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	)	

REPLY COMMENTS OF AT&T INC.

Paul K. Mancini
Gary L. Phillips
Christopher M. Heimann
William A. Brown

AT&T Services, Inc.
1120 20th Street, N.W.
Suite 1000
Washington, DC 20036
202.457.3007 (Office)
202.457.3073 (Facsimile)

Attorneys for AT&T Inc.

August 31, 2009

TABLE OF CONTENTS

Page

INTRODUCTION AND SUMMARY iv

A. SIMPLE AND COMPLEX PORTS 1

1. The Commission should adopt a revised industry-developed definition of "simple port" which addresses the exceptions for UNEs, single lines, complex switch translations, and resellers 1

a. UNE Loops 1

b. Single Line 3

c. Complex Switch Translations 5

d. Reseller 6

2. The Commission should seek NANC guidance on any proposed Regulations seeking to govern complex ports 8

B. STANDARDIZED ORDERING 9

1. Customer Service Records 10

a. The Commission should required providers to return CSRs For certain ports within 24 clock hours of receipt 10

b. The Commission should rule that providers may not use the Fact that a CSR has been requested or information from that Request, to engage in retention marketing 11

2. Pins and Passwords 12

3. Miscellaneous Proposals 14

a. Ten digit Triggers 14

b. Reciprocal Porting Intervals 15

c. Interconnection Agreements 15

d. Priority of Port Requests 16

e. Removing Customer Account Features 17

f. Re-activating Telephone Numbers 18

g. Elimination of Account Numbers 18

CERTIFICATE OF SERVICE

INTRODUCTION AND SUMMARY

AT&T has responded to the Commission's invitation to provide "additional ways to streamline the number porting processes or improve efficiencies for simple and non-simple ports"[1] by promoting changes that would enlarge the pool of telephone numbers eligible for the Commission's new one-business-day porting interval for simple ports and that would remove barriers that some carriers have erected or hidden behind to delay the porting process.

In these Reply Comments, AT&T continues to champion a reasonable redefinition of the term simple port by urging the Commission to adopt industry-developed revisions. These revisions could include eliminating the UNE exception as applied to UNE loops, moving away from the single-line exception, clarifying the complex-switch-translation exception, and eliminating the reseller exception. The provisioning of some UNEs requires coordination between carriers, which would justify a longer porting interval than one business day. The fact that a number is ported away from a UNE-L competitive LEC, however, is not one of them, and the Commission should find that a port away from a UNE-L competitive LEC is simple unless some other exception is implicated. AT&T continues to support porting up to 20 numbers within the new one-business-day interval as long as the entire customer account is being moved from one provider to another and eliminating the reseller exception entirely. And the Commission should adopt the NANC Working Group's refined definition of what constitutes a complex switch translation to bring that exception up to date.

Some carriers suggested changes that directly impact the rules governing complex ports. Except to the degree that the pool of complex ports is reduced by any adjustment to the definition of simple port, the Commission should continue to defer to the NANC on any new rules impacting these ports.

---

[1] *Local Number Portability Porting Interval and Validation Requirements*, Report and Order and Further Notice of Proposed Rulemaking, 24 FCC Rcd 6084, ¶ 19 (2009).

Greater standardization of forms associated with porting would go a long way to streamline the porting process and make porting more efficient. Moreover, a limit on the time within which carriers have to return customer service records when requested and rules governing the use of PINs and passwords would both accelerate the porting process by removing barriers some carriers build to keep customers longer or engage in retention marketing. AT&T recommends returning CSRs within 24 "clock" hours, excluding weekends and holidays, for accounts with up to 20 working telephone numbers. And AT&T supports allowing account holders the option of specifying their own PINs and password and, in the case where the provider assigns PINs and passwords without customer knowledge or consent, requiring providers to make them conveniently available to the customer and, in the case of requesting providers, on CSRs.

The Commission should mandate the use of ten-digit triggers to improve the porting process by eliminating the need to manually coordinate port activation/deactivation. The Commission, however, should reject efforts to allow reciprocal porting intervals as a self-help remedy, to prohibit LECs from requiring interconnection agreements for wireline number porting, to force porting requests to take priority over previously received customer service requests, to cancel *a priori* any customer requested service features that might impact how a customer's number is classified (*i.e.*, simple or complex), to remove customer account numbers as an approved port validation field, and to require carriers to develop a burdensome process for reactivating disconnected telephone numbers.

DISCUSSION

A. SIMPLE AND COMPLEX PORTS

1. The Commission should adopt a revised industry-developed definition of "simple port," which addresses the exceptions for UNEs, single lines, complex switch translations, and resellers.

a. UNE Loops

In AT&T's Comments, we noted that the unbundled-network-element (UNE) exception to the definition of a simple port no longer makes sense as written and we support the efforts of the NANC Working Group to clarify it.[2] Other commenters agreed.[3] This exception was initially included because the need to coordinate between providers in the provisioning of UNEs could result in a delay in the initiation of service by the new provider—such as where a CLEC seeks to provide service to an end user using an unbundled loop and its own switch. But not all ports involving UNEs necessarily require coordination between the old and new service provider, and thus a longer number porting interval. For example, when it comes to porting from a service provider using UNE loops back to the ILEC, the old service provider (OSP) and the new service provider (NSP) generally do not have to coordinate activities in order for the NSP to provision service. Consequently, as presently written, the exception is unnecessarily broad and delays porting telephone numbers when there is no coordination needed—including ports from a UNE-L CLEC to a wireless carrier, from a UNE-L CLEC to an interconnected VoIP provider, or a UNE-L CLEC to the incumbent LEC. The exception thus should be limited only to those situations in which a port involving a UNE requires different carriers to coordinate their efforts.

A group of CLECs argues that the elimination or narrowing of this exception would be unfair because it would result in longer porting intervals for carriers that provide service using UNEs that require coordination with another carrier.[4] Their solution would be to hobble the

[2] AT&T, pp. 3-4.

[3] Comcast, pp. 3-4; Qwest, pp. 4-6; T-Mobile, p. 5; Verizon, p. 3.

[4] Cbeyond, Integra, and One Communications (Joint Commenters), pp. 2-3; XO, p. 3.

other providers, including incumbent LECs, by injecting an artificial delay into the porting process. But this makes no sense. By the time the NSP submits a port request, the competitive LEC has already lost the customer. Imposing a longer porting interval in this situation would only punish consumers by artificially delaying their ability to switch providers, which is the opposite of what telephone porting is supposed to do.

The Joint Commenters argue that redefining the UNE exception to the simple-port definition would risk causing the customer to lose service and would put the competitive LEC at a competitive disadvantage when the customer changes carriers from the UNE-L competitive LEC to the incumbent LEC.[5] Specifically, they contend that, due to potential delays in transferring control of the UNE loop, there is a risk that the port would take place either before or after the cutover, which would allegedly cause service disruption.[6] Such delays, however, are highly unlikely because, where a customer is switching from a UNE-L CLEC back to the incumbent LEC, the NSP (*i.e.*, the incumbent LEC) would control when the "activate" message is sent to the Number Portability Administration Center (NPAC), and would only activate the port when the loop is back under its control. Consequently, there is no concern that there would be any premature or late port tied to the timing of the cutover of the loop back to the incumbent LEC.

The Joint Commenters further argue that a UNE-L competitive LEC's service would be seen as inferior to the incumbent LEC's service if the port back to the incumbent LEC went faster than the port to the UNE-L competitive LEC. *First*, this is nothing more than supposition, which is not supported by any evidence. *Second*, even if a customer could compare the difference between the intervals for initiating service for the ILEC vis-à-vis a UNE-L CLEC, that comparison would only occur after the customer had already decided to switch carriers and go with the ILEC, and thus necessarily would have no impact on the customer's decision to switch.

---

[5] Joint Commenters, pp. 3-4.

[6] The service provided by the ILEC is not dependent upon a UNE loop. A loop is only a "UNE" when the ILEC provides it to the CLEC. When telephone numbers are ported back to the ILEC from the CLEC, there is no UNE involved, making the return port simple by definition.

Third, there is no reason to presume that customers are as naïve as the Joint Commenters portray them. The Joint Commenters offer no basis for the Commission to believe that consumers don't understand that it can take time for a provider to provision a service, and that a brief delay in provisioning a service does not translate into poor quality service. The common-sense belief would be that, when a customer decides to switch carriers on the basis of price (or some other factor, like quality of service), the customer would give the NSP a reasonable time to provision the service, because the *benefit* from long-term service—lower monthly bills or improved quality of service—would outweigh the *costs* of a short delay. *Fourth*, if the Joint Commenters were correct—that the relative speeds of porting were a basis for judging quality of service—then the Commission would have to slow down the rate at which wireless-to-wireless ports take place. Wireless-intramodal ports are completed within two-and-a-half hours, compared to one business day or more for wireline-intramodal ports. If the Joint Commenters were correct, then consumers would have to believe that wireless service is superior to wireline service, putting wireline carriers at a competitive disadvantage.

Because none of Joint Commenters' arguments are supported by evidence or reason, there simply is no basis for artificially impeding the porting process when there is no technical barrier—like the need to coordinate between carriers to provision service—to completing the port in one business day.

b. Single Line

While most commenters favor re-visiting the definition of "simple port," few of them went as far as AT&T on the issue of the single-line exception. Those commenters that did favor revision of the single-line exception disagreed among themselves on the extent to which the exception should be revised.[7] Others oppose any modification to this exception.[8] For its part,

[7] Sprint, p. 8 (Sprint suggests that "ports of fewer than five numbers are 'simple' and those with over five telephone numbers are non-simple/complex."); T-Mobile, p. 5 (T-Mobile contends that the Commission can "remove from the 'complex' . . .category . . . (2) multiple line accounts that do not require special coordination between providers; . . . .")

[8] Joint Commenters, p. 5 (""[A]ny ports that involve more than a single number off a single account or a port of a single number off of a line that carries multiple numbers should be considered non-simple."); XO, p. 3 ("[P]orts of accounts with multiple lines or telephone numbers . . . are not simple ports."); Qwest, pp. 3-4 (Qwest doesn't

AT&T continues to support porting up to 20 numbers[9] within the new one-business-day interval as long as the entire customer account is being moved from one provider to another.[10]

Given this disparity of opinion, in the Commission should continue to allow the NANC Working Group to seek consensus and, if possible, move away from the single-line exception. Moving away from the single-line exception would increase the benefits of the new interval to more consumers by enlarging the universe of consumers who will come within its ambit.

Whatever the Commission does, however, it should reject Comcast's self-serving and discriminatory proposal to lock some carriers into a shorter porting interval for multiple telephone numbers. Comcast would have the Commission improperly discriminate among carriers by requiring different porting standards for some, but not all, without evidence justifying unequal treatment among competitors. On the premise that certain carriers—specifically AT&T, Qwest, and Verizon—already *voluntarily* port multiple lines associated with a single customer within the existing four-day interval, Comcast would have the Commission codify these carriers' present voluntary practices into its rules and require these carriers to port such multiple line accounts within the new one-business-day interval.

Comcast justifies this discrimination on the basis of "ensur[ing] that the status quo continues" and that the benefits of the one-business-day interval "are extended to a larger number of voice customers."[11] In fact the Comcast proposal distorts the market place by giving to Comcast a benefit—one-business-day porting for multiple numbers—by regulatory mandate that it doesn't have to give to others. Under Section 251, carriers are free to negotiate number

---

"support any material changes to the definition of 'simple port' that might require concomitant material changes to processes or forms, with their attendant costs." But in footnote 4 recognizes that the single-line exception to the definition does not include a single DS1 with multiple telephone numbers, …."); Verizon, p. 3 ("[N]on-single line ports should continue to fall outside the definition of a simple port"; however, ports involving "2 - 19 lines" should be ported within four business days.)

[9] In its Comments, AT&T noted that it prefers the use of the word "number" over "line." *See and compare*, Qwest, p. 4, footnote 4 ("Qwest believes this means a single telephone number associated with a single line. Therefore, this requirement would not extend to a single DS1 with multiple telephone numbers, for example."); Joint Commenters, p. 1 ("[T]he FCC should limit the definition of 'simple' ports to single number ports off of DS0 (i.e., POTS) lines that require only porting activity that do not require any coordination between carriers or any other work.").

[10] AT&T, p. 4.

[11] Comcast, pp. 5-6.

porting in interconnection agreements. If the Commission were to give this benefit to Comcast, there would be no reason for Comcast, or other carriers, to seek reciprocal arrangements through negotiations.

And, of course, Comcast's sympathy for voice customers rings hollow in light of its refusal to include itself in this obligation. Nevertheless, the *status quo* for these carriers would be to continue to *voluntarily* port the same level of multiple lines associated with a single customer within today's porting interval of *three to four business days*, not one.[12] What's more, the fact that Comcast has selectively pointed to some carriers who port multiple numbers within the existing four-day porting interval does not mean that other providers are not also presently doing this or that other providers, including Comcast, are incapable of doing this. In other words, Comcast in all likelihood did not accurately and completely describe the "status quo."

In contrast, adopting AT&T's proposed 20-number rule *for all carriers*, including Comcast, would be equitable and really would extend the "considerable immediate benefits" of one-business-day porting to a large number of voice customers. Moreover a common standard is easier for carriers to operationalize because their expectation of compliance won't vary from carrier to carrier. The Commission should reject Comcast's cynical ploy to saddle its competitors with regulations it is not willing to assume and should adopt the proposal of the Working Group when offered.

c. Complex Switch Translations

As AT&T observed in its Comments, the present complex-switch-translations exception to the definition of a simple port is too vague.[13] Consequently, AT&T supports the efforts of the Working Group to come up with an industry consensus for the Commission to consider and adopt.

---

[12] Interestingly, Comcast asserts that AT&T states "that up to 50 lines of Plain Old Telephone Service ('POTS') can be ported within 3 days." This amounts to about 17 ports a day, which is close to AT&T's proposal in this proceeding (*i.e.*, up to 20 numbers when the entire account is moved to another provider). AT&T's willingness to offer this voluntarily, however, should not expose AT&T to potential unequal enforcement ramifications.

[13] AT&T, pp. 4-5.

Two commenters argue that this exception remains necessary.[14] In particular, XO opposes any modification of the complex-switch-translation exception to the simple-port definition.[15] For their part, Joint Commenters oppose changing the complex-switch-translations exception on the grounds that such switch translations are necessary when there are multiple services on a line, which "can add additional difficulties to the porting process."[16] Thus, the Joint Commenters do not categorically oppose any changes to this exception, and might be amenable to clarification of the exception when such additional difficulties are absent.

Porting that involves complex switch translations should remain complex, but the Working Group's efforts are aimed at more narrowly focusing the exception to pin point those features that now actually involve complex switch translations as opposed to those which used to involve them or otherwise merely appeared to be complex. The Working Group should eliminate features from the purview of the complex-switch-translations exception that do not jeopardize quick porting and thereby enlarge the pool of true simple ports that can be ported within the new porting interval. The Commission should follow the lead of the Working Group and adopt its recommended changes.

d. Reseller

AT&T supports the elimination of the reseller exception.[17] And many commenters agree.[18] There are, however, some who continue to support this exception.

CenturyLink opposes the elimination of the reseller exception and claims that "situations involving total resellers typically require an additional step in the porting process, which often may require additional time."[19] This claim is both speculative and unsupported (e.g., "typically" and "may require"). CenturyLink doesn't share with the Commission what the "additional step"

---

[14] Joint Commenters, pp. 5-6; XO Communications, pp. 3-4.

[15] XO, p. 2 (XO would not "substantively change" the definition of a simple port, including complex switch translations.).

[16] Joint Commenters, p. 6.

[17] AT&T, p. 5.

[18] Comcast, p. 3; Qwest, p. 4; T-Mobile, pp. 5-6; Verizon, p. 2.

[19] CenturyLink, pp. 3-4.

might be or why it might require "additional time." It doesn't make sense that resellers of wireline service would have a more complicated process than other carriers given the fact that the underlying wholesale carrier has all the network issues and would actually be doing the porting. Without substantially more, CenturyLink does not present a compelling case for maintaining the reseller exception.

While Verizon favors elimination of the reseller exception in the wireline context,[20] it is concerned about the impact that removing the reseller exception for the definition of simple port might have on wireless-to-wireless porting. Verizon asserts that, because the "porting out carrier" is obligated to take additional steps vis-à-vis the reseller before providing the firm order confirmation (FOC), completing a wireless-to-wireless port within two-and-a-half hours is not always possible.[21]

Whatever the obligations are in the wireless arena, they shouldn't be a restraint upon the ability of porting telephone numbers from resellers of wireline services. And even more important, wireless resellers ought not to be allowed to use the fact that they resell another carrier's service in order to evade the obligations imposed by the *Interval and Validation Order;*[22] in other words, whatever other constraints there may be on them, these carriers can still *validate* a port request using the Commission-approved four validation fields. The reseller exception to the definition of simple port developed by the NANC had to do with the concerns about *provisioning* the telephone number away from the reseller, not the reseller's ability *to validate* a port request.

---

[20] Verizon, p. 2. ("The Commission should amend its definition of a simple port to include wireline-to-wireline and intermodal single line ports from resellers.")

[21] Verizon, p. 2.

[22] *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) (*Interval and Validation Order*).

2. <u>The Commission should seek NANC guidance on any proposed regulations seeking to govern complex ports.</u>

Two commenters urge the Commission to adopt porting-interval standards for complex ports—ranging from one business day to four.[23] Over the years, the Commission has wisely sought industry assistance in developing rules governing industry processes. The most recent example was the Commission's decision to ask the NANC to develop the number porting process flows to support the new one-business-day interval for simple ports. AT&T urges the Commission not to adopt new rules concerning complex ports without industry input.

Essentially, complex ports are ports that are not simple. AT&T expects that the NANC will propose a modification of the definition of a simple port that will, by product of elimination, reduce the universe of complex ports. Nevertheless, that universe will remain large; it will cover a wide variety of porting situations. AT&T fears that without industry guidance, the Commission will inadvertently over burden carriers trying to meet their porting obligations and expose customers to unnecessary disruptions of service or other service affecting issues. This is especially true now that carriers are gearing up to meet the burdens of the new one-business-day porting interval for simple ports, as well as other useful rules that may be adopted upon the recommendations of the NANC and OBF.

AT&T agrees with Verizon that "[i]t would be most efficient for companies to be able to make the changes required by the 2009 *Order* (which must be in effect by July 30, 2010) at the same time as they make any additional changes that arise from this rulemaking."[24] To do that, the Commission will need to move very quickly to get an order released and published in the Federal Register. Adding new rules pertaining to complex ports to the mix will delay the Commission's efforts in writing an order, it will overload carrier resources, and it will unnecessarily impact the roll out of the new porting interval for simple ports.

---

[23] MetroPCS, p. 9 (MetroPCS wants the Commission "to apply the new one business day porting interval requirement . . . to non-simple ports as well."); T-Mobile, p. 7 (T-Mobile recommends that the Commission "establish a standard porting interval of four business days for complex or non-simple ports, ...")

[24] Verizon, p. 5.

As there has not been any real case made for changing the rules applicable to complex ports, the Commission should defer any action at this time. When and if a case can be made for changing those rules, AT&T would urge the Commission to maintain its practice of getting direction from the NANC before taking action.

B. STANDARDIZED ORDERING

There is broad consensus that standardization of forms associated with the number porting would greatly facilitate the porting process.[25] To a large measure, the success of wireless-to-wireless porting, which should be emulated to a degree in the wireline market, is the product of standardization. That standardization, however, is not limited to just the number of fields on a form. It is just as important, if not more so, for there to be agreement among carriers on using the same fields and attaching the same meaning to the fields used, because confusion in this area translates into rejected LSRs, which means delays in porting. Any such standardization should, as AT&T and others discussed in opening comments, be the product of industry-wide collaboration, such as through the OBF, to ensure that all members and sectors of the industry are represented and that their concerns are appropriately aired and addressed.[26]

Some commenters raised other issues associated with standardized ordering: the response to requests for customer service records and the use of PINs and passwords. These issues can be critical in making the entire porting process more efficient and in making the most of the Commission's decision to reduce the porting interval for simple ports from four business days to one.

---

[25] Joint Commenters, pp. 7-8; MetroPCS, p 8; Nebraska Public Service Commission, p. 7; Sprint, p. 6; T-Mobile, p. 7; Verizon, pp. 4-5; XO, p. 7.

[26] ATIS-OBF, pp. 4-5; Joint Commenters, pp. 8-9; Sprint, p. 6; Verizon, p. 4; XO, p. 7.

1. Customer Service Records

a. The Commission should require providers to return CSRs for certain ports within 24 clock hours of receipt.

In its comments, Verizon proposes that the Commission require all providers "to return Customer Service Records (CSRs) within 24 hours to ensure that customers realize the full benefits of the shortened interval."[27] AT&T agrees.

Presently, incumbent LECs are obligated under § 251(c)(3) to provide access to Operations Support Systems (OSS) as an unbundled network element (UNE) on a non-discriminatory basis, which allows the production of CSRs to their competitors.[28] All carriers, including competitive LECs, have an obligation to provide customer network proprietary information "to any person designated by the customer."[29] Some competitive LECs return CSRs in compliance with this obligation.[30]

In the case of competitive LECs, however, their response time for returning the CSR is often not regulated and it varies widely. Typically the time in which a competitive LEC will return a CSR can vary from around five days for a customer whose line would constitute a simple port to as much as 15 days if the customer's line is deemed "complex" merely by virtue of the presence of a UNE loop. This means that the Commission's efforts to streamline and make the porting process more efficient by reducing the porting interval from four days to one is being frustrated by competitive LECs who use the CSR process, which is usually a prelude to porting, as a way to delay porting and to engage in retention marketing. By enacting the one-business-day porting interval, the Commission is, therefore, only reducing the entire porting process from *nine days* (five days for the CSR and four days for the actual port) to *six days* (five

[27] Verizon, p. 1. Qwest, however, is dubious about the value of prescribing "a specific length of time for returning CSRs." Qwest, p. 8.

[28] AT&T ILECs return CSRs in real time to CLECs by means of graphical user interfaces.

[29] 47 U.S.C. § 222(c) (2).

[30] Some CLECs seem not to understand that this obligation to provide CPNI would cover a request for a customer's CSR.

days for the CSR and one for the port)—and this under the best of scenarios for a simple port. The interval for some ports would only be reduced to about *16 days*.

To remedy this drag on the porting process, the Commission should adopt some simple straight-forward rules to govern the CSR. *First*, the Commission should mandate that no carrier can require a CSR request as a prelude to porting a line that would fall within the definition of a simple port. *Second*, while AT&T would prefer electronic bonding and real-time responses to CSR requests,[31] the Commission should mandate that, pursuant to Section 222(c)(2) of the Act, CSRs be returned within 24 "clock" hours of request, excluding weekends and holidays, for customer accounts with 20 working telephone numbers or fewer.[32] *Third*, the CSR should plainly alert the carrier that there is a freeze on the account that would prevent number porting without the proper PIN or password and, if the PIN or password was not chosen by the account holder, then the CSR ought to provide that as well.[33] *And fourth*, carriers should not be allowed to use the fact that a carrier has requested a CSR, or any information supplied by the requesting carrier, to engage in retention marketing.

b. The Commission should rule that providers may not use the fact that a CSR has been requested, or information from that request, to engage in retention marketing.

On this last point, AT&T notes certain carriers sought to impede their customers' switching to a new provider by forcing the new provider to obtain a CSR—either by requiring them outright or by effectively necessitating requests for CSRs (by adding passwords or PINs not approved by the account holder)—thus giving the OSP an opportunity to engage in retention marketing. In the case of "Bright House Networks, LLC v. Verizon California, Inc.," (*Bright*

[31] AT&T refers the Commission back to its initial comments concerning the firm order confirmation. AT&T, p. 9. The issue of requiring the OSP to proactively deliver the FOC to the NSP would be greatly enhanced if carriers were electronically bonded through a GUI that provides responses in real time. The existence of a web site where carriers are free to hunt for responses would not qualify as electronic bonding in spite of the contentions of some providers.

[32] This would mean that, barring holidays, a CSR request received during normal business hours, the equivalent of 8 to 5 on the carrier's local time, the carrier would return the CSR the next day. A request received on Friday would be due on Monday. Some carriers claim a 24-hour return rate but they only count business hours. It would take three eight-hour business days to equal 24 hours.

[33] See section B. 2., PINs and Passwords, p. 12 below.

House Order), the Commission found that information provided by one carrier to another to effectuate a port of a telephone number is proprietary information from another carrier and that it cannot be used for retention marketing. Specifically, the Commission determined:

> [W]hen a Competitive Carrier, working in conjunction with one of the Complainants, submits an LSR to Verizon, Verizon receives advance notice that the Complainant (again, working in conjunction with the Competitive Carrier) will supplant Verizon as the voice service provider to a particular customer on a particular date. Complainants provide this highly sensitive information to their competitor, Verizon, *only because they must do so in order to serve their newly-won customer properly*. Specifically, Complainants have no choice but to provide this information (via a Competitive Carrier) to Verizon in order to effectuate a number port in accordance with industry processes.[34]

That same rationale applies equally to CSR requests and information from them.

Although CSRs are not technically required in order to port telephone numbers, carriers often request CSRs as a prelude to porting in order to obtain information on the potential new customer's existing service to properly serve that customer once ported over. Consequently, CSR requests are intimately linked to the porting process. And like LSRs, submission of a CSR request can alert the OSP that it may shortly be losing a particular customer. Because of this, AT&T recommends that the Commission make it clear that CSR requests are carrier proprietary information within the meaning of that term under Section 222(b) of the Act and that no service provider of any stripe is allowed to use information gleaned from a CSR request for retention marketing purposes.[35]

2. PINs and Passwords

As stated above, AT&T believes that, when it comes to number porting forms (paper or electronic), all carriers should use the same fields and those fields should mean the same thing in each case. In its *Interval and Validation Order*,[36] the Commission sought to dispel confusion and promote number porting by limiting the number of fields carriers can use in LSRs to *validate*

---

[34] *Bright House, LLC v. Verizon California, Inc.*, Memorandum Opinion and Order, 23 FCC Rcd 10704 ¶ 12 (2008), *aff'd, sub. nom* Verizon California v FCC, 555 F3d 270 (2009) (emphasis added) (*Bright House Order*).

[35] Even if the Commission were to find that CSRs are not "intimately linked to the porting process," AT&T contends that under the rationale of the *Bright House Order* a carrier cannot use information gleaned from a CSR for marketing purposes, because it constitutes "proprietary information from another carrier for purposes of providing [a] telecommunications service . . . ." 47 U.S.C. § 222(b).

[36] *Interval and Validation Order*, 22 FCC Rcd at 19540.

a port. Since the order was adopted, carriers have voiced concern that the order didn't allow sufficient exchange of information to correctly provision the port and that, in the words of Joint Commenters, "more numbers are mis-ported or not ported at all, ..."[37]

In AT&T's experience, the predominate cause for this "mis-porting" or "non-porting" is the password validation field of the LSR. LSRs are rejected by the OSP because of an incorrect or missing PIN or password, which is missing or incorrect because the customer forgot it or didn't even know it existed.

PINs and passwords are either chosen by the account holder or automatically—and in some cases, clandestinely—assigned to the customer's account by the carrier. When the account holder assigns his or her own PIN or password, the account holder is *more likely* to remember it or have it available to give to any potential NSP for porting purposes.[38] When, however, the carrier assigns the password to the account without the account holder's participation, the PIN or password both becomes a barrier to porting and an opportunity for retention marketing. This is so because the NSP will not have the password for the LSR validation field and must ask its potential new customer to retrieve it from the OSP, which will delay the process, and because the OSP may recognize the customer request as a possible port-away scenario, which will allow the OSP to engage in retention marketing.

A couple of simple and practical rules concerning the use of PINs/passwords might reduce the number of port requests thwarted by the use of this field.

First, if carriers use PINs/passwords to validate port requests, the carrier's account holder should have the option to specify his or her own PIN or password. Allowing the account holder to specify the PIN or password would greatly increase the chance that he or she would be able to provide it to the NSP in the event the account holder decided to change carriers. And the Commission should obligate carriers to use the carrier's website or its toll-free interactive voice

[37] Joint Commenters, p. 8.

[38] With the proliferation of PINs and passwords, there will be times when account holders will either not remember them or remember them incorrectly. If the account holder gives the wrong PIN/password to the NSP, the NSP will submit an invalid LSR, the LSR will reject, and the porting process will be delayed.

response (IVR) customer service line to permit customers to securely retrieve their PINs and passwords.

Second, should a carrier assign PINs/passwords to customer accounts without the knowledge or consent of the customer, that carrier must make that PIN/password conveniently available to the customer. And carrier-assigned PINs and passwords ought to be included on the CSR.

3. Miscellaneous Proposals

a. Ten-Digit Triggers

Comcast and Sprint propose mandating the use of ten-digit triggers, or the functional equivalent, to improve the porting process.[39] AT&T supports this suggestion.

A ten-digit trigger is a switch translation applied to a telephone number in a carrier's serving central office to enable seamless inbound calls to a customer pending completion of the porting activities.[40] This trigger eliminates the need to manually coordinate port activation and port disconnection from the switch. By design, wireline switches can only perform a number-porting query for an intra-switch call if the telephone number is shown as vacant in the switch translations. Therefore, if the number to be ported is still shown in the switch translations, the customer would not receive any intra-switch calls between the time of port activation and disconnection in the switch. Because the ten-digit trigger forces a number-porting query on every call to the telephone number that is going to be ported, intra-switch calls will continue to reach the called party. If the port *has not yet been activated*, no routing information will be in the LNP database and the call will route on the dialed digits and complete. If the port *has been activated*, the database will contain the new routing data and the call will route to the NSP and complete to the customer.[41]

[39] Comcast, p. 9; Sprint, p. 8.

[40] In telephone number porting, either carrier—the OSP or the NSP—can employ ten-digit triggers.

[41] As wireless switches query on every call, this is not an issue for them.

Obviously, the OSP should not disconnect service until the OSP has received an activation message from Number Portability Administration Center (NPAC). The ten-digit trigger is a tool allows completion of intra-switch calls during that interval between activation and disconnection.

b. Reciprocal Porting Intervals

CenturyLink argues that carriers ought not to have to port to "competitors" within one business day when those competitors are allowed to evade the rule.[42] In other words, if the carrier X isn't porting to carrier Y within one business day, then carrier Y shouldn't be obligated to port to carrier X in that time interval either. AT&T is sympathetic but believes this reciprocal self-help remedy isn't a workable solution. Once we are past the initial implementation period,[43] the only solution is for all covered providers—providers that are obligated to port telephone numbers—to be obligated to meet this standard on the same terms as all other providers.

c. Interconnection Agreements

Based on the Commission's ruling in the *Intermodal Porting Order*[44], Sprint argues that "if interconnection agreements are unnecessary for intermodal ports (wireline-to-wireless), then such agreements are unnecessary for intramodal ports (wireline-to-wireline)."[45] In the case of LECs, Sprint's argument doesn't make legal sense and simply goes too far.

All LECs are required by section 251(b)(2) to provide "number portability in accordance with requirements prescribed by the Commission."[46] When requested, incumbent LECs are also required to negotiate in good faith the particular terms and conditions of agreements to fulfill duties described in sections 251(b) and (c), including the duty to provide number portability.[47]

---

[42] CenturyLink, p. 4.

[43] 47 C.F.R. § 52.35(a).

[44] *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 (2003) (*Intermodal Porting Order*).

[45] Sprint, p. 13.

[46] 47 U.S.C. § 251(b)(2).

[47] 47 U.S.C. § 251(c)(1). *See Law offices of Curtis V. Trinko v. Bell Atlantic Corp.*, 305 F.3d 89 (D.C. Cir. 2002), *rev'd and remanded on other grounds* Verizon Comm. Inc. v. Trinko, 540 U.S. 398 (2004) (*Trinko*) ("[S]ection 251 defines duties between telecommunications carriers. It is clear that the duties enumerated in section 251 regulate the

Among other things, this interconnection-agreement mechanism guarantees the parties their right to negotiate and enter into a binding agreement "without regard to the standards set forth in subsections (b) and (c) of section 251."[48] What's more, it provides a means of resolving disputes concerning those terms and conditions[49] and allows public scrutiny of any such agreements.[50]

With respect to LECs then, the Commission cannot simply abrogate these statutory rights and obligations or the congressional scheme that underlies them. Moreover, the mere requirement to negotiate and enter into interconnection agreements has no real impact on the speed with which numbers are ported among carriers. But, by means of interconnection agreements themselves, the contracting LECs can agree to processes that will facilitate porting (*e.g.*, electronic bonding). There are simply no grounds for any blanket prohibition against LEC-to-LEC interconnection agreements as a prerequisite to number porting.

d. Priority of Port Requests

In its Comments, Vonage argues that the Commission "should require that a carrier that receives a port request automatically cancel all other pending orders on the customers (sic) account (*e.g.*, service plan changes, feature changes, disconnection, etc.) and complete the port."[51] Vonage contends that porting is being delayed in favor of fulfilling customer orders—

---

relationships between telecommunications carriers, especially those that are seeking to enter the market for local phone service, ... In fact, the Committee Report notes that section 251 'imposes a general duty to interconnect directly or indirectly *between all telecommunications carriers. ...' H.R. Conf. Rep. 104-458, 1996 WL 46795,* at 121 (1996) (emphasis added).")

[48] 47 U.S.C. § 252(a)(1). *See Trinko*, 305 F.3d at 103 ("Such interconnection agreements do not necessarily reiterate the duties enumerated in section 251. Instead, the ILEC and requesting carrier have the option of contracting around the obligations set forth in subsections (b) and (c) of section 251. Section 252(a)(1) of the Telecommunications Act provides: **'**upon receiving a request for interconnection, services, or network elements pursuant to section 251 of this title, an incumbent local exchange carrier may negotiate and enter into a binding agreement with the requesting telecommunications carrier or carriers *without regard to the standards set forth in subsections (b) and (c) of section 251....' 47 U.S.C. § 252* (a)(1) (emphasis added).").

[49] 47 U.S.C. § 252(b).

[50] 47 U.S.C. § 252(h).

[51] Vonage, p. 4.

firm order commitments are being denied and ports are delayed while the OSP "clears the customer's outstanding orders."[52]

Vonage's regulatory proposal is overkill and will in all likelihood lead to bad customer experiences, because it would impose a blanket rule that might frustrate legitimate customer intent. The Commission shouldn't adopt a rule that automatically gives priority to one type of service order over another. The Commission cannot know *a priori* what the customer has in mind and why he or she might have submitted orders in the sequence he or she did.

The better rule is to use simple common sense. When the customer hasn't otherwise explained what his or her preference is, then a carrier should fulfill orders on a "first come, first serve basis"; *i.e.*, they are filled in chronological order. Trying to direct by regulation how these customer-generated orders will be handled before or after receipt of a port request will result in frustrating customers and will lead to a bad customer experience. Vonage's request should be rejected.

e. Removing Customer Account Features

Vonage also proposes that the Commission "should require carriers to accommodate the latest directive from the customer and cancel any supplemental 'features' that would otherwise prevent a carrier from completing a customer port request."[53] AT&T is not quite sure what Vonage is really asking for. This proposal ought to be rejected for vagueness alone.

If, as it appears, Vonage is concerned that a customer might request the addition of certain features that would change what would have otherwise been a simple port into a complex port, Vonage has not made the case that the Commission should order carriers to ignore the direct requests of their customers. The Commission should not adopt a blanket restriction that bars carriers from following the directions they receive from their customers. Such blanket

---

[52] *Id.* Vonage offers no evidence of this problem and does not attempt to quantify it. There is no way to tell whether the alleged problem occurs frequently or rarely.

[53] Vonage, p. 5.

restrictions will end up frustrating the intentions of AT&T's customers and giving them a bad experience.

f. Re-activating Telephone Numbers

Vonage seeks to have the Commission "require carriers to 'reactive' telephone numbers and issue an FOC date for those telephone numbers where a customer had previously directly requested disconnection from the service provider."[54] Vonage claims that, *in its experience*, ten percent of port requests "fall out" as a result of customers having disconnected before Vonage submits its port request. This anecdotal information doesn't support the imposition of a broad rule that would impose unnecessary and excessive costs and burdensome processes on other carriers. Insofar as Vonage sees this as a problem, the first line of defense would seem to be for Vonage to provide its sales representatives with good methods and procedures allowing them to properly instruct potential customers on the change-of-carrier-and-porting process. Otherwise, when and if this situation arises, most OSPs find a way to accommodate both the NSP and the customer on a case-by-case basis.[55] The Commission should reject Vonage's attempt to impose costly solutions to its perceived problem on its competitors.

g. Elimination of Account Numbers

Finally, Vonage recommends that the Commission "eliminate or replace 'account number' as a validation field for simple ports."[56] First, the Commission allows the use of only four LSR fields for port validation.[57] When the account number differs from the customer's telephone number, the comparison of these two LSR fields can provide excellent validation that there hasn't been an inputting error—*i.e.*, transposing telephone number digits—that might lead to porting the wrong telephone number. Second, these account numbers are almost universally

---

[54] Vonage, pp. 5-6.

[55] Not all disconnects that result in a rejected LSR from the OSP are the result of a customer's having ordered disconnection in anticipation of a carrier change. So some percentage of Vonage's alleged ten percent rejection rate may have nothing to do with the customer's pulling the disconnect trigger prematurely.

[56] Vonage, p. 8.

[57] *Interval and Validation Order*, 22 FCC Rcd at 19540.

accessible to customers with ease. They are on the customer's bills and usually on notices to the customer. Without them, communications between customer and service provider would be impossible.[58] As such, it is difficult to see how the inclusion of account number as an approved validation field imposes burdens on the customer or the NSP. In short, Vonage seems to be asking for a solution to a problem that does not exist.

The Commission chose the bare minimum number of fields for validation. Removing one of these fields could lead either to delays in porting or porting the wrong number. Carriers ought to be able to rely on their own experience when determining which of the four validation fields they will need to guarantee that the port requests matches up with the customer. Vonage has not made the case that the Commission should reconsider the account number validation field and, therefore, this proposal should be rejected.

Respectfully submitted,

Paul K. Mancini
Gary L. Phillips
Christopher M. Heimann
William A. Brown

AT&T Services, Inc.
1120 20th Street, N.W.
Suite 1000
Washington, D.C. 20036
(202) 457-3007 (telephone)
(202) 457-3073 (fax)
William.Aubrey.Brown@att.com

August 31, 2009

[58] Vonage's claim that the trend in the industry is "towards limited customer interaction with their account number" is wholly unsubstantiated. More often than not, for telecommunications providers the account number and the telephone number are synonymous. And when it is not, it is still on provider-to-customer communications, including bills. Typically, carriers give customers e-mail notice of when online bills are published and a hyperlink to the bill. Customers are not estranged from their bills and are capable of finding non-telephone number based account numbers with ease.

CERTIFICATE OF SERVICE

I, Lacretia Hill, do hereby certify that on this 31st day of August 2009, a copy of the foregoing "AT&T Reply Comments" was served via electronic mail or U.S. mail to the parties below.

/s/ Lacretia Hill

Carl W. Northrop
Paul, Hastings, Janofsky & Walker LLP
Attorneys for Metro PCS Communications
875 15th Street NW
Washington, D.C. 20005

Indra Sehev Chalk
Attorney for T-Mobile USA, 401 9th Street NW
Washington, D.C. 20004

Katherine Marie Krause
Attorney for Qwest Corporation
604 14th Street NW Suite 950
Washington, Dc 20005

John E. Benedict
Attorney for CenturyLink
701 Pennsylvania Ave NW
Suite 820
Washington, D.C. 20004

William B. Wilhelm
Jeffrey R. Strenkowski
Bingham McCutchen LLP
Attorneys for Vonage Holdings Corporation
2020 K Street, NW
Washington, D.C. 20006

Karen Zacharia
Mark J. Montano
Attorneys for Verizon
1320 N. Courthouse Road
9th Floor
Arlington, VA 22201-2909

Deirdre Cheek
Attorney for Alliance for Telecommunications Industry Solutions
1200 G Street NW
Suite 500
Washington, DC 20005

Shana Knutson
Staff Attorney
Nebraska Public Service Commission
300 The Atrium Building
1200 N Street
Lincoln, NE 68508

Kathryn A. Zachem
Attorney for Comcast Corporation
2001 Pennsylvania Ave NW Suite 500
Washington, DC 20006

Thomas Jones
Wilkie Farr and Gallagher LLP
Attorney for One Communications,
Integra and Cbeyond
1875 K Street NW
Washington, DC 20006

Charles W. McKee
Scott Freiermuth
Attorneys for Sprint Nextel
Corporation
2001 Edmund Halley Drive
Reston, VA 20191

Teresa K. Gaugler
Attorney for XO Communications
13865 Sunrise Valley Drive
Herndon, Virginia 20171