

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)
)
Rules and Regulations Implementing)
Minimum Customer Account Record) CG Docket No. 02-386
Exchange Obligations on All Local and)
Interexchange Carriers)
)

COMMENTS OF COX COMMUNICATIONS, INC.

Cox Communications, Inc. (“Cox”), by its attorneys, hereby submits these comments in response to the Commission’s *Further Notice of Proposed Rulemaking* in the above-captioned proceeding.¹ For the reasons described below, Cox opposes the extension of the Commission’s customer account record exchange (“CARE”) rules to customer changes between local exchange carriers (“LECs”).²

I. Introduction

With its affiliates, Cox is one of the largest facilities-based residential competitive local exchange carriers (“LECs”) in the United States, serving both commercial and residential customers and providing customer choice and competitive rates for phone, video, and high speed Internet access services. Cox has grown by investing in a full and efficient end-to-end network in both rural and non-rural areas, and by providing outstanding and award-winning services.³

¹ Rules and Regulations Implementing Minimum Customer Account Record Exchange Obligations on All Local and Interexchange Carriers, *Report and Order and Further Notice of Proposed Rulemaking*, 20 FCC Rcd 4560, 70 FR 31406 (2005) (the “FNPRM”).

² *Id.* at 4588 ¶ 81.

³ For two consecutive years, Cox has received highest honors in J.D. Power and Associates’ Local Residential Telephone Customer Satisfaction Study in the Western Region (2003 and 2004) – beating SBC and Qwest, among others. J.D. Power and Associates 2003 Local

Cox has spent over \$12 billion to upgrade its cable networks to offer new and advanced services, and approximately 1.5 million residential customers and 140,000 business locations now purchase Cox Digital Telephone Service. Cox is co-chair of the Ordering and Billing Forum's (the "OBF") Subscription Committee, an industry group charged with developing industry standards for the exchange of end user account information and maintenance of the Equal Access Subscription Customer Account Record Exchange Industry Support Interface (CARE/ISI) document (that is, the document that describes the CARE process).⁴ In this capacity, Cox has become very familiar with the issues arising from intercarrier communications when customers switch service providers.

Cox opposes extending Customer Account Record Exchange ("CARE") requirements to LEC-to-LEC interactions because this proposal is a solution in search of a problem. Attempting to extend the CARE paradigm to LEC-to-LEC service changes would add an unnecessary layer of regulations and expense to a service migration process that already is being addressed at the state level where necessary and through multiple industry forums. The CARE process would be the wrong model for establishing uniformity and improving the speed and accuracy of intercarrier communications. The CARE process was designed to ensure the flow of essential information to accomplish Preferred Interexchange Carrier ("PIC") changes; its current design

Residential Telephone Customer Satisfaction StudySM and 2004 Local Residential Telephone Customer Satisfaction Study.SM (The 2003 Study was conducted among 8,560 residential users of local telephone services and the 2004 Study was conducted among 10,500 residential users of local telephone services in the 16-state Western Region.) Nationwide, customers ranked Cox first in Customer Satisfaction in J.D. Power and Associates' 2004 Residential Long Distance Service study for bundled services. J.D. Power and Associates 2004 Residential Long Distance Customer Satisfaction Study.SM (The study was conducted among 10,500 residential long-distance users. The bundled segment includes residential long-distance customers who are billed for other telecom services on the same statement.) [http:// www.jdpower.com](http://www.jdpower.com).

⁴ The OBF is a committee under the Alliance for Telecommunications Industry Solutions.

does not accommodate the LEC-to-LEC information transfers relevant to local service provider changes. More generalized information exchange requirements like those adopted by the Commission to govern interexchange carrier (“IXC”) changes also would be ill-advised. The former local service provider would be significantly less likely to have accurate information – particularly billing name and address (“BNA”) information – than the acquiring carrier, which would almost always have had the most recent direct contact with the customer. In short, the proposal to extend CARE or CARE-like requirements to LEC-to-LEC service transfers would create a regulatory scheme that would be redundant at best and that probably would cause more confusion than clarity.

II. The Adoption of CARE or CARE-Like Processes Would Not Result in Quicker or More Efficient Migration of Customers from One LEC to Another.

The *FNPRM* seeks comment on BellSouth’s suggestion that CARE or CARE-like requirements would streamline the process of migrating end users from one LEC to another.⁵ In Cox’s experience, however, there is no particular problem with LEC-to-LEC customer migration, and certainly not a problem of the magnitude that would require the Commission to establish nationwide standards. As the Commission acknowledged in the *FNPRM*, state commissions are dealing with this issue where necessary, and industry groups like the OBF have adopted standards to govern intercarrier communications during end user migration. Although BellSouth claims that state proceedings are too cumbersome to address this issue properly, there

⁵ *FNPRM*, 20 FCC Rcd at 4586-87 ¶¶ 73-75.

is simply no evidence that the efforts of the states and the industry will be insufficient to solve whatever limited problems actually exist.⁶

Even if some federal remedy were needed, the existing CARE process would not be appropriate for facilitating whatever LEC-to-LEC communications are necessary to accomplish local service provider changes. The CARE process was established by OBF to solve particular difficulties in processing PIC changes. Accomplishing a PIC change requires a LEC to perform physical changes to its switch to ensure that interexchange calls are properly routed and billed. Seamless communications and clear responsibilities therefore are necessary to ensure that customers' interexchange calls are handled by the interexchange carrier ("IXC") or their choice. The CARE process is designed to create a framework in which those communications can occur.

On the other hand, when a LEC acquires a new customer, it does not necessarily need to communicate with the customer's old service provider to establish service, to ensure that the appropriate carrier provides service, or to ensure that the customer is billed appropriately for the service it receives. Because these are the chief aims of the CARE process, it is unsurprising that OBF's CARE procedures do not include any standardized ordering codes or other guidelines to govern inter-LEC communications, and, so far as Cox is aware, no such codes or guidelines have been contemplated.⁷ The CARE process is designed to accommodate communications between a customer's existing local and long distance service providers to ensure that the requested

⁶ See BellSouth Ex Parte Letter, CG Docket No. 02-386, dated December 3, 2004, Attachment at 8 ("BellSouth December 3 Ex Parte").

⁷ As noted above, Cox participates actively in the proceedings of the OBF and co-chairs the OBF Subscription Committee with BellSouth. It is noteworthy that BellSouth never has raised the issue of LEC-to-LEC communications via CARE-type records in that forum.

services are performed, not to accomplish the successful migration of customers from old to new service providers.

To be sure, when a local service provider change occurs, the former and new LEC must collaborate if the customer wishes to port any telephone numbers from the old provider to the new one. It appears from BellSouth's earlier submissions in this proceeding that its recommendation of adopting CARE-like standards in the LEC-change context are based on the view that competitive LECs do not process porting requests quickly enough.⁸ Here again, Cox is aware of no evidence that delayed porting is a problem that would justify Commission intervention at this time. Moreover, such complaints would be best addressed to the Local Number Portability Administration working group, which already provides a forum for industry cooperation on such matters. In any case, it hardly seems appropriate to use this proceeding to adopt CARE-like rules that would have the effect of imposing back-door number portability obligations – such as back office requirements or porting intervals – that are not included in the current rules or described in the *FNPRM*.⁹

Furthermore, a customer's former LEC would not be able to provide the new LEC with customer account information that would be any more accurate than the information that the new LEC obtains itself when it signs up that customer. For example, the *FNPRM* suggests that the

⁸ BellSouth December 3 Ex Parte at 5-6; BellSouth Ex Parte Letter, CG Docket No. 02-386, dated September 24, 2004, attachment at 9-14.

⁹ The Commission already is examining issues regarding porting intervals and carrier porting procedures in its ongoing proceeding on intermodal number portability. Telephone Number Portability, CTIA Petitions for Declaratory Ruling on Wireline-Wireless Porting Issues, *Memorandum Opinion and Order and Further Notice of Proposed Rulemaking*, 18 FCC Rcd 23697, 23715-17 ¶¶ 45-51 (2003). In that case, the Commission sought comment on whether and how to reduce the porting interval necessary for wireline carriers. The issues upon which the Commission sought comment in that proceeding are very closely related to the objections that

former LEC could provide account information that the new LEC could use to check the information it obtains from its new customer.¹⁰ But the customer information the new LEC obtains – particularly the billing name and address (“BNA”) information – is more likely to be accurate than that possessed by the former LEC. This is particularly true in the common instance when a customer is changing LECs because he or she is moving to a new residence. In such cases, the former LEC would not have the customer’s new address, so the BNA provided by the former LEC necessarily would conflict with the correct information. Addressing the conflict probably would cause delay, particularly if the customer did not tell the new LEC that he or she was moving.

If foreseeable, and likely common, discrepancies between the information provided by the customer and that obtained from the former LEC would delay or complicate the service change, then there is no reason to adopt rules that would invite new carriers to rely on dated information provided by the former LEC. Given the lack of evidence that any real problem exists with the current end user migration process that can be addressed by new CARE rules, the danger that such rules would lead to slower and less efficient LEC-to-LEC customer transfers should be more than enough to stay the Commission’s hand in this proceeding.¹¹

BellSouth attempts to raise in its September 24 and December 3 Ex Parte letters. Accordingly, Bellsouth’s proposals should be addressed in that proceeding.

¹⁰ *FNPRM*, 20 FCC Rcd at 4588 ¶ 81.

¹¹ The other examples the Commission suggests might justify LEC access to the former LEC’s customer account information are similarly unpersuasive. For example, the *FNPRM* suggests that old carriers might be required to provide information regarding what features a customer had ordered. *Id.* While such information might help a new LEC market services to its new customer, it only would complicate the carrier change process for the new carrier to compare the customer’s previous features to the ones being offered now. Furthermore, such information already may be obtained via the pre-sale process in which a potential new local carrier, with authorization from the customer, requests a copy of the customer service record from the customer’s current carrier.

III. Conclusion

For the foregoing reasons, Cox requests that the Commission refrain from adopting CARE or CARE-like requirements for LEC-to-LEC customer transfers.

Respectfully submitted,

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