

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

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

COMMENTS OF QWEST CORPORATION

I. NEITHER THE PUBLIC INTEREST NOR COMPETITIVE CONSIDERATIONS REQUIRE ADDITIONAL RULES REGARDING NUMBER PORTING AT THIS TIME.

The Federal Communications Commission (“Commission”) need not promulgate further rules at this time regarding number portability activity beyond that which it took in its *Report and Order* in May 2009, shortening the porting interval to one business day.¹ This is particularly true in light of the fact that the Commission has asked the North American Numbering Council (“NANC”) to “develop new [local number portability] LNP provisioning process flows” that address the shortened porting interval and to report their actions to the Commission.

The Commission should review that NANC report and, if appropriate, seek comment on the specific conclusions and recommendations in it. While the Commission’s directive regarding the report is limited, *i.e.*, how best to accomplish a simple port in one “business day,” the contents of the report should educate the Commission on the need for further action in the area of number portability generally.

¹ *In the Matter of Local Local Number Portability Porting Interval and Validation Requirements, Telephone Number Portability, Report and Order and Further Notice of Proposed Rulemaking*, 24 FCC Rcd 6084 (2009) (“*Report and Order*” or “*FNPRM*” as dictated by the text).

Activity is already underway by the NANC LNP Working Group with respect to the Commission's directive. That Working Group has asked the Operations and Billing Forum ("OBF") of the Alliance for Telecommunications Industry Solutions ("ATIS") for information about current industry practices and methods. Of necessity, the NANC report will reflect the current industry viewpoint regarding the appropriate number of fields for the Local Service Requests ("LSR") in the context of accommodating a single "business day" port. Qwest Corporation ("Qwest") supports the collaboration of these industry groups; and we urge the Commission to allow the details of number portability processes and forms to be resolved through these expert organizations.

The Commission has traditionally turned to the knowledge lodged in the various numbering organizations for guidance and resolution regarding number portability issues, especially those involving technical details and carrier systems. No compelling reason exists for the Commission to change course now. While there may come a time when the Commission must intervene in these areas in order to forge more standardized processes, neither the public interest nor marketplace considerations require intervention at this time.

II. COMMENTS ON POSSIBLE ADDITIONAL STEPS REGARDING PORTING INTERVALS TO STREAMLINE PROCESSES OR IMPROVE EFFICIENCIES.

Most probably, the NANC LNP Working Group's current efforts to define "process flows" will drive some decisions by other industry bodies already deliberating regarding the content and format of certain forms (such as the LSR) and the exchange of certain information (such as customer service records ("CSRs")). At some point, it may be necessary for the Commission to become involved in prescribing more standardized processes. But until the NANC report is filed and analyzed any such prescriptive action would be premature.

In particular, the Commission should act slowly in taking actions that will directly affect the current processes and forms that support number porting generally. Changes to either inevitably result in additional costs to carriers, most likely involving changes to their systems. Before any such changes might be required, Qwest urges the Commission to undertake a rigorous cost/benefit analysis. There should be solid evidence of significant benefits to the industry and the public before carriers are asked to bear additional number portability costs.

Beyond Qwest's general recommendations above, Qwest comments on some of the more specific questions posed by the Commission below.

A. The Commission Could Slightly Modify The Definition Of Simple Port And Clarify One Aspect Of The Definition.

The definition of "simple port" does not need any major or radical change. These types of ports account for the vast majority of porting activity at Qwest.² And, over the past year, Qwest has refined our processes regarding such ports.³ Therefore, we do not support any material changes to the definition of "simple port" that might require concomitant material changes to processes or forms, with their attendant costs.

² Roughly 91.38% of Qwest port-outs in 2008 would likely have qualified as simple ports.

³ Qwest was one of few companies that actually adopted the Simple Port Service Request ("SPSR") developed by the OBF Local Service Ordering and Provisioning ("LSOP") Committee in response to the Commission's *Order* mandating that no more than four fields could be required to validate a simple port. See *In the Matter of Telephone Number Requirements for IP-Enabled Services Providers; Local Number Portability Porting Interval and Validation Requirements; IP-Enabled Services; Telephone Number Portability; CTIA Petition for Declaratory Ruling on Wireline-Wireless Porting Issues; Final Regulatory Flexibility Analysis; Numbering Resource Optimization*, Report and Order, Declaratory Ruling, Order on Remand, and Notice of Proposed Rulemaking, 22 FCC Rcd 19531 (2007) ("*VoIP LNP Porting Order*" and "*2007 LNP NPRM*"), *aff'd sub nom. National Telecomms. Cooperative Ass'n v. FCC* (D.C. Cir. Apr. 28, 2009). And see Comments of the Alliance for Telecommunications Industry Solutions, filed in the dockets referenced in the instant caption, on March 24, 2008 at 6-7 (describing its development of the SPSR) (hereafter referred to as "ATIS 2008 Comments"). Qwest's implementation of the SPSR required both labor and monetary resources to adjust our internal systems. We do not want to incur additional costs regarding the matter of simple porting.

Below we outline modifications and clarifications to the current definition of “simple port” that we think would not entail “material changes” either to the definition or associated processes. For this reason, we can support them.

1. The Reseller Exception Could be Removed.

A simple port is currently defined as a port that excludes those that involve:

(a) unbundled network elements (“UNE”); (b) accounts with more than a single line;⁴ (c) Complex Switch Translations (such as Centrex, ISDN, AIN, remote call forwarding or multi-services on a single loop); and (d) resellers.⁵ We believe the Commission could remove the last exemption from the definition of a simple port, at least in those cases where the reseller is a switchless reseller.

The existence of a reseller between a facilities-based carrier and the reseller’s customers is generally immaterial to the amount of time required to accomplish a port. This is because the reseller takes no independent action that might add time to the porting interval. All activity regarding the port is between facilities-based providers on either side of the port transaction. For this reason, the Commission should remove the reseller exception to the definition of simple port, at least to the extent the reseller is a switchless reseller.

2. The Commission Should Confirm that a Port in to an ILEC From a CLEC Purchasing a UNE is not a Port “Involving a UNE”.

⁴ Qwest believes this requirement means a single telephone number associated with a single line. Therefore, this requirement would *not* extend to a single DS1 with multiple telephone numbers, for example. *And see* North American Numbering Council, Local Number Portability Administration Working Group, 3rd Report on Wireless Wireline Integration, Sept. 30, 2000 at Section 3.1, where it states that a “single line from a multi-line account is not a simple port” (filed with the Commission in CC Docket 95-116 on Nov. 29, 2000) (“NANC LNP WG Third Report 2000”).

⁵ *See, e.g., In the Matter of Telephone Number Portability, CTIA Petitions for Declaratory Ruling on Wireline-Wireless Porting Issues*, Memorandum Opinion and Order and Further Notice of Proposed Rulemaking, 18 FCC Rcd 23697, 23715 ¶ 45 n. 112 (2003) (citing NANC LNP WG Third Report 2000).

The Commission should take this opportunity to clarify a matter regarding the definition of “simple port” that has become something of a minor controversy between incumbent local exchange carriers (“ILECs”) and competitive local exchange carriers (“CLECs”) who purchase UNEs. The issue involves when a port “involves a UNE,” such that porting in that context is removed from the definition of a simple port.

This issue has previously been brought to the Commission’s attention by a carrier.⁶ Qwest does not support the conclusion of the carrier raising the issue. And lack of resolution of this controversy unduly extends the time involved for a port in of a single telephone number to an ILEC. For this reason, we believe a Commission clarification would be helpful; and that the clarification should be that a port in to an ILEC from a CLEC purchasing a UNE is not removed from the definition of a “simple port.”

There is no disagreement that in those cases where a port out from a ILEC is to a CLEC purchasing a UNE, the port out is *not* simple under the current definition. However, some CLECs argue that a *port in* from a UNE-purchasing CLEC to an ILEC is also exempted from the definition of a simple port because of the existence of a UNE in the overall relationship. Qwest believes this is a misreading of the Commission’s definition of “simple port” and the rationale behind it.

When an ILEC ports a number out to a UNE-purchasing CLEC, the ILEC must take certain actions in its network to get the number to port correctly, while avoiding premature disconnection of the end-user’s service. The ILEC has to coordinate with the CLEC so that the local loop can be cut away from the ILEC switch and ported over to the CLEC Point of

⁶ See One Communications Corporation’s Petition for Clarification and For Limited Waiver For Extension of Time, WC Docket Nos. 07-243, 07-244, 04-36, and CC Docket Nos. 95-116, 99-200, filed Feb. 5, 2009 (“One Communications Petition”) at 6-7.

Interconnection frame. This activity, then, allows the CLEC to cross connect the loop to their frame and into their switch. Because of the need for coordinated activity by both parties to the transaction, the UNE exception from the definition of a “simple port” makes perfect sense.

The same complexity does not exist, however, when a UNE-purchasing CLEC has a request to port out to an ILEC. In that case there is no “UNE” involved. When faced with a port in to an ILEC, the ILEC does all the work *alone*: it cross connects the local loop back to its switch on its frame, which simultaneously disconnects the CLEC portion of the circuit. There is no coordination involved with the CLEC. The only action the CLEC has to take, *after the port has been accomplished*, is disconnect its connection from its frame to its switch. Clearly, the CLEC is not providing a UNE to the ILEC; and the CLEC has nothing that needs to be done that causes the port to be other than “simple.”

In light of the difference of opinion among carriers on this “UNE involvement issue,” it would be beneficial for the Commission to remove confusion in this area and clarify that a UNE-purchasing CLEC faced with a port-out request from a LEC is involved in a “simple port.”

B. While Only Four Fields Might Be Necessary To Validate A Subscriber’s Identity In The Context Of A Port Out, More than Four Fields Are Necessary To Complete A Simple Port.

The Commission acknowledges that there is a pending Petition (filed by One Communications Corporation) asking the Commission for clarification of its *VoIP LNP Porting Order* with respect to the number of fields a carrier can require be completed on an LSR in order to complete a port (as opposed to validate a subscriber’s identity).⁷ Qwest supports that request

⁷ See *FNPRM*, 24 FCC Rcd at 6095, n. 70 and One Communications Petition (requesting clarification that the four fields identified by the Commission in its *2007 LNP NPRM* were associated with subscriber validation and not full effectuation of a port; and specifically discussing the field “desired due date”). *And see* Letter from Messrs. Ronald W. Del Sesto, Jr. and Michael R. Romano, Bingham McCutchen LLP to Ms. Marlene H. Dortch, Secretary,

for clarification because a simple port cannot be accomplished relying only on the four fields the Commission permitted for subscriber identification and validation.⁸

At the current time, Qwest's SPSR requires *only two* of the four subscriber account validation fields (account number and ten-digit telephone number being ported) permitted by the Commission. However, our form requires an additional six fields to **complete** a simple port⁹ (for a total of 8 fields). These fields have been "identified and agreed by OBF members as necessary to accomplish wireline-to-wireline simple ports";¹⁰ and are not unduly burdensome for carriers to provide. The Commission should clarify that a carrier can require a modest number of additional fields for purposes of port execution without running afoul of the *VoIP LNP Porting Order*.

C. The Commission Need Not Prescribe A Specific Time Frame In Which CSRs Must be Returned.

In line with Qwest's advocacy above that the Commission refrain from becoming enmeshed in the technical process details of number portability, Qwest believes the Commission

Federal Communications Commission, dated July 24, 2008 in WC Docket Nos. 07-243, 07-244 and 04-36 and CC Docket Nos. 95-116 and 99-200 at 2. *See also* ATIS 2008 Comments at 5-6 and n. 4; *Ex parte* filing by Verizon (prior to the *VoIP LNP Porting Order*), from Ms. Ann D. Berkowitz, Associate Director, Federal Regulatory Advocacy, to Ms. Marlene H. Dortch, Secretary, Federal Communications Commission, dated July 27, 2007 in CC Docket No. 95-116 at 1 (pointing out that wireless carriers "incorrectly assume[] that a number portability request form only needs to have four fields filled in and ignores the other critical information necessary to process a number portability request"); at 2 (beyond the fields associated with subscriber notification there are fields that include "the submitting carrier, the customer's current carrier, the direction of the port (*e.g.*, wireline to wireless), and the desired due date and time for the port").

⁸ *See VoIP LNP Porting Order*, 22 FCC Rcd at 19556-57 ¶¶ 46-49 ((1) the end user's ten-digit telephone number; (2) customer account number; (3) five-digit zip code; and (4) pass code, if applicable).

⁹ Specifically Customer Carrier Name Abbreviation ("CCNA"), Purchase Order Number ("PON"), Simple Port Desired Due Date and Time ("SPDDDT"), Requisition Type ("REQTYP"), Company Code ("CC"), and End User Listing Treatment ("EULT").

¹⁰ One Communications Petition at 4-5 (referencing Letter from Thomas Goode, ATIS, to Dana Shaffer in WC Docket No. 07-244, filed Jan. 16, 2008).

should not prescribe an exact time frame in which CSRs must be returned or made available to carriers submitting port requests. If any regulatory direction is needed in this area, the better approach would be to articulate a more generalized standard, similar to that which is found in the Commission's slamming rules. Such an approach would prevent unduly slow responses to carrier requests for CSRs that might produce anticompetitive effects.

There are two reasons why Qwest believes it is not necessary for the Commission to prescribe a specific length of time for returning CSRs. First, the pulling of CSRs with respect to simple ports is not ubiquitous. Qwest, for example, pulls CSRs in only about 30% of its port-in requests; and in our experience CLECs pull them before placing porting orders only about 10-15% of the time. (Wireline carriers that request CSRs in the context of a simple port often do so through mechanized, mediated-access systems that return results in real time or near-real time.) Moreover, in Qwest's experience most wireless carriers and their sales agents do not pull CSRs at all.

Second, prescribing an absolute time for the return of a CSR in the context of a complex port would not be prudent. In complex porting situations, retrieving CSRs is often done manually and can involve more than one CSR. In such cases it might take two or three days to pull all the necessary CSRs associated with the port, and often both carriers and the customer will be in communication.

Should any regulatory direction be necessary in this area, a better solution would be to impose a requirement similar to that found in the Commission's slamming rules. There the Commission requires that carriers faced with a request from a submitting carrier to change a customer's carrier (*i.e.*, the receiving carriers being "executing carriers") act "prompt[ly] [to]

execut[e], without any unreasonable delay” the carrier-change submission.¹¹ A similar standard might be imposed on carriers receiving requests for CSRs -- the CSR should be returned promptly and without undue delay.

This type of general standard would accomplish the Commission’s desire that customer’s porting expectations be met expeditiously but would avoid the need for carriers to incur substantial costs in meeting a set response time. To the extent a particular carrier engages in persistent undue delays in returning CSRs to requesting carriers, the Commission’s informal and formal complaint proceedings are available to address such individualized bad actors.¹²

Respectfully submitted,

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¹¹ 47 C.F.R. § 64.1120(a)(2).

¹² Compare 2007 LNP NPRM, 22 FCC Rcd at 19561 ¶ 60 (“pending resolution of this rulemaking proceeding, providers remain free to seek enforcement action against a porting-out carrier that requests validation information that appears to obstruct or delay the porting process”) and n. 188.

CERTIFICATE OF SERVICE

I, Richard Grozier, do hereby certify that I have caused the foregoing **COMMENTS OF QWEST CORPORATION** to be 1) filed via ECFS with the Office of the Secretary of the FCC; 2) served via e-mail on the Competition Policy Division of the Wireline Competition Bureau of the FCC via cpdcopies@fcc.gov; and 3) served via email on the FCC's duplicating contractor Best Copy and Printing, Inc. at fcc@bcpweb.com.

/s/ Richard Grozier

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