

**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 WINDSTREAM

Windstream Corporation,¹ on behalf of its incumbent local exchange carrier (“ILEC”) and competitive local exchange carrier (“CLEC”) subsidiaries (collectively “Windstream”), submits these comments in response to the Federal Communications Commission (“Commission”) request for comment on whether the agency should adopt rules specifying the length of the local number porting intervals or other details of the porting process.²

¹ Windstream Corporation is an S&P 500 communications company formed in July 2006 through the merger of Alltel Corporation’s separated landline business with VALOR Communications Group. The Windstream companies provide voice, broadband, and entertainment services to customers in rural areas across 16 states.

² *In the Matter of 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, and Notice of Proposed Rulemaking, FCC 07-188,*

Windstream strongly opposes the proposed 48-hour porting interval rule. With a porting process that is largely manual, Windstream currently cannot support even a small number of requests for 48-hour porting intervals. It anticipates that it would have to devote significant financial resources to upgrade its systems and/or increase staffing to support shorter porting demands. These implementation burdens would greatly outweigh any public benefits from the proposed rule. From Windstream's experience, consumers and carriers have shown little or no interest in shorter porting intervals for their wireline numbers. Most companies submitting number port requests to Windstream want more time than the standard four-day business interval, rather than less. This desire for more time likely stems from unique issues surrounding wireline ports. Ports involving wireline carriers may require physical provisioning of facilities or may be tied to a customer's move into a new residence, both of which may cause the new service provider to ask for a longer porting interval than the existing industry standard.

Windstream also opposes the request for the Commission to declare that an interconnection agreement is not a necessary precondition to effectuating wireline-to-wireline ports. Sections 251 and 252 of the Communications Act of 1934, as amended, ("the Communications Act") require adoption of an interconnection agreement under these circumstances. The Commission should not contravene this statutory directive.

I. THE PROPOSED 48-HOUR PORTING INTERVAL RULE WOULD PLACE SIGNIFICANT, UNWARRANTED BURDENS ON WIRELINE CARRIERS.

Windstream, like other rural carriers, relies on manual procedures to process local number ports in and out of the company. These procedures would have to be entirely revamped,

at considerable expense, to ensure compliance with the proposed rules. These compliance costs would far outweigh the minimal public benefit, if any, expected from the recommended reform.

A. THE PROPOSED 48-HOUR PORTING INTERVAL REQUIREMENT WOULD IMPOSE SIGNIFICANT NEW COSTS.

Last year alone Windstream processed 117,898 port out requests. To respond to these requests, Windstream employs staff across multiple departments, and these employees work hard to keep up with existing porting demands. The proposed 48-hour requirement would overwhelm Windstream's existing resources and require significant new expenditures.

Windstream's current system cannot support 48-hour turnarounds on porting out requests. Each step of Windstream's porting process requires human action. First, a Windstream employee receives a Web form from a third party requesting a number port, and that employee takes the information off of the Web form and checks for information required to validate the port. If the port passes validation, the Windstream employee manually enters the service order into our service order system. The Windstream employee manually sends a notification to our provisioning group to alert them of this impending port. The employee also manually enters the port confirmation into a Web form, which is transmitted to the third party requesting the port. Next a member of Windstream's provisioning group manually programs the 10-digit trigger in the switch on that customer's line prior to the port date – assuring that calls are routed to the appropriate local routing number during the port process. After the porting due date has passed, a Windstream employee, to ensure calls route to the appropriate local routing number on a permanent basis, manually removes the number's associated line equipment and calling features from Windstream's switch. No single piece of this entire porting process is automatically managed by an electronic system.

Windstream anticipates that it would have to expend a significant amount of money to guarantee it could grant requests for a 48-hour porting interval. To ensure compliance with the proposed rule, Windstream expects it would have to invest in new systems to automate its porting process. Windstream, alternatively or perhaps in conjunction with system upgrades, would need to hire a number of new staff members across multiple departments.

B. ANY BENEFITS FROM THE PROPOSED 48-HOUR PORTING INTERVAL RULE WOULD BE MINIMAL AND CERTAINLY WOULD NOT OUTWEIGH ASSOCIATED IMPLEMENTATION COSTS.

Public benefits from the proposed porting interval rule would not outweigh its significant implementation burdens. From Windstream's experience, there is little evidence of consumer or company dissatisfaction with the current state of affairs. Windstream receives very few consumer complaints regarding porting time frames. Moreover, if Windstream and the companies it ports numbers to are indicative of their industries, the vast majority of companies that submit a number portability request to a wireline company would *prefer* a porting interval that is *longer* than the industry standard of four business days.

When reviewing complaints referred to it by the Commission and 16 state public utilities commissions, Windstream finds little or no indication that wireline consumers are frustrated with the duration of number porting intervals. The company received only five such complaints on porting time frames for all of 2007. Most months it did not receive any. This lack of consumer complaints about local number ports is striking – especially when juxtaposed against the far larger number of consumers receiving Windstream service (approximately 3.2 million), and the number of port out requests the company processed last year (117,898).

Likewise, companies submitting number portability requests to Windstream have shown little desire for shorter porting intervals. Windstream's experience, in fact, has revealed most

companies would prefer more time than less. Windstream permits companies to request three business days for a simple number port (one day less than the industry standard of 96 hours). Yet 95.8 percent of all Windstream's port out requests in 2007 asked for a number porting interval of more than four days.³ Telecommunications companies Windstream ports numbers to often desire porting intervals of more than ten calendar days in duration. Companies can request a due date up to thirty days out, and occasionally they do that. Some have even complained to Windstream that they would like the ability to schedule porting out for more than 30 days after the time when the company makes the request to port the number.

This lack of interest in shorter porting intervals likely is indicative of two unique issues that arise when numbers are ported to and from wireline carriers. First, the need for a physical connection can delay a wireline company's ability to begin offering service to a new customer. In cases where a telecommunications facility does not exist in a new customer location, the new service provider has to dispatch a technician to physically establish the new customer connection. The technician must work the cable facilities out to the customer location from the new service provider's central office facilities and make sure that the customer's wiring is connected to the new service provider's facilities. Second, wireline customers may want to delay when a number is ported to coincide with their move into a new residence. A new service provider will reflect these customers' preferences when requesting porting intervals.

In conclusion, the Commission should not implement a 48-hour porting interval rule for wireline ports. The additional compliance costs imposed by the proposed rule would be significant and far outweigh any associated benefits. In Windstream's experience, carriers and

³ Verizon reports similar numbers: During December 2006, 89.4 percent of all number portability requests submitted to Verizon East states had a due date longer than the standard interval. Verizon's Opposition to T-Mobile USA, Inc. and Sprint Nextel's Petition for Declaratory Ruling Regarding Number Portability, CC Docket 95-116, at 10 (filed Feb. 8, 2007).

consumers have demonstrated little or no interest in shorter porting intervals for wireline numbers.

II. SECTIONS 251 AND 252 OF THE COMMUNICATIONS ACT REQUIRE COMPANIES TO ENTER INTO AN INTERCONNECTION AGREEMENT PRIOR TO EFFECTUATING A WIRELINE-TO-WIRELINE PORT.

It would be contrary to the Communications Act for the Commission to declare that interconnection agreements are not a necessary precondition to effectuating wireline-to-wireline ports. Section 251 provides that an ILEC has a “duty to provide . . . number portability,” and it must “negotiate in good faith . . . the particular terms and conditions of agreements to fulfill” this duty.⁴ If parties to the negotiation arrive at an agreement, Section 252 stipulates that they file the agreement with the appropriate state commission.⁵ The Commission clearly and correctly recognized this requirement when it issued a declaratory ruling that held an “agreement that creates an ongoing obligation pertaining to . . . number portability . . . is an interconnection agreement that must be filed pursuant to section 252(a)(1).”⁶ The written filing permits public

⁴ 47 U.S.C. § 251(b)(2); 47 U.S.C. § 251(c)(1).

⁵ 47 U.S.C. § 252(a)(1) (“Upon receiving a request for . . . services . . . pursuant to section 251 . . . , an incumbent local exchange carrier may negotiate and enter into a binding agreement with the requesting telecommunications carrier or carriers. . . . The agreement . . . shall be submitted to the [applicable] State commission.”).

⁶ Qwest Communications International, Inc. Petition for Declaratory Ruling on the Scope of the Duty to File and Obtain Prior Approval of Negotiated Contractual Agreements under Section 252(a)(1), Memorandum Opinion and Order, FCC 02-276, WC Docket No. 02-89, at ¶ 8 (rel. Oct. 4, 2002) (“Declaratory Ruling”). See also *Qwest Corporation: Apparent Liability for Forfeiture*, Notice of Apparent Liability for Forfeiture, FCC 04-57, File No. EB-03-IH-0263, at ¶ 11 (rel. Mar. 12, 2004) (the Commission has “broadly construed section 252’s use of the term ‘interconnection agreement’” (referencing the Declaratory Ruling). The Commission has “held that to the extent that the Declaratory Ruling requires an agreement pertaining solely to wireline-to-wireless porting to be filed as an interconnection agreement with a state commission pursuant to sections 251 and 252 of the Act, [it] forbear[s] from those requirements.” *Id.* at ¶ 23, n.75 (citing *Telephone Number Portability; CTIA Petitions for Declaratory Ruling on Wireline-Wireless Porting Issues*, Memorandum Opinion and Order and Further Notice of Proposed Rulemaking, FCC 03-284, CC Docket No. 95-116, ¶¶ 35-37). The Commission, however, has never extended this forbearance from Sections 251 and 252 requirements to agreements pertaining solely to wireline-to-wireline porting.

scrutiny of how ILECs fulfill obligations imposed by Sections 251 and 252 of the Communications Act.⁷

III. CONCLUSION

For the foregoing reasons, the Commission should decline to adopt the proposed 48-hour porting interval rule. The Commission also should continue its current practice of requiring interconnection agreements as a precondition to companies' effectuating wireline-to-wireline ports.

Respectfully submitted,

/s/ Jennie B. Chandra

Cesar Caballero
Windstream Communications, Inc.
4001 Rodney Parham Rd.
Little Rock, AR 72212
(501) 748-7142 (phone)
(501) 748-7996 (fax)

Jennie B. Chandra
Eric N. Einhorn
Windstream Communications, Inc.
1155 15th St., N.W., Suite 1002
Washington, DC 20005
(202) 223-7664 (phone)
(202) 223-7669 (fax)

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Its Attorneys

⁷ See 47 U.S.C. § 252(h) (requiring state commissions to make copies of agreements submitted pursuant to Section 252 available for public inspection).