

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

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In the Matter of	)	
	)	
Local Number Portability Porting Interval and	)	WC Docket No. 07-244
Validation Requirements	)	
	)	
Telephone Number Portability	)	CC Docket No. 95-116
	)	
_____	)	

**COMMENTS OF METROPCS COMMUNICATIONS, INC.**

MetroPCS Communications, Inc. (“MetroPCS”),<sup>1</sup> by its attorneys, hereby respectfully submits its comments in response to the Federal Communications Commission’s (“FCC” or “Commission”) Order and Further Notice of Proposed Rulemaking (“*Order and FNPRM*”) in the above-captioned proceedings.<sup>2</sup> While MetroPCS supports the Commission’s decision in the *Order and FNPRM* to reduce the porting interval for simple wireline and simple intermodal port requests to one business day, the Commission must go further and implement a process which ensures that wireline-wireless telephone number ports proceed in roughly the same intervals, and with the same ease, as do wireless-wireless telephone number ports today. In order to accomplish this goal, MetroPCS recommends that, after the Commission’s current rules require intermodal ports to be accomplished in one business day, the Commission adopt specific porting interval requirements that will, over an 18-month period, transition wireline-wireless ports to the same two and one-half hour interval as currently exists for wireless-wireless telephone number ports.

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<sup>1</sup> For purposes of this submission, the term “MetroPCS” refers to MetroPCS Communications, Inc. and all of its FCC-licensed subsidiaries.

<sup>2</sup> *Local Number Portability Porting Interval and Validation Requirements*, Report and Order and Further Notice of Proposed Rulemaking, FCC 09-41, WC Docket No. 07-244 (rel. May 13, 2009) (“*Order and FNPRM*”).

## **I. INTRODUCTION**

MetroPCS, through its licensed subsidiaries, offers wireless broadband Personal Communications Services (“PCS”) and Advanced Wireless Services (“AWS”) in selected major metropolitan areas in the United States on an affordable, flat-rate and unlimited usage basis, with no signed contract. MetroPCS owns or has access to licenses in 14 of the top 25 markets in the nation, covering a population of approximately 145 million people. As of March 31, 2009 MetroPCS had approximately 6.1 million subscribers, and currently offers service in the Miami, Orlando, Jacksonville, Sarasota, Tampa, Atlanta, Dallas, Detroit, Los Angeles, San Francisco, Las Vegas, Philadelphia, Sacramento, Boston and New York City metropolitan areas.

MetroPCS targets a mass market which is largely underserved by traditional wireless carriers, offering calling plans that are differentiated from the more complex and long-term plans required by many of its competitors. MetroPCS allows customers to place unlimited wireless calls within its service areas and to receive unlimited calls from any area while in MetroPCS’ service area under its simple and affordable flat-rate monthly service plans. Customers pay for service in advance, without a credit check, with rate plans beginning as low as \$30 per month. It is notable, based on company surveys, that over 80 percent of MetroPCS customers use their MetroPCS service as their primary telecommunications service, and a significant percentage of MetroPCS customers are first-time wireless users. Because so many current and potential MetroPCS customers see MetroPCS’ service as an alternative to wireline telephone service, the ability to port their wireline telephone number from one carrier to another in a timely manner is of vital importance to them. For this reason, MetroPCS strongly supports the Commission’s original goal in this proceeding, which was to ensure that “customers [are] 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.”<sup>3</sup>

Although the Commission’s recent *Order* is a step in the right direction, MetroPCS urges the Commission not to rest until all simple intermodal telephone number ports occur as quickly as, or more quickly than, the current voluntary wireless industry standard. Even though a one business day porting interval is considerably better than the current standard, it still deters wireless substitution. If a customer requests a port Friday afternoon, the number will not be available until Tuesday, almost four days later. Since telecommunications does not stop on the weekends, this delay will deter migrations. Further, most wireless dealers are open over the weekend, and ports requested on Saturday or Sunday will take until Tuesday as well. This is simply too long a period of time.

As the Commission recognized in the *Order and FNPRM*, efficient number portability among and between telecommunications carriers and services “enhance[s] competition for all communications services.”<sup>4</sup> In its findings, the Commission recognized that “[d]elays in porting cost consumers time and money and limit consumer choice and competition.”<sup>5</sup> It sought to remedy the situation with the one-business day porting maximum put forth in the *Order*.

Number portability is critical to consumers who seek to use wireless service as a substitute for traditional landline service – if consumers cannot quickly and easily transfer their telephone numbers, “cutting the cord” becomes a mere pipe dream, rather than a competitive reality. Indeed, as the National Health Institute has shown, the amount of wireline customers completely cutting the cord has continued to increase every quarter, and is now at 20 percent.

Although the Commission is to be commended for its recent efforts in this area, the Commission

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<sup>3</sup> *Local Number Portability Porting Interval and Validation Requirements*, Notice of Proposed Rulemaking, FCC 07-188, WC Docket No. 07-244 (rel. Nov. 8, 2007).

<sup>4</sup> *Order and FNPRM* at ¶ 1.

<sup>5</sup> *Id.* at ¶ 6.

must continue to act with respect to number portability if consumers are to truly reap the benefits of the “important role that intermodal providers play in telecommunications competition.”<sup>6</sup>

Indeed, because of MetroPCS’ unique marketing plans, MetroPCS represents the Commission’s sought-after facilities-based competition to wireless services. In order allow consumers to make a seamless transition from wireline to wireless telecommunications services, thereby improving competition in the industry and increasing consumer choice, the Commission must implement MetroPCS’ proposed roadmap, whereby porting intervals for all simple intermodal ports will be gradually decreased over an 18-month period until they reach the two and one-half hour standard currently employed by the wireless industry.

## **II. EFFICIENT NUMBER PORTABILITY IS A CRITICAL ASPECT OF ENABLING A GROWING NUMBER OF CONSUMERS TO “CUT THE CORD”**

In the *Thirteenth Report* on CMRS competition, the Commission noted that “consumers are switching to wireless from wireline because of wireless’ relatively low cost and widespread availability.”<sup>7</sup> Based on this low cost and ever-increasing availability, CMRS carriers are successfully competing to a growing extent with wireline providers, and wireless-wireline substitution is increasing.<sup>8</sup> Moreover, due to innovative unlimited plans, such as the ones offered by MetroPCS, the Commission has recognized that “consumers are more likely to discontinue their landline phone service.”<sup>9</sup> However, all of these pro-consumer and pro-competitive benefits are lost if consumers are not able to quickly and easily port their wireline telephone numbers – especially since customers have grown accustomed to wireless ports occurring within hours, not days. In order to truly provide consumers with a seamless choice between wireline and wireless

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<sup>6</sup> *Id.* at ¶ 6.

<sup>7</sup> *Implementation of Section 6002(B) of the Omnibus Budget Reconciliation Act of 1993*, WT Docket No. 07-71, DA 09-54, *Thirteenth Report* at ¶ 230 (rel. Jan. 16, 2009) (“*Thirteenth Report*”).

<sup>8</sup> *Thirteenth Report* at ¶¶ 229-230.

<sup>9</sup> *Id.* at ¶ 230.

service, consumers must be able to transfer their existing wireline numbers to their new wireless service, without having to wonder how long it will take or how long they will be out of touch.<sup>10</sup> Providing consumers with true choices regarding telecommunications services – and not just choices with asterisks – requires speed and certainty with respect to number portability.

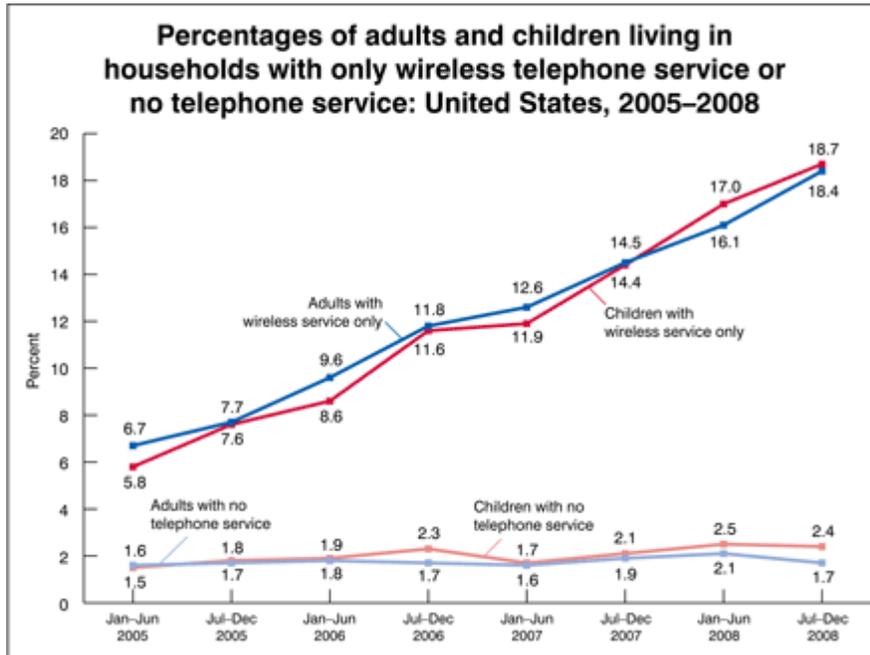
The FCC should continue to encourage the increasing number of consumers who are “cutting the cord.” Preliminary results from the latest National Health Interview Survey (“NHIS”) indicate that the number of American homes with only wireless telephones continues to grow, with more than one of every five American homes (20.2 percent) having only wireless telephones during the second half of 2008, an increase of 2.7 percentage points since the first half of 2008.<sup>11</sup> This is the largest six-month increase observed since NHIS began collecting data on wireless-only households in 2003. In addition, one of every seven American homes (14.5 percent) received all or almost all calls on wireless telephones, despite having a landline telephone in the home. This report presents the most up-to-date estimate available from the federal government concerning the extent to which wireless services are succeeding as a true landline substitute.

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<sup>10</sup> Since wireless-to-wireless porting takes only two and one-half hours, wireless customers have come to expect that they can get service very quickly after signing up for it. It is difficult to explain to consumers why some ports are quick and others take a day or longer; such a process certainly causes customer confusion.

<sup>11</sup> Blumberg SJ, Luke JV. *Wireless substitution: Early release of estimates from the National Health Interview Survey*, July-December 2008. National Center for Health Statistics. May 2009, available at: <http://www.cdc.gov/nchs/nhis.htm>.

The following graph from the NIHS study visually depicts the trend:



MetroPCS has been an important part of this trend. Its low cost, fixed-price all-you-can-eat wireless services have proved to be an attractive substitute for landline service, with the result that a significant percentage of MetroPCS customers report that they use their mobile device as their sole or primary telephone.

Increasingly, consumers are expressing a desire to “cut the cord,” and move exclusively to wireless service to meet their primary telecommunications needs. As noted above, data gathered by MetroPCS indicates that a significant percentage 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. Nationally, for the first time ever, more than 20 percent of households were wireless-only as of December 2008, and an additional 15 percent of households took most calls on

wireless phones, rather using traditional wireline services.<sup>12</sup> In fact, a mere 17 percent of households are wireline-only, with no wireless phones.<sup>13</sup>

Wireline companies are experiencing quarterly wireless access line losses exceeding 10 percent,<sup>14</sup> a trend that many expect 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 a long period of time. This would be an untenable situation for many consumers, thus discouraging a full transition to wireless and reducing its competitiveness to wireline services.<sup>15</sup> By continuing to shorten porting intervals until all simple intermodal ports, regardless of whether wireless-to-wireless or wireline-to-wireless, occur within the current two and one-half hour voluntary standard, the Commission can ensure that consumers are able to fully reap the benefits of wireless competition.

### **III. THE PORTING INTERVAL SHOULD BE GRADUALLY REDUCED UNTIL ALL CARRIERS COMPLY WITH THE CURRENT WIRELESS INDUSTRY STANDARD**

MetroPCS supports the intermodal porting timeframe adopted by the Commission, and endorsed by many consumer groups, Members of Congress and state officials, as an important first step. However, this initial one business day maximum window for intermodal ports should be decreased over time, based upon a Commission-determined schedule, until all simple intermodal ports are able to be achieved within the current wireless industry voluntary standard

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<sup>12</sup> Gina Kim, *Silence of the Land Lines*, SACRAMENTO BEE, Jul. 24, 2009, at 1D.

<sup>13</sup> *Id.*

<sup>14</sup> AT&T recently has experienced access line losses of 10.9 percent, while Verizon experienced residential access line losses of 10.6 percent, up from 10 percent in 2007. See “AT&T Wireline Picture Gets Bleaker,” TelephonyOnline, Oct. 23, 2008, available at <https://www.communicationsdirectnews.com/do.php/105/33047> (last visited Jul. 17, 2009); “Verizon Wireline Weakness Overshadows Mobile Growth,” Sinead Carew, Reuters, Jan. 28, 2009, available at <http://www.reuters.com/article/hotStocksNews/idUSN2844807120080128> (last visited Jul. 17, 2009).

<sup>15</sup> Moreover, incumbent wireline companies have an incentive to delay number portability if it will deter competition. Since wireless is becoming a more attractive alternative, even a one business day porting requirement will deter substitution, since wireless services can be ordered over the weekend.

of two and one-half hours. The Commission should create a roadmap for shortening simple intermodal porting intervals as a part of this rulemaking proceeding, in order to ensure that consumers do not have to wait for another several-year period to pass before the Commission takes up the number portability issue again. To this end, MetroPCS proposes the following porting interval roadmap, to be implemented at successive six-month stages:

- Six months after the one-business-day porting interval is instituted, the interval would be reduced to 12 hours;
- Twelve months after the one-business-day porting interval is instituted, the interval would be reduced to six hours;
- Eighteen months after the one-business-day porting interval is instituted, the interval would be reduced to the wireless industry voluntary standard of two and one-half hours.

This timeline recognizes that the systems of wireline carriers might not support the two and one-half hour standard that wireless carriers employ when the one business day porting interval goes into effect, while still setting a schedule that will gradually bring the two sets of intervals into parity. Setting a reasonable schedule to bring porting intervals into parity will provide consumers with increased certainty that they can make a predictable and smooth transition to wireless should they choose to do so. Further, setting expectations now will allow wireline carriers who need to implement new systems to implement the one business day interval adequate time to conform with the new rules and to design systems which would allow for an even further reduction. Otherwise, the industry may require further delays, which would not serve the public interest.

#### **IV. OTHER WAYS TO IMPROVE THE PORTING PROCESS**

In the *FNPRM*, the Commission also seeks comment on any other ways in which the number porting process can be improved.<sup>16</sup> MetroPCS submits that greater standardization

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<sup>16</sup> *Order and FNPRM* at ¶ 19.

across the telecommunications industry with respect to porting interfaces and reduced information requirements will markedly improve the process. Wireless carriers currently employ the Wireless Intercarrier Communications Interface Specification (“WICIS”) protocols to send transactions between carriers, allowing all wireless carriers to submit ports through the same system. Wireline carriers, on the other hand, continue to handle wireline port requests using each individual carrier’s system – many of which operate quite differently from one another. A standard interface for all ports, regardless of carrier, would improve the process for both wireline-wireless and wireline-wireline ports. Further, each industry-wide solution will allow costs to be reduced, as they will be spread out over the entire industry. As it stated in its previous comments in this proceeding,<sup>17</sup> MetroPCS recommends that the Commission establish an industry-wide working group to promulgate uniform standards to require this working group to report back to the Commission with recommendations within twelve months.

MetroPCS also encourages the Commission to apply the new one business day porting requirement that currently applies to simple ports to non-simple ports as well. As it stands, non-simple ports will continue to be subject to the outdated four business day interval that creates problems for porting-in carriers and frustrates consumers. During the Commission’s Open Agenda Meeting announcing the adoption of the *Order and FNPRM*, Acting Chairman Copps opined that most consumers do not understand, and will not know, when theirs is a simple port or a non-simple port.<sup>18</sup> As a result, the likelihood exists that some consumers who expect their numbers to be ported within one business day will find themselves subjected to the same four business day porting interval that the Commission has found untenable. In order to avoid this situation and to provide consumers with the competition and choices that they deserve, the

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<sup>17</sup> MetroPCS Comments at 8.

<sup>18</sup> Federal Communications Commission Open Agenda Meeting, May 13, 2009.

Commission should apply the same standards to all number portability, including to non-simple ports.

## V. CONCLUSION

Shortening porting intervals will increase competition in the telecommunications industry, give consumers more choices, be responsive to consumer demand and will serve the public interest. The Commission should take this opportunity to adopt stricter porting standards that will be pro-competitive and consumer-friendly. The foregoing premises having been duly considered, MetroPCS respectfully requests that the Commission take actions in this proceeding consistent with these Comments.

Respectfully submitted,

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