

111TH CONGRESS
1ST SESSION

H. R. 2357

To amend the Communications Act of 1934 to facilitate number portability
in order to increase consumer choice of voice service provider.

IN THE HOUSE OF REPRESENTATIVES

MAY 12, 2009

Mrs. BONO MACK introduced the following bill; which was referred to the
Committee on Energy and Commerce

A BILL

To amend the Communications Act of 1934 to facilitate
number portability in order to increase consumer choice
of voice service provider.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Same Number Act of
5 2009”.

6 **SEC. 2. VOICE SERVICE NUMBER PORTABILITY.**

7 (a) IN GENERAL.—Title VII of the Communications
8 Act of 1934 (47 U.S.C. 601 et seq.) is amended by insert-
9 ing after section 714 the following:

1 **“SEC. 715. NUMBER PORTABILITY.**

2 “(a) IN GENERAL.—A provider of voice services has
3 the duty to provide, to the extent technically feasible, num-
4 ber portability in accordance with requirements prescribed
5 by the Commission.

6 “(b) STANDARDS.—

7 “(1) IN GENERAL.—Within 60 days after the
8 date of enactment of the Same Number Act of 2009,
9 to facilitate consumer choice among voice service
10 providers the Commission shall adopt a report and
11 order in the rulemaking proceeding considering an
12 intermodal porting interval (WT Docket 07–243, et
13 al. (released November 7, 2007)) to establish num-
14 ber portability performance standards for voice serv-
15 ice providers that—

16 “(A) adopts a porting interval for wireline-
17 to-wireline and intermodal simple port requests
18 that is no greater than the tentative conclusion
19 regarding such interval proposed by the Com-
20 mission in such proceeding;

21 “(B) prohibit the porting-out provider
22 from deactivating and removing a number from
23 its switch for at least 48 hours after the sched-
24 uled port request is completed; and

25 “(C) encourage the reasonable automation
26 of the porting process.

1 “(2) STREAMLINED PORTING PROCESS.—

2 “(A) DEVELOPMENT OF REQUIRE-
3 MENTS.—Not later than 45 days after such
4 date of enactment, the Commission shall direct
5 the North American Numbering Council to de-
6 velop a streamlined and standardized number
7 porting process and report back to the Commis-
8 sion within 180 days after the Council receives
9 such direction. Such process shall—

10 “(i) include the establishment of a
11 uniform set of provisioning fields that is
12 the minimum number of fields necessary to
13 accomplish a port; and

14 “(ii) prohibit a porting-out voice serv-
15 ice provider from imposing additional pro-
16 visioning fields on the porting-in voice
17 service provider.

18 “(B) ADOPTION BY COMMISSION.—Not
19 later than 45 days after the Commission re-
20 ceives the report required by subparagraph (A),
21 the Commission shall codify the number porting
22 process developed by the North American Num-
23 bering Council as a requirement in its rules.
24 The Commission may thereafter prescribe such
25 modifications to such number porting process

1 as the Commission determines, after providing
2 notice and opportunity for public comment, nec-
3 essary to streamline porting.

4 “(3) FLEXIBILITY.—In adopting performance
5 standards under paragraph (1), the Commission
6 may—

7 “(A) take into account differences between
8 simple and complex ports; and

9 “(B) grant a waiver of such standards for
10 any provider or class of providers that can show
11 that such standards would result in unreason-
12 able compliance costs for that provider or class,
13 except that any such waiver shall be of limited
14 duration.

15 “(4) PUBLIC ACCESS TO TIMEFRAMES.—The
16 Commission shall make available to the public on its
17 Internet website any standard timeframes estab-
18 lished by the Commission under paragraph (1).

19 “(c) PORTING REPORTING.—

20 “(1) COMMISSION.—Beginning 1 year after the
21 date on which the Commission issues the final rule
22 under subsection (b), the Commission shall submit a
23 report each year to the Senate Committee on Com-
24 merce, Science, and Transportation and the House
25 of Representatives Committee on Energy and Com-

merce on the effectiveness and efficiency of the number portability performance standards for voice service providers established under this section.

“(2) SUNSET.—The requirements of this subsection shall cease to apply 60 months after the date on which the Commission issues such final rule.

“(d) NUMBERING ADMINISTRATION.—

“(1) COMMISSION AUTHORITY AND JURISDICTION.—The Commission shall designate 1 or more impartial entities to administer telecommunications and voice service numbering and to ensure that numbers are available on an equitable basis. The Commission has exclusive jurisdiction of those portions of the North American Numbering Plan that pertain to the United States. Nothing in this subsection precludes the Commission from delegating to State Commission or other entities all or a portion of such jurisdiction.

“(2) COSTS.—The costs of establishing numbering administration arrangements and number portability shall be borne by all voice service providers on a competitively neutral basis, as determined by the Commission.

“(3) UNIVERSAL EMERGENCY TELEPHONE NUMBER.—The Commission and any agency or enti-

1 ty to which the Commission has delegated authority
2 under this subsection shall designate 9–1–1 as the
3 universal emergency telephone number within the
4 United States for reporting an emergency to appro-
5 priate authorities and requesting assistance. The
6 designation shall apply to both wireline and wireless
7 telephone service.

8 “(e) VOICE SERVICE DEFINED.—In this section, the
9 term ‘voice service’ means—

10 “(1) a telecommunications service; or

11 “(2) any service that is not a telecommuni-
12 cations service, but that otherwise is an IP-enabled
13 voice service as defined in section 9.3 of the Com-
14 mission’s regulations (47 CFR 9.3), as those regula-
15 tions may be amended by the Commission from time
16 to time.”.

17 (b) CONFORMING AMENDMENTS.—Section 251 of the
18 Communications Act of 1934 (47 U.S.C. 251) is amend-
19 ed—

20 (1) by striking subsection (b)(2) and redesign-
21 nating paragraphs (3), (4), and (5) of subsection (b)
22 as paragraphs (2), (3), and (4), respectively; and

- 1 (2) by striking subsection (e) and redesignating
- 2 subsections (f), (g), (h), and (i) as subsections (e),
- 3 (f), (g), and (h), respectively.

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