

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C.

In the Matter of

Telephone Number Portability

CC Docket No. 95-116

**REPLY COMMENTS OF
LEVEL 3 COMMUNICATIONS, LLC
IN RESPONSE TO
PETITION FOR DECLARATORY RULING**

Level 3 Communications, LLC (“Level 3”) submits its Reply Comments on the Petition for Declaratory Ruling (“Petition”) filed by T-Mobile USA, Inc. and Sprint Nextel Corporation (collectively, “Petitioners”). Level 3 supports streamlining the information required for carriers to validate port requests; however, as other comments noted, the minimal data fields proposed by Petitioners may not be sufficient in all cases to enable a carrier to complete a port request. Level 3 urges the Commission to focus on the distinction between the data required to validate a port, *i.e.*, confirm the customer and telephone number to be ported, and the data required to complete the port, such as the treatment of additional services the customer is not porting, distribution of underlying facilities, and other matters. The data required for these two distinct tasks may be significantly different and the Commission should refrain from implementing a process that limits a carrier’s ability to complete all of the activities associated with porting a number.

Level 3 is a global communications and information services company that offers, on its own and through its affiliates, a wide range of high-quality communications services, including Internet-protocol-based services, broadband transport, collocation services, and patented Softswitch-based managed modem and voice services to carriers, ISPs, and other business customers over its IP-based network North America, Europe, and Asia. Level 3 and its affiliates hold numerous Commission authorizations for international telecommunications services, undersea cable facilities, satellite earth stations, and terrestrial wireless facilities.

Level 3 generally supports Petitioners recommendation that a losing carrier be permitted to rely upon fewer data fields to validate port requests. Level 3 has encountered problems similar to those identified by Petitioners and other commenters in executing ports for its customers/prospective customers or its customers' customers. For example, as noted in the comments,¹ it is not unusual for a porting out carrier to reject the winning carrier's Local Service Request ("LSR") because of an error(s) on the LSR. Streamlining the number of data fields that a losing carrier can validate or require the winning carrier populate will eliminate most of these situations and reduce the overall time to complete ports. At the same time, it is important that the port request include sufficient information to enable the losing carrier to, among other things, determine the disposition of any other services the customer is not porting, and disconnect the porting customer and any underlying facilities.² Accordingly, if the Commission adopts Petitioners' recommendation, it is critical that the Commission distinguish any new, narrower port validation requirements from the broader category of information required to physically complete the port.

¹ See, e.g., Comments of Comcast Corporation at 2, 7-8; Comments of Leap Wireless International, Inc. at 2; Comments of Charter Communications, Inc. at 5-6.

² Opposition of Qwest to Petition for Declaratory Ruling at 4-6; Opposition of Time Warner Telecom Inc., Cbeyond, Inc. and One Communications Corp. at 3-4; Embarq Local Operating Companies Objection to Petition at 5-6.

Level 3 does not believe it is practicable to shorten the timeframes to match the wireless industry as Petitioners request. Petitioners suggest that these porting intervals – 30 minutes to accept or deny a port request and 2.5 hours to complete – should apply to non-wireless ports. (Petition at 4). Petitioners also request that the Commission adopt the NANC Report & Recommendation on Intermodal Porting Intervals (May 3, 2004) (“NANC Report”), which considers time frames similar to those suggested by Petitioners – 1 hour for accepting/rejecting a port (*e. g.*, Proposal C1, at 15), 2 days for port activation (*e.g.*, Proposal A1 and A2, at 16-18) and ultimately recommends a “maximum porting interval” of 53 hours.³

As a number of comments demonstrate, there are significant differences between wireline and wireless ports that make wireline ports more complex and time-consuming.⁴ Wireline and wireless services generally require different customer equipment and different facilities that warrant refraining from applying the same porting processes or requirements to different types of port requests. Significantly, the very same NANC Report Petitioners request the Commission adopt highlights these differences and concludes they warrant different porting intervals. The NANC Report states:

The wireless porting interval is based upon the expectation of wireless customers to go to a wireless point of sale and leave with functional service and handset/terminal. The wireless industry’s customer acquisition and provisioning systems are all geared to meet this expectation. Thus, to satisfy the wireless business model, the wireless industry agreed to 30 minutes for a port request (wireless intercarrier communication process (ICP) equivalent of the wireline LSR/Port Response), and two hour NPAC activation process (1 hour Initial and Final Concurrence Window timers), for a total of a 2-1/2 hour wireless porting interval for a simple port request.⁵

³ NANC Report at 30.

⁴ Comments of United States Cellular Corporation, at 2; Opposition of Qwest to Petition for Declaratory Ruling, at 4-5; Opposition of Time Warner Telecom Inc., Cbeyond, Inc. and One Communications Corp., at 3-4.

⁵ NANC Report at 10.

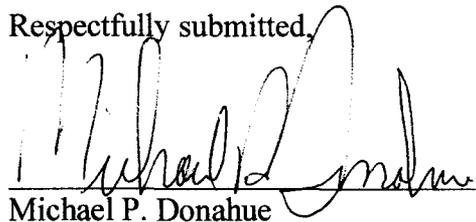
In contrast, for wireline ports, the NANC Report concludes that complexities may lengthen the time required to complete a report. The NANC Report states:

A minimum three (3) day porting interval is the agreed upon interval for wireline carriers to perform system updates and the physical work required to complete a simple port once the LSR/Port Response process is complete. Factors such as the quantity of numbers being ported, type of service impacted, use of the Unbundled Network Elements (UNE), loop facilities or the involvement of resellers may result in the porting process to be longer than three days.⁶

Accordingly, in evaluating Petitioners' request, the Commission must consider the differences in the manner in which wireless and wireline services are provisioned and whether the same porting process can be applied in all cases.

In short, while Level 3 generally agrees that some streamlining of the porting validation process is necessary, any new requirements must take into consideration and be able to accommodate a range of potential porting scenarios.

Respectfully submitted,



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⁶ NANC Report at 8.