N A R U C

National Association of Regulatory Utility Commissioners

February 26, 2009

The Honorable Michael J. Copps
Chairman
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

Re: Written Ex Parte Communication concerning the Time Frame for Simple Ports between Carriers raised in the proceedings captioned: *In the Matters 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 99-200, *Local Number Portability*, WC Docket No. 07-244.

Dear Chairman Copps,

In a November 2007 resolution, and in comments before the Commission in March 2008, the National Association of Regulatory Utility Commissioners ("NARUC") endorsed a one-day porting interval for most simple ports between carriers.[1]

Specifically, we urged the FCC to "*establish a one business-day interval for simple ports that are requested by electronic interface or a longer period if wireline carriers individually demonstrate that they cannot accomplish reliable ports within that limit, after they have made all reasonable cost-effective efforts to upgrade electronic systems.*"[2]

The FCC has yet to act in this proceeding.

There is no reason not to do so expeditiously.

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[1] See, March 24, 2008 *COMMENTS OF THE NATIONAL ASSOCIATION OF REGULATORY UTILITY COMMISSIONERS* filed in the above captioned proceeding, (*NARUC Comments*). These comments are available online from the FCC at: http://fjallfoss.fcc.gov/prod/ecfs/retrieve.cgi?native_or_pdf=pdf&id_document=6519868531.

[2] *NARUC Comments* at 5.

In 1997, the FCC adopted the NANC's recommendation of a four business day porting interval for wireline-to-wireline ports.[3] In 2003, the FCC sought comment on whether carriers should be required to reduce the four business day interval for ports between wireless and wireline.[4] In 2004, in response to a North American Numbering Council proposal, the FCC sought comment on shortening the intermodal porting interval for simple ports to 53 hours.[5] 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.

The FCC was correct in the October 2007 rulemaking[6] to tentatively conclude that the Commission "should adopt rules regarding a reduced porting interval." NPRM at ¶ 63. However, the NPRM suggests a longer time frame than appears necessary. Porting between wireless service providers is accomplished within two and-one-half hours using the same industry database that is used for wireline porting.[7] The implementation of electronic interfaces makes it technically feasible to complete simple ports between wireline-service providers on a next-day basis.

Indeed, many major wireline carriers have already implemented electronic bonding solutions that provide a near real-time electronic interface between the operations support systems of the porting-in and porting out providers.[8]

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[3] See *North American Numbering Council Local Number Portability Selection Working Group Final Report and Recommendation to the FCC*, Appendix E (rel. April 25, 1997); 47 C.F.R. § 52.26. See also *In the Matter of Telephone Number Portability*, CC Docket No. 95-116, Second Further Notice of Proposed Rulemaking, 19 FCC Rcd 18515 at ¶ 2. (2004).

[4] The underlying order required intermodal porting. See *In the Matter of Telephone Number Portability*, CC Docket No. 95-116, Memorandum Opinion and Order and Further Notice of Proposed Rulemaking, FCC 03-284 (rel. Nov. 10, 2003).

[5] See *In the Matter of Telephone Number Portability*, CC Docket No. 95-116, Second Further Notice of Proposed Rulemaking, FCC 04-217 (rel. Sept. 16, 2004). Under this proposal, the Confirmation Interval would be five hours after port request and the Activation Interval would be 48 hours after port response.

[6] *In the Matter of Telephone Number 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), 73 Federal Register 9507 (February 21, 2008). NPRM in the text of this letter refers to this NOTICE OF PROPOSED RULEMAKING.

[7] Telephone number porting occurs in two stages: Confirmation and Activation. The Confirmation Intervals with a Local Service Request from the new carrier and ends with a Firm Order Confirmation from the existing carrier. For ports involving wireline carriers, the allowed Confirmation Interval is 24 hours. The Activation Interval involves system updates and the physical work required to complete a simple port. For ports involving wireline carriers, the allowed Activation Interval is three business days.

[8] Currently, Verizon, AT&T, and Qwest offer e-bonding solutions, including Electronic Data Interchange and eXtensible Markup Language gateways. The computer-to-computer interface established by e-bonding is distinct from a graphical user interface (GUI), which exists between a computer and a user. See SWE-DISH Satellite Communications, Inc.; Application for Authority to Operate a Single Temporary-Fixed Earth Station in the Ku-Band Fixed-Satellite Service, Order and Authorization, 19 FCC Rcd 16314, n.19 (IB 2004). When porting requests are submitted via an e-bonded solution, the fields in the request are automatically populated and electronic exchange of order information occurs without the need for human intervention.

The FCC should act now to revise the interval - at least for simple ports.[9]

It should require next-day number porting for providers that have implemented electronic bonding solutions.

If a port request is submitted by electronic interface, there is no reason to allow a longer period. NARUC's resolution specifies a "one business day" interval for "simple" wireline-to-wireline ports requested by electronic interface. This limit should apply to the entire porting process, beginning with the submission of a Local Service Request by the new carrier and ending with the actual port of the number to the new carrier.

Only individual wireline carriers that can prove to the FCC they cannot accomplish reliable ports within that limit, after reasonable and cost-effective efforts to upgrade their electronic systems, can be excluded. Logically, wireline carriers seeking such relief would need to seek a waiver from the FCC as soon as the new interval is established by the Commission.

There is no question the porting interval should be reduced. There is no question the FCC has the authority to do so. Almost six years after the issue was first raised, no action has been taken.

The issue is ripe. The time to act is now.

Sincerely,

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[9] NARUC's resolution defines "Simple ports" as ports that involve an account for a single line and: may include CLASS features such as Caller ID; do not involve multi-line accounts; do not involve unbundled network elements; do not involve complex switch translations such as Centrex or Plexar, ISDN, AIN services, remote call forwarding or multiple services on the loop; and do not include a reseller.