



be allowed to proceed to conclusion, rather than seeking a premature decision from the Commission;

2. T-Mobile/Sprint's Petition is incorrect, at least with respect to Embarq (and potentially many others) in its description of Embarq's reasonable porting requirements; and
3. T-Mobile/Sprint's recommendation that validating port requests use only four recommended fields on the LSR would produce many erroneous ports and customer service outages and it would be costly to implement, which would ultimately increase the cost of providing service to customers.

Conversely, the Petition concerns a small percentage of the numbers ported every day, and T-Mobile/Sprint cannot allege that Commission action will produce substantial public interest benefits.

**I. THE COMMISSION SHOULD NOT UNDERMINE THE NORTH AMERICAN NUMBERING COUNCIL'S ONGOING NEGOTIATION OF THESE INTERMODAL PORTABILITY ISSUES.**

The petitioners contrast the "cumbersome" process used by the ILECs for wireline porting with the processes adopted by the wireless industry "under the auspices of NANC", essentially implying that the ILEC process has no basis for its foundation. That is wrong. The process used by ILECs for wireline porting, including the use of the LSR and timing, was defined by the NANC LNPA Technical & Operational Requirements Task Force and included as Attachment E of the NANC LNP Administration Selection Working Group Report (April 25, 1997) that was adopted by the FCC.<sup>3</sup>

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<sup>3</sup> FCC Rule 52.26(a), 47 C.F.R. § 52.25(a).

Several years later this process was reviewed by the NANC at the request of the FCC and the recommendations for reducing the porting interval were released for comment in 2004.<sup>4</sup> The recommendation by the NANC subcommittee that researched the matter specifically rejected a standardized approach utilizing the four fields recommended by the petitioners as being too costly and supported less costly more effective means for reducing the interval.<sup>5</sup> This demonstrates that the NANC process is working, that the issue at hand is receiving due attention and consideration, and that the process must be allowed to proceed to its conclusion. The T-Mobile/Sprint Petition, therefore, presents no basis for premature intervention by the Commission.

## **II. T-MOBILE/SPRINT'S ALLEGATIONS ARE INCORRECT, AT LEAST WITH RESPECT TO EMBARQ.**

The petitioners complain that they must fill out 100+ data fields to validate a request to port a telephone number from a wireline to a wireless carrier. This is misleading and, with respect to Embarq, just plain wrong. While the form may have many fields, not all are required as input for an LNP request.<sup>6</sup> The process used by Embarq is consistent with OBF recommendations and requires only 20 fields. Moreover, T-Mobile/Sprint are not making a fair comparison when they claim that they only seek 4 fields. For example, the customer's address is made up of 5 fields under the OBF recommendations (Service Address House Number, Service

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<sup>4</sup> *In the Matter of Telephone Number Portability*, Second Further Notice of Proposed Rulemaking, CC Docket No. 95-116, Released September 16, 2004 ("Porting Interval NPRM").

<sup>5</sup> NANC Report & Recommendation on Intermodal Porting Intervals, Prepared for the NANC by the Intermodal Porting Interval Issue Management Group, May 3, 2004 ("IMG Report")

<sup>6</sup> And, some field that are required are not required for completion of the port itself, but rather for use by the wireless and wireline carriers for administrative and trouble shooting purposes – such as contact names.

Address Street Name, City, State, and Zip Code), instead of 1 as T-Mobile/Sprint suggest. Therefore, T-Mobile/Sprint are asking for, at a minimum, 8 fields rather than 4 fields.

If a requesting carrier utilizes Embarq's OSS instead of choosing to fill out LOAs, then only 8 fields are required to validate a port request with Embarq.<sup>7</sup> Once those 8 fields are provided, the system populates the remaining information, allowing the carrier's service representative to verify that the telephone number that they input matches the customer name and address. Nothing prohibits them from doing this while they have the end user customer on line and can validate the data in real time. Accordingly, it is apparent that Embarq's current process is no more burdensome than the one proposed by T-Mobile/Sprint. Moreover, as explained below, the T-Mobile/Sprint Petition would require Embarq to undertake costly system changes and would seriously undermine the security and integrity of the porting process.

Likewise, T-Mobile/Sprint's claim that "LSRs are changed as many as four times each year without prior notice to other service providers"<sup>8</sup> is clearly incorrect with respect to Embarq. Embarq has not made any changes to its LSR forms for intermodal portability since such porting began in November, 2003. Accordingly, the LSR process is more than stable enough to serve the public interest and the Petition should be denied.

Petitioners are also incorrect when they claim that there is a high cancellation rate, and that this demonstrates that the current porting process is broken. T-Mobile/Sprint claims that it experiences a 30% cancellation rate for intermodal ports but it offers no data in support of that

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<sup>7</sup> Carriers also have the ability to use an FTP (File Transfer Protocol) process to electronically transmit port requests to Embarq in a batch mode. Although this process requires the 20 fields of data (5 of which are address fields) for each port request, this option offers other benefits to requesting carriers. The data required to accurately complete the request is readily available, at no charge, via Embarq's OSS.

<sup>8</sup> Petition at p. 4.

claim. The reality, at least in Embarq's case, is that the cancellation rate for wireless carrier porting requests received by Embarq in 2006 was only 5.5% (447 out of 8,075); a percentage comparable to the 5% rate for wireless to wireless porting that T-Mobile/Sprint touts as demonstrating that that process is better than the intermodal process.<sup>9</sup> In sum, Embarq already is performing at a rate comparable to the rate that T-Mobile/Sprint are seeking. Therefore, the Petition offers no public interest benefit to offset the substantial harms that may ensue should it be granted.

The petitioners also seem to ignore the fact that there are legitimate reasons for rejecting a port request. For example, in footnote 14 of the Petition, they state that "the telephone number is not a working number" is listed as a reason for rejection. It should be apparent that a port request should fail if a port request is received for a non-working telephone number (for example, a number that is being aged) or for a telephone number that doesn't match the customer account. Another reason for rejecting port requests is the receipt of duplicate requests for the same telephone number or the customer name and address not matching. Such rejections do not indicate a problem with Embarq's process but with the wireless carrier's process. Therefore, the Commission should not be misled into ordering system and process changes when the current outcome is the desired one or the problem lies with requesting carriers, such as petitioners.

**III. THE SOLUTION PROPOSED IN THE PETITION IS ILLOGICAL WITH RESPECT TO EMBARQ, AND IT COULD PRODUCE SUBSTANTIAL CONSUMER HARM.**

T-Mobile and Sprint Nextel urge the Commission to order Embarq to port numbers utilizing four data fields: "(1) 10-digit telephone number; (2) customer account number; (3) 5-

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<sup>9</sup> *Id.* at p. 5.

digit zip code; and (4) pass code, if applicable.” This will not work with respect to Embarq. First, Embarq’s systems use the telephone number as the end user customer account number, so the first two fields would be the same. Embarq systems also do not utilize a pass code. Therefore, petitioners’ recommendation would force Embarq to validate port requests utilizing only *two* data points: 10-digit telephone number and 5-digit zip code. Therefore, the Petition proposal is illogical with respect to Embarq. If it were to be implemented, customers would be harmed through unwanted service changes and disruptions (in addition to feeling the effects of a higher cost of service due to costly system changes).

For example, given the rural nature of Embarq’s territories and the way zip codes and telephone numbers overlap it is likely that a wireless carrier will, from time to time, forward an incorrect telephone number by transposing digits and the incorrect number will also be a working number within the zip code area. If Embarq were to port such a request the customer would be placed out of service. This scenario is not as unlikely as one might think. One of the recent port rejections reviewed in preparing these comments had a business’s working telephone number inserted for a residential customer. The business customer would have been placed out of service had Embarq accepted the request. If this transaction had been placed through Embarq’s OSS rather than the batch FTP process it is doubtful that this mismatch would have occurred.

Scenarios like the one described above have led industry standard setting processes to reject proposal such as the four-field process advanced by T-Mobile and Sprint. One of the scenarios addressed in the IMG Report was the development of an automated interface standard for passing port request and port responses. Entitled “Proposal C1”, the group examined the cost and benefits of developing a standardized process exchanging 11 data fields. Of the fields, 7 included information such as carrier ID’s and due date, and the other four 4 of the fields were

classified as validation criteria. They are the same 4 fields recommended by T-Mobile and Sprint Nextel except that the account field is optionally listed as the end users social security number.<sup>10</sup> The committee estimated that while implementing C1 would save 23 hours, the cost of implementing C1 was “very high”, which means that it was in excess of \$600,000,000 to implement for ten major carriers participating in the work effort. C1 was appropriately rejected in favor of less costly solutions that achieved comparable savings.

Finally, the number of intermodal ports in Embarq territory is not significant enough to justify the substantial costs that would result from the Commission ordering the solution recommended by T-Mobile and Sprint Nextel. Embarq has successfully ported 27,915 telephone numbers to wireless carriers since wireless portability began in November 2003. Of those 7,334 were ported to Sprint and 1,742 were ported to T-Mobile. The latest NRUF report released by the FCC showed 25,356,000 wireless to wireless ports for the period November 2003 through June 2006, while it showed only 1,817,000 wireline to wireless for the same period. Clearly, any benefit to be gained (if there is any and if any is truly needed) from T-Mobile/Sprint’s requested relief cannot justify expending resources for change.

#### **IV. CONCLUSION**

The Petition seeks to circumvent the ongoing effort to resolve the issue through the North American Numbering Council (NANC) and those deliberations should be allowed to proceed to conclusion, rather than seeking a premature decision from the Commission. In any event, T-Mobile/Sprint’s Petition is incorrect, at least with respect to Embarq (and potentially many others) in its description of Embarq’s reasonable porting requirements. Finally, T-Mobile/

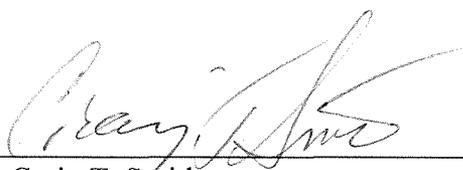
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<sup>10</sup> Embarq does not generally store end user’s social security numbers given the sensitivity regarding privacy and identify theft.

*February 8, 2007*

Sprint's recommendation that validating port requests use only four recommended fields on the LSR would produce many erroneous ports and customer service outages and it would be costly to implement, which would ultimately increase the cost of providing service to customers. Accordingly, the Petition should be denied.

Respectfully submitted,  
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February 8, 2007

## CERTIFICATE OF SERVICE

I hereby certify that a copy of the forgoing Embarq Local Operating Companies Objection to Petition was filed by Embarq in CC Docket No. 95-116 was sent by First Class Mail, postage prepaid, and /or electronic mail on the 8<sup>th</sup> day of February, 2007 as follow:

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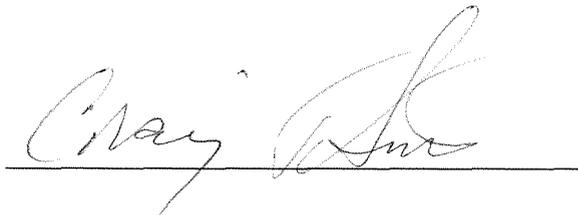
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