

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of

Local Number Portability Porting Interval
and Validation Requirements

Telephone Number Portability

WC Docket No. 07-244

CC Docket No. 95-116

COMMENTS OF CHARTER COMMUNICATIONS, INC.

Charter Communications, Inc., and its subsidiary Charter Fiberlink, LLC, (collectively “Charter”), hereby file these comments in response to the Commission’s request for comments in its recent *Report and Order, Declaratory Ruling, Order on Remand, and Notice of Proposed Rulemaking* (“Order” or “NPRM”) on number portability requirements for IP-enabled services providers, and on port request validation and porting intervals in WC Dockets 07-243, 07-244, 04-36, and CC Dockets 95-116, 99-200.¹

I. INTRODUCTION

The Commission’s ongoing efforts to establish more efficient and effective number porting processes and standards in the wireline sector are vital to ensure the continued emergence of facilities-based competition in the residential and enterprise voice services market. The Commission’s recent decision to establish a clear rule requiring no more than four fields of information necessary to validate a port request

¹ *In the Matter of Telephone Number Portability Requirements for IP-Enabled Services Providers, Local Number Portability Porting Interval and Validation Requirements, Report and Order, Declaratory Ruling, Order on Remand, and Notice of Proposed Rulemaking*, 22 FCC Rcd 19531 (2007) (“Order” or “NPRM”).

moves porting processes for wireline providers one step closer to the fast and efficient process currently employed by wireless providers (i.e., wireless-to-wireless porting). As the Commission has noted, the efficient and effective porting processes currently employed in the wireless-to-wireless context clearly promotes competition and benefits consumers, and there is good reason to adopt similar processes in the wireline context.

The Commission should therefore continue its efforts in these dockets to establish and solidify further efficiencies in wireline porting processes by adopting a rule reducing the existing porting interval for wireline-to-wireline and intermodal simple port requests to 48 hours. In addition, the Commission should adopt a rule that requires all porting-out providers to identify any, and all, errors in the first LSR submitted by the porting-in provider; and, when rejecting a port request the porting-out provider must describe the basis for rejection with sufficient detail to ensure that the porting-in provider can remedy all of the alleged errors at one time.

II. COMMENTS

A. ~~48 Hour Porting Interval for Wireline-to-Wireline Ports~~

In the *NPRM* the Commission tentatively concludes that it should adopt rules reducing the porting interval for simple port requests. The Commission's tentative conclusion is that there is sufficient justification to adopt a rule to reduce the porting interval for wireline-to-wireline and intermodal simple port requests, specifically, to a 48 hour porting interval.²

Charter agrees that there is a strong basis to support that finding, and urges the Commission to adopt a rule establishing a 48 hour porting interval for wireline-to-

² *NPRM* at ¶ 59.

wireline and intermodal simple port requests. To be clear, Charter believes that the rule should apply to calendar days, not just “business” or “working” days. The adoption of such a rule will further enhance consumer benefits of porting, ensure more timely and efficient processes, and guard against potentially anti-competitive winback opportunities by competitors. There are several facts that support this conclusion.

First, the existing four day rule is outdated. As other commenting parties have already explained, the current four day interval was first adopted as an interim solution in 1997. Indeed, as Comcast explained in its initial comments, the four day interval was developed on the assumption that it would serve as an interim approach, subject to continuing work to develop and implement a final, permanent solution.³ And although the NANC recommended that the interval be cut nearly in half, to 53 hours, the Commission has taken no further final, definitive action.⁴

Second, competition and consumer expectations are best served by a reduced porting interval. As the current record clearly reflects, delay and interruption of normal porting processes dramatically affects the consumer’s expectations and experience.⁵ Consumers are beginning to expect seamless transitions when moving from one provider to another. Guided by their experience with wireless services, many consumers expect ports to occur very quickly, no longer than a single day or so. But the current interval for wireline-to-wireline porting has not kept pace with consumer expectations, and technological advancements in the industry.

³ *See Comments of Comcast Corporation*, CC Docket No. 95-116, at 8 (filed Feb. 8, 2007).

⁴ *Id.*

⁵ *NPRM* at ¶ 42 (citing Comcast Comments, CC Docket No. 95-116, at 2 (filed Feb. 8, 2007); CTIA Comments, CC Docket No. 95-116, at 3 (filed Feb. 8, 2007); MetroPCS Comments, CC Docket No. 95-116, at 5-6 (filed Feb. 8, 2007)).

As noted above, the current four day interval for wireline-to-wireline porting is outdated, and predicated upon a record that does not reflect current technology and consumer expectations. Also, there is no apparent technological basis for maintaining the current interval. In other words, current technologies and processes will support a 48 hour interval, and Charter is not aware of any technological limitation in current systems that precludes such an interval.

Thus, the consumer and competitive benefits of establishing a 48 hour interval are clear. This fact should also inform the Commission as to how to respond to its finding that there is not yet an “industry consensus” on a wireline standard for intermodal ports.⁶ The fact that not all incumbent providers have embraced a shorter interval period should not mask the clear competitive benefits arising from a 48 hour interval. Given that there do not appear to be any technical or operational restraints on moving to such an interval, it is not clear what basis incumbents continue to oppose such a policy.

B. Rejection of Port Requests Where Porting-Out Provider Fails to Identify All Errors in an LSR at One Time

Charter also supports the Commission’s tentative conclusion to require all porting-out providers to identify any, and all, errors in the first LSR submitted by the porting-in provider, and to describe the basis for rejecting any port request.⁷

As the Commission has found, the problems associated with delays in the porting process due to failures by the porting-out provider to identify all errors in an LSR at the time of submission simply creates unnecessary delays.⁸ The delays arise if the porting-out provider identifies errors individually, which in turn requires the submission (and

⁶ *NPRM* at ¶ 63.

⁷ *Id.* at ¶ 57.

⁸ *Id.*

resubmission) of multiple LSRs. There can be no doubt that, as the Commission seems to have concluded, the porting process will proceed most efficiently if providers identify as many errors as possible at the first opportunity.⁹ For that reason, and as noted in Charter's comments in the T-Mobile declaratory ruling proceeding, the Commission should adopt a rule that resolves this problem by requiring the carrier to identify all errors in any given request at the first opportunity (i.e. after the first LSR is submitted).¹⁰

As Charter explained in its initial comments, some carriers reject a port request without providing a specific basis for that rejection, a process which serves only to delay the customer-desired port. Any carrier rejecting a port request should be required to provide the basis for that rejection at the time of the rejection. Likewise, when rejecting a request for a port, the rejecting carrier should identify all information in the request which it views to be deficient or in error. Without such a requirement, a virtual "round robin" of communications (i.e. *submit, reject, submit, reject* communications) can go on for days. That result only serves to prevent the customer from porting to their desired carrier, while at the same time increasing operational costs of *both* providers.

The Commission can eliminate this problem, and the inherent inefficiencies and delays caused by these practices, by simply adopting the rule described above. There is no apparent justification for the policy adopted by some incumbents of forcing the porting-in provider to put forward multiple port requests and rejections to identify all the errors. Further, because the Commission has now established clear parameters for the validation of simple port requests, the number of potential errors in any one port request should be significantly lower. But that fact should not dissuade the Commission from

⁹ *Id.*

¹⁰ *See, e.g.*, Charter Comments, CC Docket No. 95-116, at 9-10 (filed Feb. 8, 2007).

adopting the rule under consideration here, which will ensure that any potential delays in the porting process will be reduced, or eliminated altogether.

C. Additional Information for Validation Fields and Related Issues

The Commission also asks how the information required for the validation fields affects the validation process, and other considerations that the Commission should evaluate in the simple port validation process.¹¹ With respect to this issue, Charter refers the Commission to Charter's opposition to One Communication's petition for clarification of the Commission's four fields validation decision. Consistent with the points made therein, Charter urges the Commission not to step back from the affirmative steps it has already taken to establish simple, concise rules that enhance efficiency in the current wireline-to-wireline porting process.¹²

D. Resolution of Other Operational Issues Related to Porting Processes

As noted in its prior comments to the Commission, Charter believes that the Commission should adopt additional findings, conclusions, and ultimately rules, which prohibit certain practices of incumbent and other carriers that frustrate the porting process, increase the cost of the requesting carriers, and undermine the emergence of facilities-based competition. Specifically, the Commission should address those issues raised in Charter's previously-filed comments, as noted therein and discussed (briefly) below.

First, the Commission should rule that carriers' are prohibited from utilizing processes that result in the cancellation of a subscriber dial tone for port requests that are

¹¹ *NPRM* at ¶ 56.

¹² See *Charter Opposition to Petition for Clarification/Reconsideration of One Communications Corp.*, WC Dockets 07-243, 07-244, 04-36, CC Dockets 95-116, 99-200 (filed Feb. 15, 2008).

delayed for operational reasons. As Charter, and other commenting parties have explained, such policies often result in the disconnection of a customer's existing service before new service is in place.¹³ A carrier's porting processes and policies should *never* result in the loss of service when a subscriber seeks to port a number to a competitive provider.

Second, as noted above, the rejection of port requests and the obligation to resubmit multiple requests, only delays and frustrates the subscriber's requests to port their numbers. The Commission should specifically recognize that certain carrier policies which fail to provide the basis for rejection simply perpetuate the problem of delays. For that reason, the Commission should adopt Charter's proposal to require carriers to provide the basis for any rejection at the time of such rejection. Such a rule would eliminate, or greatly reduce, the need for competing carriers to submit repetitive (and ultimately inefficient) requests.

Third, the Commission should require that carriers provide affirmative notice of all changes to their porting requirements and process. Such a rule would support and promote more efficient, and transparent, transactions between the porting-out and porting-in providers. In conjunction with this rule, the Commission should affirm that *ad hoc* and unilateral changes which do nothing more than increase porting intervals are contrary to the goal of achieving further efficiencies in the wireline-to-wireline porting process. In addition, the Commission should urge all carriers, including those serving rural or less populated markets, to adopt and publish standard porting procedures; and to utilize automated, rather than manual processes, consistent with the principles described

¹³ See Reply Comments of Integra Telecom, Inc., CC Docket No. 95-116 at 5 (filed Feb. 23, 2007); and Charter Comments CC Docket 95-116, at 7-8 (filed Feb. 8, 2007).

above.

In addition to these concerns, the Commission should act upon Charter's request to affirm that a binding interconnection agreement or traffic exchange agreement is not necessary, or a predicate to, effectuating wireline-to-wireline ports. Finally, the Commission should reaffirm that carriers may not use the presence of DSL on a line as a reason to delay porting;¹⁴ and, that carriers are prohibited from assessing "interconnection charges, or add-ons to interconnection charges," to porting-in providers.¹⁵

III. CONCLUSION

Number portability continues to serve as a vital component to the development and emergence of true, facilities-based competition in the residential and enterprise voice services market. The Commission should take this opportunity to adopt additional rules, as discussed herein, which embrace the fundamental goal of ensuring efficient and effective number porting processes that benefit consumer choice and enhance competitive alternatives.

¹⁴ *BellSouth Telecommunications, Inc. Request for Declaratory Ruling that State Commissions May Not Regulate Broadband Internet Access Services by Requiring BellSouth to Provide Wholesale or Retail Broadband Services to Competitive LEC UNE Voice Customers*, Memorandum Opinion and Order and Notice of Inquiry, 20 FCC Rcd 6830, ¶ 36 (2005).

¹⁵ *In the Matter of Telephone Number Portability*, Memorandum Opinion and Order and Order on Reconsideration and Order on Application for Review, 17 FCC Rcd 2578, ¶ 62 (2002). Although the Commission rules also allow incumbents to charge competitors in other limited circumstances (i.e., resellers, users of switching ports, or for query services) those exceptions do not apply to Charter, a facilities-based provider, that performs its own query functions.

Respectfully submitted,

/s/ K.C. Halm

Megan Delany
Carrie L. Cox
CHARTER COMMUNICATIONS, INC.
12405 Powerscourt Drive
St Louis, MO 63131
(202) 973-4312

K.C. Halm
DAVIS WRIGHT TREMAINE LLP
1919 Pennsylvania Ave., N.W.
Suite 200
Washington, D.C. 20006
(202) 659-9750

On behalf of
Charter Communications, Inc.

Dated: March 24, 2008