

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

In the Matter of	)	
	)	
Local Number Portability Porting Interval and Validation Requirements	)	WC Docket No. 07-244
	)	
Telephone Number Portability	)	CC Docket No. 95-116
	)	
CTIA Petitions for Declaratory Ruling on Wireline-Wireless Porting Issues	)	CC Docket No 99-200

**COMMENTS OF GENERAL COMMUNICATION, INC.**

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## SUMMARY

Section 251(b)(2) of the Communications Act of 1934, as amended (the “Act”) seeks to enhance competition between carriers by allowing consumers to keep their telephone number when they switch carriers.<sup>1</sup> Consistent with this goal, the Commission recently required that validation of simple ports be based on no more than four fields (telephone number, zip code, account number, and pass-code (if applicable)), and sought comment on whether the rules should be revised further still to ensure for efficiency, and to reduce errors and burden.<sup>2</sup>

GCI’s experience demonstrates that the new validation rules should not supplant terms and conditions in already existing agreements pursuant to which carriers are already efficiently and effectively porting numbers. GCI is a party to numerous existing agreements establishing porting processes that are working today, such that changing them now would actually introduce delay, rather than reduce it – interfering with the overarching goal of the Commission’s effort here. Instead, the Commission’s rules should serve as a back stop where parties do not have or cannot reach mutual agreement on porting processes.

GCI agrees that porting should not be encumbered by unnecessary delays and supports the Commission’s efforts to further streamline the process. To achieve that goal, the Commission should prohibit unilateral changes to the porting processes, and should prohibit the required exchange of a customer’s pass code to validate a port, as it creates an unnecessary risk of privacy violation and is likely to result in unnecessary delays in the porting process. GCI suggests further methods to prevent delay in the porting process, including preventing carriers

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<sup>1</sup> 47 U.S.C. §153(30).

<sup>2</sup> *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) (“NPRM”).

from validating account numbers based on internal records and requiring validation based on account numbers placed on customer bills. Finally, GCI asserts that the same validation rules that apply to simple ports should also apply to multiline accounts and complex switch translations.

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General Communication, Inc. (“GCI”) hereby submits its comments in the above-captioned proceeding.<sup>3</sup> GCI agrees that Commission action in this area will help ensure that subscribers may timely exercise their choice of service providers, so long as the Commission’s rules do not supplant effective porting arrangements voluntarily agreed between porting providers. In short, the porting rules should only govern where parties cannot reach mutual agreement on porting procedures. GCI further addresses additional related issues to ensure timely porting as set forth below.

**I. INTRODUCTION**

Section 251(b)(2) 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,

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<sup>3</sup> *Id.*

reliability, or convenience, when switching from one telecommunications carrier to another.”<sup>4</sup>

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.”<sup>5</sup>

On November 8, 2007, the Commission issued a declaratory order (“Declaratory Order”) with the purpose to “help ensure that consumers and competition benefit from LNP as intended by the Act and Commission precedent.”<sup>6</sup> To further this purpose, the Commission established, *inter alia*, that, for all simple ports,<sup>7</sup> a porting-out carrier can only base validation of a request on no more than four permitted fields: ten digit telephone number, zip code, customer account number, and pass code (if applicable).<sup>8</sup>

The *NPRM* issued with the Declaratory Order seeks comment on the need for further pro-competitive changes in the Commission’s LNP rules. In particular, the Commission seeks comment on whether to modify the validation process to ensure efficiency,<sup>9</sup> minimize the error rates,<sup>10</sup> reduce the burdens of the four-field validation process,<sup>11</sup> and address any other concerns regarding the LNP process more generally.<sup>12</sup>

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<sup>4</sup> 47 U.S.C. §153(30); 47 C.F.R. § 52.21(l).

<sup>5</sup> See *Telephone Number Portability, First Report and Order and Further Notice of Proposed Rulemaking*, 11 F.C.C. Rcd 8352, 8368 (¶30) (1996).

<sup>6</sup> *NPRM*, 22 F.C.C. Rcd at 19,540 (¶16).

<sup>7</sup> 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. *NPRM*, 22 F.C.C. Rcd at 19,556 n.153 (citations omitted).

<sup>8</sup> *NPRM*, 22 F.C.C. Rcd at 19,557 (¶48).

<sup>9</sup> *Id.* at 19,560 (¶54).

<sup>10</sup> *Id.* at 19,560 (¶56).

GCI supports the Commission's position that is important to ensure the efficiency and effectiveness of the LNP process. However, the four permitted validation fields and any minimal completion requirements adopted should not supplant agreements that provide for efficient and effective porting. In addition, customers should not be required to share pass code information as a requirement for keeping their existing number with a new carrier, as such a requirement unnecessarily exposes the customer's private information, and is likely to create unnecessary delays in the porting process.

In order to prevent unnecessary rejections of porting requests and to facilitate the completion of customer porting requests, the Commission should not permit one party to a porting transaction to implement unilateral changes to the validation process, as doing so only leads to a game of error notices and correction attempts. Instead, any changes to an existing porting process should be handled first through collaborative negotiations, consistent with the parties' established processes. GCI also recommends additional changes to the validation process to ensure that carriers will facilitate the porting process, including validating based on the account number that appears on customer bills (as opposed to internally assigned account or reference numbers), and allowing the use of either billing and service address zip code to validate that field. In addition, the same validation rules established for simple ports are appropriate for, and should apply to, multiline accounts and complex switch translations (*e.g.*, Centrex, ISDN, AIN services, remote call forwarding, or multiple services on the loop).

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<sup>11</sup> *Id.* at 19,561 (¶58).

<sup>12</sup> *Id.* at 19,563 (¶66).

## **II. COMMISSION PORTING RULES SHOULD GOVERN ONLY IN THE ABSENCE OF AGREEMENT BETWEEN TWO PORTING PROVIDERS**

Establishing minimum validation and completion requirements to ensure for efficient and error free porting serves the goal of providing consumers the ability to port numbers as easily as if they did not try to when changing carriers. Streamlined porting, in other words, fosters competition by allowing customers unencumbered switches between providers for whatever reason that suits the customer. While the Commission's limitation on permitted validation fields is important to achieving that goal, it does not recognize that many carriers are already achieving the same goal pursuant to mutual agreements that in some instances may include provider-specific differences from the rules the Commission may adopt. As a result, the Commission's rules should provide a back stop to, but not supplant, mutually negotiated terms and conditions.

### **A. Mutually Agreed Terms Should Control the Required Fields of Information for a Porting Request**

The Commission should establish that the limited number of validation fields permitted under the Declaratory Order and any other information required to complete a port serve as default parameters to be used only in case carriers have not reached, or cannot reach, mutual agreement on the porting process.<sup>13</sup> In other words, the up-to-four-field validation requirement should not supplant the terms and conditions contained in a standing agreement. Instead, that requirement should be a backstop where such agreements do not already exist or cannot be reached.

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<sup>13</sup> See GCI Comments in Supporting in Part and Opposing in Part, the Petition for Clarification, WC Docket No. 07-243, WC Docket No. 07-244, WC Docket No. 04-36, CC Docket No. 95-116, CC Docket 99-200 at 4-6 (filed Feb. 15, 2008) ("GCI Comments to Petition for Clarification").

The Commission has established that a customer must be able to port a number as easily as if she/he switched carriers without requesting to retain a telephone number.<sup>14</sup> More specifically, the Commission prohibits agreements that “impos[e] restrictions on porting beyond necessary customer validation procedures”<sup>15</sup> and that “absent an agreement setting additional terms, carriers need only share basic contact and technical information sufficient to perform the port.”<sup>16</sup> As noted below, the porting procedures established in GCI’s existing interconnection agreements and operations manuals with other providers satisfy the pro-consumer spirit of the Commission’s standards for number portability, such that any requirement to depart from those working procedures would disrupt, rather than improve, functioning porting processes.

GCI’s existing interconnection agreements call for some if not all of the four validation fields to accomplish a port, plus minimal additional information considered necessary to complete the port and troubleshoot issues as they arise. The additional fields that GCI and its ILEC counterparts collaboratively identified for use as part of a service change request are minimal in number and complexity, a determination that fulfills the Commission’s determination that fewer fields lead to less porting mishaps.<sup>17</sup> Though the additional fields may vary by agreement, typical additional fields generally include order number, order type, and due date. As a result, GCI is not experiencing even moderate delays associated with porting-in numbers on behalf of customers seeking to switch carriers, and GCI is porting numbers with at least ten

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<sup>14</sup> See *Number Portability: Carrier Requests for Clarification of Wireless-Wireless Porting Issues*, Memorandum Opinion and Order, 18 F.C.C. Rcd 20971, 20975 (¶11) (2003) (“Wireless Number Portability Order”).

<sup>15</sup> *Id.* at 20975-76 (¶14).

<sup>16</sup> *Id.* at 20978-79 (¶24).

<sup>17</sup> *NPRM*, 22 F.C.C. Rcd at 19,555-56 (¶45).

carriers of varying size. Therefore, the Commission's rules should not replace such existing procedures, but instead should exist as a backstop to contractual agreements.<sup>18</sup>

While GCI does not believe that the limited validation and completion fields requirement should supplant existing agreements, it notes that the Commission should permit wireline-to-wireline porting without requiring interconnection agreements.<sup>19</sup> Under the Act, the obligation to provide number portability exists separately from the obligation to enter into interconnection agreements.<sup>20</sup> In addition, carriers may not refuse to port a number absent an agreement.<sup>21</sup> The Commission has already determined that interconnection agreements are not necessary for intermodal ports,<sup>22</sup> and wireless carriers do not require them of each other.<sup>23</sup> Yet, wireline carriers continue to require other wireline competitors to enter into an interconnection agreement in order to port numbers. Such agreements are comprehensive in nature and are a drain on resources if all a carrier wants to be able to do is port customers, as interconnection agreements take a significant period of time to negotiate and, in many cases, obtain regulatory approval per Section 252. By not requiring the interconnection agreement, the Commission would free carriers up to provide the seamless porting options intended by the Act and desired by consumers.

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<sup>18</sup> Should the Commission not recognize that the four-validation field requirement is a back-stop, the new rule would impose implementation obligations for GCI to renegotiate more than ten interconnection agreements. The negotiation and corresponding implementation would be especially taxing on its resources, not to mention those of its ILEC counterparts.

<sup>19</sup> *NPRM*, 22 F.C.C. Rcd at 19,563 (¶66).

<sup>20</sup> Compare 47 U.S.C. §§ 251(b)(2) and 251(c).

<sup>21</sup> See 47 C.F.R. § 52.23(b) (requiring provision of LNP in switches for which another carrier requests number portability). See also *Wireless Number Portability Order*, 18 F.C.C. Rcd at 20,972 (¶2) (carriers may not refuse a request for number portability due to distance from a switch and interconnection agreements are not necessary to port numbers).

<sup>22</sup> *Telephone Number Portability: CTIA Petitions for Declaratory Ruling on Wireline-Wireless Porting Issues, Memorandum Opinion and Order, and Further NPRM*, 18 F.C.C. Rcd 23,697, 23,711 (¶34)(2003) (finding that interconnection agreements are not necessary for the intermodal porting process).

<sup>23</sup> *Wireless Number Portability Order*, 18 F.C.C. Rcd at 20,978 (¶24).

## **B. The Commission Should Prohibit Unilateral Changes to Porting Procedures**

Given the important role that the existing, operational agreements play in the ongoing seamless porting of consumer numbers without delay, the Commission should be clear that its adoption of porting rules does not permit any party to an agreement to impose unilateral changes outside the scope of that agreement. Unilateral changes prevent the timely completion of port requests by disrupting processes, often by imposing information requirements that are neither necessary to validate or complete the port. As GCI noted in an earlier filing, the seamless porting process is destroyed when the porting out carrier imposes unilateral changes that result in a never ending game of error messages and attempts by the porting-in carrier to keep up with the changes and correct errors.<sup>24</sup> As a result, the Commission should prohibit any porting-out carrier from imposing unilateral changes to the validation and other fields, or any other part of the porting process.

Even in the instance where a party would like to avail itself of changes to the porting process endorsed by the Commission, there is a process available to accommodate such preferences without the disruption of a unilaterally imposed change. Existing agreements typically contain established procedures for implementing such changes, whether embodied in standard change of law clauses, or provisions directed expressly at back office procedures, like porting. It is especially important that porting-out carriers follow the terms and conditions for amending or modifying an existing agreement by first announcing its desire to amend the agreement, and then negotiating the change with the opposing carrier.<sup>25</sup> Overall, by relying on

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<sup>24</sup> GCI Comments to Petition for Clarification at 6.

<sup>25</sup> Of course, even under this process, the Commission's rules would serve as a backstop in the absence of agreement on specific changes to the process, but the transition to the rule-based process would be an orderly and expected one.

the contractual procedures, and not unilaterally imposing a change, carriers can anticipate changes to their systems, make adjustments to interfaces and train staff accordingly.

In the absence of an existing agreement with change provisions, however, to the extent that a change is determined to be necessary, the Commission should require a carrier to give ample notice of intent to change a validation or completion field sufficiently in advance of implementing the change so that the other carrier may prepare for it. For example, this preparation will require inter-carrier coordination where there are dedicated interfaces, or in the absence of them, then changes to forms, as well as staff training concerning the revised processes.

### **III. THE COMMISSION SHOULD ENSURE THAT NEW PORTING RULES DO NOT IMPEDE TIMELY IMPLEMENTATION OF CUSTOMER CHOICE**

The ability of consumers to quickly and seamlessly port their numbers to a new carrier is critical to the goal of competition as espoused in the Act. While the Declaratory Order certainly took steps in the right direction to streamline the porting process, to ensure greater efficiency, and to minimize error rates, it is necessary to eliminate pass code as a validation field and to elaborate on the type of information that may be required to validate the port.

#### **A. The Commission Should Not Include Pass Code as a Permitted Validation Field**

The Commission should not include pass code as one of the permitted validation fields. GCI and other companies should not be in the practice of requiring customers to give out their pass codes, passwords or PINs to third parties, even if those third parties are other providers.

Exchanging a pass code raises privacy concerns that outweigh any conceivable utility in using the information for validation purposes. Not only does sharing the pass code with third

parties seem inconsistent with the strict standards in the CPNI rules,<sup>26</sup> but in some cases, it may place the customer in the position of revealing a code to the porting-in carrier applicable to services still to be provisioned by the porting-out carrier. For example, GCI maintains customer pass codes at the account level and not the service level. As a result, the same pass code is used for all the services in a customer's bundle, which could include all of wireline, cable, broadband, and wireless services. If the customer seeks to change its provider of one of those services, then she/he must provide the same pass code to the porting carrier that she/he uses for the other services in the bundle. As a result, the same pass code will become available to different carriers (and their personnel) and creates an increased risk of unauthorized access to customer account information.<sup>27</sup>

Use of pass codes for validation also raises administrative complexities that could prolong, rather than advance, the port completion. As part of the LOA process, the Commission's rules ensure that a submitting carrier has appropriate customer authorization prior to seeking a port.<sup>28</sup> To seek the pass code on top of that seems like a superfluous surrogate for confirming customer approval that has already been given and deemed sufficient under the slamming rules. The pass code also may be infrequently used by customers to access account information other than CPNI, and many customers therefore do not know or remember their own pass codes when asked for it. This in turn either halts the porting process or imposes an unnecessary delay into the process. For example, unable to provide her/his pass code, the customer could be deterred from changing to his or her carrier of choice because of the perceived hassle in doing so. In other circumstances, the customer is forced to endure an unwarranted

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<sup>26</sup> 47 C.F.R. § 64.2001 et seq.

<sup>27</sup> This applies as well where a customer switch his entire package of services and the porting-out carrier is left with access to the CPNI.

<sup>28</sup> 47 C.F.R. § 64.1100 et seq.

delay because the customer has to find the information or reset the password and then go back to the porting-in carrier with the information to re-start the porting process. Imposing such burdens on the consumer is not the intent of Section 251(b)(2).

Given the above privacy and logistical problems with use of pass code as a validation field, it is not surprising that the Commission had expressed ambivalence about its use. For example, the Declaratory Order provided that pass code could be used only “if applicable.”<sup>29</sup> GCI submits that the pass code is not applicable to the porting process at all. CTIA likewise has stated that only three fields are required to complete a port, and pass code is not one of them.<sup>30</sup> Given the above, the Commission should not permit use of pass code as a validation field.

**B. The Commission Should Invalidate Port Rejections for the Failure to Submit an Account Number Internal to the Porting-Out Carrier and Should Permit Port Validation with Either the Billing or Service Address Zip Code**

The Commission should ensure that all carriers follow certain protocol with regard to the permitted account number and zip code validation fields. This in turn will ensure more seamless ports as carriers will not be allowed to invalidate ports for reasons that could not be predicted or anticipated by the porting-in carrier at the time the port request is submitted.<sup>31</sup>

The FCC specifically should clarify that the only account number that a carrier may require as part of the validation requirement is the account number placed on a customer’s bill and not some other number used internally by the porting-out carrier, but not readily available to

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<sup>29</sup> *NPRM*, 22 F.C.C. Rcd at 19,557 (¶48).

<sup>30</sup> CTIA Comments, WC Docket 95-116 (filed Feb. 8, 2007) at 2-3 (stating that only three fields are required for wireline-to-wireless ports, and that using only telephone number, account number, and zip code, intramodal wireless ports are generally accepted or denied within thirty minutes with little or no impact on the number of inadvertent or fraudulent ports).

<sup>31</sup> GCI also supports any requirement that a porting-out carrier provide reasons for a rejection in as prompt as fashion as possible to ensure that the issues are resolved for the customer to obtain the benefit of number portability. This is administratively simply to implement. For example, GCI’s agreements call for the assignment of “rejection codes”, ensuring that a port is not invalidated for creative reasons.

the customer. While the customer account number is typically placed on consumer bills, there often is at least one additional internal account number only known to the porting-out carrier. The goals of number portability would be hampered by delays if a porting-out carrier invalidates a port request due to a failure to receive an internal account number that the neither the customer nor the porting-in carrier is readily aware.

Like account number, the Commission should require that carriers validate a port based on any of a customer's five-digit zip codes in their records. Many customer accounts contain two different addresses for the customer's billing address and service address, sometimes in different zip codes.<sup>32</sup> Upon switching carriers, a customer may not know that both addresses are recorded or, even if she/he is aware of that, which is applicable for portion validation purposes. It likewise makes little sense for a porting-in carrier to create the confusion that would arise from asking for both (or more). The porting request should not fail if the porting-out carrier insists on one of the zip codes not provided. Instead, to effectuate the Commission's policy of seamless porting, the better rule would permit port validation based on either the customer's five-digit service or billing address zip code, as long as one of them is correct. This approach will ensure that the carriers are not getting in the way of the customer's desire to change carriers and retain her/his telephone number.

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<sup>32</sup> This is especially true in Alaska where consumers often do not live and work in the same location, and therefore maintain different billing and service addresses. The Commission recognized this common practice when it granted a waiver petition to a CMRS provider in Alaska to change from billing address to service address as a means of calculating service location of a mobile wireless customer to determine the amount of high cost support. *See Bristol Bay Cellular Partnership, Petition for Waiver of Commission's Rules Concerning the Administration of the Universal Service Fund*, CC Docket No. 96-45, *Order*, DA 07-4965 (WCB rel. Dec. 12, 2007).

#### **IV. THE SAME VALIDATION RULES SHOULD APPLY TO MULTILINE ACCOUNTS AND COMPLEX SWITCH TRANSLATIONS**

The Commission should clarify that the same validation rules that apply to simple ports also apply to ports for multiline accounts and complex switch translations (*e.g.*, Centrex, ISDN, AIN services, remote call forwarding, or multiple services on the loop). No distinction is necessary because there is no significant operational difference between validating simple ports and multiline account ports and complex switch translations. For example, GCI's agreements enable it to port residential lines and business accounts using the same procedures, and some agreements do not even distinguish between simple and complex ports. Moreover, multiline accounts and complex switch translation ports can be validated using the same fields as a simple port, and work to complete the port is just as simple.<sup>33</sup> As with all porting requirements, however, the Commission should establish that any rules that it establishes for porting multiline accounts and complex switch translations only apply in the absence of mutual agreement between porting providers.

#### **V. CONCLUSION**

For all the reasons explained above, GCI urges the Commission not to adopt any rule that displaces voluntarily agreed terms that are working successfully to timely complete ports. In this way, validation based on the Commission-permitted fields would be considered a backstop in the absence of mutual agreement. Further to its commitment to a seamless customer porting experience, the Commission should not require pass code as one of the permitted validation

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<sup>33</sup> One area of difference between simple ports and complex switch translations is the coordination required for each. To the extent that the port is significantly complicated, carriers routinely take extra steps to coordinate these projects with clients to ensure that there is no disruption during business hours by working the service shift during non- or off-business hours. The coordination to transfer the service is not a porting issue, and therefore should not be used as an excuse to adopt more complicated porting rules for these order types, which would just delay service changes.

fields, and the Commission should prohibit unilateral changes to established porting processes. The Commission also should ensure that carriers accept port requests based on the account number printed on the customer bills, as well as at least one of the zip codes for customer billing or service address. Finally, the Commission ought to apply the simple port validation requirement to the multiline accounts and complex switch translations.

Respectfully submitted,

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