

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

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

**COMMENTS OF COMCAST CORPORATION**

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**Table of Contents**

<b>I.</b>	<b>INTRODUCTION AND SUMMARY .....</b>	<b>1</b>
<b>II.</b>	<b>THE PORTING OF A NUMBER FROM A COMPETITIVE LEC THAT LEASES A UNE LOOP OR SUB-LOOP TO A FACILITIES- BASED PROVIDER SHOULD BE CLASSIFIED AS A SIMPLE PORT .....</b>	<b>3</b>
<b>III.</b>	<b>PROVIDERS THAT CURRENTLY PORT MULTIPLE LINES WITHIN THE FOUR-DAY SIMPLE PORTING INTERVAL SHOULD BE REQUIRED TO PORT THE SAME NUMBER OF LINES WITHIN THE ONE-DAY SIMPLE PORTING INTERVAL .....</b>	<b>5</b>
<b>IV.</b>	<b>THE COMMISSION SHOULD PROHIBIT PORTING-OUT PROVIDERS FROM INSISTING ON THE DISCLOSURE OF CPNI-RELATED PASS CODE INFORMATION BEFORE PORTING THE NUMBERS OF CONSUMERS .....</b>	<b>6</b>
<b>V.</b>	<b>THE COMMISSION SHOULD MANDATE THE USE OF A 10-DIGIT TRIGGER OR FUNCTIONALLY EQUIVALENT SOLUTION TO SAFEGUARD AGAINST SERVICE DISRUPTIONS DURING THE PORTING PROCESS.....</b>	<b>8</b>
<b>VI.</b>	<b>THE COMMISSION SHOULD REAFFIRM THAT CARRIERS MAY NOT RELY ON THEIR INTERNAL BUSINESS RULES TO AVOID COMPLIANCE WITH THEIR LNP OBLIGATIONS .....</b>	<b>10</b>
<b>VII.</b>	<b>CONCLUSION .....</b>	<b>11</b>

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Comcast Corporation (“Comcast”) and its affiliates hereby submit these comments in response to the Further Notice of Proposed Rulemaking released by the Commission in the above-captioned proceeding.<sup>1</sup>

**I. INTRODUCTION AND SUMMARY**

Local number portability (“LNP”) is a critical element of the framework Congress and the Commission have adopted to enable consumers to enjoy the benefits of voice competition. As the Commission has recognized repeatedly, “it is critical that customers 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.’”<sup>2</sup> Indeed, the voice competition made possible by the Telecommunications Act of 1996 “is only meaningful if a customer can retain his or her local

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<sup>1</sup> *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) (“*Order*” or “*Notice*”).

<sup>2</sup> *Order* ¶ 6 (citing *Telephone Number Portability*, First Report and Order and Further Notice of Proposed Rulemaking, 11 FCC Rcd 8352, ¶ 30 (1996)).

telephone number.”<sup>3</sup> To attract and retain new customers, competitive voice providers like Comcast must be able to obtain the prompt, seamless transfer of telephone numbers from incumbent carriers and other providers.

The Commission in its recent *Order* adopted important reforms to the current number porting process, particularly the requirement that simple wireline-to-wireline and intermodal port requests be completed in one business day.<sup>4</sup> This change will serve the public interest by promoting more robust competition, particularly between providers serving residential consumers. In the companion *Notice*, the Commission sought comment on whether it should adopt any additional rules to streamline or otherwise improve the LNP process.<sup>5</sup>

As discussed below, additional reforms are needed to enhance competition, to improve the efficiency of the LNP process, and to protect against potential and existing abuses. In particular, the Commission should adopt the following measures:

- Update the definition of the term “simple port” to include the porting of a number from a competitive local exchange carrier (“LEC”) that leases an unbundled network element (“UNE”) loop or sub-loop to a facilities-based provider;
- Require carriers currently porting multiple lines within the four-day simple porting interval to continue doing so within the new one-day simple porting interval;
- Make clear that porting-out providers may not use pass code field information to delay the porting process for consumers who have not requested such codes;
- Require that a 10-digit trigger or functionally equivalent solution be placed on all numbers to be ported; and
- Reaffirm that carriers may not rely on their internal business rules to avoid compliance with their LNP obligations.

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<sup>3</sup> *Telephone Number Portability*, First Report and Order and Notice of Proposed Rulemaking, 11 FCC Rcd 8532, ¶ 2 (1996).

<sup>4</sup> *Order* ¶ 7.

<sup>5</sup> *Notice* ¶ 19.

With these reforms, the Commission's newly adopted requirements, designed to streamline the porting process, will be further enhanced.

## **II. THE PORTING OF A NUMBER FROM A COMPETITIVE LEC THAT LEASES A UNE LOOP OR SUB-LOOP TO A FACILITIES-BASED PROVIDER SHOULD BE CLASSIFIED AS A SIMPLE PORT**

Under its current rules, the Commission excludes any port involving a UNE loop or sub-loop from the definition of a "simple port," thereby permitting carriers that rely on such network elements to take additional time to complete this type of port.<sup>6</sup> The Commission adopted the current definition of simple port more than eight years ago. Since that time, service providers have gained much greater experience in the porting process, and, from a technical perspective, porting a number from a UNE-based carrier to a facilities-based provider has become routine. The disparity in porting intervals created by the current definition of a "simple port" has become an unnecessary impediment to competition between such UNE-based providers and facilities-based wireline providers, such as Comcast.

There is no technical processing issue that makes a port from a competitive LEC to a facilities-based provider more complicated than a port from one facilities-based wireline voice provider to another. A competitive LEC that leases a loop from an incumbent LEC has the ability to execute all of the steps required to effectuate and successfully port that number

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<sup>6</sup> The Commission currently defines "simple ports" as those ports that: (1) do not involve unbundled network elements; (2) involve an account only for a single line; (3) do not include complex switch translations; and (4) do not include a reseller. *See, e.g. 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, ¶ 45 n.112 (2003) (citing North American Numbering Council Local Number Portability Administration Working Group Third Report on Wireless Wireline Integration, Sept. 30, 2000, CC Docket No. 95-116 (filed Nov. 29, 2000)).* This definition of "simple port" was adopted over eight years ago when the Commission accepted the Local Number Portability Administration Working Group's definition. *See Telephone Number Portability, Memorandum Opinion and Order, 18 FCC Rcd 20971, ¶ 26 n.46 (2003) ("2003 Number Portability MO&O").*

to a new service provider (“NSP”) without the involvement or assistance of the incumbent LEC. Complex ports are characterized by the need for mechanical coordination between the old service provider (“OSP”) and the NSP.<sup>7</sup> Here, no such additional coordination is necessary beyond that required to complete a current simple port.<sup>8</sup>

For example, in the event that Comcast wins a customer with a number associated with a UNE loop, there is no need to delay the port until the OSP changes the carrier of record for the loop because Comcast does not utilize UNE loops for the provision of its service. The OSP can immediately port the customer to Comcast and then discontinue the UNE loop following activation by the NSP. In these circumstances, there is no basis for processing such number ports outside of the standard one-day interval for simple ports. Rather, the consumer should benefit from the more timely porting process which would result from a definition of “simple port” that reflects current technological and market conditions. Accordingly, the Commission should modify the definition of a “simple port” to include ports from competitive LECs using a UNE loop or sub-loop to facilities-based providers.

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<sup>7</sup> For example, porting a number from one competitive LEC to another in which the NSP requests re-use of the loop requires a coordinated hot cut. Coordinated hot cuts require both the NSP and OSP to work together to ensure that the end user does not lose service during the porting process; these ports are properly classified as complex ports.

<sup>8</sup> Note that this type of port will require post-activation work by the OSP, because the OSP must disconnect the UNE loop following activation of the number by the NSP. Post-activation disconnect processes by OSPs, however, are common in other porting situations. Hence, the need for any such post-activation activity does not provide a basis for categorizing the port as complex.

### **III. PROVIDERS THAT CURRENTLY PORT MULTIPLE LINES WITHIN THE FOUR-DAY SIMPLE PORTING INTERVAL SHOULD BE REQUIRED TO PORT THE SAME NUMBER OF LINES WITHIN THE ONE-DAY SIMPLE PORTING INTERVAL**

Providers today can and do port multiple lines associated with a single customer account within the current four-day interval for simple ports. For example, publicly available information on the web sites maintained by AT&T, Verizon, and Qwest indicates that all three currently offer to port multiple lines – ranging from 19 lines for Verizon to 50 lines for AT&T – associated with a single account number within the interval prescribed for simple ports.<sup>9</sup> The fact that these providers currently are able to complete such multi-line transfers within the simple port interval plainly indicates that such reassignments do not create any significant administrative or other problems beyond those involved in the transfer of a single line.

Given these existing industry practices, the Commission should ensure that the status quo continues after the new interval for simple ports becomes effective. Specifically, providers that currently offer to complete the port of multiple lines within the simple port interval should continue to do so under the same circumstances when the shorter interval takes effect. Preserving the status quo in these circumstances will ensure that the

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<sup>9</sup> See AT&T Standard Due Dates, ReqTyp C, Stand Alone Local Number Portability (POTS), *available at*: <<https://ebiznet.sbc.com/standardduedates/sw/index.cfm>> (last visited Aug. 2, 2009) (stating that up to 50 lines of Plain Old Telephone Service (“POTS”) can be ported within 3 days); Qwest Communications, Service Interval Guide for Resale, Unbundled Network Elements (UNE) and Interconnection Services, V80.0, Interim Number Portability (INP), at 61, *available at*: <[http://www.qwest.com/wholesale/downloads/2007/071008/InterconnSIG\\_PV80.doc](http://www.qwest.com/wholesale/downloads/2007/071008/InterconnSIG_PV80.doc)> (last visited Aug. 2, 2009) (stating that a Firm Order Confirmation (“FOC”) for between 1 and 49 lines will be completed within 24 hours and that the port will be completed within the standard porting interval); Verizon, Intervals for Unbundled Network Elements, Number Portability, All Other, *available at*: <[http://www22.verizon.com/wholesale/attachments/une\\_intervals.xls#!All Other!A1](http://www22.verizon.com/wholesale/attachments/une_intervals.xls#!All%20Other!A1)> (last visited Aug. 2, 2009) (stating that up to 19 lines will be ported within 3 days).

“considerable immediate benefits” of the one-day interval are extended to a larger number of voice customers.<sup>10</sup>

#### **IV. THE COMMISSION SHOULD PROHIBIT PORTING-OUT PROVIDERS FROM INSISTING ON THE DISCLOSURE OF CPNI-RELATED PASS CODE INFORMATION BEFORE PORTING THE NUMBERS OF CONSUMERS**

In 2007, the Commission substantially simplified and streamlined the process for simple ports by limiting to no more than four the number of data fields a porting-out carrier may require to be included in a port request. Specifically, the Commission required that LNP validation for simple ports require no more than: (1) a 10-digit telephone number; (2) a customer account number; (3) a 5-digit zip code; and (4) a pass code (if applicable).<sup>11</sup> The designation of the pass code field as an “if applicable,” optional field is appropriate because it should be populated only if a consumer for some reason has asked that the information required to complete the other three fields in the port request be protected by a pass code. In adopting this four-field standard, the Commission stated that it had been “persuaded by the record that burdensome porting-related procedures play a role in the difficulties providers experience when seeking to fulfill customers’ desire to port their numbers, particularly given the incentives that providers have to obstruct the porting process.”<sup>12</sup> Some providers, nonetheless, continue to cause porting delays by insisting that the NSP supply a pass code that has been issued to a consumer so he or she can gain access to Customer Proprietary Network Information (“CPNI”) online. There is no defensible privacy or other public

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<sup>10</sup> Notice ¶19.

<sup>11</sup> *Telephone Number Requirements for IP-Enabled Services Providers; Local Number Portability Porting Interval and Validation Requirement*, Report and Order, Declaratory Ruling, Order on Remand, and Notice of Proposed Rulemaking, 22 FCC Rcd 19531, ¶¶ 45-49 (2007).

<sup>12</sup> *Id.* ¶ 42.

interest that can justify this practice, since none of the information required to port a number is CPNI.

Windstream's porting process illustrates how the pass code field can be used to obstruct the prompt, efficient porting of consumer numbers. Windstream apparently offers customers an e-billing option for which it assigns a CPNI-related pass code. Since the implementation of the streamlined validation criteria, Windstream has adopted the practice of assigning this pass code to every customer, irrespective of whether they have requested e-billing capability, and irrespective of whether they have requested any pass code protection of porting validation fields. If a customer subsequently elects to port his or her number to Comcast, Windstream refuses to process the port request unless Comcast provides the customer's pass code. Windstream, moreover, does not furnish the customer's pass code in the Customer Service Record ("CSR") provided to Comcast. Consequently, Comcast must attempt to obtain the pass code from the customer, who, as noted, typically never requested either the code or access to e-billing and may not be aware that such a code was issued to her or him. In the likely event that a customer is unable to locate or remember the randomly generated number, he or she must contact Windstream to obtain the code.<sup>13</sup>

A porting-out provider's insistence on inclusion of a CPNI-related pass code before processing a port request clearly cannot be justified on the grounds that it is needed to protect access to sensitive information. As noted, none of the information required to port a

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<sup>13</sup> Windstream's practices appear to be similar to those CenturyTel has used to delay number ports. Commenting parties alleged in the Embarq-CenturyTel merger proceeding that CenturyTel assigned randomly-generated PIN numbers to customers and then required the number be included on the Local Service Request ("LSR"). Commenting parties described the practice as "outright anti-competitive." *Applications Filed for the Transfer of Control of Embarq Corporation to CenturyTel, Inc.*, WC Docket No. 08-238, Memorandum Opinion and Order, FCC 09-54, ¶ 25 (rel. June 25, 2009). In response to these allegations, Embarq and CenturyTel agreed to merger conditions designed to ensure that all LNP requests are promptly processed. *Id.* ¶ 29.

telephone number (such as the number itself) is CPNI, nor does the porting request give the NSP access to the CPNI in the OSP's possession, such as call detail records.

The delay and inconvenience caused by such practices, however, plainly increase the likelihood that a potential new subscriber will cancel his or her request for Comcast service. The processing delay also provides the OSP with an opportunity to engage in retention marketing, which the standard "next business day" porting interval otherwise will preclude when it takes effect.

To prevent such practices in the future, the Commission should bar service providers from insisting on the inclusion of a CPNI-related pass code in the port request. Such codes should only be used where access to CPNI-protected information is involved. To the extent that a customer requests or a provider unilaterally issues pass codes for access to the information needed for the other three porting validation fields, the Commission should require the OSP to include the code in the CSR that it supplies to the NSP as part of the porting process.

**V. THE COMMISSION SHOULD MANDATE THE USE OF A 10-DIGIT TRIGGER OR FUNCTIONALLY EQUIVALENT SOLUTION TO SAFEGUARD AGAINST SERVICE DISRUPTIONS DURING THE PORTING PROCESS**

The Commission has frequently underscored the importance of nationally applicable standards in ensuring a successful porting process, finding that "uniform national standards in this area will promote efficient and consistent use of number portability methods . . . and facilitate the ability of carriers to meet number portability implementation deadlines."<sup>14</sup> With the adoption of the new porting deadline, the Commission should implement one modification to its existing standards to ensure that providers implement the interval

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<sup>14</sup> *Telephone Number Portability*, Second Report and Order, 12 FCC Rcd 12281, ¶ 52 (1997).

smoothly and with a minimum of consumer disruption. Specifically, the Commission should mandate that all porting-out providers must utilize a 10-digit trigger or functionally equivalent solution to safeguard against service disruptions when a number is ported.

Many voice providers use a 10-digit trigger or functionally equivalent solution to assist in coordinating inbound call completion during the porting process. The 10-digit trigger is a central office software-switching feature assigned to a number on an OSP switch while the number is in the process of being moved from that switch to the NSP switch. The trigger forces the OSP switch to search the LNP database on every call to determine if there are new LNP routing instructions in place for the number. Once the port process is completed by the NSP, the 10-digit trigger routes the call to the NSP switch until the translations are removed from the OSP's switch.

Some service providers do not use the 10-digit trigger, but use a functionally equivalent software solution or internal process to prevent disrupted calls during the porting process. For example, certain new technologies may use different software applications to ensure the appropriate routing of customer calls. Other providers may use an internal monitoring process that queries the NPAC during the porting process. These software and procedural solutions are functionally equivalent to the 10-digit trigger because they also help to avoid misrouted or dropped calls. In any event, the Commission should require providers to activate one of these safeguards during the porting process.

The Commission should also ensure that the system for preventing dropped calls during the porting process is activated in a timely manner. While most carriers put the trigger or solution in place by midnight of the day preceding the date of the scheduled port, some carriers do not follow this practice. Ensuring that the trigger or similar solution is in place on the day before the date of the scheduled port will assist with timely porting, reduce the need

for unnecessary and time-consuming coordination among carriers, and minimize the risk of dropped calls. Accordingly, the Commission should require that the 10-digit trigger or functionally equivalent solution be placed on a number to be ported by midnight of the day before the number port is scheduled and require that the trigger or solution stay in place until the OSP removes the switch translations.

**VI. THE COMMISSION SHOULD REAFFIRM THAT CARRIERS MAY NOT RELY ON THEIR INTERNAL BUSINESS RULES TO AVOID COMPLIANCE WITH THEIR LNP OBLIGATIONS**

Despite unambiguous Commission rules to the contrary, some voice providers continue to rely on their internal business rules to justify their refusal to process valid porting-out requests. Specifically, some providers reject simple port requests if there is a work order of any type pending in a customer's account, even though the Commission's rules require the provider to timely process the port request. For example, some providers refuse to process port requests when the customer has previously called to disconnect service with the OSP and the disconnect order is still pending in the OSP's back-office systems. Some providers also refuse to port out numbers when the customer's account is in "pending disconnection status" due to payment delinquency.

Such practices violate the Commission's rules and undermine vigorous competition. Consumers must be permitted to port their telephone number under the same circumstances in which they may change service providers. The porting of the customer's number to the new service provider does not change that fact. The Commission has clarified that carriers may not refuse to port "for other reasons unrelated to validating a customer's identity."<sup>15</sup> Even when payments are due under a customer account, carriers "may not hold a customer's number while attempting to settle the customer's account."<sup>16</sup> Despite these clear holdings,

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<sup>15</sup> Letter from John B. Muleta, FCC, to John T. Scott, Verizon Wireless, and Michael F. Altschul, CTIA, 18 FCC Rcd 13110, DA 03-2190 at 3 (2003).

<sup>16</sup> *2003 Number Portability MO&O*, 18 FCC Rcd 20971, ¶ 14.

some porting-out providers continue to carry out tactics like those outlined above that are clearly inconsistent with the Commission's porting policies and undermine the Commission's efforts to streamline the porting process. The Commission should reiterate that carriers must make any necessary changes to their business practices and operations support systems to ensure that they comply with the Commission's porting requirements.

## VII. CONCLUSION

For the foregoing reasons, the Commission should adopt additional reforms to the local number porting process, as described herein.

Respectfully submitted,

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August 3, 2009

### **Certificate of Service**

I hereby certify that on this 3rd day of August, 2009, true and correct copies of the foregoing Comments of Comcast Corporation were mailed by electronic mail to:

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