

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

In the Matters 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 the  
ORGANIZATION FOR THE PROMOTION AND  
ADVANCEMENT OF SMALL TELECOMMUNICATIONS COMPANIES  
and the  
NATIONAL TELECOMMUNICATIONS COOPERATIVE ASSOCIATION**

**I. INTRODUCTION & SUMMARY**

The Organization for the Promotion and Advancement of Small Telecommunications Companies (OPASTCO)<sup>1</sup> and the National Telecommunications Cooperative Association (NTCA)<sup>2</sup> hereby submit these reply comments in response to the Further Notice of Proposed Rulemaking (FNPRM) issued in the above-captioned proceedings.<sup>3</sup> The Commission should not approve a definition of “business day” that

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<sup>1</sup> OPASTCO is a national trade association representing approximately 520 small incumbent local exchange carriers (ILECs) serving rural areas of the United States. Its members, which include both commercial companies and cooperatives, together serve more than 3.5 million customers. Almost all of OPASTCO’s members are rural telephone companies as defined in 47 U.S.C. §153(37).

<sup>2</sup> NTCA is an industry association representing rural telecommunications providers. Established in 1954 by eight rural telephone companies, today NTCA represents more than 580 rural rate-of-return regulated telecommunications providers. All of NTCA’s members are full service local exchange carriers and many of its members provide wireless, cable, Internet, satellite, and long distance services to their communities. Each member is a “rural telephone company” as defined in the Communications Act of 1934, as amended.

<sup>3</sup> *Local Number Portability Porting Interval and Validation Requirements*, WC Docket No. 07-244, *Telephone Number Portability*, CC Docket No. 95-116, Report and Order and Further Notice of Proposed Rulemaking, 24 FCC Rcd 6084 (2009) (Order and FNPRM).

includes a four hour Local Service Request (LSR)/Firm Order Commitment (FOC) interval. For rural ILECs, a four hour LSR/FOC interval would overwhelm these carriers if a large number of port requests were received in a single business day, which could lead to service disruptions. Should the Commission adopt a definition of business day that includes a four hour LSR/FOC interval, it should include an exception for rural ILECs that does not require them to complete more than five port requests, simple or complex, in any single business day.

In addition, the Commission should reject proposals to change the recently adopted local number portability (LNP) rules. These rules have not yet been implemented, and thus there has been no opportunity to assess their impact on consumers and carriers. For instance, the Commission should reject a proposal to shorten the porting interval to two and one-half hours, as it ignores the balance that the Commission correctly chose to make between enabling consumers to efficiently port their numbers and the current capabilities of service providers. In addition, the Commission should retain the existing definition of a simple port, as expanding the definition would place unreasonable burdens on rural ILECs' small number of technicians and customer service representatives and could result in errors causing service disruptions.

**II. THE COMMISSION SHOULD NOT APPROVE A DEFINITION OF “BUSINESS DAY” THAT INCLUDES A FOUR HOUR LSR/FOC INTERVAL; SHOULD THE COMMISSION DO SO, RURAL ILECS SHOULD NOT BE REQUIRED TO PROCESS MORE THAN FIVE PORT REQUESTS OF ANY TYPE IN A SINGLE BUSINESS DAY**

The FNPRM seeks comment on any further steps that the Commission should take regarding its LNP rules, and on the burdens that any new rules would place on small

carriers.<sup>4</sup> The Commission should not approve a definition of “business day” that includes a four hour LSR/FOC interval, as it would overwhelm rural ILECs if a large number of port requests were received in a single business day and risk customer service disruptions. Should the Commission nevertheless approve a definition of “business day” with a four hour LSR/FOC interval, it should adopt an exception for rural ILECs that does not require them to complete more than five port requests, simple or complex, in any single business day.

In its Order and FNPRM that reduced the porting interval for simple wireline and intermodal ports to one business day, the Commission left to the North American Numbering Council (NANC) the task of recommending new LNP provisioning process flows.<sup>5</sup> On July 16, 2009, the NANC sub-group working on the definition of “business day” presented a consensus definition in their report that included a four hour LSR/FOC interval.<sup>6</sup> This LSR/FOC interval is the amount of time that the “porting out” provider is allotted to verify the customer porting request (to minimize erroneous ports) and confirm the due date of the port with the “porting in” carrier (to minimize the possibility of disrupting the customer’s service). The proposed four hour LSR/FOC interval is a reduction from a 24 hour interval allotted for this process under the current rules.<sup>7</sup>

The LSR/FOC process is performed by rural ILECs’ customer service representatives and/or technicians, who have many other responsibilities that must be completed across the rural ILEC’s service territory. These include initiating service for new customers, responding to requests for changes in service from existing customers,

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<sup>4</sup> Order and FNPRM, 24 FCC Rcd 6095, ¶19.

<sup>5</sup> *Id.*, 24 FCC Rcd 6090, ¶10.

<sup>6</sup> NANC Local Number Portability Administration Working Group, Status Report to NANC (July 16, 2009).

<sup>7</sup> *See*, North American Numbering Council Local Number Portability Selection Working Group Final Report and Recommendation to the FCC, Appendix E (rel. April 25, 1997); 47 C.F.R. § 52.26.

network maintenance and upgrades, and responding to outages or disruptions in service. In addition, rural ILECs without automated porting systems must take the additional step of interfacing with the Number Portability Administration Center (NPAC) via a third party service bureau. While rural ILECs have not, historically, received a large number of port requests, there is still the possibility of a carrier being overwhelmed by a large number of requests in a single business day, especially as competition in rural areas increases. The adoption of a four hour LSR/FOC interval increases the likelihood of errors such as inadvertent or delayed ports, disconnections, or other disruptions to customers' services.

Moreover, the Order and FNPRM defined the porting interval as one business day, rather than basing it in hours, to accommodate those carriers that would otherwise not have adequate staff to handle port requests outside of normal business hours.<sup>8</sup> In doing so, the Commission rejected a rule that would have imposed unreasonable staffing burdens on rural ILECs. Yet, a four hour LSR/FOC interval could potentially have this exact effect on rural ILECs that the Commission sought to avoid when it adopted a porting interval in terms of a business day as opposed to in terms of hours.

Therefore, the FCC should not approve the NANC recommendation of a maximum four hour LSR/FOC interval. However, should it do so despite the risks described above, the Commission should adopt an exception for rural ILECs that does not require them to complete any more than five port requests, simple or complex, in a single business day. To the extent that a rural ILEC receives more than five port requests in a single business day, it would be permitted a full business day for every five port requests received over and above the initial five.

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<sup>8</sup> Order and FNPRM, 24 FCC Rcd 6089-6090, ¶8.

### **III. THE COMMISSION SHOULD NOT MAKE ADDITIONAL CHANGES TO THE PORTING RULES AT THIS TIME**

The FNPRM also seeks comment on whether the Commission should adopt additional changes to its porting rules.<sup>9</sup> The current porting rules have not yet been implemented, and thus there has been no opportunity to assess whether the shortened porting interval has accomplished the Commission's goals or how it has affected consumers and carriers. The Commission should seek comment on additional changes only if it determines that the current rules may be insufficient to address consumer needs, an assessment that cannot be made until after consumers and carriers have experience with the shortened porting interval.

#### **A. The FCC should not adopt the MetroPCS proposal to shorten the porting interval to two and one-half hours**

The Commission should reject the MetroPCS proposal for shortening the porting interval to two and one-half hours.<sup>10</sup> As the Commission recognized, "... a porting interval of one business day strikes the appropriate balance, based on the current record, between enabling consumers to realize the benefits of LNP and the current technological and business capabilities of service providers."<sup>11</sup> A two and one-half hour interval proposed by MetroPCS ignores this balance that the Commission correctly chose to make based on the record before it.

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<sup>9</sup> *Id.*, 24 FCC Rcd 6095, ¶19.

<sup>10</sup> Comments of MetroPCS Communications, Inc., WC Docket No. 07-244, CC Docket No. 95-116 (fil. Aug. 3, 2009) (MetroPCS), pp. 7-8.

<sup>11</sup> Order and FNPRM, 24 FCC Rcd 6087-6089, ¶7.

**B. The definition of a simple port should remain unchanged**

The Order and FNPRM also seeks comment on whether the Commission should modify the definition of a simple port.<sup>12</sup> The Commission should retain the existing definition of a simple port (and the existing four day interval for complex ports) as it recognizes the significant technical differences between simple ports and complex ports, which require additional time to complete.

As currently defined, simple ports are those that: (1) do not involve unbundled network elements, (2) involve an account only for a single line, (3) do not include complex switch translations (*e.g.*, Centrex, ISDN, AIN services, remote call forwarding, or multiple services on the loop), and (4) do not include a reseller.<sup>13</sup> When these attributes exist – unbundled elements, multiple lines, complex switch translations, or resellers – the porting process requires more time and staff resources than processing a simple port. And, as noted above, most rural ILECs have a limited number of customer service representatives and technicians that can complete this process.

The Commission should therefore reject the MetroPCS proposal to include all non-simple, or complex, ports in the definition of simple ports subject to the single business day porting interval.<sup>14</sup> As with the shortening of the LSR/FOC interval, expanding the definition of simple ports would place unreasonable burdens on rural ILECs' small number of technicians and customer service representatives and could result in errors causing service disruptions. The existing distinction between simple and complex ports recognizes the additional time and staff resources necessary to accurately

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<sup>12</sup> *Id.*, 24 FCC Rcd 6095, ¶19.

<sup>13</sup> *See, e.g., Intermodal Porting Order and FNPRM*, 18 FCC Rcd at 23715, ¶45, n.112 (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)).

<sup>14</sup> MetroPCS, pp. 9-10.

complete a complex port. Moreover, MetroPCS has not provided any evidence that the existing four day interval for complex ports fails to accomplish the Commission's goals of ensuring that consumers can efficiently port their numbers, thereby enhancing competition. The Commission should instead evaluate the effect that the new single business day porting interval for simple ports has on both consumers and carriers prior to any consideration of additional rule changes.

#### **IV. CONCLUSION**

The Commission should not approve the NANC recommendation of a maximum four hour LSR/FOC interval. For rural ILECs, a four hour LSR/FOC interval would overwhelm these carriers if a large number of port requests were received in a single business day, which could lead to service disruptions. However, in the event the Commission decides to adopt a four hour LSR/FOC interval, it should also adopt an exception for rural ILECs that does not require them to complete any more than five port requests, simple or complex, in a single business day.

In addition, the Commission should not consider additional changes to its porting rules at this time. The current porting rules have not yet been implemented, and thus there has been no opportunity to assess whether the shortened porting interval has accomplished the Commission's goals or how it has affected consumers and carriers. Specifically, the Commission should not shorten the porting interval to two and one-half hours, as it ignores the careful balance between enabling consumers to efficiently port their numbers and the current capabilities of service providers. Additionally, the Commission should retain the existing definition of a simple port, as expanding the definition could result in errors causing service disruptions.

Respectfully submitted,

**ORGANIZATION FOR THE PROMOTION AND  
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August 31, 2009

**CERTIFICATE OF SERVICE**

I, Brian Ford, hereby certify that a copy of the reply comments by the Organization for the Promotion and Advancement of Small Telecommunications Companies and the National Telecommunications Cooperative Association was sent via electronic mail, on this, the 31st day of August 2009, to those listed on the attached sheet.

By: /s/ Brian Ford  
Brian Ford

**SERVICE LIST**  
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**VIA E-MAIL**

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