (fil. Dec. 27, 2017), pp. 6-11; Comments of CenturyLink, WC Docket Nos. 17-244, 13-97 (fil. Dec. 27, 2017), pp. 9-10; Comments of US Telecom, WC Docket Nos. 17-244, 13-97 (fil. Dec. 27, 2017), p. 6.

available and already in use today for enabling portability of just the kind of capability that Liberty Mobile wants without the need for substantial regulatory intervention, significant consumer confusion/assumption of toll charges, or misrouted/dropped calls. As Verizon stated in response to the *2017 NNP NPRM*, “providers can, for example, use third party entities (such as CLECs with a nationwide presence) to route interLATA calls to ported numbers under existing technical standards using the existing LRN method.”¹⁵ Pursuant to this approach, existing routing practices and databases can be used without change, and the use of commercial agreements rightly places the logistical and financial responsibility for implementing NNP functionality on the carrier interested in marketing and offering that service.

Put another way, commercial agreements would enable Liberty Mobile to accomplish what the *Petition* asks without any need to foist costs on operators that have no relationship with the two operators at issue here or in a manner likely to engender customer confusion, misrouted calls, and potential carrier disputes over transport. For the foregoing reasons, the *Liberty Mobile Petition* should be denied, and Liberty Mobile should be directed to take whatever steps it needs on its own network, or in collaboration with network partners that it hires, to ensure the proper rating and routing of these calls without implicating other operators or broader questions related to nationwide number portability. This is entirely within Liberty Mobile’s power to achieve, and thus no waiver is warranted or justified.

¹⁵ Verizon, p. 9.



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