

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C.**

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| In the Matter of |) | |
| |) | |
| Telephone Number Portability |) | WB Docket No. 95-116 |
| |) | |
| Petition of T-Mobile USA, Inc. and Sprint Nextel Corporation for Declaratory Ruling |) | |

**REPLY COMMENTS OF
THE UNITED STATES TELECOM ASSOCIATION**

The Petition for Declaratory Ruling (the Petition)¹ filed by T-Mobile USA, Inc. and Sprint Nextel Corporation (the Petitioners) should be denied for several reasons. First, the Petitioners overstate the burdens of completing Local Service Request (LSR) forms necessary to complete porting. Second, the Petition fails to justify a departure from reliance on expert industry numbering groups to resolve intermodal porting issues. Third, the Petition fails to demonstrate that a declaratory ruling is the most appropriate means of resolving any differences that might arise between the Petitioners and the local exchange carriers (LECs) required to port out telephone numbers to the Petitioners.

On December 20, 2006, the Petitioners filed a Petition for Declaratory Ruling with the Federal Communications Commission (Commission) seeking to reduce the information a wireless carrier porting in a telephone number from a wireline LEC must supply to the LEC. The Petitioners argue that LECs require them to populate as many as 100 fields on LSR forms to

¹ Petition for Declaratory Ruling, filed by T-Mobile and Sprint, CC Docket No. 95-116, Dec. 20, 2006.

effectuate intermodal ports but that the number of data request fields in intermodal porting requests should be limited to four, or about the number of elements used by wireless carriers for intramodal porting.² The Petition asserts that the information required by LECs is beyond that necessary to validate a customer request and accomplish a port.

The United States Telecom Association (USTelecom)³ believes that the Petition overstates the burdens of completing the LSR. As USTelecom members have shown, the assertion that the Petitioners must complete LSRs containing over 100 data fields is misleading. The LSR is a universal form used to order a wide range of services and facilities such as services for resale, unbundled network elements, directory listings, and number portability. While the LSR forms used by many LECs may contain over 100 fields to cover orders for all of these types of services, the vast majority of those fields are not required for number portability requests. For instance, Verizon shows how the LSR for Verizon East, as an example, contains only 26 fields that need be completed for an intermodal portability request, 21 of which can be entered automatically by a wireless carrier's ordering system, leaving only five fields that the wireless carrier must populate.⁴ These fields ask for basic customer information, including the customer's name, state, account number, telephone number, and type of service—business or residential. Like Verizon, Embarq Local Operating Companies (Embarq) sees the Petitioners' complaint that they must fill out over 100 data fields to validate a porting request as misleading

² Petition at 4.

³ USTelecom is the premier trade association representing service providers and suppliers for the telecommunications industry. USTelecom members provide a full array of services, including broadband, voice, data, and video over wireline and wireless networks.

⁴ Verizon Opposition at 7.

and, with respect to Embarq, “just plain wrong.”⁵ The process used by Embarq requires only 20 fields.⁶ And only eight fields are required by requesting carriers using Embarq’s OSS instead of filling out the order forms.⁷ Similarly, AT&T Inc. (AT&T) requires use of only 27 or fewer data fields many of which can be automatically populated by the wireless carrier.⁸

Moreover, the number of intermodal ports requested of many smaller USTelecom companies is not significant enough to justify the substantial costs that would result from the Commission’s ordering the solution recommended in the Petition. Some USTelecom members such as Kerman Telephone in Kerman, California have not had a single wireline to wireless port request to date. For carriers such as Kerman, the costs of implementing the solution requested by the Petitioners would far outweigh any benefits.⁹ Even for larger USTelecom members such as Embarq, the number of intermodal ports is not significant enough to justify the solution proposed by the Petitioners,¹⁰ especially since, in Embarq’s case, the cancellation rate for wireless carrier porting requests in 2006 was only 5.5%, a percentage comparable to the 5% rate for wireless to wireless porting.¹¹ As Embarq points out, “clearly any benefit to be gained (if there is any and if

⁵ Embarq Objection at 3.

⁶ *Id.*

⁷ *Id.* at 4.

⁸ AT&T Comments at 4.

⁹ Furthermore, by granting the Petition, the Commission could risk violating the Regulatory Flexibility Act, which requires it to analyze and minimize the economic impact on small entities of any new rules. *See* 5 U.S.C. §§ 601-612.

¹⁰ *See* Embarq Objection at 7.

¹¹ *Id.* at 5. *See* Petition at 5, Petitioners claim that the customer validation process followed by LECs is in part to blame for a 30% cancellation rate for intermodal ports but provide no data in support of this claim.

any is truly needed) from [the Petitioner's] requested relief cannot justify expending resources for change."¹²

Furthermore, the ongoing efforts of the North American Numbering Council (NANC) and the Ordering and Billing Forum (OBF) will streamline the porting process even more, and the Commission should not circumvent these efforts. The purpose of these organizations is to achieve consensus regarding porting forms and processes. For example, in NANC's Local Number Portability Administration (LNPA) Working Group and in the OBF, evaluation of current porting practices with an eye to reducing the intermodal porting interval and to making intermodal porting more satisfactory to end users is underway. The OBF has been working to formulate a number portability request requiring minimal data exchange, to identify differences among the way wireline carriers' validate LSRs, to identify fields that cause significant fall-out on intermodal ports, and to develop an accelerated port process.¹³ The LNPA Working Group is continuing to address issues related to intermodal porting, such as the mapping of wireless port requests to wireline LSRs and wireless port request responses to wireline firm order confirmations.¹⁴ Continued reliance on NANC and OBF to develop industry practices and forms is important because these industry bodies craft policy with an eye toward the business models of both the wireline and wireless carriers.

Continuing to work through NANC and OBF is also important to accommodate individual carriers' legacy systems and processes. Industry-developed guidelines and best

¹² *Id.*

¹³ *See* AT&T Comments at 5; Verizon Opposition at 11.

¹⁴ *See* Verizon Opposition at 11.

practices have the flexibility to improve number portability processes and practices without causing disproportionate burdens on individual carriers. By contrast, a one-size-fits-all Commission rule would likely impose onerous burdens and obligations on individual carriers to modify their legacy processes and systems in order to comply with the rule.

Finally, precisely because NANC and OBF are seeking consensus regarding intermodal porting procedures, a declaratory ruling from the Commission prescribing procedures for intermodal porting requests would be inappropriate. Rather than allowing one side to dictate the process,¹⁵ NANC and OBF can help resolve differences that might arise between the Petitioners and the LECs porting out telephone numbers to the Petitioners. For example, to the extent that carriers are convinced that LECs are using an unnecessarily lengthy validation process, they can, if necessary, raise these complaints with NANC for resolution: Commission rules give NANC the authority to resolve issues regarding number portability.¹⁶ Furthermore, if the use of different LSR forms in the intermodal porting process by LECs creates frustration among carriers, the solution is not to seek a declaration from the Commission that the forms are deficient. The solution is to work within industry organizations, as required by Commission regulation,¹⁷ to establish the minimum information required by LECs for a successful port and to develop a model form that reflects this. As Qwest points out, working with NANC to address

¹⁵ The Petition assumes that all LECs can properly process a port with only the suggested four fields. This is not possible for many LECs whose manner order processing and porting procedures vary based upon their size, sophistication, financial resources, and technical capabilities.

¹⁶ See 47 C.F.R. § 52.26(b)(3), “Parties shall attempt to resolve issues regarding number portability deployment among themselves and, if necessary, under the auspices of the NANC.”

¹⁷ See *supra* note 16.

specific porting obstructions is more appropriate “than is a general regulatory declaration modifying industry activities that may not run afoul of consensus and reasonable practices and standards.”¹⁸ Because industry efforts are continuing to improve porting policies and procedures, there is no reason for the Commission to interfere with them, and the Commission should reject all invitations to do so.

For these reasons, USTelecom urges the Commission to deny the Petition and allow NANC and OBF to continue their efforts to evaluate and improve intermodal porting procedures.

Respectfully submitted,

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¹⁸ Qwest Comments at 2-3.