



CHAIRMAN

Federal Communications Commission

Washington, D.C.

June 1, 2004

The Honorable Stan Wise
President, National Association of Regulatory Utility Commissioners;
Commissioner, Georgia Public Service Commission
Washington Street, S.W.
Atlanta, GA 30334

Mr. President Wise

I am writing you, as the president of the National Association of Regulatory Utility Commissioners and representative of NARUC's member utilities, in connection with requests that small local exchange carriers (LECs) have made to various state commissions for waivers of intermodal number porting obligations.

As you know, the FCC concluded in its *Local Porting Order* (FCC Proceeding (CC Dkt. No. 95-116) that, by November 24, 2003, LECs generally had to port numbers to wireless carriers where the requesting wireless carrier's coverage area overlaps the rate center with which the customer's wireline number is associated. Wireline carriers that operate in areas outside the 100 largest Metropolitan Statistical Area had to provide such number porting no later than May 24, 2004. The FCC granted certain LECs serving fewer than 10 percent of the nation's subscriber lines a limited extension of the November 24, 2003 deadline until May 24, 2004.

The Commission has emphasized on many occasions the important competitive and consumer benefits of number portability. The Chief of the FCC's Consumer & Governmental Affairs bureau noted the benefits of wireline-to-wireless porting in his May 6, 2004, letter to you. The Small Business Administration's Office of Advocacy, however, has raised concerns about the possible economic burden that intermodal number porting may place on LECs that are small businesses, particularly those in rural areas. Those concerns may warrant flexibility in evaluating pending waiver requests by small LECs under Section 251(f)(2). Accordingly, and notwithstanding Chief Spiden's letter, I urge state commissions to consider the burdens on small businesses in addressing those waiver requests and to grant the requested relief if the state commissions deem it appropriate. I also request that you share with NARUC's membership this letter urging state commissioners to closely consider the concerns raised by LECs petitioning for waivers.

I further urge state commissions, in the course of their deliberations on the pending waiver requests, to encourage parties to **develop and** submit data relating to the benefits of wireline-to-wireless number portability and the costs of complying with those

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obligations, including upgrades costs to the network **and rowing costs for calls forwarded to carriers**. Finally, **I encourage parties** to submit **such information to the FCC** for inclusion in our ongoing proceeding in CC Docket No. 95-116 regarding intermodal **porting intervals**.

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ike to discuss these issues further.

Sincerely,

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Michael K. Powell

Commissioner Robert Nelson, Chair, NARUC Telecommunications Committee
Commissioner Carl Wood, Chair, NARUC Consumer Affairs Committee
William Matter, Chief, Wireline Competition Bureau
John Muleta, Chief, Wireless Telecommunications Bureau
10 Dane Snowden, Chief, *Consumer & Governmental* Affairs Bureau