

FCC Regulatory Flexibility Analysis for Number Portability Is Not Sufficient to Satisfy RFA

On August 16, 2005, the Office of Advocacy (Advocacy) filed a comment with the Federal Communications Commission (FCC) in response to the FCC's initial regulatory flexibility analysis (IRFA) of an order which requires small rural telecommunications carriers to provide wireline-to-wireless telephone number portability. The FCC issued the IRFA in response to a court order which held that the FCC had not complied with the Regulatory Flexibility Act (RFA) and directed the agency to conduct the analysis. A complete copy of Advocacy's letter may be accessed at <http://www.sba.gov/advo/laws/comments/>.

- Porting is the transfer of a telephone number from one carrier to another at a customer's request. Wireline-to-wireless porting is the transfer of a number from a wireline carrier to a wireless carrier.
- The Regulatory Flexibility Act and Executive Order 13272 require government agencies to analyze the impact of proposed and final rules on small entities and to consider less burdensome alternatives.
- In its comment, Advocacy said that the IRFA does not adequately satisfy the requirements of the RFA, as the FCC did not provide estimates on the costs, projected recordkeeping, or the professional skills necessary to implement wireline-to-wireless number portability.
- Advocacy spoke with representatives of small telecommunications carriers and their trade associations and reviewed the comments by small businesses submitted during the course of the rulemaking. In its comment, Advocacy discussed the regulatory impacts on small rural wireline carriers and presented significant alternatives based on its outreach. Advocacy offered the following alternatives for FCC's consideration: require physical interconnection for wireline-to-wireless number portability, waive the enforcement of wireline-to-wireless number portability, and exempt small rural wireline carriers from the portability requirement. This is not intended to be an exhaustive list and additional impacts and alternatives may become apparent when the FCC conducts its own analysis.
- Advocacy urged the FCC to consider the regulatory impact on small rural carriers and recommended that the FCC issue a supplemental IRFA with a more thorough analysis of the impacts and significant alternatives.

For more information, visit Advocacy's website at <http://www.sba.gov/advo/> or contact Eric Menge at (202) 205-6533.