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Federal Communications Commission
Office of the Secretary

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)
)
Local Number Portability Porting Interval and) WC Docket No. 07-244
Validation Requirements)
)
Telephone Number Portability) CC Docket No. 95-116
)

PETITION FOR WAIVER OF DEADLINE

Embarq submits this petition seeking a limited waiver¹ of the deadline by which Embarq must change its validation process for local number portability (LNP) requests to comply with the Commission's declaratory ruling that LNP validation should be based on no more than four specified fields. Embarq will comply with this ruling and has begun working toward compliance, but meeting the Commission's deadline for the four-field validation requirement would necessitate substantial changes to an outmoded ordering system that Embarq is already in the process of replacing. Accordingly, Embarq asks for a limited waiver of the deadline, so that it may comply with the LNP part of the new ordering system when its implementation is completed. If waiver is granted, Embarq expects the system to be in place by the end of September 2008.

Embarq submits that the public interest would be better served if Embarq were not compelled to implement new, four-field LNP validation twice in less than one year. Moreover, customers will also benefit if Embarq were permitted to continue with its scheduled deployment

¹ Embarq makes this request for a waiver pursuant to section 1.3 of the Commission's rules, 47 C.F.R. § 1.3.

of a new ordering system. The new ordering system will bring a broad range of service benefits to many customers beyond those making LNP requests. The new system will meet the new validation requirements with only a modest, 8-month delay from the original effective date of the new rule. Significantly, Embarq already meets LNP performance measures comparable to those in the wireless industry, where four-field validation is in effect today. Moreover, Embarq is prepared to take significant steps to ensure that LNP customers are not substantially inconvenienced by continuing with the current validation process for the additional months.

Given these facts, Embarq asks the Commission to recognize that Embarq faces special circumstances warranting deviation from the rule and, consequently, that there is good cause to grant the requested limited waiver. Embarq also asks the Commission to find that the public interest would be served by granting the requested waiver. Finally, in light of these determinations, Embarq asks the Commission to grant this petition to waive the February 6, 2008 deadline for meeting the new LNP validation process for a limited period of time in order to allow Embarq to continue implementing its new ordering system.

I. EMBARQ MUST MAKE SYSTEM CHANGES TO COMPLY WITH THE NEW VALIDATION REQUIREMENTS IN THE DECLARATORY RULING.

On November 8, 2007, the Commission issued a declaratory ruling granting a petition filed by T-Mobile and Sprint Nextel seeking changes to the intermodal portability process.² The Commission decided that:

² *Telephone Number Requirements for IP-Enabled Services Providers*, WC Docket No. 07-243, Report and Order, Declaratory Ruling, Order on Remand, and Notice of Proposed Rulemaking, 22 FCC Rcd 19531, 19554 ¶ 42 (*Four Field Declaratory Ruling*)

LNP validation should be based on no more than four fields for simple ports (*i.e.*, wireline-to-wireline, wireless-to-wireless, and intermodal ports), and that those fields should be: (1) 10-digit telephone number; (2) customer account number; (3) 5-digit zip code; and (4) pass code (if applicable).³

Currently, Embarq follows industry standards for wireline porting, including the use of the local service request (LSR) interface and timing, as defined by the North American Numbering Council (NANC) Local Number Portability Administration (LNPA) Technical & Operational Requirements Task Force and included as Attachment E of the NANC LNPA Selection Working Group Report (April 25, 1997) that was adopted by the Commission.⁴ These current processes require, among other things, the use of criteria beyond the four fields specified in the *Four Field Declaratory Ruling* to validate LNP requests. Therefore, Embarq will have to change its LNP processes to comply with the *Four Field Declaratory Ruling*.

Embarq is already phasing out its current ordering system. If the current system is to meet the new four-field validation requirement, Embarq will need to undertake substantial work to modify the current system. The process changes are significant and involve several different methods for validating LNP requests, depending on the format in which the request is delivered to Embarq. The costs Embarq would incur to change the current ordering system are greater than the costs that would be required to include the new requirement in the LNP validation process for Embarq's new ordering system, which is currently scheduled for deployment in September, 2008. Absent grant of this waiver, Embarq would have to set aside implementation

³ *Id.* at 19558 ¶ 47.

⁴ FCC Rule 52.26(a), 47 C.F.R. § 52.25(a).

work on its new ordering system for a period of time, in order to undertake efforts necessary to meet the February 6, 2008 deadline for the new, four-field validation requirement. The result would be duplicative effort and expense and diminished quality of service to carriers requesting number ports and other access services while Embarq's new, upgraded ordering system is delayed. Ultimately, end user customers would bear these costs, which further explains why the public interest would be best served by permitting Embarq to delay its compliance with the four-field validation requirement until after it transitions to the new ordering system that is already being installed and is scheduled to be in use by September 30, 2008.

For the purpose of this petition, Embarq need not address other issues with the *Four Field Declaratory Ruling*. For example, carriers may need to validate on additional fields—such as provider and customer restriction. These issues are being addressed through industry processes, such as the LNP Working Group. Accordingly, Embarq limits this Waiver Petition to the very narrow issue of a modest delay until its new ordering system is deployed, so as to avoid duplicative and needlessly costs in implementing the new four-field requirement.

II. EMBARQ FACES SPECIAL CIRCUMSTANCES, BECAUSE IT IS IN THE PROCESS OF REPLACING ITS ORDERING SYSTEM, MAKING THE SYSTEM CHANGES QUICKLY OBSOLETE AND WASTED.

Embarq currently uses multiple systems for ordering. They include the Integrated Request Entry System (IRES), which is used for LNP requests among other things, and two separate access systems. Customers place orders electronically, or Embarq takes orders and enters them manually. Embarq is in the process of replacing all three ordering systems with a single, new ordering system, called Embarq Administration and Service order Exchange (EASE). Embarq is making this significant upgrade because EASE offers standards-based electronic

bonding. Moreover, EASE is compliant with more recent industry standards than Embarq's existing ordering systems. Therefore, EASE will be more efficient for Embarq. It will require fewer code changes to implement the four-field order, and Embarq can rely more on outside vendors and standardized software packages.

Embarq's customers will benefit from the move to EASE, because it will:

- Provide a reliable ordering platform;;
- Significantly reduce the volume of orders requiring a manual touch;
- Reduce order cycle time and improve billing accuracy by early comprehensive validation; and
- Provide connectivity solutions to accommodate key non-order functions (disputes, trouble tickets, etc.).

Accordingly, the public interest is better served by allowing Embarq to proceed with the scheduled deployment of EASE without the delay that will arise if it must first make temporary, interim changes to the outgoing system.

Embarq is working on the requirements for the local service request module, which is scheduled to be deployed by the end of September 2008. Embarq is making the new four-field standard a part of those requirements, so EASE will comply with the Commission's order. Absent a waiver of the February 6, 2008, deadline, however, Embarq will have to undertake pointless, entirely duplicative effort to bring its old ordering system (IRES) into compliance for the very short time, in addition to making the new system (EASE) comply with the Commission's ruling. Such duplicative effort would only end up increasing costs and ultimately harming the interest of consumers. That outcome would be only inconsistent with the Commission's goals in adopting the new four-field requirement.

Embarq is also currently working on the deployment of the access service module, which will be completed in February 2008. Embarq would have to re-deploy resources away from this activity if it is to meet the February 6, 2008, deadline for four-field LNP validation. This would delay the customer benefits of the new access module for a period of time, which is also inconsistent with the overall intent of the new rule.

III. ACCORDINGLY, THE PUBLIC INTEREST WOULD BE BEST SERVED BY PERMITTING EMBARQ TO MEET THE NEW VALIDATION REQUIREMENTS WHEN IT DEPLOYS ITS NEW ORDERING SYSTEM.

Section 1.3 of the Commission's rules⁵ grants the Commission authority to waive its regulations when good cause is demonstrated by a showing that (a) there are special circumstances warranting deviation from the general rule and (b) the requested waiver will serve the public interest.⁶ Embarq has demonstrated both. Embarq would have to engage in duplicative and ultimately wasted effort to modify its existing ordering system to comply with the new requirement, when that system will soon be replaced by a new, upgraded ordering system. Both LNP customers and other Embarq customers would be better served by allowing a more rapid deployment of the new ordering system, which would inevitably be delayed if Embarq were obliged to divert resources to modify the outgoing ordering system. In sum, Embarq submits that the public interest would be better served if Embarq were not required to implement new four-field LNP validation twice in less than one year.

Embarq's LNP customers should not be adversely impacted by a modest delay in implementing the new four-field requirement. Embarq currently ports numbers effectively and

⁵ 47 C.F.R. § 1.3.

⁶ *Northeast Cellular Telephone Co. v. FCC*, 89 F.2d 1164 (D.C. Cir. 1990) citing *WAIT Radio v. FCC*, 48 F.2d 1153, 1159 (D.C. Cir. 1969).

efficiently, producing results comparable to those in the wireless industry. For example, the cancellation rate for wireless carrier porting requests received by Embarq in 2006 was only 5.5% (447 out of 8,075), which is comparable to the 5% rate for wireless to wireless porting described by T-Mobile and Sprint in their petition in this docket.

Embarq recognizes that there may be some instances where temporary continued use of the current LNP validation process may require manual intervention, as the requesting carrier may not always have the necessary address information. Embarq is fully willing to set up a dedicated process during the waiver period to provide expedited handling of LNP requests that may not have all information needed for validation under current business rules.

IV. CONCLUSION

Embarq faces special circumstances warranting the requested extension of the February 6, 2008, implementation deadline for four-field validation of LNP requests until Embarq transitions to the new local service ordering system that is in the process of deploying. The public interest would be served by granting the requested waiver given the duplicative and ultimately wasted effort and expense involved in modifying the current ordering system, which will be replaced in a matter of months by a system offering better service to all customers.

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Therefore, Embarq asks the Commission to grant Embarq's petition to waive the February 6, 2008 deadline for meeting the new LNP validation process, allowing Embarq the limited period of time needed to continue implementing its new ordering system.

Respectfully submitted,

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