

**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
)	

COMMENTS OF T-MOBILE USA, INC.

Kathleen O'Brien
Sara F. Leibman
Anna D. Miller
Indra Sehdev Chalk
T-Mobile USA, Inc.
401 9th Street, NW, Suite 550
Washington, DC 20004
(202) 654-5900

Suzanne K. Toller
Gregory J. Kopta
Davis Wright Tremaine LLP
505 Montgomery Street, Suite 800
San Francisco, CA 94111
(415) 276-6500

March 24, 2008

Table of Contents

	Page
I. Introduction and Summary.....	1
II. LNP Porting Process.....	3
III. LNP Intervals.....	6
IV. Conclusion.....	11

**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
_____)	

COMMENTS OF T-MOBILE USA, INC.

T-Mobile USA, Inc. (“T-Mobile”) provides the following comments on the Commission’s *Report and Order, Declaratory Ruling, Order on Remand, and Notice of Proposed Rulemaking* (“*Declaratory Ruling*” or “*NPRM*”) in the above-referenced proceeding.

I. Introduction and Summary

T-Mobile appreciates the Commission’s ongoing efforts to facilitate consumers’ ability to obtain service from the telecommunications provider of their choice. Toward that end, the streamlined four-field validation requirements in the Commission’s *Declaratory Ruling* are an important and much-needed step in the simplification of the local number portability (“LNP”) process for both telecommunications providers and their customers. Proper implementation of these requirements will help consumers port their telephone numbers promptly and efficiently from one provider to another, and T-Mobile is working within the industry to achieve that goal.

The Commission, however, accurately observes in the *NPRM* that it may need to “mandate or modify certain elements of the porting process to ensure the efficiency and

effectiveness of LNP for U.S. telephone consumers.”¹ T-Mobile limits these comments to the process for effectuating simple intermodal ports, specifically numbers ported between wireline and wireless carriers, and does not address issues raised in the *NPRM* outside of that context except to recommend that the Commission not order changes to the wireless industry’s voluntary porting processes and standards for intermodal ports. Regulation is a substitute for market forces, and where industry participants have agreed on appropriate standards that are working well, no Commission action is or should be required. The standards now in place for intermodal porting, by contrast, do not promote efficiency or fairness, making Commission intervention necessary.

T-Mobile, therefore, urges the Commission to adopt the following additional requirements to bolster the positive steps taken in the *Declaratory Ruling*: (1) the Commission should require a standardized form to be developed and used by all carriers for processing simple intermodal ports; (2) the form should include only those validation and administrative fields that the Commission or the industry has found necessary to accomplish a port; (3) every carrier should be required to use the standardized porting form for intermodal ports; (4) the Commission, at least initially, should allow industry the opportunity to develop the standardized form while requiring the form to be developed in time to be implemented by the July 31, 2008 extended deadline for compliance with the *Declaratory Ruling*; and (5) carriers should be required to identify all errors possible when a request is submitted and describe the basis for rejecting a port request.

T-Mobile also supports the tentative conclusion in the *NPRM* that the Commission should adopt a maximum porting interval for simple intermodal ports, but recommends that

¹ *Declaratory Ruling* ¶ 54.

interval be set at one business day, rather than 48 hours as the Commission has proposed. While substantially longer than the porting interval for wireless-to-wireless ports, adoption of T-Mobile's proposal would significantly shorten the current intermodal porting interval without unduly burdening wireline carrier processes. The Commission also should emphasize that this is just an interim standard and that carriers must continue to work toward further decreasing the porting timeframe. T-Mobile requests the Commission revisit this issue in the near future to gauge industry efforts and possibly to require more expeditious intermodal porting.²

II. LNP Porting Process

The conclusion in the *Declaratory Ruling* that LNP validation should be based on no more than four fields for simple ports was a welcome clarification of the LNP requirements. The industry, however, must implement the *Declaratory Ruling* in the spirit it was intended if it is to achieve the Commission's goal of facilitating consumers' ability to obtain service from their chosen service provider. The Commission has recognized this reality and requested comment on how the information in the four validation fields "affects the validation process" and "on any other considerations that the Commission should evaluate in the simple port validation process."³ T-Mobile urges the Commission to take the following additional steps to facilitate the intermodal porting process.

First, the Commission should require the industry to adopt and use a standardized

² Prompt FCC action to streamline the outmoded and cumbersome intermodal porting process is especially important to T-Mobile for competitive reasons. In particular, T-Mobile has launched in two markets and is planning to launch nationally in the near future a new product that would provide an alternative to consumers' landline home phone service. *See, e.g.*, T-Mobile Looks To Replace the Home Phone, WALL ST J., Feb. 21, 2008. Efficient and effective porting is essential to make this competitive offering attractive to prospective customers.

³ *Declaratory Ruling* ¶ 56

port request form for intermodal ports. The wireless industry has established just such a form to standardize the type of information provided to all porting carriers, and experience demonstrates that its use would facilitate prompt and accurate ports.⁴ Currently, each wireline carrier uses its own individual ordering form (and sometimes multiple forms within a company), which requires other providers to invest substantial resources simply to provide the specific information in the exact format requested by the carrier. This invariably leads to errors and unacceptable delays for consumers in the porting process.

Second, the Commission should mandate that the standardized port request form include only those fields needed to validate the port as specified in the *Declaratory Ruling*, plus additional administrative fields required to effectuate the port. Such additional administrative fields should be limited to those strictly necessary to complete the port, including the desired due date and time for the port and the Service Provider Identification (“SPID”). Including administrative fields that are not required to accomplish the port would increase the time and resources needed to process a port request, multiply the likelihood of errors in filling out the form, and provide unfair opportunities for porting-out carriers to “retain” customers tired of waiting for their numbers to port.⁵ Third, every carrier – wireline and wireless – should be required to use the same standardized porting form for intermodal

⁴See Alliance for Telecommunications Industry Solutions (“ATIS”) Unified Ordering Model, Wireless Intercarrier Communications Interface Specification (“WICIS”) for Local Number Portability Version 4.0.0 (published March 19, 2007). The resulting “form” is entirely electronic, which facilitates prompt order flow through. Wireless carriers reached consensus on this form prior to its implementation in 2003 and have used it consistently ever since. Accordingly, whatever form is established for wireline-to-wireless ports, the Commission should not preclude wireless carriers from continuing to use the existing well-established form for wireless-to-wireless ports.

⁵ In fact, several cable operators have recently filed a complaint at the Commission against Verizon alleging that Verizon is illegally using LNP information to engage in “retention marketing” tactics. *Bright House Networks, LLC, Comcast Corporation, and Time Warner Cable, Inc. v. Verizon California, Inc. et al*, File No. EB-08-MD-002 (filed February 11, 2008).

porting.⁶ Allowing each carrier individually to determine whether to reject, accept, or build upon a simplified process for accomplishing ports agreed to by the industry would undermine the efficiency the *Declaratory Ruling* was intended to achieve.

Fourth, the Commission should initially provide the industry with the opportunity to develop the standardized form. Notwithstanding repeated incumbent local exchange carrier (“ILEC”) claims over the past five years that changing their LNP ordering processes would be infeasible, the Commission’s *Declaratory Ruling* appears to have prompted the industry to do just that. In particular, on January 16, 2008, the Ordering and Billing Forum of the Alliance for Telecommunications Industry Solutions (“ATIS”) filed with the Commission its Simple Port Service Request (“SPSR”) Preparation Guide, “which was developed in response to the recent changes to the porting process adopted by the Commission in its November 8, 2007, *Declaratory Ruling*.”⁷ The SPSR guide appears to be the type of standardized form that all carriers could use to accomplish simple ports.

According to ATIS, however, the SPSR guide “has been approved for use in *wireline-to-wireline* porting.”⁸ The industry thus must ensure that the SPSR guide or other industry-wide standards apply to intermodal porting, as well as comply with Commission requirements. If the industry fails to reach consensus promptly on the appropriate standardized form, the Commission should step in and refer form development to the North American Numbering Council so that a

⁶ As noted above, there is no reason for the Commission to require changes to the wireless-wireless porting forms or processes. Porting under the consensus procedures reached by the wireless industry is efficient, and the procedures can be, and are, amended as necessity dictates.

⁷ Letter from Thomas Goode, ATIS General Counsel, to Dana Shaffer, Chief, Wireline Competition Bureau, FCC, attaching ATIS 0405085-0801, Simple Port Service Request (SPSR) Preparation Guide, Issued Feb. 6, 2008 (Jan. 16, 2008) (“ATIS Guide *Ex Parte*”).

⁸ ATIS Guide *Ex Parte* at 1 (emphasis added). Development of the SPSR guide indisputably is a positive sign, but T-Mobile cannot fully endorse it at this time for intermodal porting because some of the information it requires from new service providers does not appear “necessary to accomplish . . . simple ports from a provisioning perspective.” See ATIS Guide *Ex Parte* at 1.

form can be in place well before the July 31, 2008 extended deadline for all carriers to comply with the requirements of the *Declaratory Ruling*. The Commission has already given carriers one blanket extension to comply with the new validation rules, and in no event should the deadline be allowed to slip further.⁹ Implementation of the new rules and movement toward even more meaningful porting reform, however, should not be delayed because the industry cannot or will not agree on the exact information to be exchanged between porting carriers.

Finally, as proposed in the *NPRM*, “the Commission should adopt a requirement that carriers identify all errors possible in a given LSR and describe the basis for rejecting a port request.”¹⁰ Neither the porting-in carrier nor the customer should be forced to go through multiple port submissions and rejections to identify all the errors. T-Mobile does not propose that the porting-out carrier give an extensive explanation, but the carrier should provide a code so that the requesting carrier can know why the port request was rejected. The simplified requirements established in the *Declaratory Ruling* should substantially reduce the number of errors that occur, but since some errors are inevitable, providing the requesting carrier with information sufficient to quickly correct those errors will minimize delay in the porting process to the ultimate benefit of consumers.

III. LNP Intervals

The *NPRM* “tentatively conclude[s] that the Commission should adopt rules reducing the porting interval for simple port requests.”¹¹ T-Mobile fully supports this conclusion with respect to ports between wireline and wireless carriers and, as more fully

⁹ *In re Local Number Portability Porting Interval and Validation Requirements, Telephone Number Portability, Embarq Petition for Waiver of Deadline*, WC Docket No. 07-244, CC Docket No. 95-116, Order, FCC 08-31 (Feb. 5, 2008).

¹⁰ *Declaratory Ruling* ¶ 57.

¹¹ *Declaratory Ruling* ¶ 59.

discussed below, proposes that the Commission require all such intermodal ports to be completed within one business day. T-Mobile, however, recommends that the Commission not mandate by rule the two and one-half hour interval that wireless carriers have voluntarily established for wireless-to-wireless ports.

The Commission accurately observes that “the industry has been unable to reach consensus on an updated industry standard for . . . intermodal ports.”¹² No legitimate technical or operational constraints exist to justify the length of time most wireline carriers currently take to port a telephone number to a wireless provider. Customers reasonably expect to be able to port their wireline numbers quickly, certainly within a day, when they can port their number between wireless carriers in less than three hours. The “lack of industry consensus” is really nothing more than some wireline carriers’ creation of an artificial and unwarranted impediment to consumer choice that the Commission should act to remove.

T-Mobile recognizes that reducing the amount of time permitted to accomplish wireline-to-wireless ports is an incremental process and appreciates the Commission’s proposal to adopt a 48-hour interval for such ports. T-Mobile supports the Commission’s goals of establishing a shorter interval and fostering industry cooperation but is concerned that a 48-hour porting interval does not sufficiently satisfy customer expectations or facilitate intermodal competition. Nor does it reflect current technological capabilities and the intent of the streamlined validation process adopted in the *Declaratory Ruling*. T-Mobile, therefore, recommends that the Commission require simple wireline-to-wireless

¹² *Declaratory Ruling* ¶ 63.

ports be accomplished within one business day.¹³

The wireless industry has agreed to port a customer's telephone number from one wireless carrier to another in two and one-half hours. As a result, a customer can walk into a new wireless provider's store in the morning and change service providers – while keeping his telephone number – by the afternoon of the same day. Consumers now have the legitimate expectation that they can make such a fast, simple change every time they switch service providers regardless of technology. Providing customers with the opportunity to switch to wireless service from their wireline service by the end of the next business day after they place their order, while not optimal, is much closer to meeting reasonable consumer expectations than requiring customers to wait four days under the current standard, or even 48 hours under the Commission's proposal.

ILECs have clamored for – and in most cases received – freedom from regulation in order to more nimbly respond to the competition allegedly posed by wireless and other service providers. The market that the ILECs advocated be defined broadly to include both wireless and wireline providers has already effectively established a two and one-half hour interval for porting telephone numbers. If the wireline carriers want to compete in the market, they should be required to approach, if not conform, to that market standard, not undermine the proper functioning of the market by unreasonably delaying customers' ability to change service providers.

Moreover, no technical justification exists for requiring customers to wait for two, four, or even more days to change their telephone service from a wireline to a wireless service provider. In fact, ILECs in Canada *voluntarily* agreed to a two day service interval

¹³ T-Mobile proposes use of the same one business day interval for wireless-to-wireline ports,

for stand-alone ports of wireline primary exchange service, which the Canadian Radio-television and Telecommunications Commission (“CRTC”) adopted as the standard in July 2003 – almost *five years ago*.¹⁴ ILECs in this country cannot credibly claim that they are unable to accomplish simple ports in one business day using today’s technology when their Canadian counterparts have been porting numbers in two days for half a decade. Indeed, the four-field requirements adopted in the *Declaratory Ruling* will significantly simplify the porting process and, as part of the standardized form T-Mobile has recommended, should facilitate a much more efficient port request process. Indeed as noted above, it appears that the ILECs want to retain the long porting interval they have today not because of technical or operational constraints, but rather so that they have additional time to try to convince customers to remain on their network.¹⁵

Finally, T-Mobile’s proposal – which is based on business days rather than hours – should help to avoid certain operational challenges that have been raised by the ILECs. For example, using an interval based on one business day rather than a specified number of hours will not require wireline carriers to undertake porting activities during evening, weekend, or holiday hours (even though wireless carriers port all days of the week without hardship). Under T-Mobile’s proposal, if a wireline carrier received the porting request from the wireless carrier within business hours, the wireline carrier would have until the close of the following business day to complete the port. The wireline carrier thus will have at least one full business day to complete the port – and significantly longer than one business day in many, if not most

ensuring regulatory parity between wireline and wireless carriers for intermodal ports.

¹⁴ Telecom Decision CRTC 2003-48 ¶¶ 26-34 (available at <http://www.crtc.gc.ca/archive/ENG/Decisions/2003/dt2003-48.htm>).

¹⁵ See footnote 4 above.

cases, because wireless carriers will be submitting porting requests at various times during the day.¹⁶

Although a much shorter interval is technically feasible and more favorable to consumers, T-Mobile nevertheless proposes that the Commission adopt a one business day interval for simple wireline-to-wireless ports as a reasonable incremental step toward achieving the Commission's goal of accomplishing all simple ports within as short a time as feasible. Wireless service providers would be able to facilitate customer moves from their wireline carrier significantly more promptly than is the case today without undue burdens on wireline carriers.

One business day, however, should be the *maximum* permissible interval, and the Commission should encourage the industry to continue to work toward shortening that timeframe. Individual carriers, moreover, should complete the port within a shorter time if reasonably possible to do so – and certainly if the carrier is completing such ports more promptly for its affiliates or other similarly situated companies. In addition, the Commission should revisit this issue within 18 months with the intent of further reducing the interval as the industry gains greater experience with the more streamlined porting requirements in the *Declaratory Ruling*.

The Commission should not mandate the two and one-half hour porting interval within which carriers have agreed to complete wireless-to-wireless ports. Commission regulation substitutes for market forces and should be imposed only where there is a failure

¹⁶ By way of example, if the wireline carrier receives the porting request at 1:00 p.m. on Tuesday, that port must be completed by 5:00 p.m. (or close of business for the wireline carrier) on Wednesday, giving the wireline carrier one and one half business days to accomplish the port. T-Mobile's proposal thus is comparable to the 36 hour interval that Comcast has proposed for simple ports. Comcast Comments, CC Docket 95-116, at 9 (filed February 8, 2007).

of market discipline or the industry is unable to manage itself. In this case, the wireless industry has reached a voluntary consensus, and there is no evidence that wireless carriers are experiencing significant problems or delays with wireless-to-wireless ports necessitating Commission intervention. To the contrary, all evidence points to an efficiently functioning process that serves the needs of wireless consumers and carriers. The Commission, therefore, should encourage such industry cooperation by declining to codify the industry's agreement, while standing ready to resolve any individual porting complaints that may arise between wireless carriers.

IV. CONCLUSION

The Commission has taken significant steps in the *Declaratory Ruling* to facilitate prompt number porting and consumer choice. T-Mobile supports those efforts and urges the Commission to continue on that path by adopting the proposals in the *NPRM* with respect to wireline-to-wireless ports with the modifications T-Mobile has proposed in these comments.

Respectfully submitted,

By _____

Suzanne K. Toller

Gregory J. Kopta

DAVIS WRIGHT TREMAINE LLP

505 Montgomery Street, Suite 800

San Francisco, CA 94111

(415) 276-6500

Kathleen O'Brien Ham

Sara F. Leibman

Anna D. Miller

Indra Sehdev Chalk

T-MOBILE USA, INC.

401 9th Street, NW, Suite 550

Washington, DC 20004

(202) 654-5900