

**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
	)	

**REPLY COMMENTS OF T-MOBILE USA, INC.**

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**REPLY COMMENTS OF T-MOBILE USA, INC.**

T-Mobile USA, Inc. (“T-Mobile”) hereby replies to comments filed in response to the November 8, 2007 Notice of Proposed Rulemaking (“*NPRM*”) in the above-referenced proceeding.<sup>1</sup>

**I. INTRODUCTION AND SUMMARY**

Local number portability (“LNP”) is vital to the success of competition in the market for telecommunications services. The need for prompt, efficient, and reliable LNP between *all* service providers is particularly critical as more consumers opt for wireless service and as companies begin to offer their customers options, like T-Mobile’s @Home product, that make it easier to replace landline service with wireless. The Commission has recognized that “wireless substitution has grown significantly in recent years,” and according to recent studies, “11.8 percent of adults, or one out of every 8, lived in households with only wireless phones in the second half of 2006, up from 7.8 percent in the second half of 2005,

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<sup>1</sup> Telephone Number Requirements for IP-Enabled Service Providers, *Report and Order, Declaratory Ruling*, (“*Declaratory Ruling*”), *Order on Remand, and Notice of Proposed Rulemaking* (“*NPRM*”), 22 FCC Rcd. 19531 (2007).

and triple the percentage (3.5 percent) in the second half of 2003.”<sup>2</sup> T-Mobile thus appreciates the Commission’s efforts, particularly in this proceeding, to address LNP concerns by reducing the number of validation fields that may be included in a porting request and by proposing additional requirements designed to simplify and accelerate the porting process.

Although they disagree about the specifics, almost all of the commenters agree on the need for changes in the intermodal porting process. The only major exception is the incumbent local exchange carriers (“ILECs”), which urge the Commission to take more time to implement the requirements of the *Declaratory Ruling* recently issued in this docket, to conduct additional study, and to ensure that the demand for change exists.

The time for the ILECs’ “wait-and-see” approach passed years ago; there are no operational or technical obstacles to streamlining intermodal porting immediately. The U.S. ILECs are the most sophisticated telecommunications carriers in the world, and they have had ten years to perfect their number porting processes (the last four of which included intermodal porting). Rather than taking such actions, however, the ILECs have expended their resources trying to thwart competing providers’ efforts to make porting faster and easier for customers and carriers alike.

Wireless carriers (including the wireless affiliates of AT&T and Verizon), by contrast, insisted that their industry come together with an efficient and effective porting system almost as soon as the wireless LNP mandate was issued. Under these circumstances, the Commission should disregard the ILECs’ calls for “[a]dherence to [the existing]

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<sup>2</sup> *In re Implementation of Section 6002(b) of the Omnibus Budget Reconciliation Act of 1993, Annual Report and Analysis of Competitive Market Conditions with Respect to Commercial Mobile*

methodical process for establishing detailed LNP technical and operational procedures.”<sup>3</sup>

The ILECs have had a decade of doing it their way and the result is a ridiculously antiquated system with week-long intermodal ports, customer dissatisfaction, and stifled opportunities for competitive entry.

The further delay urged by the ILECs would only serve to thwart consumer expectations and continue to hamstring customers in their ability to obtain service from the telecommunications provider of their choice. The Commission, therefore, should:

- promulgate – and enforce – a one business day maximum interval for simple intermodal ports, and
- require the industry to develop and submit by July 31, 2008, a single form for simple wireline and intermodal porting requests that includes no more than four validation and ten administrative fields.

## II. LNP INTERVALS

Both wireless and wireline industry participants and state regulatory commissions express widespread support for reducing the current four business day interval for wireline-to-wireline and intermodal porting.<sup>4</sup> These commenters agree that a shorter interval is necessary to meet consumer expectations and to foster competition in the provision of basic telecommunications services<sup>5</sup>. The National Association of Regulatory Utility

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*Services*, WT Docket No. 07-71, FCC 08-28, Twelfth Report ¶ 246 (rel. Feb. 4, 2008).

<sup>3</sup> AT&T Comments at 4.

<sup>4</sup> Comments of T-Mobile USA, Inc. at 6-11; Comments of Comcast Corporation at 5-10; Comments of the National Association of Regulatory Utility Commissioners at 5-6; Comments of the Public Utility Commission of Ohio at 6; Comments of Embarq at 8-11; Comments of Charter Communications, Inc. at 2-4; Comments of MetroPCS Communications, Inc., at 5-6; Comments of the National Cable & Telecommunications Association at 2-3; Comments of Time Warner Cable Inc.; and Sprint Nextel Comments at 22-31

<sup>5</sup> In contrast, only one commenting party suggested, with virtually no rationale, that the Commission codify the wireless industry standard of two and one-half hours for wireless-to-wireless ports. Comments of the Public Utilities Commission of Ohio at 6. The other commenting parties that addressed this issue are involved in the wireless industry and agreed with T-Mobile that because

Commissioners (“NARUC”) succinctly states “that the longer the port takes, the greater the impact on competition and customer choice.”<sup>6</sup> The Public Utility Commission of Ohio similarly observes that “porting intervals are an essential element to ensuring that consumers are able to port their numbers to another provider in a timely manner”<sup>7</sup> and the Nebraska Public Service Commission concurs that “LNP should appear to the consumer as a seamless process without service interruption (loss of dial tone) or undue delay.”<sup>8</sup>

Most commenters agree that a shorter porting interval is long past due – some would have the Commission require all ports to be completed within the same two and one-half hour interval voluntarily implemented by the wireless industry;<sup>9</sup> while others support the *NPRM* proposal for a 48-hour (or in some cases two-day) interval<sup>10</sup>. T-Mobile agrees with Sprint Nextel that wireline carriers can and should be able to complete simple intermodal ports as quickly as wireless carriers can.<sup>11</sup> As NARUC correctly observes, “Porting between wireless service providers is accomplished within two and one-half hours using the same industry database that is used for wireline porting.”<sup>12</sup> T-Mobile, however, believes that adopting a one business day porting interval is a reasonable middle ground between the competing proposals and is the maximum amount of time that should be allowed to

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the industry is effectively regulating itself with respect to this issue, no Commission action is necessary or warranted. Comments of MetroPCS at 5; Sprint Nextel Comments at 19.

<sup>6</sup> NARUC Initial Comments at 5.

<sup>7</sup> Ohio Commission Comments at 6.

<sup>8</sup> Nebraska Commission Comments at 3.

<sup>9</sup> *E.g.*, Sprint Nextel Comments at 22-31.

<sup>10</sup> *E.g.*, Comments of Charter Communications, Inc. at 2-4. Some of the commenters advocating adoption of the Commission’s 48-hour proposal also urge the Commission to shorten the porting timeframe further in the relatively near future. *E.g.*, MetroPCS Comments at 5-6.

<sup>11</sup> Sprint Nextel Comments at 22-31.

accomplish an intermodal port, at least until such time as the Commission revisits this issue (preferably in the near future) to consider further modifications.<sup>13</sup>

Not surprisingly, ILECs comprise the bulk of the commenting parties who oppose making any change to the current interval. Significantly, these parties do not, for the most part, raise specific technical or operational concerns but instead claim (a) the need for further study and specificity;<sup>14</sup> (b) the failure of competitive carriers to meet the current porting interval;<sup>15</sup> (c) an alleged lack of demand for a shorter interval;<sup>16</sup> and (d) the hardships a shortened interval might impose on small carriers,<sup>17</sup> none of which justifies retaining the current four business day interval.

First, no further study is needed. Four years ago, the North American Numbering Council (“NANC”) conducted a study in which it concluded that cutting the four business day interval almost in half (to 53 hours) was easily achievable. Waiting until that study is updated would do nothing more than delay giving consumers the prompt ability to change service providers that they demand. NARUC puts the issue in perspective: “Although processes in the industry have benefited from great advances in technology, including in particular the speed of service provisioning and delivery, the wireline-to-wireline porting interval has remained at 4 days for over 10 years. *This makes no sense.*”<sup>18</sup> Additional

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<sup>12</sup> NARUC Comments at 5-6 (all emphasis in original).

<sup>13</sup> Comments of T-Mobile at 6-11. NARUC and Comcast propose similar intervals for requests submitted via electronic gateways. Comments of NARUC at 5-6; Comments of Comcast at 5-8.

<sup>14</sup> Comments of AT&T.

<sup>15</sup> Comments of Verizon at 5-8.

<sup>16</sup> Comments of Verizon at 3-5.

<sup>17</sup> *E.g.*, Comments of the Organization for the Promotion and Advancement of Small Telecommunications companies and the Western Telecommunications Alliance at 2-5.

<sup>18</sup> NARUC Comments at 5 (emphasis in original).

investigation and analysis will lead the Commission to the same conclusion tomorrow that it could arrive at today – that the wireline industry is capable of implementing and complying with a one business day interval with little effort or expense. Nor should the Commission accept AT&T's recommendation that the Commission limit its role to making broad public policy pronouncements while permitting the industry to decide how to implement them. That approach has resulted in retention of an unnecessarily long porting interval for years longer than necessary, which is starkly at odds with consumers' expectation in today's rapid-paced and technologically advanced society.

Second, the Commission should not wait to shorten the porting interval until all carriers are complying with the current interval, as Verizon argues. T-Mobile agrees that many wireline providers apparently consider the existing interval to be merely a suggestion, but this should not preclude adoption of stricter rules. In 2007, landline providers successfully ported fewer than 17 percent of requested telephone numbers to T-Mobile within four (calendar) days and fewer than 80 percent of such numbers were ported within six days.<sup>19</sup> Cumulatively, the wireline carriers did not achieve 90 percent completion of all porting requests until nine days had elapsed – *nine days* to port 90 percent of the telephone numbers that T-Mobile requested. Nor are these intervals driven by cable companies and other competitive landline carriers, as Verizon would have the Commission believe. The statistics for the large ILECs alone are comparable to these overall percentages.<sup>20</sup> The

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<sup>19</sup> Because T-Mobile ports numbers seven days a week, 24 hours a day, it internally tracks porting intervals using calendar days. Because most ILECs do not engage in porting on weekends, holidays, and after the close of the business day (which no longer appears justified in this mechanized environment), the current business day interval can easily stretch into six or more calendar days.

<sup>20</sup> Verizon's description of its frustration with providers that choose to hold on to their departing

wireline industry's failure to comply with exceptionally lax rules does not justify Commission abstention from imposing requirements that reflect the technical capabilities of U.S. telecommunications carriers and the interests of the customers they serve.

Third, there is not a lack of demand for a shorter interval as Verizon claims. The majority of porting requests that Verizon receives may be for dates beyond the standard four-day interval, but this statistic reflects nothing more than self-fulfilling prophesy. Carriers need to know – and to let their new customers know – when service will be installed and available for use. Carriers therefore need to establish realistic dates by which the former carrier will port the customer's telephone number to the new carrier. If the old service provider is an ILEC that as a matter of common practice does not port numbers within four business days, there is no point in requesting a port within that time period. Providing a customer with an accurate in-service date that is a week in the future is better than telling the customer the service will be ready in four days only to have the installation delayed because the number has not yet been ported. Wireless carriers routinely request and receive ported numbers from other wireless carriers within two and one-half hours. There is every reason to believe that if landline carriers reliably ported numbers within a reasonable period of time – or the one business day that T-Mobile has proposed – wireless carriers, at least, would request due dates within the prescribed interval.

Finally, some smaller landline carriers and two state commissions express the

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customers' telephone numbers long past a reasonable interval strangely echoes the problems documented in the T-Mobile/Sprint Nextel Petition that initiated this proceeding. If anything, Verizon's grievances make clear that prompt Commission action is essential. This is especially the case given that Verizon admits that it actively engages in retention marketing as soon as it learns that a customer has chosen to port his or her number. *E.g., In re Bright House Networks, LLC v. Verizon California, Inc.*, File No. EB-08-MD-002, DA 08-860, Recommended Decision ¶ 6 (rel. April 11, 2008).

concern that shortening the porting interval would be a hardship for smaller carriers, particularly when they receive few porting requests. Standardizing porting requests – particularly implementing a single form that includes a maximum of four validation fields and ten administrative fields – should reduce the burden on *all* carriers to complete port requests within one business day. If smaller companies receive fewer requests, then it should be that much easier for them to port numbers within the shorter standard interval.<sup>21</sup> Indeed, five years ago, the Canadian Commission rejected a request from small ILECs to delay implementation of that country’s newly adopted two-day interval, finding that accelerating the process to complete the small number of ports involved would not impose a significant strain on ILEC resources.<sup>22</sup> The Commission should reach the same conclusion here. Customers of smaller rural carriers deserve no less protection than customers of larger carriers.

### **III. LNP PORTING PROCESS**

The touchstone for the Commission’s efforts in this docket is facilitating consumer choice among telecommunications service providers. The Commission should take all reasonable and necessary actions to ensure that customers can readily change from one provider to another, including making the LNP process simpler and more efficient and less prone to error, delay, and customer disruption so that carriers can do their part to meet consumer expectations. Predictably, the ILECs advocate that the Commission adopt no new LNP requirements or delay adopting any such obligations until companies have had time to

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<sup>21</sup> To the extent that an individual carrier can demonstrate that is not the case, that carrier can always petition the Commission for waiver or modification of the rules to address its unique circumstances.

<sup>22</sup> Telecom Decision CRTC 2003-48 ¶ 33 (available at <http://www.crtc.gc.ca/archive/ENG/Decisions/2003/dt2003-48.htm>).

implement the *Declaratory Ruling*,<sup>23</sup> or until carriers comply with existing requirements,<sup>24</sup> or pending more study of the issue.<sup>25</sup> Such advocacy is as short-sighted as it is self serving.

No technical or operational constraints support the ILECs' desire to maintain the *status quo*. Were it in their pecuniary interest to do so, these companies could have and would have vastly improved the porting process years ago, as did their wireless affiliates. The Commission should see this recalcitrance for what it is – an effort to thwart consumer choice, which requires decisive Commission action to overcome.

While the ILECs have been sitting on their hands, ATIS has been leading an effort to streamline the porting process. T-Mobile does not agree with every ATIS suggestion but, like ATIS, T-Mobile supports the use of a single form for both wireline and intermodal LNP requests as a means of simplifying and standardizing the type of information the porting-in carrier needs to submit with its request, as well as to minimize the processing required to be undertaken by the porting-out carrier. T-Mobile also concurs with ATIS that a *limited* number of administrative fields are necessary to properly process porting requests and that the industry should be given the opportunity to develop and implement the appropriate porting request form.

T-Mobile, however, is concerned that ATIS proposes no time frame within which a standard form would be developed or even the number of administrative fields that should be used. Past history counsels that such open-ended dialogs with the wireline industry are not productive, particularly when the ILECs have no vested interest in reform, as is the case

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<sup>23</sup> Comments of Embarq.

<sup>24</sup> Comments of Verizon.

<sup>25</sup> Comments of AT&T, Inc.

with LNP. And, most importantly, T-Mobile does not believe that use of ATIS or other industry guidelines should be optional for providers, as suggested previously by USTelecom and One Communications.<sup>26</sup> 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.

T-Mobile, therefore, recommends that the Commission be as prescriptive as reasonably possible in directing the industry to develop a single standard form for requesting wireline-to-wireline and intermodal ports.<sup>27</sup> The Commission should require that, in addition to a maximum of four validation fields, the form should include no more than ten administrative or provisioning fields,<sup>28</sup> and the form should be presented to the Commission by July 31, 2008. While ATIS has made great strides in developing this form, the industry, unfortunately, seems unable to agree on its contents. Accordingly, ATIS's efforts should be subject to the review and approval of the NANC LNP Administration Working Group ("LNPAWG"). This group, unlike ATIS, is open to all industry participants and is the Commission's designated oversight committee for LNP issues. If the ATIS-led process does not appear to be headed toward consensus in the near future, the Commission should direct the LNPAWG to develop the form and submit it to the

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<sup>26</sup> Comments of the United States Telecom Association at 6 (filed Jan. 30, 2008); One Communications Corp. Petition for Clarification and for Limited Waiver for Extension of Time at 3-5 (Feb. 5, 2008).

<sup>27</sup> The Commission need not, and should not, prescribe a porting request form for wireless-to-wireless port requests because the wireless industry long ago developed its own form, and no party has raised any issues or concerns with that form. Nor has any party suggested the need for any less than two standard forms – one for wireless-to-wireless ports and the other for wireline-to-wireline and intermodal ports.

<sup>28</sup> As Sprint Nextel has proposed, "the provisioning fields should be reduced to the fewest number necessary to accomplish the port." Sprint Nextel Comments at 12.

Commission by the end of July 2008.

With regard to other Commission proposals to revise the porting process, most commenters support requiring porting-out carriers to identify all errors possible and to describe the basis for rejecting porting requests. ATIS alone posits that such a requirement is both technically infeasible and unnecessary when a porting request is limited to four validation fields. ATIS, however, provides no support for its technical infeasibility concern. Moreover, although implementation of the Commission's validation requirements should reduce errors, unless and until all providers use a standardized form that contains a set of allowable administrative as well as validation fields, the chance for errors remains relatively high. The Commission, therefore, should adopt its tentative proposal to require identification and description of all errors in a porting request as promptly as possible following submission of that request.

Finally, T-Mobile supports Charter's proposal that carriers be required to provide notice of changes to their porting processes. Those opposing this proposal argue that it would erect artificial barriers to carriers implementing more efficient procedures and would be a disincentive to improving individual carrier porting processes,<sup>29</sup> but these arguments are groundless. Providing notice of process changes that will affect other carriers should be standard procedure in carrier-to-carrier relations, and such notice has no impact on a carrier's ability or incentive to make such changes.

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<sup>29</sup> *E.g.*, Comments of RCN Telecom Services, Inc. at 8.

#### **IV. CONCLUSION**

For the foregoing reasons, T-Mobile urges the Commission to shorten the maximum interval for simple intermodal ports to one business day and to further streamline and standardize the porting process. Consumers deserve no less.

Respectfully submitted,

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