

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

In the Matter of)	
)	
Telephone Number Requirements for IP-Enabled Services Providers)	WC Docket No. 07-243
)	
Local Number Portability Porting Interval and Validation Requirements)	WC Docket No. 07-244
)	
IP-Enabled Services)	WC Docket No. 04-36
)	
Telephone Number Portability)	CC Docket No. 95-116
)	
CTIA Petitions for Declaratory Ruling on Wireline-Wireless Porting Issues)	
)	
Final Regulatory Flexibility Analysis)	
)	
Numbering Resource Optimization)	CC Docket No. 99-200

**OPPOSITION OF THE
NATIONAL CABLE & TELECOMMUNICATIONS ASSOCIATION**

The National Cable & Telecommunications Association (“NCTA”) hereby submits its opposition to the Petition for Clarification filed by One Communications in the above-captioned proceeding.¹ NCTA is the principal trade association for the U.S. cable industry, representing cable operators serving more than 90 percent of the nation's cable television households and more than 200 cable program networks. The cable industry is the nation’s largest broadband provider of high-speed Internet access after investing \$110 billion since 1996 to build a two-way interactive network with fiber optic technology. Cable companies also provide voice service to millions of American homes and are rapidly making these services available nationwide.

¹ *Local Number Portability Porting Interval and Validation Requirements, et al.*, WC Docket Nos. 07-244, *et al.*, Petition for Clarification and for Limited Extension of Time (filed Feb. 5, 2008) (Petition).

INTRODUCTION

In the *Order*, the Commission made two significant changes to the regulatory regime governing local number portability (LNP). First, the Commission extended its LNP rules to providers of interconnected Voice over Internet Protocol (VoIP) services.² Second, the Commission clarified that “LNP validation should be based on no more than four fields for simple ports.”³ These new requirements were scheduled to take effect on February 6, 2008, but the Commission postponed the effective date of the “four fields” requirement until July 31, 2008.⁴

NCTA believes the *Order* in general, and the “four fields” requirement in particular, represents an important step in further promoting competition for voice services. The ability of consumers to quickly and easily port their numbers to a new carrier is critical to preserving the competition that exists today, which has been remarkably beneficial for consumers.⁵ As the Commission recognized, “burdensome porting-related procedures play a role in the difficulties providers experience when seeking to fulfill customers’ desires to port their numbers, particularly given the incentives that providers have to obstruct the porting process.”⁶

In its petition for clarification, One Communications claims that there is confusion in the marketplace as to whether the “four fields” requirement applies only to validation of port requests or whether it also serves to limit the information the porting-out carrier can require in

² *Local Number Portability Porting Interval and Validation Requirements, et al.*, WC Docket Nos. 07-244, *et al.*, Report and Order, Declaratory Ruling, Order on Remand, and Notice of Proposed Rulemaking, FCC 07-188, at ¶ 1 (rel. Nov. 8, 2007) (*Order*).

³ *Id.* at ¶ 2.

⁴ *Local Number Portability Porting Information and Validation Requirements*, WC Docket No. 07-244, Order, FCC 08-31 (rel. Feb. 5, 2008).

⁵ See Michael Pelcovits and Daniel Haar, *Consumer Benefits of Cable-Telco Competition*, at 11, available at http://www.micradc.com/news/publications/pdfs/Updated_MiCRA_Report_FINAL.pdf (finding that consumer benefits from competition exceed \$23 billion over the last four years).

⁶ *Order* at ¶ 42.

connection with actually accomplishing the port.⁷ One Communications asserts that additional information is needed to carry out the port and asks the Commission to clarify that the *Order* applies only to the validation process.⁸ In addition, the petition requests that the Commission clarify that any port from a carrier that uses unbundled network elements (UNEs) is not a “simple” port and therefore not covered by the “four fields” requirement.⁹

THE CLARIFICATION REQUESTED IN THE PETITION IS UNNECESSARY AND CONTRARY TO THE COMMISSION’S PRO-COMPETITIVE POLICIES

There is no basis for granting this petition. As One Communications acknowledges, the *Order* substantially streamlined the LNP *validation* process by making clear that the porting-out carrier only may require only four fields. There is no confusion on this point and no need for clarification. To the extent there is a question as to whether a porting-out carrier may require additional fields in order to effectuate the port, One Communications should raise those concerns in the pending rulemaking proceeding.¹⁰

If the Commission addresses the question of whether additional fields are needed to process ports – either in response to the One Communications petition or in the pending rulemaking proceeding – it should pursue the same streamlined approach that it did in the *Order*. Allowing the porting-out carrier to require all ten fields identified by One Communications would diminish the value of the new streamlined validation requirements adopted by the Commission because the new provider still would need to provide more information than is

⁷ Petition at 3-4.

⁸ *Id.* at 4-5. In particular, the petition refers to a recent submission from the Alliance for Telecommunications Industry Solutions (ATIS) which identifies ten fields that purportedly are necessary for a port to occur. *See* Letter from Thomas Goode, General Counsel, ATIS, to Dana Shaffer, Chief, Wireline Competition Bureau, Federal Communications Commission, WC Docket No. 07-244 (filed Jan. 16, 2008).

⁹ Petition at 6-7.

¹⁰ *Order* at ¶ 54 (“[W]e seek comment on whether the Commission should take steps to mandate or modify certain elements of the porting process to ensure the efficiency and effectiveness of LNP for U.S. telephone customers.”).

necessary. Moreover, it would create an additional opportunity for the porting-out carrier to interfere with the customer's desire to quickly and easily switch providers. Such an approach represents unwarranted backsliding from the Commission's forward-looking, pro-competitive *Order* and should be rejected.

One Communications' request that the Commission "clarify" that a port from a carrier that is using UNEs is not a "simple" port, and therefore not covered by the "four fields" rule, also should be rejected. One Communications relies on language in a prior Commission order suggesting that any port that "involves" UNEs is a complex port, rather than a simple port. While treatment as a complex port might be warranted in situations where the porting-out carrier must also provision a UNE to the porting-in carrier, no comparable justification exists when it is only the porting-out carrier that relies on UNEs. In that scenario, there is nothing complex about the port or the disconnection of service. The petition offers no reason why a carrier that is using UNEs should not be able to validate and carry out a port under the same requirements as a provider that uses all its own facilities. Accordingly, the petition should be denied.

CONCLUSION

For all the reasons explained above, NCTA opposes the requested clarification and urges the Commission to retain the existing "four fields" requirement.

Respectfully submitted,

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