

**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
)	
)	

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

The National Cable & Telecommunications Association (“NCTA”) hereby submits its comments in the above-captioned proceeding.¹

INTRODUCTION

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.

In the *Order and NPRM*, 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

¹ *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 (rel. Nov. 8, 2007) (*Order and NPRM*).

² *Order and NPRM* at ¶ 1.

Commission clarified that “LNP validation should be based on no more than four fields for simple ports.”³

In addition to these new rules, the *Order and NPRM* also seeks comment on the need for further pro-competitive changes in the Commission’s LNP regime. In particular, the Commission tentatively concludes that it could further promote competition by adopting a shorter porting interval. The Commission currently applies a porting interval of four business days for wireline-to-wireline ports and intermodal ports,⁴ but it tentatively concludes that it should reduce the porting interval for such requests to 48 hours.⁵ The Commission also requested input regarding Charter’s proposal that an interconnection agreement is not a precondition for wireline-to-wireline ports.⁶

THE COMMISSION SHOULD ADOPT A SHORTER PORTING INTERVAL

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.⁷ As the Commission recognized, it is important “to ensure the efficiency and effectiveness of LNP, which ‘eliminates one major disincentive to switch carriers’ and thus facilitates ‘the successful entrance of new service providers.’”⁸

³ *Id.* at ¶ 2. 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. *Local Number Portability Porting Information and Validation Requirements*, WC Docket No. 07-244, Order, FCC 08-31 (rel. Feb. 5, 2008).

⁴ *Id.* at ¶ 61.

⁵ *Id.* at ¶ 60.

⁶ *Id.* at ¶ 66.

⁷ 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).

⁸ *Order and NPRM* at ¶ 55, quoting *Telephone Number Portability*, CC Docket No. 95-116, First Report and Order and Further Notice of Proposed Rulemaking, 11 FCC Rcd 8352, 8434, ¶ 157 (1996).

NCTA fully supports the Commission’s proposal to adopt a shorter porting interval for all simple ports.⁹ Once a consumer decides to switch providers, there is no benefit associated with a long waiting period before the change is processed.¹⁰ Rather, the sooner the port can be processed, the sooner the customer is able to use its preferred provider.

Adopting a shorter porting interval also promotes competition. The need to port numbers before customers can switch carriers creates an opportunity for an incumbent to undermine the new provider selected by customer.¹¹ The longer the porting interval, the greater the opportunity for the incumbent to interfere with transitioning the customer to the new provider.

Moving to a much shorter porting interval would reduce significantly the opportunities for this type of misconduct. NCTA supports the tentative conclusion to adopt a porting interval no longer than 48 hours, unless a longer period is requested by the new provider.¹² All types of providers now have sufficient experience with porting numbers that compliance with such a requirement should not present any significant issues. Given the numerous pro-consumer and pro-competition benefits associated with using a shorter interval, and the demonstrated harms of applying a longer one, there is every reason for the Commission quickly to move to a 48-hour standard.

THE COMMISSION SHOULD DECLARE THAT AN INTERCONNECTION AGREEMENT IS NOT A PRECONDITION TO PORTING

NCTA agrees with Charter that an interconnection agreement should not be a prerequisite for wireline-to-wireline porting to occur. In finding that wireless carriers need not enter into

⁹ *Order and NPRM* at ¶ 59.

¹⁰ *Id.* at ¶ 55 (“[I]t is critical that customers be able to port their telephone numbers in an efficient manner in order for LNP to fulfill its promise.”).

¹¹ *Id.* at ¶ 42 (“[B]urdensome 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.”).

¹² *Order and NPRM* at ¶ 60.

Section 251 interconnection agreements with wireline carriers solely for the purpose of porting numbers, the Commission found that “number portability, by itself, does not create new obligations with regard to exchange of traffic between the carriers involved in the port. Instead, porting involves a limited exchange of data between carriers to carry out the port.”¹³

The Commission’s prior finding is equally applicable as between wireline carriers. It is not uncommon for wireline providers that exchange only a small amount of local traffic to do so indirectly (*e.g.*, via an incumbent carrier’s tandem transit arrangement). Under these circumstances, the two providers typically do not negotiate or enter into interconnection agreements. Accordingly, we urge the Commission to find, as Charter suggests, that interconnection agreements are not a necessary predicate, or precondition, to wireline-to-wireline porting.

CONCLUSION

For all the reasons explained above, NCTA urges the Commission to adopt a shorter porting interval for all simple ports.

Respectfully submitted,

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¹³ *Telephone Number Portability*, CC Docket No. 95-116, Memorandum Opinion and Order and Further Notice of Proposed Rulemaking, 18 FCC Rcd 23697, 23711-12, ¶¶ 36-37 (2003).