Summary of the consultation responses to the

Common Position on VoIP (Draft) of the ERG High Level Policy Task

Force on VoIP

This document, ERG (07) 56rev2b, provides a summary of the consultation responses to the ERG Common Position on VoIP (Draft) of the ERG High Level Policy Task Force on VoIP (ERG (07) 56 rev2). The consultation period was between 24 October 2007 and 6 November 2007.

Responses to this consultation were received from nineteen respondents: 01051 Telecom GmbH (confidential content), Arcor, Bouygues Telecom, British Telecom, CWU, ECTA, EuroISPA, EADDP, France Telecom, Ifkom, ITSPA, Oni Telecom, Skype, TELE2, Telecom Italia, Telefónica, Truphone (confidential content), Voxbone and WIND Hellas.

The responses are summarised in four sections: general comments, access to emergency services, numbering, and number portability, except where the response requires a deviation from this model.

1. 01051 Telecom GmbH

Confidential content.

2. Arcor

General comments

Not all implementations of VoIP can be considered a substitute for Voice over PSTN (VoPSTN). Voice over Broadband (VoB) tends to replace VoPSTN and provides comparable quality. This is not true for Voice over Internet (VoI), which is routed completely or partially over the public Internet without guaranteed Quality of Service (QoS) and is also expected to exist going forward.

Access to emergency services

Arcor agrees that access to emergency services should be made mandatory for all VoIP services.

Numbering

A simple solution to account for the varying quality of VoIP services is to differentiate when allocating numbers. Geographical numbers should be allocated to VoPSTN and Voice over Next Generation Networks (VoNGN) subscribers and numbers from a special range should be allocated to VoI subscribers.

Subscribers that use a geographical number expect that the connection will be made using a technology that guarantees the service characteristics they are used to. For this reason, geographical numbers should not be allocated to VoI services.

Number portability

Arcor agrees with and supports the view that VoIP should not be excluded from number portability.

3. Bouygues Telecom

General comments

Bouygues Telecom considers that VoB services and VoI services are PATS, and are only differentiated by the guarantee of QoS. Regarding the technological neutrality principle, Bouygues Telecom considers that VoB and VoI providers have all the rights and obligations attached to PATS.

Access to emergency services

Bouygues Telecom agrees with the ERG's position that all telephony service providers should be obliged to provide access to emergency services only if a clear definition of "telephony service provider" is given. Bouygues Telecom considers a "telephony service provider" is an operator providing a real-time voice transfer service.

Bouygues Telecom considers that the words "to the extent allowed by the technology" should be deleted in order to respect the principle of technological neutrality in these proposals (recommendations 4, 5 and 9).

Numbering

Bouygues Telecom agrees with the Task Force's proposals.

Number portability

Bouygues Telecom agrees with the Task Force's proposals.

4. British Telecom

General comments

BT is concerned that the ERG's analysis focuses on consumers and does not deal with the special issues of corporate VoIP. The ERG needs to differentiate between the residential and small business market and the large business/enterprise market.

BT believes that corporate voice networks should not be included in category 2 or 4 services because a more flexible approach is needed for these. Furthermore, there are many companies and organisations that provide a "click to call" button on their websites, software and other applications. BT believes this type of service should not be included in categories 2, 3 or 4, and emergency access should not be mandated. There is a further issue over the inclusion of VoIP facilities in multimedia play stations.

Access to emergency services

BT agrees that all telephony service providers should be obliged to provide access to emergency services, subject to major caveats on corporate VoIP and "click to call" services. It is necessary to clarify that the proposal does not apply to category 1 and 3 services. A provider of corporate VoIP services should be free to offer its customers emergency services in any appropriate way (e.g. via the customer's PBX). BT agrees that access to the emergency services should be removed from the PATS definition if corporate VoIP and "click to call" products are excluded from any requirement to provide emergency access and corporate VoIP products are not at risk of becoming PATS.

Numbering

BT agrees with all of the proposals on numbering.

Number portability

BT agrees with the view that VoIP should not be excluded from number portability. BT believes that the obligation for number portability should only apply to service providers that offer emergency access.

5. Communication Workers Union (CWU)

General comments

CWU observes that, while it cannot be expected that all VoIP providers will meet all PATS standards in the immediate future, it would expect them to make 'best endeavours' to approach such standards and to progressively approach them as technology and market conditions develop. One area CWU feels is not adequately covered in the consultation is the role of investments. The regulatory framework must provide clarity and stability to encourage investments and an adequate return on those investments to ensure fair competition.

CWU proposes that, at the point of purchase but not at the point of use, all providers of new voice services should supply the customer with a clear and simple checklist of the services that are provided and those that are not. So that this information is not selective and so that comparisons can readily be made between different competing services, CWU suggests that a standard checklist is either drawn up by the Commission itself or agreed with the ERG and the appropriate organisation(s) that represent existing and potential providers.

VoIP service interconnection is an area where standards are lacking. There is currently no industry consensus on how to achieve a level of service quality over an IP network that is sufficiently equivalent to the circuit switched PSTN. There is also an array of standards available (e.g. DiffServ, Multi Protocol Label Switching (MPLS)) and a variety of opinions on how these scale and how best to deploy them. Service providers, network operators, equipment manufacturers, standards organisations and regulators will need to collaborate to ensure that suitable technical solutions for carrier-scale VoIP to VoIP interconnect exist and on a timescale that matches carrier deployments of VoIP to replace their existing circuit switched PSTN. CWU believes that the ERG should initiate and encourage this collaboration to make the adoption of standards a priority, with the ultimate aim of improving quality of service.

Furthermore, CWU believes that until all IP technology platforms and services allow reliable access to emergency services, new voice services that cannot meet the PATS general conditions should be labelled as 'secondary line' services and clearly distinct from 'primary' services.

CWU also thinks it is important that citizens and consumers are properly educated about VoIP, both as regards its potential and its limitations in relation to connectivity and call quality, and especially the reliability of emergency access.

Access to emergency services

CWU believes that access to emergency services is the key regulatory issue and CWU fully endorses the ERG's conclusion that all telephony service providers should be obliged

to provide access to emergency services. In CWU's view, such access should eventually be as reliable as that from current PATS providers.

However, CWU recognises that at the present time the limitations of some IP technology and services make it impossible for some new voice services to offer access to emergency services. In addition, there are VoIP offerings that are not any-to-any communication enabled, such as the plain version of Skype, and within this category no gateway to the PSTN/ISDN or mobile network exists. From the ERG's proposals, it is not clear to CWU how these services would be mandated to provide access to emergency services.

Furthermore, CWU is not convinced by the ERG's suggestion that the ability to provide access to the emergency services should be removed from the PATS definition in the Universal Service Directive (Article 2(c), Directive 2002/22/EC), because that would mean VoIP providers would not have to comply with burdensome PATS obligations. That would cause real problems in the future if access to emergency services is not treated as a "public good" and therefore as part of a PATS.

CWU believes that the availability of emergency service access at current levels of reliability should be the first and dominant concern of the regulator. In the case of services that are used and regulated as secondary line services, CWU would argue that it is questionable whether it is in the best interests of consumers to be offered access to emergency services that is potentially unreliable. CWU believes that it would be better not to allow a provider to give access to emergency services at all if the potential for it to fail is high. On the other hand, CWU believes that it would be better to allow a provider to give access to emergency services if its failure potential is low, as long as the user is clearly informed about the reliability of the service.

CWU believes that the Commission should set a legal requirement for an acceptable level of reliability of access to emergency services before access is allowed to be provided and that this legal standard should be set to ensure a high level of reliability. CWU also believes that it is important that this level of reliability should be clearly stated by new voice services to all users and potential users.

CWU agrees that the maximum level of information possible about the caller's location should be provided to the emergency response centre.

CWU recognises that at the present time there are technical limitations to providing caller location information for nomadic services in an IP environment. However, CWU believes that solutions to passing on location information from the provider to emergency organisations are possible, and that they are likely to appear as VoB technology develops.

6. European Competitive Telecommunications Association (ECTA)

General comments

ECTA is supportive of many of the proposals in the ERG's consultation but suggests that:

- The ERG should include in the final version a clear statement as to how this Common Position will be implemented in Member States and within what timescale.

- It would be helpful if information on the QoS was given to consumers at the retail level, and at the wholesale (interconnect) level to enable providers to offer services with end-to-end quality guarantees.

- Directory Enquiries: it is important that clear guidelines are set on voice (including VoIP) providers' obligations to carry calls to directory enquiries and include numbers in directories.

Access to emergency services

ECTA agrees that access to emergency services is an important social objective, but believes that any obligations on providers need to be targeted and minimised to avoid unnecessary expense, while meeting the needs of customers. In particular:

- It does not seem appropriate or necessary to require emergency access from corporate overlay services, carrier pre/selection or click to call services.

- It may not be practicable to expect regulators to enforce obligations on providers of VoI to PSTN services that are based outside Europe.

Numbering

Numbering: number ranges should be designed to reflect customer expectations. Location is, ECTA believes, less relevant than price and quality. To this end, number ranges (such as geographic) should not be restricted on the basis of location, but rather they should indicate pricing. Whether quality is another characteristic that consumers may expect to be associated with the numbering system should be investigated.

Number portability

ECTA agrees that number portability should be available for any numbers that meet the requirements for the relevant number range.

7. European Internet Services Providers Association (EuroISPA)

General comments

EuroISPA believes that, given that many consumers do not consider categories 1, 2, or 3 VoIP services are concrete substitutes for PATS, PATS regulations should not be applied by default, because that is unnecessary regulation of such VoIP services. It may even be unnecessary and overly burdensome to apply all PATS obligations to category 4 VoIP services in so far as such services are not a substitute for VoPSTN services.

EuroISPA agrees that there is a certain degree of circularity in the PATS definition and that other definitions could usefully be re-examined, notably in order to remove this circularity and to clarify the role of VoIP technology implementations functioning at the control/application layer and using networks controlled by other operators, especially in an NGN environment.

Access to emergency services

EuroISPA disagrees with the proposal to consider all implementations of VoIP technology as a "Telephony Service" with the result of imposing an extensive set of regulatory obligations on VoIP providers.

EuroISPA believes that only implementations of category 4 (according to the ERG typology), insofar as they are electronic communications services addressed to the general public that seek to substitute traditional PSTN services, should (and can realistically) be required to provide emergency calling. This does not rule out the voluntary provision of emergency calling by providers or entities that fall into other categories, insofar as they can guarantee sufficient quality of service so as not to undermine the public's trust in emergency calling.

Moreover, EuroISPA believes that by imposing on VoIP providers the obligation to allow free access to the emergency services it should be clarified that such an obligation does not imply the obligation to guarantee electrical continuity, as this may create a technical barrier to the effective development of VoIP services and NGN (since the latter may also be offered through Passive Optic Fibre, which does not support electrical continuity).

EuroISPA agrees, as a short term proposal, that telephony service providers should be obliged to provide the emergency response centre with information on whether the call originates from a fixed or a potentially nomadic user.

Numbering

EuroISPA fully supports the proposal that all providers of fixed telephony services should be authorised to permit nomadic use by their subscribers and that geographic numbers should be available for this purpose.

EuroISPA also agrees that numbering plans should be technologically neutral, based on the service descriptions, and that the same number ranges should be available within those service descriptions.

EuroISPA fully supports the proposal that nomadism should not preclude Member States from maintaining the geographical meaning of geographical numbers by allocating them only to subscribers with a main location (address) in the corresponding geographical zone, as defined in the national numbering plan.

EuroISPA also agrees with the recommendation that subscribers to non-PATS VoIP electronic communications services should have the right to be included in numbering directories.

Number portability

EuroISPA agrees that there should be an obligation to port numbers to any service provider that satisfies the conditions of use of the appropriate number ranges.

8. European Association of Directory and Database Publishers (EADDP)

General comments

EADDP agrees with the ERG conclusion that, in accordance with the general rule of "technology neutrality", the universal obligations as prescribed by the European Directive concerning publicly available directory enquiry services and directories (now applicable only to PATS according to Article 25 of the Universal Service Directive) should be extended to VoIP services.

European directory publishers thus welcome the ERG's initiative regarding guidelines to clarify the obligations on VoIP providers to supply their listings, so that in their future publishing activities, directory publishers can further benefit from the legal clarity created by the Directive.

9. France Telecom

General comments

In France Telecom/Orange's view, category 1 VoIP services, as defined by the ERG in its report, should fall outside the scope of VoIP-specific regulation because they constitute pure peer-to-peer services. The other three categories can be considered electronic communications services (ECS).

France Telecom agrees that it's necessary to sever the link between the obligation to provide access to emergency services and the PATS definition.

The ERG has not raised the issue of the network integrity obligations being limited to providers at a fixed location.

Access to emergency services

France Telecom agrees with the Task Force recommendations because they go in the right direction by setting up a coherent framework that applies to all telephony service providers.

Numbering

France Telecom considers that the best approach would be to let the service provider choose the kind of numbering they use, provided it complies with the associated constraints.

Number portability

France Telecom agrees with the view that VoIP should not be excluded from number portability but it must be highlighted that in certain cases, due to technical and architectural network constraints, it will be impracticable to port a geographic number granted to a nomadic VoIP service to a PSTN service.

10.   Ifkom

General comments

Although certain ERG demands are technically correct and justified, particularly with reference to the different developments and realisation speeds in the national states, they do not provide any assistance in formulating the corresponding EU Directive as regards the implementation or specification of a suitable regulatory course of action.

Continued adherence to tried and tested procedures and ideas without the broad, operational incorporation of new technological substitutes and their further development possibilities could lead to considerable imbalances or very dubious restrictions on competition in the affected ERG states. This also applies, for example, to the still unresolved structural aspects and what are merely sound bite harmonisation recommendations on VoIP emergency calls, and the unspecified regulatory necessity of guaranteeing basic telecommunications in terms of multi-network stability with equal network responsibility in the event of a crisis,.

Enforcing incomplete harmonisation recommendations (PSAP) and expanding previously only service-relevant detail definitions (PATS) to other technology principles must, without the simultaneous formulation of mandatory technology-neutral and recognisable implementation conditions and discrimination-free competition guarantees, be objected to as functionally ill-prepared and technically questionable. The ERG should avoid any appearance in the final ERG paper that it has preferred a simplified consideration of the necessary overall assessment through, for example, compromises to make adoption easier.

Instead of asking further questions or making reprimands about other general conditions that still have to be decided on or clarified, individual details about the package of EU Directive could have been expected from the ERG. These could have been associated

with only one precise issue (VoIP) with alternative uses, technically precise and actual alternative courses of action, which would take the identified reality of IP into account.

11. Internet Telephony Services Providers' Association (ITSPA)

General comments

ITSPA welcomes most of the suggestions put forward in the consultation document and hopes it will have some influence in any future regulation.

Access to emergency services

ITSPA agrees with all of the Task Force's recommendations, subject to minor remarks: for some corporate VoIP products, which are designed as an overlay to an existing network, emergency call access is provided through the host PBX via the PSTN and is not provided through the additional IP overlay. There is no need for an additional VoIP 999/112 gateway and in many cases NRAs will already have codes of practice (dealing with emergency call access) for private networks.

The second exception is for "click to call" type applications. ITSPA believes it would also be inappropriate to mandate 999 access for this kind of service.

Numbering

ITSPA fully agrees with the Task Force's recommendations on numbering (section 4.4 of the draft Common Position).

Number portability

ITSPA agrees with the position put forward by the Task Force on number portability. According to ITSPA, number portability should be a right for consumers of all types of voice service.

12. Oni Telecom

Access to emergency services

In general, Oni Telecom agrees with the ERG's conclusions. Its main concerns are related to the difficulty of providing caller location information to the emergency centres in the case of nomadic users.

Thus nomadic services should use specific non-geographic number ranges.

Numbering

Oni Telecom agrees that nomadism should be allowed by all providers. However, it believes that nomadic VoIP services should not be viewed as equivalent to traditional

PSTN voice services and therefore that geographic number ranges should not be allocated to nomadic VoIP services.

Oni Telecom proposes to allocate a specific number range to nomadic services.

Number portability

Oni Telecom agrees with the number portability obligation for VoIP services, provided it is restricted to within the same number range.

13. Skype

General comments

Skype believes that not all implementations of VoIP can be considered a substitute for VoPSTN. VoB tends to replace VoPSTN but this is not true for VoI. Citizens do not perceive services like Skype as traditional telephony servicea and so they do not expect to be able to call 112.

Access to emergency services

Skype does not agree with the access to emergency services proposal. Skype argues that obligation should be imposed only on VoB, not VoI. Access to 112 from applications like Skype would be unreliable due to technical reasons, giving users a false sense of security. This, Skype suggests, would worsen the current situation. It would be better to impose an obligation for application providers like Skype to inform users about any limitations on access to 112.

An obligation to be able to call 112 from applications like Skype could also not be enforced considering the huge amount of such applications. In addition, this would cause such providers to locate outside the EU to avoid such regulation. Also, localisation would not be possible.

Numbering

Skype agrees about the nomadic use of geographical numbers.

Skype disagrees that only fixed telephony service providers can use geographic numbers. Use should be authorised for any provider of products/service/applications for voice and non-voice services.

Number portability

Skype agrees with the proposal and supports the ERG's view on number portability.

14. TELE2

Access to emergency services

Tele2 agrees with the ERG's recommendation that all telephony service providers (including VoIP service providers in categories 2, 3 and 4) should be obliged to provide access to emergency services.

Tele2 also agrees with the soft approach towards caller location, as this should only be provided to the extent allowed by technology. Furthermore, it endorses the suggestion that telephony service providers should be obliged to provide the emergency response centre with the information that a caller is a potentially nomadic user. This, it believes, would give the emergency centre the information necessary to double check the caller's location.

Number portability

Number portability between different VoIP services and traditional PSTN/ISDN services is important, according to Tele2, in order for the customer to switch to the preferred telephony service as easily as possible. This is important both from a consumer perspective and from a competition point of view. Tele2 therefore supports the conclusion that number portability obligations should be imposed on VoIP providers and number portability should be allowed between traditional telephony services and VoIP services.

Allocation of consumer rights and service provider obligations

Tele2 suggests that, as a general approach, VoIP providers in categories 2, 3 and 4 should have to comply with the same set of obligations regarding consumer rights as traditional PSTN services. Tele2 therefore agrees with the ERG's proposal on this issue.

15. Telecom Italia

General comments

For Telecom Italia, the VoIP categories proposed in the ERG document (considering just the two criteria of i) the relationship between VoIP services and E.164 numbering and ii) ability to access the PSTN) do not seem sufficient to guide and orientate regulatory modifications during the revision of the EU regulatory framework.

Telecom Italia considers the following type of VoIP classification is more applicable and useful for regulatory purposes and analysis and is aligned with the previous EC public consultation on VoIP:

- "Self-provided consumer" or "peer-to-peer service". This is not an ECS service and therefore falls outside the EU regulatory framework and its obligations and rights.
- Public VoB, VoI or "IP telephony" electronic communication services: can be ECS or PATS.
- "Network operator internal services" and "carrier internal use": correctly out of scope of ERG documents and the revision of the EU regulatory framework.

Access to emergency services

Telecom Italia agrees with the principle proposed by the ERG but suggests that the ERG Telephony Service definition (too general) should be replaced with "public voice service". In other words, access to emergency services should be an obligation for any public voice service (PATS or ECS).

Numbering

Telecom Italia believes that nomadic VoIP services should be managed as a new regulatory category within the EU regulatory framework since they cannot be considered equivalent to fixed PATS.

Furthermore, according to Telecom Italia, nomadic public VoIP services, if provided, should in principle be associated with a new specific non-geographic numbering range and nomadism should be nationwide at most.

In the case of geographic numbers, Telecom Italia states that nomadism should not be encouraged and should be limited at least to districts or other territorial areas as reflected in the numbering.

Number portability

Telecom Italia agrees with the view that VoIP should not be excluded from number portability. However, service provider Number Portability should only be applicable inside the same type of service category (between PATS or between public voice ECS) and independently of technology.

16.   Telefonica

General comments

Telefónica is concerned about the direct extension of PATS user rights to VoIP without taking into account technical feasibility.

In particular, Telefónica suggests that some specific VoIP services, like those based on an additional (second) voice line (VoB), should not be subject to the same regulatory obligations as PSTN services.

Furthermore, the classification/categories of VoIP services (from 1 to 4 in the ERG's draft Common Position) should reflect the degree of substitution of the VoIP service for the traditional PSTN telephone service.

Access to emergency services

Telefónica agrees with the Task Force's proposals, but with the consideration that, in some specific cases, the obligation is not necessary (i.e. in the case of an additional fixed VoB line, access to the emergency services might already be guaranteed by the PSTN. A similar consideration applies where VoIP services are combined with public mobile GSM-/UMTS-telephony services).

According to Telefónica, the most appropriate routing of emergency calls, for both nomadic and non-nomadic VoIP, is to the emergency centre that corresponds to the user's usual address.

Numbering

Telefónica agrees with the clear relevance of nomadism as a feature of IP-based services (including voice).

However, at the current stage of development, Telefónica believes that the nature of numbering ranges should be preserved.

Number portability

Telefónica agrees with the view that VoIP should not be excluded from number portability. Portability obligations should be imposed on VoIP providers in the same way as they are imposed on traditional public telephone providers.

17. Truphone

Confidential content.

18. Voxbone

General comments

Voxbone advocates an approach that recognises voice as just one application using the Internet Protocol, in addition to many other applications. Today, according to Voxbone, VoIP comes in many flavours and only some of them closely resemble the traditional PSTN service from the end user's point of view. Many of today's offerings embed IP voice and may be labelled as VoIP: messenger services such as MSN, Yahoo! and Skype; game consoles like X-Box and PlayStation also support real-time voice communications. Nevertheless, the voice feature embedded in these products or offerings can hardly qualify as a "public telephony service" in the traditional PSTN world. Although most services may qualify as "telephony services" in general (in the sense of the definition used by the ERG), Voxbone believes that specific regulations should apply to different services.

Access to emergency services

Voxbone is concerned that the ERG's position is highly confusing for end users as it may create false expectations. In Voxbone's view, mandating access to emergency services, appropriate routing to emergency centres and provision of proper location information (if technically feasible, which Voxbone believes is not the case today) is inappropriate as long as many service providers operating on a worldwide basis do not have the same obligations.

As a second best solution, Voxbone supports mandatory access to emergency services on a 'best efforts' basis for category 2 (outbound voice) and category 4 (voice telephony).

Voxbone urges the ERG to explicitly state that category 1 and category 3 providers are not required to provide access to emergency services.

Concerning localisation, it may only be appropriate to require all category 2 and category 4 providers to provide location information to the extent that such information is reliable and accurate so that emergency services will be able to locate the caller.

Numbering

Voxbone agrees with the ERG that "numbering plans should be technologically neutral, based on the service descriptions, and the same number ranges should in principle be available for both traditional voice and VoIP services".

Voxbone agrees that there is a clear demand from end-users (both residential and business customers) for allocation of numbers, including geographic numbers, outside of the traditional telephone zones or other boundaries, including on a transnational basis within the EU.

Number portability

Voxbone agrees with the ERG that regulation should be designed in such a way that different network operators and technologies are not discriminated against and consumer rights are not restricted or denied, including the right to Number Portability, regardless of the service category (however, only as regards categories 3 and 4).

19. WIND Hellas

General comments

WIND Hellas appreciates being given the opportunity to contribute to the ongoing discussions on VoIP and looks forward to the final position of the ERG as well as to the stances expressed by other market players. In this respect, WIND Hellas believes that vendors should definitely be included in the ongoing debate.

On lawful interception, WIND Hellas believes that:

- In all except for the fourth scenario of VoIP use (category 4), lawful intercept would be problematic due to the lack of a common and indisputable user identity for both endpoints.

- The first VoIP scenario (category 1) will not allow the enforcement of lawful intercept on a reasonable scale, since the peer-to-peer nature of such services can bypass any centralised, interconnecting elements, at which point signalling and media traffic is intercepted.

Access to emergency Services

WIND Hellas agrees in principle with the statements according to which telephony service providers should be asked, as technically feasible, to provide access to emergency services (conclusion 3.8.1). At the same time, as recognised in ERG (07) 56 Rev 1, emergency services can only be provided for VoIP categories 2 and 4. Furthermore, for category 2, due consideration should be given to the fact that this particular VoIP service is allocated E164 numbers (and so is not able to provide a call-back number).

Numbering

As far as nomadism is concerned, WIND Hellas stresses the need to further specify both the geographical extent of the concept as well as the duration assumptions ("temporarily"), in absence of which the proposals are not enforceable. Even then, it suggests that it may only be possible to implement the proposal under constraints.

Number portability

WIND Hellas believes that portability should occur between equivalent services. Otherwise, control will be lost and consumers will be confused.

Whereas WIND Hellas agrees with the ERG's position according to which number portability mechanisms should remain a decision for each Member State (para. 5.1), it would caution against the risk of introducing new burdensome mechanisms so as to satisfy the demands of "new entrants" in the portability market.