

February 27, 2006

Ms. Diane Rhéaume
Secretary General
Canadian Radio-television and
Telecommunications Commission
Ottawa, ON
K1A 0N2

Dear Ms. Rhéaume:

RE: Telecom Public Notice CRTC 2006-3 – Regulatory issues related to the implementation of wireless number portability

1. The Canadian Wireless Telecommunications Association (the “CWTA”) is pleased to respond to Telecom Public Notice CRTC 2006-3 *Regulatory issues related to the implementation of wireless number portability* (the “Notice”).
2. CWTA is the authority on wireless issues, developments and trends in Canada. It represents cellular, PCS, messaging, mobile radio, fixed wireless and mobile satellite carriers as well as companies that develop and produce products and services for the industry.
3. CWTA is encouraged by the Commission’s timely release of the Notice. As noted in the first quarterly report on the status of the WNP implementation, until a Decision is rendered in this proceeding, certain key business requirements affecting critical project milestones remain unknown to the project planners.
4. As the Commission is aware, the Canadian wireless industry has been working towards the implementation of WNP since the tabling of the PwC report on September 12, 2005 and has devoted significant time and resources to the task. Given that WNP will have a significant impact on consumers, the industry and the Commission together must be mindful of our mutual goal of ensuring quick and seamless customer porting experiences. Canada’s wireless carriers are committed to a successful launch of WNP with a positive customer experience. The industry is doing everything reasonable within its power to move forward efficiently with this project.
5. CWTA notes that despite the high level of co-operation that led to the development of the original WNP implementation plan, and the work currently underway, there remain a few issues for which the wireless industry has not reached consensus. As a result, CWTA will limit its responses to those areas of the Notice where its members share a common position.

C. Shared CO Codes where the carrier of record is an ILEC

6. There are a number of telephone numbers (“TNs”) used by the facilities based wireless carriers that were not acquired in the typical 10,000 block CO Code. Many of these TNs (referred to as Shared CO Codes in the Notice) have been acquired under Commission approved ILEC tariffs while others have been acquired through leasing agreements established between the wireless carriers. There are an estimated 5 million leased TNs within shared CO Codes.
7. These Shared CO Codes are all associated with the carrier of record, i.e. the carrier who is leasing out the TNs, or the “lessor” and they are being used for the end users of the wireless carrier who is leasing the TNs, the “lessee”.
8. Shared CO Codes, or more specifically the leased TNs, will create an issue in a wireless number portability (WNP) environment when an end user of the lessee decides to port their phone number to another carrier. When a number is ported from one carrier to another, the porting systems will check the Service Provider ID (SPID) for the TN and send the port request to that carrier. In the case of the leased numbers, the SPID will be the carrier of record and not the lessee, the carrier currently providing service for that TN. As a result, the port request will fail because the carrier of record will have no information to validate the port request. If processes are established to route the porting request to the current service provider (i.e. the lessee) the request could be confirmed by the current service provider, but the porting transaction will be rejected by the NPAC because the “old” service provider (OSP) identification on the porting record will not match the carrier of record (i.e. the lessor) identification on the portability databases.
9. Developing a solution to the shared CO Code problem is complicated by the fact that it is not viable to change the carrier of record associated with these blocks of numbers, as Canadian number administration processes assign number resources at only the CO Code level. Moving to a more granular approach to number administration would certainly jeopardize the March 2007 wireless number portability deadline established by the Commission. This alternative would also be very costly and not justifiable simply to implement wireless number portability in light of the less costly solutions available.
10. The CWTA WNP Implementation Task Force has determined that the preferred solution to handle the issue of the leased TNs is to associate the lessee’s SPID with the leased numbers for those areas where wireless number portability must be implemented to meet the requirements of Telecom Decision 2005-72 by bulk porting the leased numbers from the lessors to the lessees by the time WNP becomes available to the public.
11. In order to complete the bulk porting exercise, the impacted carriers will need to work with the Number Portability Administration Centre (NPAC) through the Canadian Local Number Portability Consortium (CLNPC). The carriers will require the CLNPC to establish the process, schedule the job and settle bulk port pricing with the NPAC. The costing of this alternative still has to be determined.
12. An additional porting process for leased TNs that may not have been ported under the mass porting process for technical or operational reasons (e.g. in areas where WNP is not available on 14 March 2007) will need to be incorporated into the Canadian Wireless Number Portability Guide (CWNPNG), currently being developed by the CWTA WNP Implementation Task Force. In addition to the above comments individual CWTA members will be elaborating on some additional bulk porting issues.

D. Wireless services subject to number porting

13. One of the key assumptions of the PwC Report addressed the question of which wireless services would be subject to porting. It stated: **“WNP will apply to wireless services characterized by two-way voice service associated with a 10-digit telephone number.”**
14. In this context CWTA would remind the Commission that wireless services are not themselves portable but the telephone numbers associated with them are. Dialable 10 digit telephone numbers used to provide two-way real-time voice communication services will be portable. This means that WNP will be supported for the standard service offerings of the wireless carriers (sometimes referred to as “cellular”, Personal Communication Services (“PCS”) or Enhanced Specialized Mobile Radio (“ESMR”)), that operate using analog AMPS; second generation (2G) digital technologies (e.g. TDMA, CDMA, GSM and iDEN); 2.5G and 3G technologies (e.g. GPRS, UMTS and EVDO); and ... ESMR - dialable two way services such as the iDEN technology (offered by TELUS Mobility).
15. There are some enhanced, non-dialable services that are associated with dialable services which may not be available from the new service provider; these include, for example, such services as push-to-talk, SMS, and MMS. These services utilize a telephone number for addressing, but should be considered outside the scope of number porting because they are not dialable. Telephone numbers associated with both post-paid and pre-paid services that meet the above definition of eligible services will be portable. While a number associated with an AMPS service will be portable, because Canada’s wireless carriers are phasing out this technology a customer may not be able to obtain this service from another carrier.
16. CWTA supports the PwC assumption and the explanation outlined above and recommends the Commission adopt it for the WNP implementation.

E. Criteria for denying a wireless porting request

17. Consistent with the treatment of wireline customers, as documented in the Canadian Local Ordering Guidelines (CLOG) , WSPs should be able to deny a port request based on the following:
 - The number is not working due to a company-initiated suspension
 - The number is not working due to a company or customer initiated termination

However, these should not be the only criteria

18. One of the key features of Canada’s wireless industry is its highly competitive nature and that it is forborne from rate regulation. Forbearance was granted because the Commission determined that the level of competition is sufficient to protect the interests of users. As a result of the pricing flexibility available to wireless carriers, they have been able to develop a wide variety of services and pricing plans to meet the needs of consumers.
19. One common practice among wireless carriers is to reduce the initial purchase price of terminal equipment and recover the associated costs over the life of the contract. This has benefited customers by enabling them to reduce up-front costs. Such arrangements have also benefited customers by making leading edge equipment and technology more widely accessible to a wider range of consumers at an earlier stage than would otherwise have been the case. This in turn stimulates innovation in the wireless equipment and services marketplace. Price reductions for terminal equipment and services are typically tied to the extent of the commitment made by the customer and, in particular, to the contract term. Greater discounts are provided for longer time

commitments. In order to ensure the recovery of initial investments in handset subsidies or other inducements, WSPs typically include in customer contracts provisions such as minimum contract term(s), early termination charges, or deposit requirements. Long term contracts have become a significant part of the competitive marketplace for wireless terminal equipment and services.

20. Where contracts specify termination fees, these should be paid prior to a port being completed. This will help prevent instances of customers who simply wish to abandon contracts with no intention of paying for obligations incurred. Similarly, in situations where outstanding balances are owed to a wireless service provider, these amounts should also be paid prior to the completion of a port request to another service provider. If wireless carriers are not permitted to ensure that termination fees and outstanding balances are paid prior to the customer migrating to another service provider, customer commitments will become extremely difficult and costly to enforce, thus creating an incentive for customer deception or fraud, to the ultimate detriment of all customers and service providers.
21. In light of the foregoing, CWTA submits that a wireless carrier should also be permitted to deny or delay a request to port a number for the following reasons:
 - The account associated with the number is subject to an outstanding early-termination charge and no arrangement for the payment of such charge has been negotiated between the service provider and the departing customer.
 - The account associated with the number is subject to an outstanding balance for which no payment arrangements have been negotiated between the service provider and the departing customer

H. Directory listing information for numbers ported between wireless carriers and LECs

22. As outlined in the Notice, telephone numbers associated with WSP services are subject to different treatment than LEC numbers in terms of directory listings. LEC telephone numbers are automatically published in ILEC telephone directories. WSP numbers, on the other hand, are excluded from the directory listings unless the subscriber specifically requests publication.
23. In CWTA's view, there is no compelling reason to change the current rules as they apply to WSP numbers or LEC numbers. In cases of intermodal porting, CWTA believes that the rules applying to the receiving service provider should apply. For example, when a customer ports a LEC number to a WSP service, the WSP directory listing rules would apply and the listing would be removed from the applicable Directory database as is the case when a customer terminates a wireline service.

I. E9-1-1 customer information for numbers ported between wireless carriers and LECs

24. Like directory listings, WSPs and LECs are subject to different rules related to the provision of 9-1-1 services. Again, CWTA is of the view that there is no compelling reason to change the current 9-1-1 rules as they apply to WSPs or LECs.
25. In cases of intermodal porting, CWTA believes that the rules applying to the receiving service provider should apply. When a customer ports a LEC number to a WSP service, the customer's information should be removed from the ALI database. This would be consistent with the Commission's determinations in Telecom Decision CRTc 2003-53:

The Commission recognizes the reported difficulties associated with inputting wireless subscriber records into the ALI database. The Commission also notes

that there have been improvements in the geographical availability of wireless E9-1-1 network access services and options for more accurate location-based wireless emergency services. In light of these developments, the Commission is of the view that it would be more effective and cost-efficient for all parties to focus on improvements to the wireless emergency services and underlying network access services. Given these circumstances, the Commission finds that it would not be appropriate to continue to require wireless CLECs to enter subscriber records in ALI databases. The Commission concludes that wireless carriers, therefore, no longer have the option to operate as wireless CLECs by including subscriber records in ALI databases.¹

26. In CWTA's view, it would not be appropriate to require WSPs to populate the ALI database where it would not be required of wireless CLECs, simply as a result of a number port.

J. Other regulatory issues related to the implementation of WNP

27. In the first quarterly report on the status of the WNP implementation, CWTA highlighted the regulatory issues that the industry believed required Commission action. CWTA believes that generally, the Notice addresses each of the areas identified. There is one significant item CWTA believes the Commission should take into account.

28. One area of concern is the fact that not all wireless carriers are participating in implementation activities. Accommodating the needs of any new carriers late in the program could pose a risk to testing and general readiness timelines. Moreover, the late arrival of additional carriers will lead to customer confusion if these carriers are not ready for launch – indeed, they should be ready in time for inter-carrier testing. The test plans that are currently under development only contemplate testing amongst the carriers that have already identified themselves.

Conclusion

29. The wireless carriers are committed to a successful implementation of WNP and ensuring there is a positive customer experience from the outset. The industry is doing everything reasonable within its power to move forward efficiently with this project.

30. Given the significant impact WNP will have on consumers, the industry and the Commission must be mindful of our mutual goal of ensuring quick and seamless customer porting experiences. In that regard, CWTA urges to Commission to continue to act expeditiously to resolve the outstanding regulatory issues affecting WNP.

Sincerely,

Filed electronically

J. David Farnes
Vice President,
Industry and Regulatory Affairs

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¹ Telecom Decision CRTC 2003-531, paragraph 85