

**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
	)	
Telephone Number Portability	)	CC Docket No. 95-116
	)	

**REPLY COMMENTS OF SOCKET TELECOM, LLC**

Socket Telecom, LLC (“Socket”) hereby submits these reply comments to highlight the record support for the clarifications is has requested in its initial comments. Based upon the record in this proceeding, Socket reiterates its request that the Commission clarify that carriers cannot:

- Use the portability process to resolve inter-carrier disputes;
- Request information that is not absolutely necessary to validate and process the port request;
- Reject port requests for spelling errors or differences in format;
- Fail to explain fully why a port request was rejected and list all of the reasons for a reject that the porting out provider knows, or should know; or
- Impose *ad hoc* certification or validation requirements for any port request, whether complex or simple.

The clarifications would help ensure that customers requesting complex ports receive the full benefits of portability.

**I. CARRIERS SHOULD NOT BE PERMITTED TO USE THE PORTABILITY PROCESS TO RESOLVE INTER-CARRIER DISPUTES**

In its opening comments, Socket urged the Commission to reaffirm that no Old Network Service Provider (“ONSP”) has the right to determine whether to accept or reject port requests based upon its view of the legality of the intended service or service configuration of the New Network Service Provider (“NNSP”). Unfortunately, the initial comments filed by some parties demonstrate why the Commission needs to reaffirm that no service provider has the right to determine, in its sole judgment, whether another service provider is in compliance with the law before deciding whether to accept or reject a port request from that service provider.

Embarq, for example, urges the Commission to permit wireline ONSPs to deny port requests from wireline NNSPs with whom they lack an interconnection agreement or whenever the wireline ONSP believes the wireline NNSP is violating the ONSP’s understanding of the Commission’s rules.<sup>1</sup> Socket urges the Commission to reject Embarq’s request and clarify that no ONSP, regardless of technology or competitive status, has the right to deny a port request merely due to a lack of interconnection agreement between the ONSP and the NNSP or because the ONSP suspects, or even knows, that the NNSP is violating a Commission rule. This ruling is crucial to the preservation of efficient portability and the protection of innocent consumers.

**A. The Primary Purpose of Portability Is to Facilitate Competition**

Congress and the Commission ordered carriers to implement local number portability in order to facilitate competition. As the Commission has explained,

Number portability is one of the obligations that Congress imposed on all local exchange carriers, both incumbents and new entrants, in order to promote the pro-competitive, deregulatory markets it envisioned. Congress has recognized that number portability will lower barriers to entry and promote competition in the local exchange marketplace. In its report, the Senate Committee on Commerce,

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<sup>1</sup> Embarq Comments at 11-19.

Science, and Transportation concluded that the "minimum requirements [for interconnection set forth in new section 251(b), including number portability,] are necessary for opening the local exchange market to competition." Likewise, the House of Representatives Committee on Commerce determined that "the ability to change service providers is only meaningful if a customer can retain his or her local telephone number."<sup>2</sup>

The Commission similarly concluded that "number portability provides consumers flexibility in the way they use their telecommunications services and promotes the development of competition among alternative providers of telephone and other telecommunications services."<sup>3</sup>

In light of the primary purpose of local number portability, the Commission should not adopt any portability rules or policies that could interfere with the facilitation of competition, even indirectly.

**B. Permitting ONSPs to Deny Ports Based Upon The Perceived Illegality of the NNSPs Actions Would Harm Competition and Consumers**

Embarq urges the Commission to permit wireline ONSPs to deny port requests from NNSPs that (1) do not have an interconnection agreement with Embarq;<sup>4</sup> or (2) provide a Foreign Exchange ("FX") or "virtual NXX" service.<sup>5</sup> Embarq admits that these issues relate to interconnection and inter-carrier compensation rather than portability, and for this reason urges the FCC not to refer to the North American Numbering Council.<sup>6</sup> Embarq urges the FCC to resolve the matter fully in this proceeding because "the compensation is intertwined in such a

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<sup>2</sup> *Telephone Number Portability*, First Report and Order and Further Notice of Proposed Rulemaking, 11 FCC Rcd 8352, ¶ 2 (1996) (footnotes omitted).

<sup>3</sup> *Id.* ¶ 28.

<sup>4</sup> General Communications, Inc. ("GCI") also supports the use of interconnection agreements but recognizes that "[u]nder the Act, the obligation to provide number portability exists separately from the obligation to enter into interconnection agreements. In addition, carriers may not refuse to port a number absent an agreement." GCI Comments at 6 (internal citations omitted).

<sup>5</sup> Embarq Comments at 11-18.

<sup>6</sup> *Id.* at 18.

way that approval of location portability without addressing all aspects of the matter will not serve the industry in good stead and guarantee more litigation.”<sup>7</sup>

Socket respectfully urges the Commission to reject Embarq’s request. The rulings Embarq requests would harm competition and consumers, and they are fundamentally inconsistent with recent Commission rulings on portability, all of which make clear that the sole role of port validation is to prevent inadvertent ports and to facilitate the porting process.

**1. The reasoning the Commission applied to wireline-wireless portability also applies to wireline-wireline portability.**

In the *Wireline-Wireless Order*, the Commission ruled that “LECs must port numbers to wireless carriers where the requesting wireless carrier’s ‘coverage area’ overlaps the geographic location of the rate center in which the customer’s wireline number is provisioned, provided that the porting-in carrier maintains the number’s original rate center designation following the port.”<sup>8</sup> For the same reasons, the Commission now should rule that LECs must port numbers to wireline carriers where the requesting wireline carrier is authorized to serve the geographic location of the rate center in which the customer’s wireline number is provisioned, provided that the porting-in carrier maintains the number’s original rate center designation following the port.

First, “under the Act and the Commission’s rules, wireline carriers must port numbers to other telecommunications carriers, to the extent that it is technically feasible to do so, in accordance with regulations prescribed by the Commission.”<sup>9</sup> There are no technical difficulties that would prevent a wireline carrier from porting a number to another wireline carrier that (1)

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<sup>7</sup> *Id.*

<sup>8</sup> *Telephone Number Portability; CTIA Petitions for Declaratory Ruling on Wireline-Wireless Porting Issues*, Memorandum Opinion and Order and Further Notice of Proposed Rulemaking, 18 FCC Rcd 23697, ¶¶ 22-30 (2003)(“*Wireline-Wireless Order*”).

<sup>9</sup> *Id.* ¶ 23.

does not have an interconnection agreement with the porting out carrier, (2) does not have a point of interconnection in the same rate center as the ported number, or (3) intends to provide an FX or virtual NXX service with the number.<sup>10</sup> Accordingly, the plain text of the Act and the Commission's rules requiring LECs to provide number portability applies.

Second, neither the Commission's LNP rules nor any of the LNP orders have required wireline carriers to have points of interconnection within the same rate center<sup>11</sup> or prohibited carriers from providing FX or virtual NXX services.<sup>12</sup> Accordingly, the Commission should reaffirm that LECs must port numbers to wireline carriers where the wireline carrier is authorized to provide service to the geographic location of the rate center to which the number is assigned.

**2. Permitting carriers to deny port requests based upon the intended use of the number would slow portability, lead to abuse, and harm consumers.**

In order to facilitate competition, the Commission should not permit any consideration by ONSPs of the intended use of ported numbers by NNSPs. To the extent an ONSP has any right to consider the legality of the intended use of a number by the NNSP when deciding whether to

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<sup>10</sup> Socket also agrees with National Cable & Telecommunications Association that “interconnection agreements are not a necessary predicate, or precondition, to wireline-to-wireline porting.” Comments of the National Cable & Telecommunications Association at 4.

<sup>11</sup> See, e.g., *In the Matter of Petition of WorldCom, Inc. Pursuant to Section 252(e)(5) of the Communications Act for Preemption of the Jurisdiction of the Virginia State Corporation Commission Regarding Interconnection Disputes with Verizon Virginia Inc., and for Expedited Arbitration*, Memorandum Opinion and Order, 17 FCC Rcd 27039, ¶ 52 (2002) (“Under the Commission's rules, competitive LECs may request interconnection at any technically feasible point. This includes the right to request a single point of interconnection in a LATA.”).

<sup>12</sup> Although FX, virtual FX and virtual NXX services have led to disputes regarding inter-carrier compensation in various for a, the Commission has never prohibited any of these services. See, e.g., *AT&T Corp. v. Bell Atlantic – Pennsylvania*, 14 FCC Rcd 446, ¶ 71 (1998) (recognizing legality of FX services). Rather, as Embarq notes, inter-carrier compensation issues relating to FX, virtual FX and virtual NXX services are being litigated in various fora across the country. Embarq Comments at 16.

grant or deny a port request, competition will be harmed and the goals of the Act and the Commission's LNP rules and policies will be thwarted. First, the porting process would be delayed as ONSPs investigate the intended use of the number to be ported. Second, some ports inadvertently would be denied based upon incorrect, albeit good faith, errors regarding the intended use of the number to be ported. Third, some ONSPs would abuse the policy by denying ports merely to secure competitive gain, relying upon a false claim that the NNSP is violating an FCC rule or policy. Regardless of the intent of the ONSPs, these practices will harm competition and consumers. Accordingly, the Commission should clarify that no service provider has the right to determine, in its sole judgment, whether another service provider is in compliance with the law before deciding whether to accept or reject a port request from that service provider.

## **II. THE COMMISSION SHOULD CONTINUE TO RECOGNIZE THE DIFFERENCES BETWEEN "SIMPLE" AND "COMPLEX" PORTS**

As discussed in its initial comments, Socket Telecom agrees strongly with the Commission's determination to prevent entities obligated to provide LNP from obstructing or delaying the porting process by demanding from the NNSP "information in excess of the minimum information needed to validate the customer's request."<sup>13</sup> As such, Socket, like numerous other carriers, supports the reduction in the number of mandatory fields for "simple ports."<sup>14</sup> However, Socket disagrees with commenters who urge the Commission to apply the exact same deadlines and mandatory fields to complex ports.<sup>15</sup>

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<sup>13</sup> *LNP Order and NPRM* ¶ 2.

<sup>14</sup> Comments of T-Mobile USA at 3; Comments of Metro PCS at 4-5; Comments of Charter Communications, Inc. at 6.

<sup>15</sup> *See, e.g.*, Comments of Sprint Nextel at 9, fn. 25; Comments of GCI at 12; Comments of MetroPCS Communications, Inc. at 2, 4.

All simple ports are alike; each complex port is complex in its own way. Indeed, “complex ports” include any port that does not meet the definition for “simple ports,” and thus comprise any port involving, for example, UNEs, multiple lines, complex switch translation (*e.g.*, Centrex or Plexar, ISDN, AIN services, remote call forwarding, multiple services on the loop), CLASS features such as Caller ID, resellers, or some combination thereof.<sup>16</sup> In light of the variety of issues that complex ports can raise, Socket believes that the Commission should rely upon the general principles it has already adopted rather than mandating additional specific positive requirements at this time.

The Commission nonetheless should act to eliminate some of the more onerous requirements ONSPs place on NNSPs requesting a complex port. Specifically, the Commission should clarify the types of information that an ONSP may not require as a prerequisite to completing either type of port, simple or complex. Clarifying the types of information that ONSPs can never demand would protect NNSPs from requirements designed to delay the porting process without interfering with legitimate requests for information that an ONSP might make when processing a complex port request. For instance, the Commission should prohibit ONSPs from requiring that NNSPs provide customer address information in order to validate complete ports, because errors in customer address information lead to the majority of port requests

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<sup>16</sup> “Simple ports are defined as those ports that: do not involve unbundled network elements, involve an account for a single line (porting a single line from a multi-line account is not a simple port), do not include complex switch translations (*e.g.*, Centrex or Plexar, ISDN, AIN services, remote call forwarding, multiple services on the loop), may include CLASS features such as Caller ID, and do not include a reseller. All other ports are considered “complex” ports.” North American Numbering Council Local Number Portability Administration Working Group Second Report on Wireless Wireline Integration, June 30, 1999, CC Docket No. 95-116, at 6 (filed Nov. 4, 1999). Moreover, Socket opposes the expansion of the definition of “simple port” to include ports involving UNEs or resellers.

rejections.<sup>17</sup> Similarly, Comcast and GCI argue persuasively that, except in certain circumstances, ONSPs should be forbidden from requiring any pass code, including a customer's CPNI password, as a condition of honoring a port request.<sup>18</sup> Socket also agrees with Comcast that the Commission should prohibit carriers from imposing *ad hoc* requirements for any port request. In particular, the Commission should prohibit the practice of requiring a physical copy of an "LOA" or third-party verification as a condition precedent to the completion of any type of porting request, be it complex or simple."<sup>19</sup> Not only is this practice unnecessary, it is also illegal, and carriers often impose these requirements with little or no advanced warning.<sup>20</sup>

### **III. THE COMMISSION SHOULD REQUIRE CLEAR AND COMPLETE COMMUNICATIONS BETWEEN THE ONSP AND THE NNSP**

NNSPs face significant problems when the ONSP refuses or fails to identify all of its reasons for rejecting the port request. Particularly troublesome are the delays impacting a customer's ability to quickly and efficiently transition from one provider to another, as these delays increase costs for both the old and new providers.<sup>21</sup> As such, Socket Telecom agrees with One Communications that there is a "significant need for the Commission to require a complete review of each [porting request] upon receipt for *identification and explanation of all errors*

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<sup>17</sup> Comments of Socket at 6.

<sup>18</sup> Comments of Comcast at 11; Comments of GCI at 3.

<sup>19</sup> Comments of Comcast at 15-17.

<sup>20</sup> 47 C.F.R. §§ 64.1120; Comments of Comcast at 16.

<sup>21</sup> MetroPCS Comments at 4 (noting that such a requirement would "reduce unnecessary delays and will remove yet another barrier to competition in the wireline market."). *See also, e.g.*, Comments of Time Warner Cable Inc., at 4 ("TWC supports the adoption of requirements that porting-out carriers (1) provide the basis for rejecting a port request at the time of that rejection and identify all potential errors in a port request that could result in rejection."); Comments of GCI at 3 (Although GCI prefers the use of interconnection agreements to govern the porting process – a requirement that Socket does not support – Socket does agree with GCI's statements regarding the prohibition on unilateral changes to the port validation process. As GCI noted, "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.").

*therein* prior to returning the [porting request] to the submitting carrier.”<sup>22</sup> As Charter Communications explained, “[w]ithout 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.”<sup>23</sup>

Requiring carriers to examine a porting request in its entirety prior to rejecting it would not place a large or unfair burden on carriers receiving a porting request. One Communications argues that “it is unreasonable for carriers *to fail to review an entire LSR* for errors before returning the LSR to the submitting carrier for correction. Indeed, if a carrier is truly concerned about making sure the porting process goes smoothly for the customer . . . what better way to do so than to make sure the entire order is correct as an initial matter, rather than engaging in a sequential review process that could not be less customer-oriented.”<sup>24</sup> Such a error-reporting requirement would avoid issues between carriers engaged in complex ports or between carriers with interconnection agreements that supersede the Commission’s rules by listing all reasons for rejection in one document. The requirement would also avoid the rounds of error and correction that result from the differences in porting policies between companies.<sup>25</sup>

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<sup>22</sup> Comments of One Communications Corp. at 6.

<sup>23</sup> Comments of Charter Communications, Inc. at 5 (emphasis in the original). *See also*, *e.g.*, Comments of the California Public Utilities Commission and the People of the State of California at 8 (“Since the FCC has limited simple porting requests to only four numeric fields, it is reasonable for the carrier rejecting the request to explain all the reasons for the rejection.”).

<sup>24</sup> Comments of One Communications Corp. at 6 (emphasis added).

<sup>25</sup> Socket Telecom also believes that a “clear and complete” rejection requirement would address GCI’s concern that “unilateral changes to the validation process [by a porting-out carrier]...only leads to a game of error notices and correction attempts.” Comments of GCI at 3. The “clear and complete” rejection requirement would allow for a carrier to ensure a proper port-out request is delivered no later than the second attempt, regardless of the requirements of the carrier receiving the request.

**IV. CONCLUSION**

For the reasons set forth above, Socket respectfully urges the Commission to adopt the clarifications proposed in these reply comments.

Respectfully submitted,

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