

**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 SPRINT NEXTEL CORPORATION

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Summary of Comments

In response to the FCC's inquiry concerning number portability, there are six additional steps that the Commission can – and should – take that would benefit American consumers. These steps would benefit consumers by streamlining the process, reducing the cost of provisioning ports, increasing industry's ability to accelerate the activation of a number port, and minimizing the chance their services are unexpectedly disconnected.

1. The FCC should direct NANC to standardize the provisioning fields that may be used in port requests. The FCC determined in its *LNP Validation Order* that a porting-out carrier losing its customer should not be able to determine unilaterally what information should be required for a port request because of “the incentive that [such] providers have to obstruct the porting process.” This rationale applies with equal force to provisioning fields, the second component of a port request. If the provisioning fields used in port requests are not standardized, LECs will remain free to undermine the very consumer benefits that the FCC sought to achieve by its *Validation Order*.

2. The FCC should direct NANC to develop standardized port request forms. The standardization of provisioning fields, coupled with the standardization that the FCC has already adopted with respect to validation fields, would enable industry to develop expeditiously a standardized port request form or forms. This, in turn, will facilitate the ability of all carriers, including small entities, to automate the porting process, resulting in cost savings benefiting consumers.

3. The FCC should mandate that old service providers may not disconnect service until they receive evidence that the porting customer is receiving service from the new provider. Some carriers disconnect a porting customer's service before the port is complete – despite industry “best practices” stating that disconnection is not appropriate until the old service provider has “evidence that the port has occurred.” To protect consumers from having their service discontinued prematurely (including the ability to dial 911 in an emergency), the FCC should rule that old service providers may not disconnect service prior to receiving the NPAC “activation” message, which indicates that the new service provider has already activate service for the porting consumer.

4. The FCC should reaffirm that old service providers may not charge new service providers for processing port requests. The FCC has previously held that while carriers may recover their portability costs from their customers, they may not recover such costs in the form of inter-carrier fees. The FCC should therefore confirm that no carrier – incumbent or competitive – may impose on its competitors a port request processing fee or any other portability-related transaction charge.

5. The FCC should state that LECs may not require interconnection agreements as a condition for intramodal ports. If interconnection agreements are, as the FCC has already determined, unnecessary for intermodal ports, then such agreements necessarily are not needed for intramodal ports. LEC arguments that porting should be delayed pending the negotiation (and possible arbitration) of an interconnection agreement simply constitute another attempt by some to further (and needlessly) delay the right of consumers to port their telephone numbers.

6. The FCC should clarify the use of pass codes. The Commission should clarify that pass codes should not be used to validate intermodal and wireline-to-wireline ports and that the

use of pass codes to validate wireless-to-wireless ports should be limited to protect only business, corporate liable and government accounts.

The standardization that Sprint seeks would benefit rural LECs and other smaller carriers, which historically have complained about the costs of providing portability. With standards, LEC trade associations can develop for their members PC-based porting solutions that would enable rural LECs to enter the 21st century and reduce their costs.

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Sprint Nextel Corporation (“Sprint”) below responds to the Commission’s request for parties to address whether there are “additional ways to streamline the number porting processes or improve efficiencies for simple and non-simple ports.”¹

There are several additional steps the Commission can – and should – take that would benefit American consumers. The steps Sprint discusses below would benefit consumers by streamlining the number porting process, reducing the cost of provisioning ports, increasing industry’s ability to accelerate the activation of a number port, and minimizing the chance that service is unexpectedly disconnected.

I. BACKGROUND

Congress determined that number portability is an important component to a fully competitive market, and it directed the FCC to adopt implementing rules because it understood that incumbent LECs have a strong incentive to obstruct the ability of consumers to switch to a com-

¹ See *Local Number Portability Porting Interval and Validation Requirements*, WC Docket No. 07-244, *Further Notice of Proposed Rulemaking*, FCC 09-41, at ¶ 19 (May 13, 2009), published in 74 Fed. Reg. 31667 (July 2, 2009)(“*LNP Further NPRM*”).

petitor's service.² Experience has documented the challenge incumbent LECs face with number portability. With regard to intermodal ports, incumbents lose 96 customers for every four new customers they gain.³

Nevertheless, the current porting process involving LECs is anything but efficient, and this is due to the way number portability was introduced over a decade ago. Under the regime LECs developed for themselves, each LEC gave itself the flexibility to dictate the terms and procedures under which it would port-out its customers' telephone numbers to its competitors. This "LEC flexibility" approach was inefficient, as carriers porting in numbers (principally, new entrants) had to be familiar with hundreds of different procedures and requirements – a situation NANC has recognized is "very expensive."⁴ In addition, this "LEC flexibility" approach gave incumbent LECs, which already had the incentive to obstruct the porting process, the ability to act on that incentive (by making it difficult for their customers to leave for a competitor).

The wireless industry recognized these flaws early on, and it standardized for wireless-only ports the intercarrier port provisioning process. This standardization, in turn, enabled the wireless industry to automate the intercarrier communications process – which then enabled most wireless customers to port their wireless number in 2.5 hours or less.

The LEC industry also recognized, at least in part, the efficiencies of standardization, by developing standards governing the communications between each carrier and the Number Portability Administration Center ("NPAC"). Seeing the success that the wireless industry enjoyed

² See 47 U.S.C. § 251(b)(2).

³ See Industry Analysis and Technology Division, *Numbering Resource Utilization in the United States*, Table 14 (March 2009).

⁴ See NANC Report & Recommendations on Intermodal Porting Intervals, at 29 (May 3, 2004), attached to Letter from Robert C. Atkinson, NANC Chairman, to William Maher, Chief, Wireline Competition Bureau, CC Docket No. 95-116 (May 3, 2004) ("2004 NANC Report").

after further standardizing the communications between the old (porting-out) and new (porting-in) carriers, one might have expected the wireline industry to have followed suit; after all, the cost savings of standardization would have improved their bottom line.

Numerous proposals were submitted to industry standards groups to streamline the process – including proposals to reduce the original four-day interval. Incumbent LECs responded that such reforms would be too costly and too difficult. These incumbent objections also had the practical effect of precluding industry standards bodies from publishing any new standards (as such bodies can act only if “consensus” is reached).

The Commission began to intervene when it became apparent that industry could not act on its own. In 2007 it standardized the validation process by limiting the number of validation fields to four, after recognizing that some LECs had imposed “onerous” requirements and that rules would constrain the “incentives that providers have to obstruct the porting process.”⁵ Earlier this year, the FCC reduced the LEC porting interval by 75 percent (from four to one business day), recognizing that “[d]elays in porting cost consumers time and money and limit consumer choice and competition.”⁶ The Commission concurrently asked “what further steps” it should take to “improve the process of changing providers.”⁷

Sprint below identifies six straightforward steps that the Commission should take to improve number portability for the benefit of consumers and competition. Specifically, the FCC should:

⁵ See *LNP Validation Order*, 22 FCC Rcd 19531, 19554 ¶¶ 42 (2007), *aff'd* *NTCA v. FCC*, 563 F.3d 536 (D.C. Cir., April 28, 2009).

⁶ See *LNP Porting Interval Order*, 24 FCC Rcd 6084, at ¶¶ 6 (May 13, 2009).

⁷ See *LNP Further NPRM*, 24 FCC Rcd 6084, at ¶¶ 19 (May 13, 2009).

1. Direct the North American Numbering Council (“NANC”) to reduce and standardize the provisioning fields to the fewest fields necessary to accomplish wireline-to-wireline and intermodal ports;
2. Direct NANC to reduce and standardize the number of local service requests (“LSRs”) forms utilized in the porting process;
3. Ensure that customers are not disconnected prematurely and left without service by mandating that the old service provider cannot remove the telephone number from the switch until the new service provider activates the port.
4. State clearly that old service providers may not charge new service providers for processing port requests;
5. State clearly that just as LECs may not require interconnection agreements as a condition to porting out their customers’ numbers for intermodal ports, so too LECs may not require such agreements as a condition for intramodal ports; and,
6. Clarify that pass codes should not be used to validate intermodal and wireline-to-wireline ports and that the use of pass codes to validate wireless-to-wireless ports should be limited to protect only business, corporate liable and government accounts.

Finally, the standardization that Sprint seeks would benefit rural LECs and other smaller carriers, which historically have complained about the costs of providing portability. With standards, LEC trade associations can develop for their members PC-based porting solutions that would enable rural LECs to enter the 21st century and reduce their costs.

II. ADDITIONAL STEPS THE COMMISSION SHOULD TAKE TO BENEFIT CONSUMERS IN THE PORTING PROCESS

Sprint below identifies six actions the Commission should take to improve the porting process for the benefit of both consumers and competition. Sprint submits that the Commission, in considering further reform, should be guided by three principles: (1) will consumers benefit by the proposal; (2) will the proposal enhance efficiencies; and, (3) will the proposal promote standardization?⁸

⁸ See Joint Mediacom/Sprint/Suddenlink Ex Parte Letter, WC Docket No. 07-244 (Sept. 9, 2008).

A. THE COMMISSION SHOULD DIRECT NANC TO REDUCE AND STANDARDIZE THE PROVISIONING FIELDS THAT MAY BE USED IN PORT REQUESTS

The Commission issued its *Validation Order* because some incumbent LECs were demanding information that was not necessary for validation but was instead “onerous:”

[W]e are 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.⁹

In response to this *Order*, some LECs began taking the position that they can still demand additional data so long as they characterize the data as “provisioning” rather than “validation” information.¹⁰ Provisioning fields provide the information necessary to effectuate a port as between carriers (*e.g.*, identity of the porting-in carrier, due date and time).

Industry standards group have been considering this matter for some time. Over a year ago, a NANC Working Group advised the FCC that industry has “unanimously agreed” that two provisioning fields are “necessary”: the “New Service Provider Identification (SPID) and the Desired Due Date.”¹¹ But the FCC was also told that industry has been unable to make any meaningful progress because of a “disagreement within the industry as to what data is required to effectuate a simple port.”¹² What is more, some LECs have already announced they intend to disregard the standards they developed in the Ordering and Billing Forum (“OBF”) for their own wireline-to-wireline ports. Indeed, the largest LEC trade association has stressed to the Commission that this

⁹ *LNP Validation Order*, 22 FCC Rcd 19531, 19554 ¶ 42 (2007).

¹⁰ *See, e.g.*, One Communications, Petition for Clarification and for Limited Waiver for Extension of Time, WC Docket No. 07-244, at 5 (Feb. 5, 2008)(“OneCom Petition”).

¹¹ *See* Letter from Local Number Portability Administration Working Group (“LNP-WG”) to North American Numbering Council (“NANC”)(Jan. 15, 2008).

¹² *See* OneCom Petition 5. The Simple Port Service Request Preparation Guide that LECs developed for wireline-only ports is not suitable for wireless-only or intramodal ports. *See* Letter from Thomas Good, ATIS General Counsel, to Dana Shaffer, Wireline Bureau Chief, WC Docket No. 07-244 (Jan. 16, 2008).

OBF “Guide” is “optional” only and that each LEC will “decide whether to implement [the Guide’s] contents in their own systems and processes.”¹³ As Yogi Berra once said, “It’s like de-ja-vu, all over again.”

The Commission determined in the *Validation Order* that a porting-out carrier losing its customer should not be able to determine unilaterally what information should be required for a port request because of “the incentive that [such] providers have to obstruct the porting process.”¹⁴ This rationale applies with equal force to provisioning fields, the second component of a port request. If the provisioning fields used in port requests are not standardized, LECs will remain free to undermine the very consumer benefits that the Commission sought to achieve by its *Validation Order*.

The subject of provisioning fields has been raised in a clarification petition that remains pending, but no Commission action has been taken.¹⁵ Consequently, Sprint recommends that the Commission direct NANC to establish a uniform set of provisioning fields. Thus, in the same way the Commission reduced and standardized the validation fields, the Commission should direct NANC to reduce and standardize the provisioning fields to the fewest fields necessary to accomplish wireline-to-wireline and intermodal ports. Standardized provisioning fields coupled with standardized validation fields will ensure that the old service provider no longer has the flexibility and control to reject legitimate port requests for spurious reasons.

¹³ USTelecom Comments, WC Docket No. 07-244, at 6-7 (Jan. 30, 2008).

¹⁴ *LNP Validation Order*, 22 FCC Rcd at 19554 at ¶ 42.

¹⁵ OneCom Petition at 5 (emphasis added). OneCom does not describe in its petition what additional provisioning fields it believes would be “proper” (vs. improper).

B. THE COMMISSION SHOULD DIRECT NANC TO DEVELOP STANDARD PORT REQUEST FORMS

NANC advised the Commission five years ago that it is “very expensive to automate and maintain” the port request process when the losing carrier possesses the flexibility to dictate the contents of a port request.¹⁶ It will soon be feasible for industry to standardize the port request form which would result in significant cost savings for all carriers, thereby benefiting consumers.

There are two components to a port request: validation fields and provisioning fields. The Commission has already standardized the validation fields, and it can – and should – take action to reduce and standardize the provisioning fields as discussed above. Once both sets of fields are standardized, it becomes a straightforward matter to develop port request forms that all carriers can use (whether one form for all ports or different forms based on the type of port). The Commission, therefore, should direct NANC to develop such LSR or port forms – again, with the guidance to reduce and standardized such forms to the fewest number necessary to accomplish the port.

While addressing the port forms, the Commission should also direct NANC to address whether the current distinction between “simple” and non-simple/complex ports remains a useful and necessary distinction. To begin with, the new service provider is unable to identify a simple vs. non-simple telephone numbers at the point-of-sale in order to know how to process the port with the old service provider. And the distinction creates two separate processes with different standards to manage. Furthermore, the quantity of “simple” ports is dwindling as an increasing number of accounts have multiple lines. To that end, the industry has considered whether to eliminate the distinction between simple and non-simple or whether to redefine a “simple” port.

¹⁶ See 2004 NANC Report at 29.

For example, a new distinction could be made in which ports of fewer than five telephone numbers are “simple” and those with over five telephone numbers are non-simple/complex.

C. THE COMMISSION SHOULD MANDATE THAT A PORTING-OUT CARRIER MAY NOT DISCONNECT SERVICE UNTIL IT RECEIVES CONFIRMATION THAT NEW SERVICE IS OPERATIONAL

No consumer should find him/herself without service because the old carrier disconnects its service before the new carrier is able to activate its service. Industry “Best Practices” address this situation by specifying that the porting-out carrier “will not” discontinue its service “until the [old service provider] has evidence that the port has occurred.”¹⁷ Sprint has nonetheless found that some wireline carriers are not, prior to disconnection, verifying that the port has successfully been completed.

Obviously, a consumer in the process of porting his/her number from one service provider to another does not expect to lose service altogether. The simple fix for this problem is for the Commission to rule that old service providers may not disconnect service prior to receiving the NPAC “activation” message, which indicates that the new service provider has already activate service for the porting consumer. This simple Commission step will help ensure that consumers will have continuous service throughout the port process – including access to 911 in the event of an emergency.

D. THE COMMISSION SHOULD REAFFIRM THAT A PORTING-OUT CARRIER MAY NOT CHARGE A PORTING-IN CARRIER FOR PROCESSING A PORT REQUEST

The vast majority of carriers, when acting as a porting-out carrier, do not charge the porting-in carrier a charge to process a port request, as the processing of such requests is treated as an ordinary cost of doing business. Nevertheless, some LECs impose such fees, charging Sprint

¹⁷ LNPA-WG, Best Practices 31, *Inter-Service Provider LNP Operations Flows*, Version 2.0a, Figure 7, Flow Step (July 9, 2003), available at http://www.npac.com/cmas/LNPA/best_practices_31.htm.

a number portability processing fee of up to \$25 or more per port. The Commission should declare that such intercarrier porting fees are not permissible.¹⁸

The Commission has developed rules that enable carriers to recover their costs of implementing and providing number portability.¹⁹ The basic premise underlying these rules is that each carrier, including incumbent LECs, “bear[s] their own carrier-specific costs related to providing number portability.”²⁰ In developing this plan, the FCC rejected arguments made by rural LECs and others that it should permit them instead to recover their costs from their competitors in the form of intercarrier charges.²¹

The Commission also determined it was appropriate for incumbent LECs to recover their costs from their end-user customers, because of the “substantial long-term benefits” they realize – “namely, the increased choice and lower prices that result from the competition that number portability helps makes possible.”²² The FCC developed a five-year “an optional end-user charge” so incumbent LECS could recover their implementation costs.²³ Thereafter, LECs may recover “any remaining [portability] costs through existing mechanisms available for recovery of general costs of providing service.”²⁴ The FCC emphasized, however, that incumbent LECs

¹⁸ The applicability of fees for LNP is often times arbitrated at the state commissions with varying results from state to state. Sometimes fees are allowed and sometimes fees are not allowed. ILECs argue the fees are not porting fees, but rather they are processing fees for Local Service Requests which is effectively the same thing.

¹⁹ See *LNP Cost Recovery Order*, 13 FCC Rcd 11701 (1998).

²⁰ *Id.* at 11774 ¶ 137 (emphasis added).

²¹ See *id.* at 11771 ¶ 131.

²² *Id.* at 11774 ¶ 135.

²³ See *id.* at 11775-77 ¶¶ 139-44.

²⁴ *Id.* at 11777 ¶ 144.

must recover their own carrier-specific costs “from their own customers.”²⁵ The FCC likewise held that competitive carriers were also limited in recovering their portability costs only in the form of “end-user charges or [increased] service rates” – as opposed to intercarrier charges.²⁶

The port request processing fees imposed by certain LECs is incompatible with the cost recovery plan that the Commission has developed for incumbent LECs; and, for all practical purposes, the intercarrier fees these LECs are imposing constitute the very arrangement the Commission rejected in its *LNP Cost Recovery Order*. Moreover, there is nothing in the Commission’s LNP cost recovery rules that permits incumbent LECs to impose portability-related costs on their competitors.²⁷

LECs imposing such portability processing fees will no doubt claim that such fees are consistent with cost-causer principles. They are not. The cost-causer is not the new (or porting-in) carrier, but the customer who chooses to leave the incumbent LEC (and further selects one new service provider over another). In effect, these LECs want to penalize those customers who dare to leave for a competitor – *after* that customer paid the incumbent’s service prices that included its portability costs. An incumbent LEC certainly would not be authorized to impose on a customer a penalty fee for switching to a competitor before the port request is made. Why, then, should such a LEC be permitted to impose what is essentially a penalty fee after the customer requests his/her telephone number to be ported?

²⁵ *Id.* at 11774 ¶ 136.

²⁶ *See id.* at 11775 ¶ 139.

²⁷ FCC Rule 52.33 permits only one type of charge that an ILEC may impose on other carriers – a “portability query service charge.” 47 C.F.R. § 52.33(a)(2). This charge is appropriate because an ILEC may be compelled to perform this query function when a competitor, which has the obligation to perform such queries, did not.

More fundamentally, however, portability processing fees are incompatible with the statutory “competitively neutral” standard for cost recovery.²⁸ The Commission has held that under this standard, traditional principles of cost causation should not be applied to the recovery of portability costs, because such principles would “contradict[] the purpose of the statutory requirement for LNP, which was to make telephone markets more competitive.”²⁹

Congress intended number portability to remove the barrier to local competition created by end-user reluctance to change carriers when such a change requires obtaining a new telephone number. Pricing number portability on a cost-causative basis could defeat this purpose.³⁰

In summary, the Commission should confirm that no carrier – incumbent or competitive – may impose on its competitors a port request processing fee or any other portability-related transaction charges.³¹

E. THE COMMISSION SHOULD RULE THAT LECs MAY NOT REQUIRE INTERCONNECTION AGREEMENTS AS A PRECONDITION TO PORTING NUMBERS TO OTHER WIRELINE CARRIERS

Six years ago, the Commission held that LECs may not require interconnection agreements as a condition to porting-out numbers to wireless carriers. The Commission specifically found that interconnection agreements are “unnecessary” for porting to occur:

Number portability, by itself, does not create new obligations with regard to exchange of traffic between the carriers involved in the port. Instead, porting involves a limited exchange of data between carriers to carry out the port.³²

²⁸ See 47 U.S.C. § 251(e)(2) (“The cost of . . . number portability shall be borne by all telecommunications carriers on a competitively neutral basis as determined by the Commission.”).

²⁹ *Fourth LNP Reconsideration Order*, 17 FCC Rcd 252, 270 ¶ 35 (2001).

³⁰ *LNP Cost Recovery Order*, 12 FCC Rcd at 11726-27 ¶ 41.

³¹ If, however, the FCC permits carriers to impose such processing fees on their competitors, it should require these carriers to submit a cost study and give competitors an opportunity to submit comments on these studies.

³² *Intermodal Porting Order*, 18 FCC Rcd 23697, 23712 ¶ 37 (2003).

Sprint agrees with past requests to the Commission to extend this ruling to ports between two wireline carriers.³³ If interconnection agreements are unnecessary for intermodal ports, then such agreements are also unnecessary for intramodal ports.

One consultant to rural LECs recently asserted that interconnection agreements are necessary to “ensure[] that both parties clearly understand their roles in the porting process.”³⁴ This consultant is mistaken. The role of the carriers in the porting process is well understood in industry, and is described both in FCC rules and industry documents, including the “LNP provisioning process flows” that NANC will soon be submitting to the Commission.³⁵

Equally without merit is this consultant’s assertion that “problems can occur” without an agreement:

[P]roblems have arisen in completing calls between rural ILECs and wireless carriers who have ported numbers away from rural ILECs because there is no arrangement for determining a path to route the traffic to the ported numbers now residing in the wireless carrier’s switch. If interconnection agreements are not required for wireline carriers to port numbers from rural LECs, similar problems can occur since there would likewise be no path for local calls to be routed to the new carrier.³⁶

This argument is baseless. LECs route calls to ported numbers in the same way they route calls to numbers that have not been ported – namely, to the interconnection point the terminating carrier identifies in the Local Exchange Routing Guide (“LERG”). Rural LECs have interconnected indirectly with wireless and other carriers (*via* transit carriers) for over 20 years,

³³ See 2007 LNP NPRM, 22 FCC Rcd 19531, 19563 n.199 (2007).

³⁴ See John Staurulakis Inc. Ex Parte Letter, WC Docket No. 07-244, at 5 (May 6, 2009)(“JSI Letter”). Also without merit is JSI’s assertion that an interconnection agreement “protects the rights of both parties.” The porting rights of carriers is already clear, and set forth in Section 251(b)(2) of the Act and the FCC’s Part 52 implementing rules.

³⁵ See LNP Porting Interval Order, 24 FCC Rcd 6084, at ¶ 10 (May 13, 2009).

³⁶ JSI Letter at 5.

often without an interconnection agreement. At no time during this period has there been a problem with the routing of calls – including calls to ported numbers.³⁷

In summary, if interconnection agreements are unnecessary for intermodal ports, then such agreements are unnecessary for intramodal ports. LEC arguments that porting should be delayed pending the negotiation (and possible arbitration) of an interconnection agreement – when the porting rules and procedures are not in dispute – is simply another attempt by some LECs to further (and needlessly) delay the right of consumers to port *their* telephone numbers.

F. THE COMMISSION SHOULD CLARIFY THE USE OF PASS CODES

The Commission should clarify that pass codes should not be used to validate intermodal and wireline-to-wireline ports and that the use of pass codes to validate wireless-to-wireless ports should be limited to protect only business, corporate liable and government accounts. There are existing protections (*e.g.*, presubscribed local carrier freezes) that wireline customers can utilize to prevent unauthorized changes to their accounts including ports. As such, there is no need to validate a pass code for ports involving a wireline telephone number.

With respect ports involving wireless telephone numbers, there are not any similar protections other than pass code. As such, a wireless carrier should be permitted to use a pass code to validate a limited, sub-set of ports. Sprint maintains that the pass code should only be used to validate corporate-liable, business and government accounts. This prevents the most common unauthorized port situation in which a former employee ports a number away from the employer without the employer's authorization. Sprint does not

³⁷ Also, there cannot be an issue with the rating of calls to a ported number, since if the LEC rated calls to a certain number as local, then calls to the same number (after the port) necessarily will continue to be rated as local.

believe, however, that a pass code should be used to validate individual-liable/consumer type accounts. Widespread use of pass code validation runs contrary to the Commission's goal to provide as quick and efficient a porting process as possible.

Commission clarification with regard to the usage of pass code will also help to prevent situation in which a carrier automatically assigns pass codes to their subscribers without their knowledge or without request. The Commission should also be wary of any use of pass code in which the subscriber is required to reveal customer proprietary network information ("CPNI") passwords to the new service provider in order to accomplish the port.

III. RURAL LECs AND OTHER SMALL ENTITIES WOULD BENEFIT FROM ADDITIONAL STANDARDIZATION

The Commission has requested comment on "the effect of any proposals on small entities."³⁸ Sprint's standardization proposals should benefit rural LECs and other small firms by enabling them to reduce their number portability costs.

Some rural LECs have resisted providing number portability altogether as well as any proposal to streamline the process. The principal reason they cite in support of their position is, they say, number portability is costly because they use manual processes in communicating with carriers making port requests and must retain consultants to handle their communications with the NPAC – the Service Order Administration ("SOA") process.³⁹

Standardization of the port process between the porting-in and porting-out carriers has the potential to reduce significantly the costs to provide number portability. With standardization,

³⁸ Initial Regulatory Flexibility Analysis, 74 Fed. Reg. 31667, 31674 ¶ 47 (July 2, 2009).

³⁹ Some ILECs use the fact that their processes are manual to support their desire to charge other carriers for LNP. The lack of standards leads to the lack of automation which results in higher costs.

automation – relative to the communications a rural LEC has with both other carriers and NPAC – becomes feasible. For example, rural LECs are represented by numerous trade associations, including NTCA, OPASTCO, RTG and USTA, and one of these associations could develop (or commission a third party to develop) a number portability communications package that its members could install on any ordinary personal computer. The hundreds of rural carriers, by sharing any development work, would realize sizable scale economies that should substantially reduce their operational costs – and eliminate their current reliance on consultants to handle these functions.

IV. CONCLUSION

For the foregoing reasons, Sprint Nextel Corporation respectfully requests that the Commission take action consistent with the positions expressed above.

Respectfully submitted,

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