

For these reasons, the Petition asks the Commission to reaffirm that carriers that have lost customers to competitors, and that are asked to port-out a telephone number to a new service provider, may require only the “basic” information necessary “to perform the port.”⁵ As the Petition notes, some providers – in particular, certain incumbent local exchange carriers (“ILECs”) – ignore this mandate and require an inordinate amount of information before they will complete a port, in some cases as many as 100 separate pieces of information,⁶ when, in fact, only three or four data points are actually required. This creates repeated opportunities for delays and errors in actually shifting the customer to the competing provider. Such a result is contrary to the congressional directive that users be able to retain their number “without impairment of quality, reliability, or convenience when switching from one telecommunications carrier to another.”⁷

Comcast, therefore, agrees with the Petitioners that the Commission should reaffirm that carriers may not obstruct or delay the number porting process. Reducing and standardizing the amount of information that porting-out providers can request to validate a port will improve and expedite the number porting process and enhance the benefits consumers receive from local exchange competition.

In addition to reducing and standardizing the information required for a port-out, Comcast asks the Commission to consider reducing the porting interval for wireline ports from the four-business-day standard to one requiring that simple ports be accomplished

⁵ *Telephone Number Portability*, Memorandum Opinion and Order, 18 FCC Rcd 20971, ¶ 24 (2003) (“*Wireless Porting Order*”).

⁶ Petition at 2.

⁷ 47 U.S.C. § 153(30).

by the next business day.⁸ The current four-day interval was established 10 years ago, at the dawn of the local competition era. Systems, processes and the nature of competition have changed immeasurably since then, and, as the North American Numbering Council (NANC) explained in 2004, the four-day interval can easily be cut nearly in half at a relatively modest expense.⁹ In fact, Comcast believes that even greater reductions are possible and, therefore, urges the Commission to issue a Notice seeking to refresh the record in the *Number Portability* docket, and solicit a new round of comments on NANC's 2004 recommendations, including the next business day standard proposed here.

As part of the same Notice, the Commission should also open an inquiry into carriers' compliance with the current four-day interval. As explained further below, many providers have a *published* porting interval commitment of between five and ten days, well in excess of the four-day standard established by this Commission.

II. Number Porting Enhances Competition and Benefits Consumers.

The importance of number portability to competitive local exchange markets cannot be overstated. Just 18 months after making its Comcast Digital Voice ("CDV") service available to the public, Comcast now has nearly two million CDV customers, a substantial percentage of whom ported their phone numbers from other providers. Thus, in a remarkably short period of time, Comcast has emerged as a significant presence in the voice communications market. Indeed, if current projections hold, Comcast expects that it will be the largest provider of interconnected VoIP services in the United States and,

⁸ A "simple port" involves one line, with no change in the customer's directory listing, and no DSL or other features involved. Because Comcast serves largely residential customers, most of its ports are simple ports.

⁹ See NANC, Intermodal Porting Interval Issue Management Group, *NANC Report and Recommendation on Intermodal Porting Intervals* (May 3, 2004) ("NANC Report") at 4.

with a projected customer base exceeding 3.5 million, will be the fourth largest provider of voice services in the country, trailing only the three remaining legacy Regional Bell Operating Companies (AT&T, Verizon and Qwest).

The vast majority of CDV customers subscribe to the very popular “triple play” bundled package of Comcast Digital Voice, video and high speed Internet services. Customers respond favorably to the convenience of receiving all three services from one provider on one bill. From Comcast’s perspective, the ability to provide all three services over one converged network, with one back-office support infrastructure, allows Comcast to achieve economies of scale and scope that allow our customers to receive better quality, higher value communications services than ever before.

Number porting delays, however, affect Comcast’s ability to execute on its superior business model. With the array of services Comcast provides, delayed porting requests can make it difficult to deliver services to customers when they want them. For example, when a customer wants a next-day installation for video or High Speed Internet access service, Comcast has the capability to accommodate that request. But when CDV is added to the bundle, the customer may have to wait a week, or more, in order to get a bundled installation because of number porting delays. Customers are also inconvenienced by the need to be at home for two separate installation appointments if they desire to have their video and Internet services installed before their telephone number can be ported. Thus, while Comcast’s business model assumes that technicians will install all three services as part of each new service installation “truck roll,” delayed number ports can mean that Comcast must, instead, install services in a piece-meal fashion, which drives up costs for everyone, Comcast and customers alike.

The unnecessarily long porting interval is also of significant concern to Comcast in its deployment of customer self-installation kits. Even though Comcast is hiring thousands of new service technicians each year to improve its customers' experience, Comcast is learning that its customers increasingly desire self-installation kits to avoid the inconvenience of having to be home for a technician visit to install new service. And with the advent of IP-based technologies, there are few technical obstacles preventing customers from installing their own service in most cases. Comcast has, in fact, enjoyed significant success with self-installation kits for its Internet access service. However, with self-installation, it is especially important that the service be completely ready when the customer sets to work. The number porting interval represents a significant obstacle to creating a positive customer experience for self-installation of voice service.

Thus, it is plain that a slow and ineffective number porting process can throw grit into the gears of the entire competitive process, contrary to Congress' objective that consumers should be able "to change carriers while keeping their telephone number as easily as they may change carriers without taking their telephone number with them."¹⁰ Thus, Comcast supports the Petition and urges the Commission to take the other steps proposed here that would improve the number porting process for all providers.

III. THE COMMISSION SHOULD TAKE STEPS TO IMPROVE THE NUMBER PORTING PROCESS

1. Limiting the Validation Criteria Necessary for Porting Is Essential to a Timely and Efficient Porting Process.

While porting-out providers often ask for dozens of data points before they will provision a port, only a few fields – such as the ten-digit telephone number, the

¹⁰ *Wireless Porting Order* ¶ 11.

customer's zip code and perhaps one or two other pieces of identifying information – are really necessary to validate a porting request. In fact, a port can be done with just a telephone number; including the other information simply helps ensure that there has not been some typographical or other obvious error in inputting the number to be ported.

In this regard, the experience of wireless carriers in recent years shows that there is no real risk of inadvertent or fraudulent porting when carriers examine only two or three numeric fields to validate port requests. While there have probably been tens of millions of wireless-to-wireless ports over the last several years, there has been no indication of any substantial competitive difficulties with the process. The robust competition for wireless services creates the incentive for wireless carriers to be as efficient as possible. By contrast, in the wireline market, where the majority of customers are still being served by ILECs,¹¹ there is little incentive for the incumbents to improve the efficiency and speed of the number porting process. Commission action to reaffirm and clarify its basic policies on number portability is, therefore, necessary and appropriate.

Any claim that more than the bare minimum information is necessary to assure the validity of a port should be rejected. Such a claim reflects a misunderstanding of providers' respective duties when service is switched from one provider to another. The Commission has clarified that carriers must grant all valid requests to port active telephone numbers and that carriers should be required to exchange only the minimum amount of information necessary to accomplish a porting request.¹² Because there is no

¹¹ See Wireline Competition Bureau, *Local Telephone Competition, Status as of June 30, 2006* (Jan. 2007).

¹² See 47 C.F.R. §§ 52.21(k), .23, and .31.

need for customer-specific information beyond telephone number and a few other pieces of identifying information (such as zip code and account number), porting-out carriers should not be permitted to request or require it. In this regard, while porting-out providers have some duty to ensure that a customer's service is not fraudulently switched away, the Commission's slamming rules place the burden squarely on the porting-in provider to ensure the *bona fides* of any given porting request.¹³

Indeed, for the reasons discussed above, not only is allowing carriers to request more information unnecessary, it also poses a significant obstacle to the porting process. As the 2004 NANC Report notes, and as Comcast has experienced first-hand, each ILEC tends to use its own local service request ("LSR") format, and can change that format from time-to-time without notice.¹⁴ As a nation-wide company with operations in 37 states, Comcast has found that this lack of national uniformity causes significant delay and expense. Comcast urges the Commission to adopt the simple fix proposed by the Petition and reduce the number of criteria to those "necessary" for customer validation.

Unless the Commission does so, the Kafkaesque stories commenters have told previously in this docket – in which old service providers place an LSR in reject status after identifying one error out of 100 (mostly unnecessary) fields, require the new provider to correct the error, and then reject the order again based on a different error, *ad infinitum* until, through a painful process of elimination, the order is finally perfect – will continue until the Commission takes action.¹⁵ Comcast, therefore, supports the Petition's

¹³ See 47 C.F.R. § 64.1120.

¹⁴ NANC Report at 28.

¹⁵ See, e.g., Comments of T-Mobile USA, Inc., *Telephone Number Portability*, CC Docket No. 95-116 (Nov. 17, 2004).

recommendation that the Commission limit the amount of information that porting-out service providers may request as a condition of complying with a valid port request.

2. Changes in the Market Warrant the Commission Revisiting the Wireline Porting Interval

When the Commission adopted the four-day interval in 1997, it was based on the recognition that industry standards had not yet been finalized, and that interim approaches would be in place for some time until permanent solutions were developed and implemented.¹⁶ Seven years later NANC recommended that the interval be cut nearly in half, to 53 hours. As the NANC report made clear, relatively few changes would be required to meet the shorter porting interval.¹⁷ The NANC Report also addressed several other approaches that would have reduced the porting interval even further, but was uncertain whether the costs justified the benefits of shorter porting interval requirements. While the Commission promptly put NANC's recommendation out for public comment, it has taken no action since then.

Comcast encourages the Commission to refresh the record on the NANC recommendation and, in particular, ask commenters to address whether NANC's cost-benefit assessment now favors the adoption of a shorter interval. For example, NANC estimated that its "C1 proposal," which calls for providers to adopt essentially uniform, mechanized order processing systems, and for old service providers to issue FOCs within one hour, would cost the industry \$600 million-\$1 billion. But that estimate did not include the savings associated with reduced labor costs, and while those costs are certainly not trivial, they could well be dwarfed by the savings to consumers if, as would

¹⁶ See NANC Local Number Portability Selection Working Group Final Report and Recommendation to the FCC, Appendix E (rel. April 25, 1997).

¹⁷ See NANC Report at 30.

be expected, shorter porting intervals promoted greater competition among providers and led to even relatively small price reductions.

Likewise, while NANC recommended reducing accepted porting intervals for numbers ported from wireline providers from 96 to 53 hours, Comcast believes that a “next day” standard that, in most cases, would not exceed 36 hours is more appropriate in light of technological advancements and recent competitive developments. It is simply unacceptable that the porting process for the wireless carriers should be so much more efficient than for wireline providers, and Comcast looks to the Commission to close the gap. Comcast, therefore, proposes the following:

- A port request received between 7 a.m. and 2 p.m. on Day 1 would be activated on Day 2 at 12:01 a.m., and
- A port request received after 2 p.m. on Day 1 could be activated on Day 3 no later than 12:01 a.m.

While Comcast recognizes that these are aggressive intervals – although obviously not compared with wireless standards – the Commission should also recognize that these are not new proposals. Sprint, for example, proposed very similar wireline provisioning intervals in its comments in response to the *Second Further Notice*.¹⁸ Likewise, Comcast submitted a similar proposal to the LNPA Working Group in April 2006. The Working Group has a sub-committee addressing opportunities for interval reduction, but has not yet acted on our proposal, citing this open docket as grounds for continued delay.

¹⁸ See Sprint Comments, *Telephone Number Portability*, CC Docket 95-116 (Nov. 17, 2004).

3. The Commission Should Investigate the Practices of Laggard Carriers.

Finally, as part of the same Notice, the Commission should seek comment on, and information from, the many providers who do not yet even comply with the four-day interval. For example, many CLECs and several of the large independent ILECs do not even *attempt* to comply with the four-day interval, with published porting intervals of between 5–10 ten days. This lack of uniformity among providers poses difficult business issues. As a consequence, for example, Comcast cannot offer similar provisioning intervals to customers throughout the country. Comcast believes that all carriers should be required to comply with the next-day porting interval that Comcast is proposing here. To the extent that the Commission is prepared to make an exception for non-RBOCs, those providers should be required to explain why they should be entitled to such an exemption. At a minimum, they should be required to comply with the current four-day interval, if not some shorter period, and failure to do so should be actionable as a violation of the Commission's rules and as an unreasonable and unjust practice under Section 201 of the Communications Act.

IV. Conclusion.

With the exploding array of new service options available to consumers today, it is imperative that the Commission take steps to reaffirm that a carrier's obligation to port numbers is subject to no more than "necessary customer validation procedures."

Comcast therefore urges the Commission to grant the "simple fix" proposed by the Petition to reduce the validation criteria. Comcast further urges the Commission to solicit a new round of comments on whether the porting interval should be shortened to the next-day standard proposed here, or some other interval shorter than the current four-day standard, as well as enforce compliance with the current four-day standard.

Respectfully submitted,

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