

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 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 CENTURYLINK
ON THE FURTHER NOTICE OF PROPOSED RULEMAKING
REGARDING ONE-DAY PORTING**

The Commission can and should clarify or, if necessary, extend the rules adopted in the *One Business Day* and *VoIP LNP Orders*¹ to reduce competitive disparities in the operation of local number portability (“LNP”).

The facts of today’s marketplace, as recognized by the Commission in the *One Business Day Order*, reveal that some providers are taking advantage of the favorable porting terms created by the Commission, while refusing to provide the same porting terms to other providers.

¹ 74 *Fed. Reg.* 31667 (July 2, 2009). See *Local Number Portability Porting Interval and Validation Requirements*, WC Docket No. 07-244, CC Docket No. 95-116, Report and Order and Further Notice of Proposed Rulemaking, FCC 09-41 at ¶ 19 (rel. May 13, 2009) (“*One Business Day LNP Order*”). See also *Telephone Number Requirements for IP-Enabled Service Providers; Local Number Portability Interval and Validation Requirements; IP-Enabled Services; Telephone Number Portability; Numbering Resource Optimization*, WC Docket Nos. 07-242, 07-244, 04-36, CC Docket Nos. 95-116, 99-200, Report and Order, Declaratory Ruling, Order on Remand, and Notice of Proposed Rulemaking, 22 FCC Rcd 19531 (“*VoIP LNP Order*”) (2007), *aff’d sub. nom National Telecomms. Coop. Ass’n v. FCC*, D.C. Cir. No. 08-1071 (Apr. 28, 2009).

The resulting *de facto* disparity in regulatory treatment disrupts competition and, if left unchecked, will harm consumers. To promote parity among competitors and fulfill the intent of the Commission's prior LNP decisions, the Commission should: (1) clarify the scope of the one-day porting requirement to minimize competitive disparities; and (2) order that companies may not impose unreasonable additional requirements.

I. THE COMMISSION SHOULD CLARIFY THE SCOPE OF THE ONE-DAY PORTING REQUIREMENT TO MINIMIZE COMPETITIVE DISPARITIES.

The Commission asks whether it should modify the definition of a simple port.² This issue was raised specifically before the Commission issued the *One Business Day LNP Order*, where it noted that AT&T had outlined a particularly clear explanation of the problem:

AT&T asserts that some cable VoIP providers claim that they are not subject to the porting interval for simple ports because they are "resellers" in that they "resell" a service purchased from an affiliated or unaffiliated competitive LEC and also that they are not subject to the interval for simple ports when their customers subscribe to double-play or triple-play packages because those packages involve "multiple services on the loop."³

The Commission responded by noting that the *VoIP LNP Order* made clear that:

when an interconnected VoIP provider obtains its NANP telephone numbers through commercial arrangements with one or more traditional telecommunications carriers, the intervals that would be applicable to ports between the numbering partner and the other provider, if the port were not related to an interconnected VoIP

² *One Business Day LNP Order* at ¶ 19.

³ *Id.* at ¶ 9.

service, will apply to the port of the NANP telephone number between the numbering partner and the other provider when the end user with porting rights is a customer of the interconnected VoIP provider.⁴

That language is sufficient to address competitive disparities in many circumstances. It seems likely, however, that additional disputes will emerge over time. Accordingly, the Commission should take advantage of this opportunity to clarify the application of one business-day porting requirements.

Specifically, the Commission should promote and protect competition among voice service providers by ensuring that all competitors are treated similarly and are not competitively disadvantaged with respect to number portability requirements. Therefore, providers should not be able to delay local number ports, simply because they claim an exemption for the use of a network interface device (“NID”) -- at least not unless all providers with NIDs (which are now nearly ubiquitous in one form or another) are similarly allowed additional porting time on the same basis. In the same way, if a provider offers multiple services on the same loop, such as cable modem and voice service, it should not be able to use that fact to justify avoiding the one business-day porting requirement.

Of course, there are situations where one business-day porting is not feasible, even with state-of-the-art systems, and it would be unreasonable to make it an absolute requirement. Fundamentally, one-business day porting is not easy for wireline carriers, and accuracy is essential for all porting applications. Consequently, any applications requiring additional steps may necessitate some additional time. In particular, situations involving total service resellers

⁴ *Id.*, citing *VoIP LNP Order* at ¶ 32.

typically require an additional step in the porting process, which often may require additional time. Similarly, the presence of multiple lines on the same account may require additional logic and information in order for an LNP request to be processed properly and effectively. Such exemptions should be reasonably limited or applied in a manner to ensure parity among all competing services. For example, cable operators should not be able to routinely claim an exemption from one business-day porting -- by, for instance, pointing to bundled cable modem and voice service or outsourcing number administration -- while taking advantage of one business-day porting when winning customers from other providers.

If the Commission does not choose to make the North American Numbering Council (“NANC”) defined flows mandatory for all competitors, the principle of reciprocity should apply. That is, if one competitor regularly takes more than one business day to port a number to a given carrier, there is no reason that the receiving carrier be held to a different, higher standard when it ports numbers to that competitor. It is only reasonable, if a competitor is permitted to avoid the one-business day rule -- such as by virtue of an exception for combined voice and data offerings, or by outsourcing numbering administration to another provider -- then that competitor should not expect to take advantage of one-business day porting intervals when it makes LNP requests on other carriers.

Ultimately, the Commission should ensure that customers benefit from vibrant competition among carriers on a level playing field. The Commission should clarify the scope of local number portability requirements to ensure that competition is not skewed by regulatory disparities in the application of those rules.

II. COMPANIES SHOULD NOT BE PERMITTED TO IMPOSE UNREASONABLE ADDITIONAL REQUIREMENTS.

The Commission also asks whether it might be appropriate to standardize Local Service Request (“LSR”) forms.⁵ CenturyLink submits that this question is responsive to a real concern about some providers’ unreasonable use of miscellaneous requirements to avoid rules facilitating local number portability. LSR formats appear to be reasonably standardized today, however. CenturyLink believes the Commission should focus its attention on preventing the imposition of unreasonable miscellaneous conditions impacting the LNP process. The Commission should strive to discourage LNP conditions that do not fulfill legitimate business needs but instead have a primary effect of unreasonably delaying action on port requests and/or imposing unreasonable additional cost on providers seeking to port numbers on behalf of their customers.

Some providers, for example, require specific documentation in the subject line of the electronic mail messages typically used to transmit LSRs. Some insist that only capital letters be used in those lines. Those companies will then reject LSRs if their requirements are not perfectly satisfied. This sort of requirement is unreasonable, and the Commission should clarify that such conduct is actionable under a complaint process. This proposition should not imply, however, that the Commission concludes that no additional information beyond the four validation fields is needed to process an LNP request. Obviously, an LNP request must include additional information. A request must also include the identity of the requesting carrier and the

⁵ *One Business Day Order* at ¶ 19.

desired due date, among other things, in addition to the four validation fields adopted in the *VoIP LNP Order*.⁶

III. CONCLUSION

The Commission's local number portability policies must continue to be based on parity among marketplace competitors. To continue progress toward that goal, the Commission should take this opportunity to: (1) clarify the scope of the one-day porting requirement to minimize competitive disparities; and (2) order that companies may not impose unreasonable additional requirements.

Respectfully submitted,

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⁶ See *VoIP LNP Order* at ¶ 48.