

**SEPARATE STATEMENT OF
COMMISSIONER MICHAEL J. COPPS,
APPROVING IN PART, DISSENTING IN PART**

Re: Telephone Number Portability

I dissent from the part of this Order that authorizes a new monthly number portability charge on certain customers' bills for a service those customers are not even able to obtain. In the Telecommunications Act of 1996, Congress recognized that the inability of customers to retain their telephone number when they switch service providers would impede the development of competition. Congress therefore imposed a number portability obligation on local exchange carriers.

To implement this directive of the 1996 Act, the Commission in previous orders required carriers that received a request from another carrier to upgrade their networks to provide number portability. For those carriers that receive such a request, the Commission allowed, but did not require, carriers to recover from their customers the costs of upgrading their networks. Importantly, however, the Commission prohibited carriers from charging customers until local number portability was actually available to those customers. As a result, carriers could only assess a monthly charge on customers that receive the direct benefits of number portability. Moreover, the Commission determined that carriers could only assess the charge for five years, and that any ongoing costs would have to be recovered from other existing mechanisms.

In today's Order, the Commission foregoes that approach, and allows carriers that have not upgraded their networks to assess a monthly charge for ongoing costs. Customers of these carriers may therefore have to pay a monthly fee, but will not be able to retain their phone number if they switch providers. Even more of a problem, this fee will have a disproportionate impact on consumers served by smaller, more rural carriers, and could result in charges estimated as high as \$1.00 per month for some customers.

Certainly carriers are entitled to recover the legitimate costs of implementing number portability. But customers should be receiving the real and direct benefits of number portability before they are forced to pay a monthly fee. I do not believe that today's Order appropriately balances these concerns. I would have followed the previous Commission's decision and not allowed carriers to impose a new line-item until their customers receive the benefits of the service. Indeed, just last month, this Commission determined that the costs of implementing number conservation measures should be recovered from other existing mechanisms, and not from a new line-item on customers' bills. I see no reason to adopt a different approach here. Consumers should be rightly dissatisfied when they are asked to pay for services that are not available to them.