

**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)	
)	

COMMENTS OF METROPCS COMMUNICATIONS, INC.

MetroPCS Communications, Inc. (“MetroPCS”),¹ by its attorneys, hereby respectfully submits its comments on the Commission’s Notice of Proposed Rulemaking (“*NPRM*”) in the above-captioned proceeding.² MetroPCS generally supports the Commission’s initiative in this *NPRM*, but recommends that the Commission go further to implement a process to ensure that wireline-wireless telephone number ports proceed in roughly the same intervals with the same ease as do existing wireless-wireless telephone number ports. To do so, MetroPCS submits that the Commission should establish specific porting interval requirements with a transition over 24 months to the same interval for wireless-wireline telephone number porting as currently exists for wireless-wireless telephone number porting. In support, the following is respectfully shown:

I. Introduction

MetroPCS is one of the fastest-growing facilities-based wireless telecommunications carriers in the United States and provides wireless broadband personal communications services (“PCS”) to approximately 4.0 million subscribers as of December 31, 2007 in select major metropolitan areas throughout the United States. MetroPCS targets a mass market that

¹ For purposes of these Comments, the term “MetroPCS” refers to the parent company (MetroPCS Communications, Inc.) and all of its FCC-licensed subsidiaries.

² *Local Number Portability Porting Interval and Validation Requirements*, Notice of Proposed Rulemaking, FCC 07-188, WC Docket No. 07-244 (rel. Nov. 8, 2007).

MetroPCS believes is largely underserved by traditional wireless carriers, with calling plans that are differentiated from the more complex and long-term plans required by traditional wireless carriers. MetroPCS offers wireless voice and data services on a no long-term contract, flat-rate, unlimited usage basis, with rate plans beginning as low as \$30/month. In addition, over 80% of MetroPCS customers utilize MetroPCS' service as their primary telecommunications service, meaning that MetroPCS is a significant substitute for landline telephone service in the metropolitan areas it serves.³ MetroPCS also is increasing the total number of wireless customers in the metropolitan areas it serves since approximately 65% of its customers are first-time wireless users. MetroPCS also is expanding the areas it serves and currently is constructing networks in Boston, New York, Philadelphia, and Las Vegas using Advanced Wireless Service ("AWS") spectrum it acquired for approximately \$1.4 billion. Finally, MetroPCS recently was announced as the high bidder on an additional 10 MHz of 700 MHz spectrum in Boston for \$313 million.

Because so many of the customers targeted by MetroPCS are choosing to use their wireless telephone as their primary telephone service, the ability of such customers to quickly and easily move their telephone number from one carrier to another is of vital importance to them. Continuing delays and rejections of wireline-wireless telephone number ports will have a detrimental effect on competition in the wireline market, particularly because incumbent local exchange carriers are not incented to perform telephone number ports in a timely and efficient manner. For this reason, MetroPCS strongly supports the Commission's determination that "customers should be able to port their telephone numbers in an efficient manner in order for

³ Because the MetroPCS service often is the customer's sole or primary telecommunications service, MetroPCS also ends up providing essential communications services during times of national emergency, natural disasters and during other crises.

LNP to fulfill its promise of giving customers flexibility in the quality, price, and variety of telecommunications services.”⁴

II. LNP Process Requirements

A. Porting Intervals

In the *NPRM*, the Commission seeks comment on its tentative conclusion to adopt local number portability (“LNP”) rules reducing the porting interval for simple ports.⁵ MetroPCS supports the Commission’s tentative conclusion that shorter intervals should be mandated. Such a requirement would enhance competition by lowering the barriers faced by consumers in switching from one carrier to another, especially for those consumers (including many MetroPCS subscribers) who elect to forego wireline service entirely but want to keep their existing telephone numbers.

B. Identification of Errors

The Commission also asks whether a porting-out entity should have to notify the porting-in entity of all errors possible in the four mandatory data fields at the same time.⁶ MetroPCS submits that each porting-out entity should have an obligation to read the entire port request and notify the porting-in entity of all infirmities that are apparent on the port request as submitted. Such a requirement will not, of course, require a porting-out entity to notify a porting-in entity of information that cannot be confirmed or rejected because other information is missing or incorrect.⁷ Nevertheless, it is the view of MetroPCS that requiring a porting-out entity to give a

⁴ *NPRM* at para. 54.

⁵ *Id.* at para. 59.

⁶ *Id.* at para. 57.

⁷ For example, if a telephone number field is incomplete, the porting-out entity would only have to specify that the telephone number is incorrect. However, if enough information is present for the porting-out entity to determine what the porting-in entity is seeking to do and with which customer, the porting-out entity should have to indicate the specific items of information that are incorrect.

porting-in entity *all* of the errors that can be identified at the time it rejects a port request will reduce unnecessary delays and will remove yet another barrier to competition in the wireline market.

C. Minimization of Error Rates

In the *NPRM*, the Commission seeks comment on whether the validation fields it has adopted could minimize the error rates for ports.⁸ While the Commission does not expressly propose that a maximum error rate be codified in its rules, MetroPCS submits that such a requirement would be useful and would increase the incentive for porting-out carriers to handle port requests in the most accurate and efficient manner possible. For this reason, MetroPCS supports the adoption of a maximum error rate of 10 percent for port rejections, *i.e.*, such rejections would need to be correct 90 percent of the time.⁹ Further, since 10% is still a significant number of errors, the Commission should revisit the maximum error rate in twenty-four months to determine whether further reductions in the error rate are necessary and appropriate.

D. Reduction in Number of Mandatory Fields

The Commission asks for comments about how the validation fields it has adopted could reduce the amount of information that a porting-in entity must request from a porting-out entity prior to submitting a simple port request and any other considerations that the Commission should evaluate in relation to the simple port validation process.¹⁰ MetroPCS agrees with three of the validation fields adopted by the Commission—telephone number, account number, and

⁸ *Id.* at para. 56.

⁹ Of course, the Commission should also make it plain that a carrier cannot willfully create errors while it is within the 10% margin – any errors need to be bona fide mistakes or negligence and not a willful approach to hinder competition. The Commission should be vigilant in complaint proceedings to ensure that carriers are not using the 10% margin of error as a way to hinder competition.

¹⁰ *Id.*

pass code (if applicable). However, MetroPCS has chosen not to require zip codes when validating port-out requests, and questions whether zip codes should be required. Zip codes are not necessary and may lead to errors when multiple zip codes serve a single metropolitan area. It is MetroPCS' experience that zip codes serve no useful purpose in wireless ports. To the extent the Commission can go even further in standardizing and streamlining the porting process, such as reducing the fields necessary to be completed, such improvements in the process would provide even greater benefits to customers by reducing burdens associated with changing service providers and thus promoting greater competition for their business.

E. Wireless-to-Wireless Porting Intervals

The Commission also seeks comment on whether it should adopt a rule codifying the wireless industry's voluntary standard of two and one-half hours for wireless-to-wireless ports.¹¹ MetroPCS does not support regulatory intervention when the industry is already self-regulating itself and no problems have been identified. Accordingly, MetroPCS does not support a mandatory standard for wireless-to-wireless ports, since the industry has adopted a reasonable standard that is working. However, if the Commission were to adopt such a standard, MetroPCS submits that such a rule should require that at least 90 percent of wireless-to-wireless ports be completed within this interval and that the two and one-half hour interval should start running only when the porting-out carrier has received a complete request that is free of errors.

F. Intermodal Porting Intervals

In the *NPRM*, the Commission asks whether it should mandate a shorter interval for wireline-to-wireless porting, specifically, a 48-hour interval.¹² MetroPCS supports the adoption of a mandatory 48-hour porting interval for wireline-to-wireless ports, effective immediately

¹¹ *Id.* at para. 59.

¹² *Id.* at para. 60.

upon the effective date of the order in which the Commission adopts revised rules. MetroPCS, however, is concerned that 48 hours is still not a short enough interval to promote robust wireline-wireless competition. Further, MetroPCS is concerned that, without a roadmap designed to lead to faster ports, it may be a number of years before this issue is addressed again. Accordingly, MetroPCS proposes that the Commission establish a rule by which intermodal ports would achieve parity with wireless-to-wireless ports over twenty-four months. Specifically, the proposed rule would require further reductions in the porting interval every six months after the effective date of the order as follows: six months after the effective date of the order, the interval would be reduced to 24 hours; twelve months after the effective date of the order, the interval would be reduced to 12 hours; eighteen months after the effective date of the order, the interval would be reduced to 6 hours; and twenty-four months after the effective date of the order, the interval would be reduced to 2 ½ hours. The rationale for such a rule is to recognize that the systems of wireline carriers currently might not support the two and one-half hour porting interval that is standard in the wireless industry, while still setting a timetable that would gradually bring the two sets of intervals into parity in recognition of the improvements in systems and processes that are likely to occur as a result of the other changes the Commission is adopting to its number portability rules. Establishing a transition rule now will allow all carriers to invest in system improvements that may be necessary to meet the 2 ½ hour interval, while at the same time giving carriers adequate time to complete the upgrades necessary to meet the 2 ½ hour interval. Further, establishing a rule now will eliminate the need for the Commission to revisit this issue in the next several years.

G. Porting Intervals – Other Issues

Although the Commission does not explicitly request guidance on how porting intervals would be calculated, MetroPCS submits that this issue should be addressed in any rules the

Commission may adopt that impose mandatory porting intervals. In particular, MetroPCS proposes that for any porting interval of less than 12 hours (*e.g.*, the 2 ½-hour porting interval and the above-proposed 6-hour wireline-to-wireless interval), the timeframe would be calculated in business hours, which would mean 8 a.m. local time until 9 p.m. local time, Monday through Saturday, and noon to six p.m. local time for Sundays. For the other, longer timeframes (*e.g.*, 48 hours, 24 hours, and 12 hours), MetroPCS proposes that the relevant interval be calculated on a 24-hour basis (*i.e.*, not business hours). In any event, the timeframe would start when a valid port request has been received (*e.g.*, has been completed fully and accurately) and would end when all actions required by the porting-out carrier to allow for a porting request are completed fully.

H. Other LNP Process Issues

The Commission also seeks comment on certain additional process requirements proposed by Charter Communications, including rules that would: (1) require carriers to provide affirmative notice to all other carriers of changes in their porting processes; and (2) prohibit carriers from making *ad hoc* changes to their procedures.¹³ MetroPCS strongly supports both of these proposals because, with advance notice of changes made by other carriers to their procedures, MetroPCS can modify its own procedures accordingly. To the extent that carriers change their procedures, such changes should take place in a transparent manner to avoid unnecessary delays, as such delays would undermine the Commission's important policy goals of enhancing competition by reducing obstacles that prevent customers from transferring their phone numbers from one carrier to another. No carrier would be disadvantaged by such a rule

¹³ *Id.* at para. 66.

because all carriers are both porting-in and porting-out carriers; thus, such a rule would serve the public interest.

I. Other Issues

In the *NPRM*, the Commission also requests comments on concerns regarding the LNP process more generally.¹⁴ MetroPCS submits that greater standardization is needed with respect to the communication interfaces used by the wireline industry. Today, wireless carriers are linked together and use the Wireless Intercarrier Communications Interface Specification (“WICIS”) protocols to send transactions to one another, which protocols allow wireless carriers to submit all ports through one system. On the other hand, wireless carriers handling wireline port requests must log into each carrier’s systems, each with a different log-in procedure, look and feel, hardware and software requirements, etc. A standard interface for wireline carriers would presumably improve the process not only for wireline-to-wireless ports, but also for wireline-to-wireline ports. MetroPCS believes that industry-wide working groups are preferred to Commission mandates. Accordingly, MetroPCS submits that the Commission should create an industry-wide working group to establish uniform standards and to require such group to report back to the Commission with its recommendations within twelve months after the adoption of the order in this proceeding.

III. Conclusion

The foregoing premises having been duly considered, MetroPCS respectfully requests that the Commission take actions in this proceeding consistent with these Comments.

¹⁴ *Id.*

Respectfully submitted,

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