

**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 VERIZON AND VERIZON WIRELESS¹

As the comments filed in this docket make clear, additional measures are necessary to allow customers to truly benefit from the reduced standard porting interval. There was widespread industry support for Verizon’s proposals that the Commission mandate an industry-developed standard form to request a port and that certain customers of resellers and CLECs be allowed to take advantage of the new, one business day standard interval. The Commission should adopt both proposals quickly to allow providers to implement the requisite changes to their processes at the same time they implement the reduced standard interval. The Commission should also require porting-out providers to return Customer Service Records (CSRs) within 24 hours and to provide all the information required for the port request in the CSR. However, the Commission should reject commenters’ suggestions that would be unlikely to improve the porting process. For example, the Commission should not revise the definition of a simple port to include ports that involve multiple lines. Nor should the Commission require porting-out providers to stack pending orders on a customer’s account, to reactivate and port customers that have disconnected service, or to alter their current disconnection practices.

¹ With the exception of Verizon Wireless, the Verizon companies participating in this filing are the regulated, wholly owned subsidiaries of Verizon Communications Inc. (“Verizon”).

In addition, the Commission should ensure that all providers comply with porting requirements, including any guidelines and best practices adopted by the industry in response to Commission requests. The most well-intentioned rules and policies will not eradicate customer frustration unless carriers comply with the Commission's rules and the Commission actively enforces its rules. The Commission should direct the Enforcement Bureau to establish an LNP complaint resolution process to immediately intervene in porting disputes.

I. The Commission Should Require All Providers to Use a Standard Form To Request Ports.

Commenters agree that an industry-developed standard form would enable Local Service Requests (LSRs) to be completed more efficiently and minimize rejects, which delay the porting process.² As ATIS explains in its comments, the industry is working through ATIS's Ordering and Billing Forum (OBF) to develop a standardized LNP ordering process and form to encompass simple and complex ports.³ OBF will submit its recommendations to NANC's LNPA WG for inclusion in NANC's upcoming report to the Commission.⁴ Because "standardization of the LSR is necessary"⁵ for the porting process to work well, the Commission should mandate industry compliance with OBF's recommended ordering process and form.

II. The Commission Should Adopt Verizon's Proposed Simple Port Definition.

A cross-section of providers in the industry, including wireline, wireless, and cable, supported Verizon's proposals to allow porting-out customers of resellers and CLECs that purchase unbundled network elements (UNEs) or discontinued UNEs to take advantage of the

² See AT&T Comments at 6-9; Metro PCS Comments at 8-9; Sprint Comments at 7; Nebraska PSC Comments at 7; Alliance for Telecommunications Industry Solutions (ATIS) Comments at 4-5.

³ ATIS Comments at 4-5.

⁴ *Id.* at 4.

⁵ *Id.* at 5.

new, one business day standard interval.⁶ In its Comments, Verizon proposed the following definition of a simple port:

those ports that: (1) do not involve the provisioning of unbundled network elements or network elements that were formerly required to be unbundled by the Old Service Provider as part of, or coordinated with, the port out order; (2) involve an end user account only for a single telephone number; and (3) do not include complex switch translations (e.g., Centrex, ISDN, AIN services, remote call forwarding, or multiple services on the loop).⁷

This definition includes as simple ports, ports that “look no different to consumers than simple ports” referred to by then-Acting Chairman Copps.⁸

Only CLECs whose customers would be able to switch providers more quickly objected to this proposal. Their objections cannot withstand scrutiny. For instance, XO claims that ports from resellers complicate the porting process and frequently require additional communications among the providers.⁹ Yet, as Verizon explained, the NANC LNP Provisioning Flows only require communication between the porting-out provider and the reseller for wireless-to-wireless reseller ports, which Verizon specifically excluded for these purposes.¹⁰ Even if communication with resellers were required for wireline-to-wireline and intermodal ports (e.g., based on an agreement), the NANC LNP Provisioning Flows were revised in 2007 to make clear that “[c]ommunication between the [Old Network Service Provider] and the [reseller] with regard to

⁶ See, e.g., AT&T Comments at 3-6; Qwest Comments at 4-6; T-Mobile Comments at 5; Comcast Comments at 3-4.

⁷ Verizon Comments at 3.

⁸ Statement of Acting Chairman Michael J. Copps, *Local Number Portability Porting Interval and Validation Requirements; Telephone Number Portability*, Report and Order and Further Notice of Proposed Rulemaking, 24 FCC Rcd 6084, Attachment at 2 (2009).

⁹ XO Comments at 4.

¹⁰ Verizon Comments at 2.

the port should not delay the validation or processing of the port request.”¹¹ Unexplained “complicat[i]ons”¹² outside of the NANC Flows cannot support delaying these customers’ ports.

In addition, CBeyond contends that ports to an ILEC from a CLEC that purchases UNEs or discontinued UNEs, such as UNE-Ps, should not be considered simple because that may give customers the false impression that the ILEC’s service is higher quality than the CLEC’s.¹³ However, at the time of the port request, the customer, who likely has no idea of the Commission’s porting intervals, has already chosen the ILEC as her preferred service provider, presumably because the service is of higher quality and/or at a lower price. Even if the customer were aware of a different porting interval, there is no correlation between a shorter standard interval and the quality of the service. As a result, no competitive – or any other – reason exists to justify requiring these customers to wait an unnecessary length of time to switch to the provider of their choice.

The two types of ports that Verizon proposed to include in the definition of a simple port were those that could reasonably be completed within one business day. Nonetheless, AT&T and Comcast suggest including ports involving multiple lines.¹⁴ Verizon excluded those ports from its simple port definition because as Cbeyond and XO describe in their comments, they

¹¹ See Inter-Service Provider LNP Operations Flows at 7 (2007). Adherence to the LNP Provisioning Flows by all providers is necessary for porting to work. Verizon has previously requested that the Commission confirm that all porting-out providers must complete the steps set forth in the NANC LNP Provisioning Flows, including setting the 10-digit trigger (or making alternate arrangements), to prevent a disruption in the customers’ service. See Ex Parte Letter from Ann D. Berkowitz, Verizon, to Marlene H. Dortch, FCC, *Local Number Portability Porting Interval and Validation Requirements*, WC Docket No. 07-244; *Implementation of the Cable Television Consumer Protection and Competition Act of 1992*, MB Docket No. 07-29; *Review of the Commission’s Program Access Rules and Examination of Programming Tying Arrangements*, MB Docket No. 07-198 [REDACTED] at 5 (Apr. 29, 2009). Comcast echoes that request with respect to the 10-digit trigger in its comments. See Comcast Comments at 8-10.

¹² XO Comments at 4.

¹³ See Cbeyond, Integra Telecom and One Communications Comments at 3-4 (“Cbeyond Comments”).

¹⁴ See AT&T Comments at 4-5; Comcast Comments at 5-6.

may require “difficult coordination” and “additional validation and processing.”¹⁵ For example, billing issues arise in multi-line ports when the billing telephone number is ported, but other lines remain with the porting-out provider. In those instances, the porting-out provider must contact the customer to revise the billing arrangements, which may not be possible within one business day. As such, but to avoid lengthy porting delays of multi-line ports, the Commission should adopt a four business day standard interval for ports that otherwise meet the definition of a simple port, but involve 2-19 lines.¹⁶

III. The Commission Should Require Customer Service Records To Be Returned Within 24-Hours and Contain All Information Needed To Submit the Port Request.

Standardizing the CSR exchange process is also needed to streamline the porting process. When Verizon ports in a customer, certain carriers effectively compel Verizon to obtain a CSR by requiring Verizon to include the customer’s account number or password for verification on the port request. Verizon has no similar requirements. Although Qwest is correct that a CSR is not necessary on many ports,¹⁷ that does not mean that there should be no timeframe for the CSR to be returned on those occasions when a CSR is required, particularly when a number of states already have 24-hour requirements.

The Commission should mandate the same 24-hour interval for the return of the CSR. Qwest’s proposal that the Commission require CSRs to be returned “promptly and without undue delay”¹⁸ is unworkable in practice. Porting-out providers should have a clearly defined standard, and there should be no room for them to liberally interpret vague requirements in order to justify their delays. Contrary to Qwest’s suggestion, the risk of litigation at the Commission based on

¹⁵ See Cbeyond Comments at 6; XO Comments at 3.

¹⁶ Verizon Comments at 3.

¹⁷ Qwest Comments at 8.

¹⁸ *Id.* at 9.

unreasonably delayed CSRs would likely be insufficient to deter the gamesmanship by porting-out providers that occurs far too often,¹⁹ and lengthy litigation provides little solace to customers whose ports took longer than expected due to the delayed CSR.

Finally, a number of providers have taken a different approach by asking the Commission to curtail the majority of instances where a CSR is requested. Specifically, they contend that unnecessary porting delays are caused by porting-out carriers requiring the customer's account number or password to be included on the port request and ask the Commission to prohibit this practice.²⁰ Comcast, for example, describes an issue where it is required to provide the passcode on the LSR, but the CSR does not contain the passcode.²¹ Although Verizon has experienced similar delays trying to obtain account numbers that are not included on the CSR, the Commission need not revisit its 2007 LNP Order²² and decide whether to continue to allow porting-out providers to require the customer's account number and passcode on the LSR. The Commission, however, should mandate that the CSR contain this information if it is required. Even if the Commission decides to eliminate the customer's account number and passcode as validation fields on the LSR, a 24-hour CSR return interval would still be necessary for CSR

¹⁹ For instance, certain providers have claimed either that the standard interval is just a voluntary guideline or does not apply to them. *See Verizon Reply Comments at 6 n.6 (Apr. 21, 2008).*

²⁰ *See, e.g., Comcast Comments at 6-8; Sprint Comments at 13-14; Nebraska PSC Comments at 6-7.*

²¹ *See Comcast Comments at 7.*

²² *Telephone Number Requirements for IP-Enabled Services Providers; Local Number Portability Porting Interval and Validation Requirements; IP-Enabled Services; Telephone Number Portability; CTIA Petitions for Declaratory Ruling on Wireline-Wireless Porting Issues; Final Regulatory Flexibility Analysis; Numbering Resource Optimization, Report and Order, Declaratory Ruling, Order on Remand, and Notice of Proposed Rulemaking, 22 FCC Rcd 19531 (2007).*

requests that are submitted to acquire other information that a new provider may need, such as the existing services on the account.

IV. The Commission Should Reject Burdensome Proposals That Would Require Significant Systems Changes, But Not Improve the Porting Process.

Other suggestions in the comments to improve the porting process would add needless complexity to the process and entail significant systems changes, but benefit few, if any, customers. They should be rejected in their entirety.

First, the Commission should decline Comcast's and Vonage's proposal that would be burdensome to certain providers, including Verizon, without providing a consumer benefit. The proposal addresses instances where a new provider submits an LSR to port a customer's number while another order is pending on the customer's account. An order may be pending because the customer has recently placed an order for new services or modified existing services or even because another provider has submitted a port request. Comcast and Vonage ask the Commission to clarify that porting-out providers may not reject valid port requests based on their operating support systems (OSS) processes that do not allow stacking service orders and to "make any necessary changes" to those systems and processes.²³

This proposal is misguided. Importantly, neither Comcast nor Vonage provide any data showing the frequency it – or any other provider – receives LSR jeopardy notifications because of pending order activity. In addition, the proposed solution wholly ignores the costs to carriers to revise their systems. The first-in, first-out processing of orders is an existing system design principle, not a system limitation, which ensures that requests are honored in the order in which they are received. The design is consistent with pending disconnect scenarios fully vetted by the industry carriers in the Change Management Forum during Verizon's § 271 proceedings. To

²³ Comcast Comments at 10-11; *see* Vonage Comments at 4.

allow orders to stack as proposed, Verizon would have to redesign its OSS – a process that would require significant funding and time.

Finally, other solutions are available to remedy the purported problem. After Comcast raised this issue directly to Verizon, Verizon advised Comcast to ask its porting-in customers not to contact Verizon for any service orders prior to the port taking place and agreed to inform Comcast of the due date of the pending order. Comcast can simply resubmit the LSR when the earlier order clears. Alternatively, the porting-in provider can instruct the customer to call Verizon to cancel the pending order, which would typically allow the LSR to be resubmitted later that day.

Second, the Commission should reject Vonage’s proposal to require providers to reactivate certain disconnected customers so their numbers could be ported.²⁴ Vonage claims that such a rule is necessary because customers unwittingly cancel service from their old provider prior to the LSR being submitted by Vonage.²⁵ As before, this purported problem could easily be remedied without requiring providers to undergo costly systems changes and risking “chaos in carrier number assignment systems.”²⁶ For instance, Vonage can instruct its new customers not to call to cancel service with the old provider when Vonage signs them up for service. Furthermore, if customers who purchase bundles of services are more likely to be confused about their cancellation responsibilities as Vonage claims,²⁷ the Commission could

²⁴ Vonage Comments at 5-6.

²⁵ *Id.* at 10.

²⁶ *Id.*

²⁷ *Id.*

eliminate this confusion by allowing services other than voice to be canceled by the new provider. Verizon has a pending petition for a declaratory ruling on this very issue.²⁸

Third, the Commission should reject Sprint’s suggestion that porting-out providers be prohibited from disconnecting service until they receive a message from the Number Portability Administration Center (NPAC) that the porting-in provider has activated service.²⁹ Currently, the NANC LNP Provisioning Flows provide for three options for the porting-out provider to disconnect service: (i) at 11:59 pm on the due date; (ii) at 11:59 pm on the due date plus one (i.e., the day after the due date); and (iii) after monitoring NPAC for activation.³⁰ Since Verizon processes a high volume of ports annually (almost 1.4 million wireline-to-wireline and intermodal for Verizon’s former Bell Atlantic and GTE entities in 2008), Verizon cannot readily monitor the NPAC for the activation of each port it processes. Therefore, Verizon chooses to disconnect service at 11:59 pm on the due date in its East territory and 11:59 pm on the due date plus one in its West territory. Substantial systems changes – and a lengthy implementation period – would be required to add the functionality to monitor the NPAC for activations.

V. The FCC Should Actively Seek To Protect a Consumer’s Right To Port by Enforcing Its Porting Requirements.

To implement the LNP rules, Verizon Wireless created a “Port Center” in Murfreesboro, Tennessee and established automated processes to efficiently handle porting volumes. The Port Center allows seamless porting within the 2½ hour CMRS intramodal standard for simple ports as defined in wireless industry documents. For the most part, porting in the wireless industry has been a great success.

²⁸ See *Petition of Verizon for Declaratory Ruling Confirming That Incumbent Cable Companies Must Accept Subscriber Cancellation Orders When Delivered by Competitive Multichannel Video Programming Distributors as Lawful Agents* (Mar. 26, 2008).

²⁹ Sprint Comments at 8.

³⁰ Inter-Service Provider LNP Operations Flows at 18.

Nonetheless, intermodal ports from some small and/or rural wireline carriers, especially those that previously had a waiver, can present challenges that do not find an easy and speedy resolution using the Enforcement Bureau's current processes. Given the importance of porting to customers, the time to resolve a porting dispute is critical. Otherwise, the underlying policy objectives of LNP – customer choice and competition – are frustrated.

Therefore, the Commission should direct the Enforcement Bureau to develop a process whereby dedicated staff receive LNP complaints regarding simple ports and contact the carriers involved within twenty-four hours to seek resolution. There should be three possible outcomes in this exercise: 1) directing the port be completed without further delay; 2) re-classifying the port as a complex port deserving of additional time; or 3) denying the port request for legitimate reasons and declining to seek further action against any party. A specific and dedicated LNP process will not only expedite the resolution of porting disputes, but it can serve as an effective deterrent to dilatory conduct.

The Enforcement Bureau's process must not only deal with violations of the Commission's rules, but it must also handle disputes regarding industry porting guidelines and best practices. Industry guidelines and best practices can be as important as rules for the speedy and efficient functioning of complex porting flows. Verizon Wireless has experienced unduly delayed porting requests because a carrier refuses to follow industry guidelines and best practices. For example, some carriers have: 1) refused to mark codes as portable in the LERG or load them in the NPAC – both preconditions for porting; 2) ignored requests to exchange Trading Partner Profiles (TPP)³¹ for many months, the common way that the industry gathers relevant information in order to port with a new carrier in a new market; and 3) generally failed to respond to repeated phone calls, emails, and requests for a point of contact that can work

³¹ TPPs are the standard way in the industry to relay the pertinent information between carriers to facilitate the porting process.

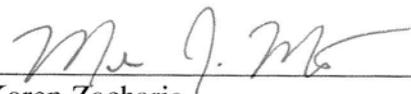
through any issues to timely process a port. Enforcement Bureau intervention in these matters can be effective if it is designed to provide immediate guidance and instruction to parties during a porting dispute. Consumers will benefit from efforts to clear any remaining obstacles to porting.

CONCLUSION

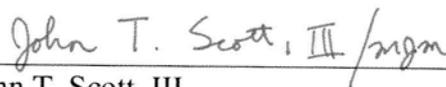
For the foregoing reasons, the Commission should take prompt action to improve the LNP process and ensure customers can realize the benefits of the shortened standard interval. At the same time, the Commission should reject those proposals that would impose substantial costs on providers without a corresponding customer benefit.

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