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May 1, 2009

Via Electronic Filing

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

Re: *Ex Parte Notice: Telephone Number Requirements for IP-Enabled Services Providers*, WC Docket Nos. 07-243, 07-244, & 04-36, CC Docket Nos. 95-116 & 99-200

Dear Ms. Dortch:

On April 30, 2009, Cathy Avgiris, Senior Vice President, General Manager of Voice Services; Susan Jin Davis, Vice President, Corporate Development Voice Services; Mary McManus, Senior Director, FCC and Regulatory Policy; and the undersigned, Vice President, Regulatory and State Legislative Affairs, of Comcast Corporation met separately with Jennifer Schneider, Legal Advisor to Acting Chairman Michael Copps; Commissioner Jonathan Adelstein and his Legal Advisor, Mark Stone; and Commissioner Robert McDowell and his Chief of Staff and Senior Legal Advisor, Angela Giancarlo, and Legal Advisor, Nick Alexander, to discuss Comcast's position with respect to the issues pending before the Commission in the above-captioned proceedings.

Consistent with its prior filings in this proceeding, we stressed that Comcast's porting proposal recognizes that different carriers are at different stages technologically and that the Commission, therefore, should adopt porting intervals that match carriers' technical capabilities, rather than insisting on a uniform, one-size-fits-all interval. Specifically, we urged the Commission to reduce the standard number porting interval for simple wireline ports to next day for providers that employ electronically bonded (e-bonded) porting solutions. We proposed that, for non-rural providers that do not employ those solutions, the porting interval should be reduced to two days now and the Commission should concurrently establish a schedule for reducing the interval for those providers to next day. We also recommended that the Commission adopt a modified schedule for rural carriers, consistent with the proposal set forth by the Minnesota Independent Coalition.¹

¹ Minnesota Independent Coalition Comments at 1 (March 24, 2008).

To the extent that the Commission is concerned that such a rule would impose an asymmetrical porting obligation on e-bonded providers during the transition to next-day porting by all non-rural carriers, it could limit the e-bonded provider's duty to port out numbers on a next-day basis to those instances in which the porting-in provider agreed to a reciprocal, next-day porting obligation. This would mean that e-bonded carriers would be required to meet a next-day porting interval *only* for those providers that request the interval *and* agree to port numbers in return to the e-bonded provider within the same next-day interval.²

Comcast pointed out that shortening the porting interval in the manner it has recommended would produce substantial benefits for consumers. The proposal would accelerate the porting process for hundreds of thousands of customers across the country. In addition, as Comcast explained previously in this proceeding, consumers are increasingly using the convenience of self-installation kits to change voice providers. It is expected that self-installation will become even more widespread in the future, as additional plug-and-play devices are introduced.³ Adopting a shorter interval will ensure that the vast majority of customers who purchase a kit will be able to complete their installation by the next day – not a week later. In short, reducing the standard interval as proposed by Comcast will provide the pro-consumer benefits that have been detailed by consumer groups and state public utility commissions in the record in this proceeding.⁴

If the Commission were not inclined to endorse Comcast's proposal at this time, at a minimum, it should adopt a two-day porting interval today and, at the same time, adopt a plan for moving the porting interval for most carriers to next day over a prescribed period of time, such as 18 months.

² The Commission in the past has applied different regulatory requirements to different segments of the industry. *See, e.g.*, 47 C.F.R. § 52.23(b)(1) (requiring all LECs to provide number portability in the 100 largest Metropolitan Statistical Areas (MSAs) by December 1998); *id.* § 52.31(a) (requiring all CMRS providers to provide number portability in the 100 largest MSAs by November 2003); *Policy and Rules Concerning Rates for Dominant Carriers*, 5 FCC Rcd 6786, ¶ 6 (1990) (making application of the price cap system mandatory for the RBOCs and GTE and optional for mid-sized and smaller LECs because of concerns that mid-sized and smaller carriers might not be able to generate productivity gains of the same magnitude as the largest LECs).

³ Comcast Reply Comments at 9 (Apr. 21, 2008).

⁴ *See, e.g.*, *Ex Parte* Letter from James Bradford Ramsay, General Counsel, NARUC, to Michael Copps, Acting Chairman, FCC (Feb. 26, 2009); *Ex Parte* Letter from Chris Murray, Senior Counsel, Consumers Union, and Gigi Sohn, President, Public Knowledge, to Michael Copps, Acting Chairman, FCC (Apr. 17, 2009); *Ex Parte* Letter from Monica Martinez, Commissioner, Michigan Public Service Commission, to Michael Copps, Acting Chairman, FCC (Apr. 13, 2009); *Ex Parte* Letter from Sharon E. Gillett, Commissioner, Massachusetts Department of Telecommunications and Cable, to Michael Copps, Acting Chairman, FCC (Apr. 8, 2009).

Comcast also addressed Verizon's argument that there is no need to shorten the interval because customers rarely request an interval shorter than the standard interval. Verizon in effect proposes to set the standard interval based on the fact that some consumers would be satisfied with the *status quo*. In Comcast's view, the Commission should set the standard interval based on the shortest, reasonably achievable interval in order to offer "consumers as quick and efficient a porting process as possible."⁵ Consumers may of course select the porting interval that best suits their needs, but those consumers who prefer a shorter interval should be allowed to obtain it.

Comcast further confirmed that it is not recommending a porting interval for e-bonded providers that Comcast itself is not prepared to meet. Indeed, Comcast is today meeting its proposed next-day standard interval, even though it does not have an e-bonding solution for number portability. Specifically, Comcast began offering next business day porting in July 2004. More recently, it reduced the interval for porting out simple wireline numbers to next day, even in those cases where the next day is a weekend day (except for national and company holidays).

Pursuant to the Commission's rules, this letter is being submitted for inclusion in the public record of the above-referenced proceedings.

Sincerely,

/s/ Kathryn A. Zachem
Kathryn A. Zachem

cc: Commissioner Jonathan Adelstein
Commissioner Robert McDowell
Jennifer Schneider
Mark Stone
Angela Giancarlo
Nick Alexander

⁵ *Notice of Proposed Rulemaking*, 22 FCC Rcd 19531, ¶ 65 (2007).