Before the
Federal Communications Commission
Washington, DC 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 COX COMMUNICATIONS, INC.

Cox Communications, Inc. ("Cox"), by its attorneys, hereby submits these reply comments in the above-referenced proceeding.[1]

I. Introduction

As one of the most successful competitive providers of facilities-based telephone services in the country, Cox strongly supports the Commission's efforts to make the number porting and carrier-change process simpler and faster. Today's telephone consumers expect competitors to provide superior service on demand, and they are easily frustrated by delay. The Commission's adoption of a one-day porting interval for simple ports is a welcome acknowledgment of customer expectations.

In Cox's experience, however, carriers too often appear to be seeking to frustrate their customers' efforts to change carriers by delaying ports. Carriers' efforts to do so are abetted by the lack of clear rules governing the intercarrier information transfers necessary to complete port requests. The technology exists to complete simple ports in one day and to expand the types of ports that are considered simple. What carriers need is a streamlined and standardized process

[1] *See* Report and Order and Further Notice of Proposed Rulemaking, *Local Number Portability Porting Interval and Validation Requirements; Telephone Number Portability,* WC Docket No. 07-244, CC Docket No. 95-116, FCC 09-41 (rel. May 13, 2009), 74 Fed. Reg. 31,667 (July 2, 2009) (the "*Further Notice*").

for exchanging information necessary for processing port requests without delay and without using the request itself as an excuse to engage in customer retention efforts. Industry standards groups are working on standardizing procedures and best practices for this process, but those standards are no substitute for Commission rules backed by the possibility of enforcement.

As described further below, the Commission should adopt rules establishing the form and content of information provided by carriers when a customer seeks to change carriers and port its telephone number. The Commission also should clarify that once the information transfer has begun, carriers may not direct retention marketing at the soon-to-be-former customer. With these regulatory safeguards in place, the Commission also can expand the definition of simple ports to include residential customers receiving resale and service with CLASS features, as well as commercial customers that use five or fewer POTS lines without connection to a digital circuit.

II. Standardized Forms and Streamlined Procedures for Intercarrier Exchange of Porting Information Are Necessary to Ensure Compliance with the One-Day Porting Interval.

The number porting and carrier change process typically requires two main intercarrier exchanges of information. When a customer agrees to switch its service and port a number to a competitor of its old service provider ("OSP"), the new service provider ("NSP") typically makes a request to the OSP to furnish information about the customer through a customer service record ("CSR"). Carriers then use that information, along with other information obtained from the customer, to complete a local service request ("LSR"). Submission of the LSR to the OSP commences the porting process.

Today, the form and content of CSRs and LSRs differ from carrier to carrier, and there are few Commission rules that specify content or performance requirements for these important information exchanges. The result is that each incumbent and competitive carrier has its own

forms and processes and those differ from carrier to carrier. Cox, for example, must accommodate dozens of different CSR and LSR forms employed by the many carriers it works with. This means that Cox employees must remember what information and the specific format each carrier requires to complete the porting process. In fact, some carriers have rejected LSR forms from Cox that contained all the substantive information the carrier required merely because they did not have the OSP's logo. The lack of uniformity in the forms and rationality in the procedures governing the porting information exchanges inevitably leads to delays as carriers reject port requests that do not conform to their specific requirements. Without uniformity in the porting process, Cox doubts that most carriers will be able to comply consistently with the one-day porting interval or move towards a shorter interval in the future. To make the one-day porting a reality, uniform CSR and LSR forms and procedures are a basic necessity.

The uniformity necessary to accomplish expedited porting should be required specifically by the Commission's rules. As the comments disclose, some carriers have exploited the lack of clear rules to interfere with their customers' attempts to switch carriers.[2] Cox has had the same experience. For example, Cox competes with a carrier that has assigned customer passcodes without the customers' knowledge and then required Cox to provide passcodes before it would process CSR requests or LSRs.[3] Since the customers are not aware of their passcodes, they cannot provide their codes to Cox.[4] Another carrier requires Cox to provide a customer's PIN

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[2] *See, e.g.*, Comcast Comments at 5-7, 10-11; CenturyLink Comments at 5-6; Nebraska Public Service Commission Comments at 3-4.

[3] *See* Comcast Comments at 6-7; Nebraska Public Service Commission Comments at 4-6.

[4] That same carrier considers any perceived deficiency in a CSR request or LSR as a "fatal error," and its policy is that as soon as it finds one such problem, it ceases reviewing the request and rejects it. When the form is resubmitted, the carrier begins its review anew, and if the form contains a second error, it will reject it again. Such a policy can be understood only as an effort to delay porting out the customer for as long as possible. As XO notes, the Commission has recognized that carriers delay the porting process when they fail to identify all recognizable errors in their first review. XO Comments at 5 (citing Telephone Number Requirements for IP-Enabled Services Providers; Local Number Portability Porting

number and password before it will process a CSR or LSR, and a third requires PIN, password, and the last four digits of the customer's social security number.[5] In Cox's experience many customers of these carriers cannot provide their PINs or passwords and these codes appear in many cases to be assigned without the customers' knowledge. In the absence of Commission rules, Cox has no doubt these and similar practices will continue.

Given the challenges posed by non-uniformity and some carriers' active interference with the porting process, the only way to ensure that carriers will fulfill requests for CSRs and process LSRs quickly and efficiently is to adopt rules that standardize these documents and govern their handling.[6] The governing principle of these forms and procedures should be that they be as simple as possible while providing necessary safeguards against improper disclosure of customer account information. CSRs, which typically are predicates to LSRs, should be standardized and the Commission should adopt a specific requirement that they be provided free of charge to requesting carriers. The CSR should contain the following fields:

(1) billing party name;
(2) billing address;
(3) preferred carrier freeze information;
(4) customer account number and any PIN or passcode associated with the customer account;

Interval and Validation Requirements; IP-Enabled Services; Telephone Number Portability; Numbering Resource Optimization, *Report and Order, Declaratory Ruling, Order on Remand, and Notice of Proposed Rulemaking*, 22 FCC Rcd 19531, 19560-61, ¶ 57 (2007) ("*VoIP LNP Order*")). While the Commission recognized that it is difficult for a carrier to identify every error in a port request upon first review, it should not permit carriers to execute a policy whereby they reject CSR requests or LSRs upon identifying a single error and conduct no further review until the form is resubmitted.

[5] Even assuming it would be permissible to require any of this information for CSR access, these requirements violate the Commission's current rules governing portability, which permit carriers to require passcodes, but not both PINs and passcodes, and do not permit carriers to require social security numbers or any parts of those numbers before porting customer numbers. *See VoIP LNP Order*, 22 FCC Rcd at 19556-57 ¶¶ 45-49. The willingness of some carriers to flout the current rules underscores the importance of the Commission's adoption of clear, specific rules governing the information required for porting.

[6] *See* Nebraska Public Service Commission Comments at 7.

(5) all telephone numbers associated with the account; and
(6) service type (residential or commercial).

The Commission also should mandate that CSRs be returned to requesting carriers within a specified time period. Cox agrees that a two to four-hour period for returning a CSR request for a simple port is reasonable and should be adopted by the Commission.[7] That requirement already is imposed on incumbent LECs, though competitors like Cox are not required to meet that standard. Although the two-to-four-hour interval would put an additional burden on Cox, accepting that burden is necessary to achieving the one-day porting interval. Any longer delay in the return of a CSR likely will delay completion and submission of an LSR and commencement of the port, which would make the one-day port interval impossible to meet.

The form and processing standards for each carrier's LSR also should be standardized and the forms provided to requesting carriers at no cost. Carriers should not be permitted to delay their customers' departures by adding extraneous fields to their LSRs that make processing of a port request more difficult for the NSP. For simple ports, the LSR should be permitted to contain fields for only the following information:

(1) the customer account number;
(2) billing zip code;
(3) account telephone number;
(4) pin number or passcode (if applicable);
(5) expected completion date;
(6) purchase order number;
(7) the customer's version number of the LSR;
(8) any supplemental information;[8] and
(9) new service provider ID.

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[7] *See* Verizon Comments at 4-5.

[8] The LSR form should include (1) a check box to indicate that a submission is supplemental to a previously submitted LSR; (2) a field for the entry of a code that corresponds to the reason for the supplement (i.e. 1=Cancel; 2=New Due Date; and 3=Other); and (3) a comment field that permits an explanation of the reason for the supplemental LSR.

These nine fields are significantly fewer than the 20-plus fields that have been advocated by several ILECs; and four of the fields already are required by the FCC for validation purposes, namely, (1) the account telephone number; (2) customer account number; (3) billing zip code; and passcode (if applicable). The other proposed fields for the form are necessary to quickly and accurately effectuate the port request.

For complex ports, the form should contain all the fields required by the simple port form, as well as:

(1) end user name;
(2) end user address;
(3) old service provider ID;
(4) billing name;
(5) billing address;
(6) all account telephone numbers;
(7) Customer Carrier Name Abbreviation/company name;
(8) comments field; and
(9) new provider contact information.

These fields provide the information necessary to rapidly complete a port request while providing sufficient information to allow the current carrier to confirm that the port request is for the correct customer.[9] Commission action to standardize the CSR and LSR forms in this manner will make it much more likely that full-scale compliance with the Commission's one-day porting interval will be achieved.

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[9] In this context, it is important to note that the purpose of the information provided to porting-out carriers is to ensure that the right customer is being ported. Implementation of the Subscriber Change Selection Changes Provision of the Telecommunications Act of 1996, Policies and Rules Concerning Unauthorized Changes of Consumers' Long Distance Carriers, *Second Report and Order and Further Notice of Proposed Rulemaking,* 14 FCC Rcd 1508, 1567-1569 ¶¶ 97-101 (1998) ("*LNP Second Report and Order*"). Porting-out carriers are prohibited under the Commission's carrier-change rules from requiring any information that is intended to verify that the customer has agreed to switch carriers. *See* 47 C.F.R. § 64.1120(a)(2).

Cox disagrees with the commenters that argue private industry standards will be sufficient to standardize the porting process.[10] Cox recognizes and supports the efforts of the ATIS Ordering and Billing Forum and the LNPA Working Group to develop industry standards and best practices for the intercarrier information exchange necessary to complete port requests. But industry standards do not have the force of Commission rules. Since the Commission is serious about shortening the porting interval, it should give carriers the tools necessary to accomplish that goal. Standardized porting forms and procedures, backed by the possibility of Commission enforcement, are the best ways to ensure that carriers will be able to complete service provider changes consistent with the Commission's new rules.[11]

III. The Commission Should Clarify That Intercarrier Requests for Information Necessary to Complete Ports Cannot Be Used for Customer Retention Activities.

The Commission's rules currently prohibit carriers from using information gained during the carrier change and number porting process to conduct retention marketing activities.[12] Nonetheless, in some cases Cox has seen that its request for a CSR in preparation for submitting an LSR has prompted competing carriers to commence retention efforts. Because all carriers recognize that a CSR request normally will be followed by an LSR and request to port the customer's number to an NSP, Cox believes that engaging in retention marketing upon receipt of a CSR request violates Commission guidance and precedent. Cox nevertheless encourages the Commission to state explicitly that OSPs may not conduct retention marketing based on a CSR request because doing so would eviscerate the limitation on conducting retention marketing

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10 *See* Qwest Comments at 2-3.

11 If the Commission decides not to adopt its own CSR and LSR forms at this time, Cox suggests that the Commission formally require NANC to provide a recommendation to the Commission on whether the industry standards developed by the OBF should be adopted by all providers. *See* Verizon Comments at 4; XO Comments at 7; GVNW Reply Comments at 2; T-Mobile Comments at 3-4; AT&T Comments at 7-8; One Communications Comments at 2, 8-9.

12 *LNP Second Report and Order,* 14 FCC Rcd at 1568 (1998) (footnote omitted).

based on receipt of an LSR. Further, the Commission should clarify that carriers are not permitted to use requests from other carriers for CSRs as a basis for conducting such marketing campaigns.

As the Commission has recognized, when a customer decides to switch service providers, the decision can be effectuated only through communications and information exchanges between the NSP and the customer's OSP.[13] The fact that a customer has chosen the NSP's service is proprietary information to both the customer and the NSP.[14] Permitting the OSP to use that information to conduct retention marketing would be anticompetitive because it would give OSPs an unfair advantage over NSPs and would allow OSPs to misuse proprietary information in potential violation of Section 222 of the Act. Consequently, the Commission prohibited OSPs from using the receipt of an LSR as a basis for contacting its customer to try to stop it customer from leaving. The OSP is not impaired, because if it learns that its customer is departing through an independent communication with the customer, its retention marketing efforts are not restricted.

The Commission should affirm what Cox believes is already clear; i.e., that the same analysis precludes OSPs from using receipt of a request for a CSR as a basis for conducting retention marketing. Like the LSR, the CSR is an intercarrier communication that occurs only because a customer is considering leaving its OSP and because the NSP needs information that is uniquely in the OSP's possession. The communication from the NSP to the OSP itself transmits proprietary information that the OSP is not permitted to use for its own purposes. An efficient porting process requires that NSPs be able to submit CSR requests to other carriers without

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13 *See id.*

14 Telecommunications Carriers' Use of Customer Proprietary Network Information and Other Customer Information, *Order on Reconsideration and Petitions for Forbearance,* 14 FCC Rcd 14409, 14449-50 (1998).

concern that doing so will be used as a tip-off for OSPs to make special efforts to retain customers that have decided to switch service.

IV. The Commission Should Narrow the Categories of Service and Customers That Are Exempt from the One-Day Porting Requirement.

Cox agrees with several of the commenters that argue the Commission should reduce the number and types of ports that are classified as complex and therefore exempt from the one-day interval. Both the technological and competitive landscape have changed since the definitions of simple and complex ports were adopted, and the Commission should change its rules to reflect those developments.

In particular, there is no justification for exempting resale services that otherwise qualify as simple ports from the one-day porting interval.[15] Porting numbers to or from a reseller poses no special technical challenges that warrant such an exemption. Even if the Commission does not reclassify resale carrier changes as simple ports, it should clarify that ports from interconnected voice over IP services will not be treated as complex ports, even if they acquire telephone numbers from other carriers.[16] The Commission expressly applied its one-day porting interval to interconnected voice over IP providers in its *May 2009 Order*, and the Commission should not retreat from that decision regardless of whether resale ports are considered simple or complex.

Likewise, the Commission should remove any exemption from the simple port definition that currently applies to residential access lines merely because they have CLASS features.[17] The presence of CLASS features does not result in a complex switch translation. Telephone

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[15] *See* Verizon Comments at 2; T-Mobile Comments at 5; Qwest Comments at 4; Vonage Comments at 11-12; AT&T Comments at 5-6.

[16] *See* T-Mobile Comments at 5.

[17] *See id.* at 5-6.

numbers associated with accounts receiving CLASS features should be considered simple ports provided that they otherwise meet that definition.

Finally, the Commission should adjust the number of individual customer lines that can be included in a simple port. For residential customers, Cox agrees with Comcast that a port should be classified as simple regardless of how many lines are assigned to the account.[18] Because residential customers are not attached to high capacity digital circuits (e.g., IDSN, ANI, DID, CTX, etc.) and rarely have more than a few lines assigned to them, transitioning to new service providers rarely, if ever, involves the type of complex switch translations that justify a longer porting interval. Business customers, however, present different challenges because many of them have large numbers of lines and are connected to digital circuits. Ports of business customers should be classified as simple only when they involve five lines or less and when they do not utilize digital circuits. Otherwise, such ports should continue to be considered complex.

V. Conclusion

In today's mobile world, customer demand swift, efficient execution of number porting requests and competition will prosper only if these demands are met. Cox therefore urges the Commission to adopt the pro-competitive standards and policies advanced herein.

Respectfully submitted,

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[18] *See* Comcast Comments at 5-6.