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April 30, 2009

VIA ELECTRONIC FILING

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

**Re: Notice of *Ex Parte* Presentation
Local Number Portability Porting Interval and Validation Requirements
WC Docket No. 07-244**

Dear Ms. Dortch:

Dave Miller, Kathleen O'Brien Ham, Sara Leibman and the undersigned, all of T-Mobile USA, Inc. ("T-Mobile"), met yesterday with Commissioner Robert McDowell and his legal advisors, Angela Giancarlo and Nick Alexander, to present T-Mobile's views in the above-captioned docket. Specifically, we urged that the Commission act expeditiously to shorten the wireline and intermodal porting interval to one business day and provide a self-executing mechanism for further reductions in the near future.

In support of a one business day porting interval, the T-Mobile representatives made the following points:

- *A one business day porting interval will promote competition and consumer choice.* Shortening the porting interval will satisfy the FCC objective of allowing customers to change services with their number as easily as they can without taking their number. Combined wireless and wireline services that offer consumers alternatives and value, such as T-Mobile's @Home service, rely on expeditious number porting from wireline carriers.
- *Porting delays thwart competition and undermine consumer choice.* When consumers get frustrated with slow porting, they often abandon efforts to switch carriers, even if the new provider offers the innovative services and value they want. Even though the Commission and court of appeals have ruled that retention marketing triggered by a competitor's port request is unlawful, the current one-week or longer wireline porting timeframe provides a tempting opportunity for the losing carrier to engage in anticompetitive mischief. Shortening the interval is a simple way to eliminate carriers' ability to act on those incentives.
- *There are no technical barriers to a shortened porting interval.* As AT&T recently acknowledged, a significant reduction in the wireline porting timeframe is technically and operationally feasible and should be undertaken to make the LNP process more efficient and effective. Arguments put forth by other ILECs that porting in the wireline context is

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more complicated than wireless-wireless porting are not supported by the facts – the “additional steps” they contend are necessary, such as physical disconnection at the frame, updates to various databases, and execution of the 10-digit trigger, simply are not relevant to the porting-out carrier, would have to be undertaken only in the rarest of circumstances, or could be accomplished in a matter of minutes. Indeed, a recent voluntary next-business-day porting agreement between Comcast and T-Mobile demonstrates that advances in technology have completely undercut the ILEC arguments on feasibility – the vast majority of Comcast’s simple ports to T-Mobile are now completed in one business day, while the rest of the wireline industry continues to rely on the Commission’s current rules to reach the same level of port completion only after a week or more.

- *The FCC should act now.* The Commission has been investigating shortening the porting timeframe for more than five years and its recent NPRM has been pending for 18 months. It is past time for the Commission to act. If necessary, a phased-in schedule could be adopted for smaller carriers (such as rural telephone companies, as defined in section 3 of the Communications Act), but there is no excuse for the large ILECs to delay this decision any further.

The T-Mobile representatives urged that rather than delay reduction of the porting interval for development of industry standards, as some parties have suggested, the Commission should set a firm deadline for implementing a shortened interval and simultaneously direct the North American Numbering Council (NANC) to develop standardized processes and forms within six months. Nor should reducing the porting timeframe be postponed while the Commission addresses unrelated competitive differences between local exchange carriers and cable companies. Shortening the time period under which wireline providers port numbers is a fundamental consumer issue as more and more customers choose to “cut the cord” and move to innovative new services such as T-Mobile’s @Home offering.

Finally, we noted the wide support for a one-day porting interval, including from Congress, consumer groups, state public utility commissions and their national association, and major service providers like Comcast, MetroPCS Communications, Sprint Nextel, and AT&T.

Pursuant to section 1.1206(b) of the Commission’s rules, an electronic copy of this letter is being filed electronically with the Office of the Secretary for inclusion in the above-referenced docket and served electronically on the Commission participants in the meetings.

Sincerely,

/s/

Thomas J. Sugrue
Vice President, Government Affairs

cc: Hon. Robert McDowell
Angela Giancarlo
Nick Alexander