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May 6, 2009

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BY ELECTRONIC FILING

Hon. Michael J. Copps
Acting Chairman
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: In the Matter of Local Number Portability Porting Interval and
Validation Requirements (WC Docket No. 07-244)

Dear Chairman Copps:

MetroPCS Communications, Inc. (“MetroPCS”), by its attorneys, respectfully submits this *ex parte* letter in support of prompt Commission action in the above-captioned rulemaking proceeding to shorten intermodal local number portability (“LNP”) porting intervals.

MetroPCS strongly urges the Commission to institute mandatory standards for intermodal number porting. The wireless industry has voluntarily instituted an exemplary standard with respect to LNP – providing its customers with number porting within two and one-half hours. In stark contrast, wireline companies lag far behind. The current Commission standard for LNP is four business days – which in practice results in many consumers being forced to wait as long as a week for wireline-to-wireless intermodal number porting. Given the current state of the art for local number porting, there simply is no justification for such long delays. As MetroPCS stated in comments in this proceeding, the Commission clearly was right to determine that “customers should be able to port their telephone numbers in an efficient manner in order for LNP to fulfill its promise of giving customers flexibility in the quality, price, and variety of telecommunications services.”¹

The current four-business-day LNP standard is anti-competitive, anti-consumer, and advances only the interests of the local exchange carriers, who

¹ Comments of MetroPCS at 3 (quoting *Local Number Portability Porting Interval and Validation Requirements*, Notice of Proposed Rulemaking, 22 FCC Rcd 19531 at ¶ 54).
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use lengthy number porting times as a tactic to dissuade customers from switching service providers. Increasingly, consumers are expressing a desire to “cut the cord,” and move exclusively to wireless service to meet their primary telecommunications needs. Data gathered by MetroPCS indicates that over 60 percent of its customers are using their MetroPCS wireless device as their sole communications device, and an even larger percentage use it as their primary telecommunications service, meaning that MetroPCS is enjoying considerable acceptance as a wireline replacement technology. MetroPCS expects this trend to continue. The wireline companies experienced wireless access line losses of 11 to 12 percent in the first quarter of 2008, and MetroPCS expects these line losses to continue. However, this beneficial competition is dampened if customers who want to switch to MetroPCS from a landline company risk finding themselves in limbo, or worse yet, incommunicado for up to four business days or more. This would be an untenable situation for many consumers, thus discouraging a full transition to wireless. Indeed, it presents potential “cord cutters” with a Hobson’s choice – lose service for four or more business days or change telephone numbers. Consumers simply should not be forced to make this choice and should be allowed to port their wireline numbers to wireless within the 48 hours proposed.

MetroPCS supports the recommendations made by consumer groups, Members of Congress and state officials that the time frame for intermodal LNP should be 24 to 48 hours at a maximum.² This initial 24-to-48 hour maximum window for intermodal LNP should be decreased over time, based upon a Commission-determined schedule, until all telecommunications carriers are able to reach the current wireless industry standard of two and one-half hours.³

Shortening porting intervals will increase competition in the telecommunications industry, give consumers more choices and be responsive to consumer demand. The time is at hand for the Commission to adopt stricter porting standards that will be pro-competitive and consumer-friendly. MetroPCS urges the Commissioners not to delay taking action on this important issue.

Please do not hesitate to contact the undersigned with any questions.

² See *FCC Action Appears Near On Reducing Time Allowed for Inter-Modal Ports*, Communications Daily (Apr. 13, 2009).

³ MetroPCS has advocated that the interval should continue to reduce to parity with wireless-wireless intervals within 24 months of the effective date of the Order, and that the FCC should establish a schedule to reach that interval. MetroPCS Comments at 6.

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Sincerely,



Carl W. Northrop
for PAUL, HASTINGS, JANOFSKY & WALKER LLP

CWN

cc (via email): Hon. Jonathan S. Adelstein
 Hon. Robert M. McDowell
 Rick Chessen
 Scott Deutchman
 Jennifer Schneider