

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

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

**COMMENTS OF AT&T INC.**

In the “Report and Order and Further Notice of Proposed Rulemaking”<sup>1</sup> released in May of this year, the Commission took a significant step toward improving telephone number porting. While reducing the porting interval was important in this regard, the Commission achieved more to facilitate telephone number porting by simply emphasizing that the new one-business-day porting obligation applies to “all telecommunications carriers.”<sup>2</sup> As a follow-up, however, the Commission needs to do more to ensure that the rules surrounding porting are clear, apply equally to all providers, and are readily enforceable.

In the *Further Notice*, the Commission invited interested parties “to refresh the record on what further steps the Commission should take, if any, to improve the process of changing providers and provide any new ideas that reflect and build upon the new one-business day interval.”<sup>3</sup> AT&T files these comments pursuant to that invitation.

**A. REDEFINING “SIMPLE PORT”**

1. The Commission should clarify the simple-port definition in order to facilitate enforcement of porting rules and eliminate out-dated exceptions to the one-business-day porting interval.

As previously stated, telephone number porting will best meet the needs of consumers when the rules applicable to it are clear, apply equally to all providers, and are readily

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<sup>1</sup> *Local Number Portability Porting Interval and Validation Requirements, Report and Order and Further Notice of Proposed Rulemaking*, 24 FCC Rcd 6084 (2009) (“*May Order*” or “*Further Notice*”).

<sup>2</sup> 47 C.F.R. §52.35. *May Order*, 24 FCC Rcd at Appendix B, Final Rules, 4.

<sup>3</sup> *Further Notice*, 24 FCC Rcd at ¶ 19.

enforceable. Clarifying the term “simple port” and eliminating out-dated exceptions to the one-business-day porting requirement would further these goals by limiting the ability of providers to evade their porting obligations by treating some ports as non-simple or complex when they could easily be handled in the new one-business-day porting interval.

At present, the term “simple port” is effectively defined by what it is not:

Simple ports are defined as those ports that: do not involve *unbundled network elements*, involve an account for a *single line* (porting a single line from a multi-line account is not a simple port), do not include *complex switch translations* (e.g., Centrex or Plexar, ISDN, AIN services, remote call forwarding, multiple services on the loop), may include CLASS features such as Caller ID, and do not include a *reseller*.<sup>4</sup>

By eliminating some of these exceptions, the Commission will expand the scope of the new one-business-day porting interval. This expanded definition will be a direct boon to consumers who will benefit from increased competition as a result. The larger the universe of ports covered by the rule, the better the chance that any one consumer’s request will be handled in one business day. Plus, providing further clarity regarding the scope of the rule to both the Old Service Provider (OSP) and the New Service Provider (NSP) would facilitate enforcement. When there are fewer exceptions, there will be fewer excuses; when there is clarity, an injured party will be on firmer ground when seeking enforcement. AT&T provides further detail regarding these clarifications and rule changes below.

2. AT&T supports the efforts in the NANC to reexamine the underlying assumptions of today’s definition of a “simple port.”

In its *May Order*, the Commission referred technical issues relating to implementation of the one-business-day porting interval to the North American Numbering Council (NANC). Specifically, the Commission directed the NANC to work through the “mechanics” of the

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<sup>4</sup> *Telephone Number Portability, Memorandum Opinion and Order and Further Notice of Proposed Rulemaking*, 18 FCC Rcd 23697 n.112 (2003) (emphasis supplied) (*Intermodal Porting Order*). The Commission’s definition of a simple port comes from the 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). See, *Telephone Number Portability; etc.*, *Memorandum Order and Opinion and Further Notice of Proposed Rulemaking*, 18 FCC Rcd 23697, 23715, ¶ 45 n.112 (2003).

process, develop new provisioning flows, and report back in 90 days.<sup>5</sup> Pursuant to this referral, the NANC's Local Number Portability Administration – Working Group (Working Group) is evaluating whether the existing definition of a “simple port” and, in particular, the current exceptions to that definition, still make sense with the passage of time. That is, the Working Group is considering whether certain types of ports should still be considered complex (*i.e.*, not simple) in light of marketplace changes and advancements in technology. AT&T believes that these changes and advancements have rendered many of the existing exceptions obsolete. Unless those exceptions are eliminated, and the scope of the rule expanded to apply equally and fairly across providers and platforms, the NANC's efforts at reengineering the process flows, and by extension the Commission's efforts to streamline and facilitate telephone number porting, will be for naught.

In its efforts to reconcile the term “simple port” with present day circumstances, the Working Group is reexamining each of the four exceptions identified above. As part of its participation in the Working Group's efforts, AT&T has proposed the following modifications and/or clarifications to these exceptions:

*a. Unbundled Network Elements —*

Under the existing definition, a simple port “do[es] not involve unbundled network elements; ....”<sup>6</sup> Some unbundled network elements (UNEs), however, have no real impact on whether a telephone number can or cannot be ported out within the new one-business-day interval. Whether a UNE has such an impact depends entirely on whether the providers involved must coordinate certain provisioning activities as a prerequisite to making service available to the customer. Using this criterion would allow services relying on UNEs for E911, OSS, and Dedicated Transport to be included within the definition of simple port. It would also allow services relying on the UNE loop to be included within this simple-port definition when the

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<sup>5</sup> *May Order*, 24 FCC Rcd at ¶ 10.

<sup>6</sup> *Intermodal Porting Order*, 18 FCC Rcd at n112.

telephone number is ported back from a competitive LEC to an incumbent LEC, because the incumbent LEC can provision the loop for the port without having to coordinate provisioning with the competitive LEC.

Where there is no need to coordinate provisioning of the line or other UNE, the mere fact of a service's reliance on a UNE should not prevent the porting of a telephone number within the new time interval.

*b. Single Line —*

The Commission also should eliminate the single-line exception to the simple-port definition, because it is too restrictive. At present, based on discussions within the Working Group, there may be considerable support for changing the definition of simple port to allow up to and including 20 telephone numbers as long as the entire customer account is being moved from one provider to another.<sup>7</sup> AT&T backs such a change. Nothing in AT&T's experience would indicate that porting one entire account with up to 20 telephone numbers could not be accomplished within short order.

*c. Complex Switch Translations —*

The complex-switch-translations exception to the definition of simple port is too vague and unnecessarily broad. AT&T expects the Working Group to update and add specificity to this exception. In the last ten years, changes in the industry have made this exception outdated. For example, while many services use basic AIN (e.g., 211 and 511 service), the mere fact that a service uses an AIN trigger does not mean that a "complex switch translation" is involved. Equally, Custom Local Area Signaling Services (CLASS) and Custom Calling Services do not

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<sup>7</sup> AT&T prefers the use of the word "number" over "line." In the wireline world, this might make more sense; however, as telephone number porting has expanded to include wireless carriers and interconnected VoIP providers, the word line seems more than quaint. As these services evolve, who can say how telephone numbers will be used relative to "lines"? It is, after all, telephone numbers that are being ported.

implicate complex switch translations either, because, as in the case of AIN, these services are discontinued when the telephone service is disconnected from the serving switch.<sup>8</sup>

The Commission should follow the Working Group's lead and refine the complex-switch-translations exception to the simple-port definition, bringing this exception up-to-date with changes in the industry.

*d. Reseller —*

The reseller exception to the simple-port definition should be eliminated. There is no reason—technical or otherwise—for this exception. In a nutshell, when the NANC was considering telephone number porting flows in the late 1990s, there was significant uncertainty about the business arrangements that would arise between incumbent LECs and resellers. This uncertainty was reflected in the definition of simple port that the Commission adopted from the Working Group Report. Over time, ordering methods, line-loss notifications, interconnection agreements, and other aspects surrounding the reseller business model have been refined and fine tuned. Moreover, the Working Group itself has incorporated reseller processes that did not exist in the earlier process flow mechanism, making the reseller exception out of date. Regardless, as reselling telecommunications services is largely a billing function, there is no rational reason for this category of service to be exempt from the one-business-day interval. The Commission should eliminate this exception.

AT&T continues to insist that all providers be treated equally.<sup>9</sup> The time for making exceptions or excuses for certain classes of providers has long passed. Many of AT&T's competitors are large companies; some don't even rely on AT&T's network to provide their services; many have been providing competitive services for over a decade. There is no reason

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<sup>8</sup> On the other side of the coin, a multi-line hunt feature does involve a complex switch translation. Multi-line unit is "the ability of switching equipment to connect calls to another phone in the group when other numbers in the group are busy." Newton, Harry, *NEWTON'S TELECOM DICTIONARY*, 21<sup>ST</sup> Edition, p. 553, 2005. Consequently, this feature should remain a valid exception to the simple-port definition.

<sup>9</sup> AT&T recognizes that, at present and for the foreseeable future, wireline carriers will not be able to match the porting interval voluntarily adopted by wireless carriers for wireless-to-wireless number porting. And AT&T is not arguing that parity obligates the Commission to consider a porting interval for wireline-to-wireline or wireline-to-intermodal porting shorter than the newly adopted one-business-day interval.

to make exceptions based on classification—ILEC, CLEC, reseller, interconnected VoIP provider. After all, the point of telephone number porting is to benefit the consumer by facilitating competition. The aim is not to protect any particular competitor, or class of competitor, but to promote competition generally. This goal cannot be achieved if all service providers are not held to the same standard.<sup>10</sup>

### C. STANDARDIZED ORDERING

1. The Commission should adopt an industry-sponsored solution to standardize various aspects of the telephone numbering porting process.

The NANC one-business-day implementation meetings have provided an opportunity for wireless carrier representatives to share their experiences of quick porting with wireline carrier representatives. From this, it is clear that a valuable component of quick porting is standardization. Customers and carriers alike will reap lasting benefits from standardization that includes: standard data fields with standard data sets, consistently deployed updates to those standards, and standard responses to submitted orders.

#### a. *Standard fields with standard data sets*

The Commission took an initial step towards standardization in its *Interval and Validation Order*.<sup>11</sup> The Commission held that “for all ports— whether intermodal, wireline-to-wireline, or wireless-to-wireless ports—the porting-out provider may not require more information from the porting-in provider than is actually reasonable to validate the port request and accomplish the port.”<sup>12</sup> Because incumbent LECs use Local Service Request (LSRs) forms for port requests with data fields that vary from carrier to carrier, the Commission has specified the number of data fields to validate a simple port request:

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<sup>10</sup> In this vein, AT&T notes that certain states have adopted asymmetric reporting and enforcement regimes for number porting. These obligations fall solely on incumbent LECs. The time for these asymmetric reporting and enforcement regimes has passed. Enforcement of the new one-business-day porting interval should be even-handed in order to avoid an unintended disparate standard for the incumbent LEC community.

<sup>11</sup> *Telephone Number Requirements for IP-Enabled Services Providers; etc., Report and Order, Declaratory Ruling, Order on Remand, and Notice of Proposed Rulemaking*, 22 FCC Rcd 19531 (2007).

<sup>12</sup> *Id.*, at 19555.

Thus, we conclude that LNP validation should be based on no more than four fields for simple ports (*i.e.*, wireline-to-wireline, wireless-to-wireless, and intermodal ports), and that those fields should be: (1) 10-digit telephone number; (2) customer account number; (3) 5-digit zip code; and (4) pass code (if applicable). We find that, despite disagreement within the industry on which specific data are necessary to effectuate a port, there is sufficient basis in the record to support our conclusion that LNP validation for simple ports should be based on no more than four fields.<sup>13</sup>

This ruling has not proven to be as helpful as intended. In fact, this ruling has created almost as many problems as it was intended to solve. While reducing the number of data fields and information required to implement a port may have been necessary to streamline the porting process, it is equally (if not more) important that all carriers use the same fields and that the fields mean the same thing in each case. AT&T notes, in this regard, that in wireless-to-wireless porting, carriers use as many as 18-20 fields in their porting process — a process that completes ports in two-and-a-half hours.<sup>14</sup> But, in the case of wireless-to-wireless, the data fields and data required are standardized across the industry. The wireless example thus shows that standardization—not reducing the data fields—is what is necessary to streamline the number porting process.

The Ordering and Billing Forum (OBF) has undertaken an effort to address the LSR standardization. This effort links well with the NANC's activity on the one-business-day porting interval, and the two bodies, OBF and NANC, are working closely on field and data set standards.

AT&T supports an industry resolution to the confusion and lack of uniformity created by each carrier's having its own LSR data fields and the different interpretations of what those fields require or what the fields mean. Because it appears as if the new NANC porting process flow will continue to rely on LSRs, AT&T urges the Commission to adopt an OBF solution to the LSR format quandary. The industry, working through the OBF, is in a better position to achieve clarity and uniformity in this matter. By mandating compliance with the industry's

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<sup>13</sup> *Id.*, at 19557.

<sup>14</sup> See, ATIS Unified Ordering Model (UOM); Wireless Inter-carrier Communications Interface Specification (WICIS) for Local Number Portability Version 5.0.0, see Section 6.2, Message Element Definitions.

solution, the Commission will take a large step towards both streamlining and facilitating telephone number porting.

For carriers using an electronic platform to receive LSR's, their system formats will differ, but if the fields and the data sets are consistent, much will be gained. Additionally, for carriers that do not use an electronic platform to receive LSR's, a single form should be required of all such carriers. OBF work on these standards is progressing and is expected to complement Working Group output in time to be incorporated in the NANC report to the Commission.

*b. Consistently deployed updates to standard fields and data sets*

As the OBF Local Service Ordering and Provisioning Committee (LSOP) releases updates to its ordering formats relating to simple ports, carriers should be required to implement those updates. In the wireless porting environment, while not precisely a "flash cut," all carriers deploy updates to their ordering systems to accommodate field and data set changes within a very narrow window of time. By mutual consent, all wireless carriers and their vendors deploy changes. Unlike the wireless industry, the wireline industry is free to adopt changes, ignore changes, skip releases as suits their business purposes. To gain standardization of fields and data sets for simple ports, updates must be deployed consistently and completely. On the advice of the NANC, the Commission should mandate annual carrier compliance for wireline simple ports based on the LSOP release schedule.

*c. Standard responses to orders being submitted*

Under the current approach to wireline-to-wireline porting, the NSP submits an LSR to the OSP. The response, a Firm Order Confirmation (FOC), acknowledges the details of the order including the due date. Since the scheduling of service by the NSP cannot proceed with certainty before the FOC is returned, the method of that confirmation is essential to delivery of timely service.

As acknowledged in the *Intermodal Porting Order*,<sup>15</sup> today the “FOC must be finalized within 24 hours of receiving the port request.” The wireless standard is 30 minutes. The Working Group is likely to approve a four-hour FOC return interval for simple wireline-to-wireline/intermodal ports.

AT&T is troubled, however, by the mode used for delivering that FOC. Where the OSP requires the NSP to proactively access a website or other repository to search out the status of the LSR, the porting process is delayed. The NSP has to guess when the response might be posted and then search for it on the OSP’s web site. This unnecessarily ties up manpower resources and delays notification of the response. In short, the OSP tells the NSP to “Go Fish!” AT&T urges the Commission to incorporate an industry solution that mandates that the OSP send the response to the porting request directly to the NSP and put an end to unnecessary and costly delay.

Respectfully submitted,

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<sup>15</sup> *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, 23717 (2003) (*Intermodal Porting Order*).