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

COMMENTS OF GCI, SUPPORTING IN PART AND OPPOSING IN PART, THE PETITION FOR CLARIFICATION

General Communication, Inc. ("GCI") hereby submits these comments addressing the Petition for Clarification and for Limited Waiver for Extension of Time[1] ("Petition") of the LNP Declaratory Ruling[2] filed by One Communications Corp. ("One Communications"). While GCI firmly supports the proposition by One Communications that there may be fields in addition to the four validation fields that are provided in the porting and customer service process, GCI

[1] One Communications Corp., *Petition for Clarification and For Limited Waiver for Extension of Time,* WC Docket Nos. 07-243, 07-244, 04-36 & CC Dockets Nos. 95-116, 99-200 (filed Feb. 5, 2008).

[2] *Telephone Number Requirements for IP-Enabled Service Providers; Local Number Portability Porting Interval and Validation Requirements; IP-Enabled Services; Telephone Number Portability; CTIA Petitions for Declaratory Ruling on Wireline-Wireless Porting Issues, Final Regulatory Flexibility Analysis; Numbering Resource Optimization, Report and Order, Declaratory Ruling, Order on Remand, and Notice of Proposed Rulemaking,* 22 F.C.C. Rcd 19,531 (2007).

opposes the suggestion in the petition that porting-out carriers should be allowed unfettered discretion unilaterally to require additional information to complete a port.[3] Instead, in better service of consumer choice, carriers are and must be allowed to reach mutual agreement on any additional fields that will be included as part of the porting request, as long as validation continues to be limited to no more than the four fields identified in the Declaratory Ruling.[4]

I. INTRODUCTION

Section 251(b)(2) of the Communications Act of 1934, as amended (the "Act") requires local exchange carriers to offer number portability in accordance with the Commission's rules. The term "number portability" is defined in the Act and the Commission's rules as "the ability of users of telecommunications services to retain, at the same location, existing telecommunications numbers without impairment of quality, reliability, or convenience, when switching from one telecommunications carrier to another."[5] This language contemplates a competitive marketplace for telecommunications services in which consumers can easily switch carriers and port their telephone number, which in turn "should foster lower local telephone prices and, consequently, stimulate demand for telecommunications service and increase economic growth."[6]

On November 8, 2007, the Commission released the Declaratory Ruling with the purpose to "help ensure that consumers and competition benefit from LNP as intended by the Act and

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[3] GCI takes no position on Sections II and III of the Petition.

[4] With respect to the four validation fields, GCI notes that it has serious reservations about the use of a passcode as a validation field. First, the LOA process set forth at 47 C.F.R. § 64.1100 *et seq.* ensures that a submitting carrier has appropriate customer authorization prior to seeking a port. Second, establishing a validation framework that could place the customer in a position to have to share a carrier-specific passcode or PIN with a third party (the new carrier and its customer service representative) seems inconsistent with the strict standards of the rules governing protection of customer proprietary network information ("CPNI"). *See* 47 C.F.R. § 64.2001 *et seq*. GCI urges the Commission to reconsider on its own motion permitted use of this field, or clarify that carriers need only provide and validate porting on this information upon **mutual** agreement.

[5] 47 U.S.C. §153(30); 47 CFR § 52.21(l).

[6] *See Telephone Number Portability, First Report and Order and Further Notice of Proposed Rulemaking,* 11 F.C.C. Rcd 8352, 8368 (¶ 30) (1996).

Commission precedent."[7] In furtherance of this purpose, the Commission established, *inter alia*, that, for all simple ports,[8] a porting-out carrier can only base validation of a request on four fields: ten digit telephone number, zip code, customer account number, and pass code (if applicable).[9] This requirement applies to wireline-to-wireline, wireless-to-wireless, and intermodal ports.[10] On February 5, 2008, One Communications filed the Petition. One Communications seeks to clarify both that additional fields beyond the permissible validation fields may be employed to accomplish the port and that any porting-out carrier for a simple port can require more than the four fields required for validation in order to accomplish the port.

In general, GCI supports the proposition that fields in addition to the four validation fields may be provided in connection with a port request and/or service order, and in fact, the Declaratory Ruling, which only provides minimal standards for the validation process, already permits the exchange of such information undisturbed. GCI opposes, however, the further position taken by One Communication that the porting-out carrier may exercise unilateral discretion to require more information necessary to complete the port.[11] Any fields to accomplish the port or complete the service order beyond the four validation fields must either be mutually agreed to by the parties or, in the absence of such agreement, follow backstop guidelines to be established by the Commission. Leaving such additional fields up to the sole discretion of a porting-out (or porting-in) carrier threatens to disrupt established processes that are working today and to confer the ability on one party unilaterally to disrupt the process by

[7] Declaratory Ruling, 22 F.C.C. Rcd at 19,540 (¶16).

[8] Simple ports are those ports that: (1) do not involve unbundled network elements; (2) involve an account only for a single line; (3) do not include complex switch translations (*e.g.*, Centrex, ISDN, AIN services, remote call forwarding, or multiple services on the loop); and (4) do not include a reseller. Declaratory Ruling, 22 F.C.C. Rcd at 19,556 n.153 (citations omitted).

[9] Declaratory Ruling, 22 F.C.C. Rcd at 19,557 (¶48).

[10] *Id.*

[11] *Petition* at 5.

which consumers must be able to exercise competitive choice. Such an outcome would undermine the intent of the Declaratory Ruling.

II. THE COMMMISSION SHOULD NOT IMPEDE MUTUAL AGREEMENTS GOVERNING THE PORTING AND SERVICE ORDER PROCESS

One Communications seeks clarification as to what porting procedure-related information carriers may request for accomplishing simple ports, and asserts that a porting-out carrier should be entitled to unfettered discretion to add fields to the porting completion process. GCI agrees that porting-out and porting-in carriers should be able to mutually determine what additional fields will be provided, if any, in connection with a porting request, but disagrees that any porting-out carrier should be entitled to unilateral discretion in establishing which fields are needed for a porting procedure.[12]

Carriers are and should be permitted to contractually agree to the fields to be provided for the porting-related procedure, even though the validation is limited to no more than the four fields. For example, GCI acquires customers pursuant to interconnection agreements that establish procedures for a variety of customer service requests, including number portability. The established service request requirements often call for some, if not all, of the four validation fields to accomplish the request, plus additional information basic to the customer service requirement. The additional fields that GCI and its ILEC counterparts have identified for use as part of the service change request are minimal in number and complexity, a collaborative determination that is in line with the Commission's understanding that less fields lead to less porting mishaps.[13] Though the additional fields may vary by agreement, typical additional fields generally include order number, order type, and due date. The additional terms agreed upon by

[12] GCI notes that while it has agreed to provide additional information demanded in interconnection negotiations, in GCI's experience none of these fields are actually *required* to accomplish the simple port.

[13] Declaratory Ruling, 22 F.C.C. Rcd at 19,555-56 (¶ 45).

GCI and its ILEC service partners are minimally invasive in comparison with the complex, extensive list that One Communications seeks to discretionarily impose on a porting-in carrier.[14]

To avoid the introduction of "obstruction and delay in to the porting process" that impair exercise of consumer choice, it is essential that the premise of the Declaratory Ruling be preserved.[15] The Declaratory Ruling *does not* require the modification of contractually agreed upon porting procedures, so long as such agreements do not run afoul of the mandated four-field validation restriction. In fact, any other result would run counter to the very purpose of the Declaratory Ruling, to resolve those "burdensome porting-related procedures [that] 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."[16] This is because disruption of existing, working arrangements to accomplish ports would introduce uncertainty and gamesmanship into the porting and service order process. Any *mandated* changes of this magnitude were clearly left to further consideration in the Notice of Proposed Rulemaking. As provided in the further notice, comments are sought 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 consumers."[17] For these reasons, the Commission should confirm that mutually agreed processes to accomplish porting and the service order process are left undisturbed by the limited four-validation field mandate,

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[14] One Communications lists the following fields as necessary to complete a wireline port: Customer Carrier Name Abbreviation, Purchase Order Number, Version Identification, Simple Port Desired Due Date and Time, Simple Port Requisition Type, Simple Port Supplement Type, New Network Service Provider Information, Telephone Number, End User Listing Treatment, and Company Code. *See* Petition at 5.

[15] Declaratory Ruling, 22 F.C.C. Rcd at 19,554 (¶ 42).

[16] *Id.*

[17] *Id.* at 19,560 (¶54).

and should use the Further NPRM to establish backstop porting requirements that will apply in the absence of mutual agreement.

On the other hand, the Commission should deny One Communications' request for clarification that a porting-out carrier has unilateral discretion to change the fields necessary to accomplish a port. Specifically, One Communications listed ten fields that may be necessary to "accomplish" a simple port.[18] Further complicating the matter, One Communications further states the list is not exhaustive and a porting-out carrier should have unilateral discretion to change the fields.[19] Were One Communications' proposal adopted as mandatory, it would place a significant roadblock in the porting process for those carriers that do not need or seek the same fields to accomplish a port. For example, as a result of a discretionary change, a porting-in carrier subject to such unilateral changes would learn about the "new policies" for processing its orders only upon having those orders rejected. This in turn triggers a round of corrections and resubmission, sometimes without any guidance – and all along the way, subject to further discretionary changes *by the carrier that is otherwise losing a customer*. The ensuing game of error correction ping-pong would result in the total frustration of the consumer's wish to change carriers, counter to the core purpose of the Declaratory Ruling.[20]

These problems must be avoided by preserving established processes, ensuring that any changes be implemented only in accordance with change processes established in applicable

[18] Petition at 5.

[19] *Id.*

[20] The same is true of validation practices, consistent with the Declaratory Ruling. A porting-out carrier cannot unilaterally modify contractual porting procedures to revise the porting requirement to require more validation fields than what are already required by the parties' agreement. While it is clear that validation beyond the four permitted fields is prohibited, a porting-out carrier also cannot unilaterally change the terms of an agreement to suddenly require any of the four fields that previously were not required, without first following the process change requirements provided for in an interconnection agreement, upon its renewal, or in an operations manual. Were the Declaratory Ruling to be read any differently, then it would be interpreted contrary to the overall purpose of its issuance in the first place – ensuring consumer choice of provider is honored.

interconnection agreements or operations manuals, and providing through the further rulemaking process backstop standards where mutual agreement fails or does not exist between two parties.

III. CONCLUSION

For the reasons set forth above, the Commission should grant in part and deny in part One Communications' Petition pertaining to port accomplishment. Specifically, the Commission should confirm that parties can mutually agree to additional porting-procedure fields and that such additional fields or porting process changes may not be unilaterally imposed by a porting-out carrier. Further, backstop regulations governing porting processes that would apply in the absence of an agreement between porting parties should be established in the Further NPRM, as intended. Both steps will "help ensure that consumers and competition benefit from LNP as intended by the Act and Commission precedent."[21]

Respectfully submitted,

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[21] Declaratory Ruling, 22 F.C.C. Rcd at 19,540 (¶ 16).