

**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

REPLY COMMENTS OF T-MOBILE USA, INC.

T-Mobile USA, Inc. (“T-Mobile”) hereby submits its reply comments on the Federal Communication Commission’s Further Notice of Proposed Rulemaking in the above-captioned dockets.¹

INTRODUCTION AND SUMMARY

In May, the Commission took the important step of shortening to one business day the interval for simple wireline and intermodal telephone number ports. The Commission also opened a further rulemaking inquiring about additional ways to improve the porting process. The reduced porting interval will promote consumer choice because it gives most customers an expeditious way to change communications providers while retaining their telephone numbers. Adoption of the additional proposals now set forth by the Commission will further improve the efficiency of the porting process and make the shorter timeframe available to more consumers, thereby lowering costs for providers and eliminating a major source of frustration for end users.

¹ *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 (rel. May 13, 2009) (“*Further Notice*”).

T-Mobile and the majority of commenters agree that many of the existing exceptions to telephone number porting requirements no longer make sense in light of today's technological and market advances. For this reason, T-Mobile and these providers recommend that the Commission improve efficiencies for all porting by redefining "simple" ports and adopting a standard interval for "complex" ports, mandating a uniform set of administrative criteria for porting, and requiring immediate service disconnection upon activation by the new provider. T-Mobile also agrees with suggestions that the porting-out carrier be precluded from charging the new service provider for processing a port request and that interconnection agreements not be required as a precondition to porting numbers. In addition, as one commenter recommends, the Commission should consider moving to an even shorter porting interval at some point in the future.

The changes proposed by T-Mobile and others would make it easier for consumers to retain their numbers and more difficult for carriers to engage in the anticompetitive mischief that the adoption of the mandatory one-business-day porting interval was intended to stop. Adoption of these proposals would further the public interest and help the development of competition across all sectors of the communications industry.

DISCUSSION

T-Mobile and most other commenters urge the Commission to broaden the number of ports covered by the one-business-day timeframe. Those resistant to expansion of the scope of the LNP rules—a few midsized incumbent local exchange carriers and competitive local exchange carriers—generally argue that faster porting is

not easy for wireline carriers and that some complex ports may require additional time.² They contend that a broader definition could result in more porting errors.³ T-Mobile disagrees.

Given advances in technology and the experience all carriers have had with porting in the last ten years, there is no reason the wireline industry cannot ultimately achieve faster porting for even complex ports or that expanding the definition of simple ports should lead to inadvertent porting. Arguments about systems limitations may have been legitimate when the Commission first mandated wireline local number portability, but today those justifications for retaining the *status quo* for a large group of customers have little merit. Ports not requiring complex translation or coordination, such as those involving accounts with custom calling features, multiple lines, lines involving resellers or unbundled network elements (“UNEs”), and home lines bundled with DSL services, are no longer “complex,” and continuing to define them as such only provides a big loophole for carriers who would have an interest in hindering the ability of their customers to change providers.

Comcast Corporation (“Comcast”) and Verizon agree that the definition of simple ports should be expanded to include ports involving UNEs,⁴ and Verizon adds that resold lines should be put in the simple category.⁵ Vonage Holdings Corporation (“Vonage”)

² See CenturyLink Comments at 3-4; XO Communications, LLC Comments at 2-3 (contending there should be no change in the definition of simple ports or any contraction of the interval for non-simple ports); Joint Comments of One Communications Corp., Integra Telecom, Inc. and Cbeyond, Inc. (“Joint Commenters”) (arguing that they would suffer an “unsustainable” burden if the definition of “simple port” were expanded).

³ See Comments of Joint Commenters at 1, 8.

⁴ Comcast Comments at 2-3; Verizon Comments at 3.

⁵ Verizon at 2.

and the Nebraska Public Service Commission (“Nebraska PSC”) likewise assert that the Commission should clarify that a customer’s subscription to DSL service by itself does not result in a complex port.⁶ AT&T Inc. (“AT&T”) sums up the situation appropriately: “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.”⁷

Consumers should not have to wait days or weeks to port out their numbers merely because a reseller/VoIP provider and its own underlying facilities-based carrier have communication problems. In addition, the fact that an incumbent LEC may have to unbundle its DSL service from a home telephone line on a customer account in order to port the home phone number has no bearing on the port itself. Consumers are not served when carriers insist on using dated definitions to escape porting obligations.

In addition to expanding the definition of simple ports, T-Mobile urges adoption of a four-day porting interval for complex ports.⁸ Although recognizing that circumstances continue to exist in which porting is appropriately classified as complex, T-Mobile does not believe that these ports should be entirely excluded from the Commission’s porting rules.

Sprint Nextel Corporation (“Sprint Nextel”) and T-Mobile agree that the Commission should mandate a uniform set of administrative criteria limited to information strictly necessary to complete the port.⁹ While several other commenters

⁶ Vonage Comments at 12-13; Nebraska PSC Comments at 8.

⁷ AT&T Comments at 2.

⁸ Old service providers should be required to meet all porting intervals, including those established for complex ports, unless the new service provider or the customer requests a longer period. *See* 47 CFR § 52.35(b).

⁹ Sprint Nextel Comments at 5-6; T-Mobile Comments at 4.

recommend standardization of the Local Service Request (“LSR”) forms used to place a port request,¹⁰ such a requirement would not be necessary if the Commission rules that old service providers may only require completion of the fields on those forms contained on the list of approved criteria. Nevertheless, like T-Mobile, these commenters recognize the efficiency that would be gained through standardization and constraint on the amount of information that can be demanded to complete a port. Porting costs will decline when basic standards are applied across the entire industry instead of each carrier attempting to create its own solution.

Another streamlining measure T-Mobile advocates is requiring carriers, once automated systems are in place, to disconnect the customer porting out a number from their billing systems as soon as the port has been activated.¹¹ This would help ensure that customers are not double billed and forced to call the new or old provider, which is frustrating for consumers and unnecessarily consumes carrier resources. In addition, T-Mobile agrees with Sprint Nextel’s recommendation that the Commission reaffirm that a porting-out carrier may not charge a porting-in carrier for processing a port request.¹² Sprint Nextel also is correct that LECs should not be permitted to require interconnection agreements as a precondition to porting numbers to other wireline carriers.¹³

¹⁰ *See, e.g.*, Qwest Comments at 1 (suggesting that the Commission delay prescribing more standardized rules regarding content and format of certain forms (such as the LSR) and the exchange of certain information (such as customer service records) until it has reviewed the North American Numbering Commission report on process flows).

¹¹ T-Mobile Comments at 5.

¹² *See* Sprint Nextel Comments at 8.

¹³ *See id.* at 11-12.

Finally, as MetroPCS proposes, the Commission should consider further shortening the porting interval at some point in the future.¹⁴ While T-Mobile is satisfied with the newly-shortened interval today, it agrees that the Commission should keep in mind advances in technology and not let an outdated standard remain in place for years without review.

CONCLUSION

T-Mobile urges the Commission to adopt its recommendations set forth above and in its initial comments to help streamline the porting process as technological and market developments demand.

Respectfully submitted,

/s/ Kathleen O'Brien Ham
Kathleen O'Brien Ham
Sara F. Leibman
Anna D. Miller
Indra Sehdev Chalk

T-Mobile USA, Inc.
401 Ninth Street, N.W.
Suite 550
Washington, D.C. 20004
(202) 654-5900

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¹⁴ MetroPCS Comments at 7.