

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 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 QWEST CORPORATION**

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## SUMMARY

A number of commentators raise ideas that would further the Commission's objectives to improve current local number portability practices, and in so doing promote efficiency, ease of use, and the public interest. Surely the elimination or limitation of passcodes as a validation criteria would speed up the processing of porting requests by those carriers currently demanding such information. Additionally, requiring that Firm Order Confirmations be *transmitted* (as opposed to posted on websites) as the current rules require would promote efficiency and allocate responsibilities associated with the exchange of porting information in line with Commission and industry expectations.

On the other hand, commentators make proposals that are clearly not aligned with the Commission's objectives. Those proposals seek to shift costs and burdens from New Service Providers (those winning the customer) to Old Service Providers (those losing the customer) without acknowledging that such shift would occur. Thus, one commentator proposes shifting the burden of disconnections "in error" from the New Service Provider to the Old one, proposing that Old Service Providers undertake a number of new tasks to facilitate the port outs to the New Service Provider. Similarly, another provider advocates shifting the burden of determining service activations from the New Service Provider to the Old one. Other commentators seek the imposition of unreasonable porting interval schedules without any cost/benefit analysis. Such proposals are not competitively equitable. And it is inconceivable that such proposals would serve the public interest. Accordingly, the Commission should reject them.

Below Qwest provides further information on its support and opposition of commenting providers and its reasons for its positions.

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**REPLY COMMENTS OF QWEST CORPORATION**

**I. QWEST SUPPORTS THOSE WHO ADVOCATE AGAINST THE NECESSITY FOR PASSCODES AS A PORTING ELEMENT GENERALLY, AND FOR THE AFFIRMATIVE RETURN AND TRANSMITTAL OF A FIRM ORDER CONFIRMATION.**

**A. Passcodes Should Not Be Routinely Required As A Porting Field/Element.**

In 2007, the Federal Communications Commission (“Commission”) determined that carriers could ask for passcodes *if applicable* as one of the four validation elements associated with executing a porting request.<sup>1</sup> As comments to the *Further Notice* demonstrate,<sup>2</sup> some carriers have taken this to the extreme, routinely requiring carrier-initiated passcodes prior to executing a port-out request. These carriers add delay to, and generate customer frustration with,

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<sup>1</sup> See *In the Matter of Telephone Number Requirements for IP-Enabled Services Providers; Local Number Portability Porting Interval and Validation Requirements; IP-Enabled Services; Telephone Number Portability; CTIA Petition 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) (“*VoIP LNP Porting Order*” and “*2007 LNP NPRM*”), *aff’d sub nom. National Telecomms. Cooperative Ass’n v. FCC*, 563 F.3d 536 (D.C. Cir. Apr. 28, 2009).

<sup>2</sup> *In the Matter of Local Number Portability Porting Interval and Validation Requirements, Telephone Number Portability*, Report and Order and Further Notice of Proposed Rulemaking, 24 FCC Rcd 6084, 6095 ¶ 19 (2009) (“*2009 Porting Interval Order*” or “*Further Notice*” as dictated by the text).

the local number portability (“LNP”) porting process. Moreover, their demands operate anti-competitively.

As the Nebraska Public Service Commission (“NPSC”) and others note,<sup>3</sup> some carriers require that carriers seeking to port in a number populate a passcode field with a code generated by the existing service provider -- not the customer. These passcodes are generally the result of carrier activity undertaken in the context of their implementation of the Commission’s Customer Proprietary Network Information (“CPNI”) online access rules.<sup>4</sup> Carriers that require the submission of carrier-generated passcodes to process Local Service Requests (“LSR”) act unreasonably and cause anti-competitive impacts.<sup>5</sup> Accordingly, the Commission should order the practice stopped.

A close reading of the Commission’s *2007 CPNI Order* demonstrates that the Commission anticipated that any carrier-generated passcode created in the context of online access to CPNI would eventually be converted into a customer-chosen password,<sup>6</sup> theoretically something the customer would generally know and could easily provide. Extending this logic to

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<sup>3</sup> NPSC at 4-5; Comcast Corporation (“Comcast”) at 2, 6-8; Sprint Nextel Corporation (“Sprint”) at 13-14. *Compare* Vonage Holdings Corporation (“Vonage”) at i, 9-11.

<sup>4</sup> *In the Matter of Implementation of the Telecommunications Act of 1996: Telecommunications Carriers’ Use of Customer Proprietary Network Information and Other Customer Information; IP-Enable Services*, Report and Order and Further Notice of Proposed Rulemaking, 22 FCC Rcd 6927, 6937-38 n.57 (2007) (“*2007 CPNI Order*”), *aff’d sub nom. Nat’l. Cable & Telecom. Assoc. v. FCC*, 555 F.3d 996 (D.C. Cir 2009) (“[c]arriers could supply the PIN to the customer by a carrier-originated voicemail or text message to the telephone number of record, **or by sending it to an address of record** so as to reasonably ensure that it is delivered to the intended party[.]”) (emphasis added).

<sup>5</sup> NPSC at 5.

<sup>6</sup> *2007 CPNI Order*, 22 FCC Rcd at 6937-38 n.57 (“A PIN authentication method could entail a carrier supplying the customer with a randomly-generated PIN, not based on readily available biographical information, or account information, *which the customer would then provide to the carrier prior to establishing a password.*”) (emphasis added).

the porting context suggests that a carrier can only require a passcode on an LSR *if* the passcode was generated by the customer, *i.e.*, “if applicable.”

A review of the record leading up to the Commission’s *Field Validation Order*<sup>7</sup> shows that the phrase “passcodes (if applicable)” is used often. There is limited explanation, however, about when requiring such a passcode would be “applicable.”<sup>8</sup> But, an earlier Report and Order, which is referenced in the *Field Validation Order*, provides some insight as to what the phrase means: “We note that the Petitioners propose relying on a customer’s password as a possible validation field. Theoretically, customers could choose a word for use as their password.”<sup>9</sup> While this quote is in the context of whether passcodes on LSRs should be numbers or words, it reflects the Commission’s expectation that passcodes would be customer-initiated.

This issue of demanding passcodes in a porting context has recently been raised within industry forums. Qwest raised the matter within the Local Number Portability Working Group (“LNPA-WG”) as an Issue.<sup>10</sup> The Issue has been accepted for consideration and converted to a proposed Best Practices document. That Best Practices proposes that a passcode not be required as an LSR validation field at all on the theory that such information is unnecessary where the submitting service provider has a customer Letter or Proof of Authorization. Service Providers are likely to vote on the matter in September and Qwest expects that the Practice will be adopted by consensus.<sup>11</sup>

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<sup>7</sup> *In the Matters of Local Number Portability Porting Interval and Validation Requirements; Telephone Number Portability*, 24 FCC Rcd 6084 (2009) (“*Field Validation Order*”).

<sup>8</sup> *Id.* at 6089-90 ¶ 8 and n.32.

<sup>9</sup> *VoIP LNP Porting Order*, 22 FCC Rcd at 19558 n.167 (emphasis added).

<sup>10</sup> Vonage at 10 (quoting from the proposed Best Practices document).

<sup>11</sup> Qwest questions whether there is any need at all for passcodes as a validation element, even if customer-initiated, given the verification requirements of the Commission’s carrier-change rules. *And see* NPSC at 6-7. We would be quite satisfied if the Commission removed this element.

Still, in addition to the Best Practices document, the industry would benefit from Commission clarification on this matter. Accordingly, the Commission should re-iterate that the only passwords that might be “applicable” in the porting context, in terms of validation of the subscriber, are those passcodes established by customers themselves; *not* passcodes “imposed” on the customers by carriers.

**B. “Posting” FOCs Is Not Compliant With Current Commission Rules.**

AT&T Inc. (“AT&T”) points to a problem that is adding delay to the porting process and should be corrected. Some carriers are posting FOCs on their webpages, rather than returning or transmitting them to the New Service Provider porting in the number.<sup>12</sup> This contravenes industry best practices (which AT&T points out) and violates existing rules.

The wireline-to-wireline porting rules incorporate most of an August, 1997 NANC LNPA-WG Report and its appendices.<sup>13</sup> Those Report/Appendices require that a FOC be “*returned* within 24 hours[;]” and make clear that “[i]t is the responsibility of the Old Service Provider to contact the New Service Provider if the Old Service Provider is unable to meet the 24 hour expectation *for transmitting* the FOC.”<sup>14</sup> The Commission has since construed this language to mean that “the old service provider sends” something to the New Service Provider.<sup>15</sup>

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However, the Commission might determine that it cannot do so at this time; and a clarification may render the matter sufficiently manageable that no further action would be required on the matter in the future.

<sup>12</sup> AT&T at 8-9. Qwest is also encountering this problem.

<sup>13</sup> See 47 C.F.R. § 52.26(a), (c).

<sup>14</sup> Letter from Alan C. Hasselwander, NANC to Reed Hundt, FCC, CC Docket No. 95-116 (May 1, 1997), and attached thereto, NANC LNPA Technical & Operational Requirements Task Force Report (Apr. 25, 1997), Appendix B at Page 2, Step 7 (emphasis added).

<sup>15</sup> *And see In the Matter of 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, 23717 n.129 (2003) (“FOC . . . refers to the response the old service provider *sends* to the new service provider upon receiving the new service

Thus, the current rules require that carriers *transmit* FOCs to each other. The Commission should clarify that “posting” is not sending and require all carriers to conform to existing rules.

## **II. QWEST OPPOSES THOSE PROPOSALS SEEKING FUNDAMENTAL CHANGES TO EXISTING PORTING PRACTICES AND UNWARRANTED COST SHIFTING FROM NEW SERVICE PROVIDERS TO OLD SERVICE PROVIDERS.**

Below Qwest describes positions taken by commenting parties that, without any express analysis, seek to shift costs from themselves – the New Service Providers – to the Old Service Providers. The New Service Providers (those *winning* the customer) want the Commission to endorse proposals that would result in Old Service Providers (those *losing* the customer) subsidizing the New Providers’ operations while recovering the costs from the Old Providers’ customers. Such proposal is facially not competitively equitable. And it is inconceivable that such proposals would or serve the public interest. Accordingly, the Commission should reject them.

### **A. Carriers Should Not Be Required To Change Porting Systems To Accommodate Port Orders Submitted Where There Is A Pending Disconnection; Nor To Snap-Back Into Assigned And Working Status Already Disconnected Numbers.**

Vonage argues for radical changes in procedures when a port order errors out due to some kind of disconnection activity. Its advocacy takes two forms: (1) it argues that an

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provider’s request to port a number[.] . . . See Local Number Portability Selection Working Group Final Report and Recommendation to the FCC (rel. April 25, 1997).” (emphasis added). In the current version 3 of these industry process flows, in the statement of Step 9 (which is the comparable statement to Step 7 in the 1997 version), the text says: “9. ONSP *sends* FOC to NNSP” and a new bullet has been added that says “ONSP *sends* the . . . (FOC, local response) to the NNSP for the porting LSR/SPSR[]” (emphasis added). *Ex parte* from Thomas M. Koutsky, NANC to Julie Veach, FCC, WC Docket No. 07-244, CC Docket No. 95-116, *et al.* (May 21, 2008), and attached thereto, Inter-Service Provider LNP Operations Flows – Narratives at Page 7 of 35. Qwest expects that this revised language will be included in the process flow submission that the NANC will be submitting to the Commission pursuant to the requirements of the 2009 Porting Interval Order, 24 FCC Rcd at 6090 ¶ 10.

incoming port order should trump a previously-issued disconnection order, and (2) that a disconnected number should be able to be reactivated for porting for up to seven days after a disconnection.<sup>16</sup> Vonage fails to provide any cost/benefit analysis to support its proposals. But it is obvious that the costs would be quite high while the benefit would run to but a very tiny percentage of port requests, *i.e.*, those involving disconnection activity. It seems obvious that the costs of implementing Vonage's proposals would far outweigh any public benefit and the Commission should reject them.

Porting Systems. Today, carriers' porting systems are designed to accommodate ordinary porting situations not extraordinary ones. In aid of the former situation, porting systems are highly automated, at least for most mid-to-large sized carriers. This limits the manual involvement of both Service Providers in the porting process. On the other hand, service disconnections generally involve the issuance of a service order by the Old Service Provider and require the involvement of a human being. So too do requests for service initiation, by which a number becomes associated with a working loop.

What Vonage proposes is that Old Service Providers' systems be redesigned to accommodate a "last-in-time" order processing regime that would reconcile seeming conflicts in the orders being generated by different carriers. This would be tremendously expensive and would not align with the then-serving carrier's direct communication with its customer.

Today, at least in Qwest's systems, a pending disconnection order *requested by Qwest's then customer* will take precedence over a requested port order from a *potential* New Service Provider. This is appropriate since, until the disconnection occurs, the customer is still a customer of Qwest and it should act in line with its customers directions (even if they are acting

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<sup>16</sup> Vonage at 3, 4, 5-6.

in error). Moreover, any harm that might be created by the current practices is not long-standing. As Vonage observes, for the most part, at some point the number will be ported.<sup>17</sup>

Re-activation of Disconnected Numbers. The same logic that defeats the Vonage proposal regarding pending disconnections defeats its advocacy to have disconnected numbers available for re-activation for up to seven days after the disconnection *in case* a customer might want to port his number. Not only is the class Vonage seeks to accommodate small, but it seeks its accommodation at great expense to the Old Service Providers.

Once a number has been disconnected, it is no longer in the Old Service Provider's porting systems or its systems involved with working service. Rather, the number moves into the Provider's inventory where it will age.<sup>18</sup> A service order, *i.e.*, a "new connect" order, would be required to pull the now-unassigned number<sup>19</sup> from inventory and reassign it.

Before a service order issues, the Old Service Provider would need to talk with the prior customer to outline the scope of the new connection which, under Vonage's scenario, would be but a short period of time. In due course, that service order would generate working service on

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<sup>17</sup> Vonage at 4.

<sup>18</sup> As a general matter, Qwest's numbers age about 90 days for residential numbers and one year for businesses.

<sup>19</sup> Vonage's arguments also fail because their proposal involves the porting of an unassigned number (which the number has become once in inventory). Currently, and in line with existing Commission rules, carriers do not port unassigned numbers. *See In the Matter of Telephone Number Portability*, Second Report and Order, 12 FCC Rcd 12281, 12319 ¶ 65 (1997). (The NANC April 1997 Working Group Report (and associated sub-reports from the Architecture Task Force and the Technical and Operational Task Force) that are incorporated into the Commission's rules (*see* notes 13-14, *supra*) states in the Technical and Operational Task Force Appendix, Section 10.1.1 that "The LNPA T&O Task Force adopted a compromise . . . that included endorsing a policy that carriers will not port unassigned numbers unless and until there is an explicit authorization for such porting from a regulator with appropriate jurisdiction. The LNPA T&O Task Force further adopts the Porting of Reserved and Unassigned Number policy developed and documented in Section 7.7 of the "Architecture & Administrative Plan for Local Number Portability.")

the line and the number would be ready for porting. Clearly, this process is time consuming and cost-generating for the Old Service Provider, who would be undertaking this burden in aid of the potential New Service Provider. As Qwest stated above, this is not a competitively equitable model and the Commission should reject it.

That is not to say that customers who move to disconnect their service in error should be left out in the cold. Clearly not. Qwest already works with these customers to reestablish working service, assign their previous telephone number, and facilitate their porting objective.

**B. The Commission Should Reject the Sprint Proposal Regarding Service Disconnection.**

Sprint, like Vonage, advocates a position that would inappropriately shift costs from New Service Providers to Old Service Providers. It argues that Old Service Providers should not be permitted to disconnect existing lines after a telephone number is ported until the Old Service Provider “has evidence that the port has occurred.”<sup>20</sup> In Qwest’s experience, Sprint’s view is shared by other companies who have stopped sending Qwest supplemental LSRs when they -- as the potential New Service Provider -- are involved in a port cancellation.

The Commission should reject Sprint’s arguments for at least three reasons: (1) its selective quotation presents a misleading reading and understanding of the Inter-Service Provider LNP Operations Flows, Version 2.0a, Figure 7 Flow Step (July 9, 2003) that it references; (2) when properly quoted and read that Flows document supports Qwest’s current disconnection practices; and (3) when properly quoted and read that Flows document suggests that potential New Service Providers that cancel port requests should send a supplemental order to the Old Service Provider (*not* that the Old Service Provider should be “checking” for new service activations).

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<sup>20</sup> Sprint at 8.

To begin with the language of the Flows step most relevant to the discussion:

9. ONSP removes appropriate translations	<ul style="list-style-type: none"><li>• After update of its databases the ONSP removes translations associated with the ported TN(s). The removal of these translations (1.) will not be done until the old Service Provider has evidence that the port has occurred, or (2.) will not be scheduled earlier than 11:59 PM one day after the due date, or (3.) will be scheduled for 11:59 PM on the due date, but can be changed by an LSR supplement received no later than 9:00 PM local time on the due date. This LSR supplement must be submitted in accordance with local practices governing LSR exchange, including such communications by telephone, fax, etc.</li><li>• As an optional step, if the OLSP is a reseller, the ONSP should send a Loss Notification to the OLSP (indicator to stop billing).</li></ul>
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In support of its argument, Sprint quotes only language associated with option (1.) above and ignores that there are two other industry-agreed-upon means by which to implement this process flow. Indeed, Qwest has implemented this process flow step through (2.) above. Qwest disconnects its line two days after the port has occurred (not one day as permitted by the process flow), unless it gets a supplemental order from the carrier initiating the port to cancel it (in line with (3.) above). Qwest chose a two-day disconnection schedule in part to accommodate the possible-changing needs of the New Service Provider.<sup>21</sup> It should not be required to do more.

Not only should the Commission reject Sprint's proposal since it does not align with current industry practices, it should confirm that New Service Providers that cancel ports should send Old Service Providers Supplemental LSRs to let them know. *This* is the right resolution of the matter under existing industry practices, not one that seeks to shift costs to the Old Service Provider who anticipated losing the customer.<sup>22</sup>

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<sup>21</sup> In Qwest's experience, the New Service Provider sometimes needs Qwest to put the customer back into service because the necessary provisioning work required by the New Service Provider was not accomplished by the desired due date. Rather than taking a customer down and putting them back up, Qwest adopted a two-day delay in the disconnection process.

<sup>22</sup> Qwest should not be understood to argue that it is not important that a customer maintain working telephone service during the porting process. Rather, we are saying that the carrier who

**C. The Commission Should Reject Proposals That Carriers Port Multiple Lines In A Single Business Day, Or That They Complete Simple Ports In Hours Should be Rejected.**

Comcast argues that carriers who port multiple lines within the current four-day simple porting interval should be required to port the same number of lines within the newly-prescribed one-day simple porting interval.<sup>23</sup> Comcast interprets Qwest's current Internet postings to support its position because Qwest states that porting for multiple lines (from 1 to 10) could be done within the newly-mandated one business day interval.<sup>24</sup> Comcast's interpretation is in error; and the Commission should reject its appeal. While it may be the case that carriers might be able to accomplish some multiple-line porting within the current four-day interval, that does not mean they can do so within a single-day interval.

The Qwest website Comcast references reflects information about Qwest's existing porting intervals. It shows that generally Qwest will return a FOC within 24 hours whether the port request involves a single line (one telephone number)<sup>25</sup> or multiple lines on the same account (with multiple telephone numbers), up to 50 lines. The installation period reflects three days for lines up to ten and four business days for lines 11-50. So what the screen reflects is that when a porting interval is four-days long, Qwest can accommodate multiple line/telephone number porting in about the same amount of time as it can complete a port involving a single line/telephone number.

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was expecting to be the beneficiary of that new customer relationship should have the responsibility of advising the Older Service Provider if the "new relationship" plans change.

<sup>23</sup> Comcast at 5-6.

<sup>24</sup> *Id.*

<sup>25</sup> As Qwest noted in our Opening Comments we equate a single line with a single telephone number. Qwest at 4, n.4.

It is incorrect, however, to read Qwest's posting to mean that it can port multiple lines within a single business day.<sup>26</sup> It cannot. Qwest will comply with the Commission's newly prescribed porting interval with respect to those situations involving a "simple port" as defined by industry consensus and regulation. But neither include the porting of multiple telephone numbers/lines in the definition of simple port and Qwest does not treat them as such.<sup>27</sup> Qwest can, however, continue to process these types of port requests (up to a point) under the current four-day interval.<sup>28</sup>

In a similar vein, the Commission should reject the suggestion of MetroPCS that wireline carriers be required, within an 18-month period, to move to a simple porting interval of 2 and ½ hours. The proposal ignores the fact that the wireline and wireless systems and processes are not the same. For example, a wireless carrier will never have to send a truck out to install its service. Without significantly more information and analysis of MetroPCS' proposal, which should – in

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<sup>26</sup> Qwest's screen might create some confusion because it uses the word "simple" in two contexts. In one case, the word "simple" is used as an adjective in the phrase "simple port request (SPR) (1FR/1FB)." In another case it is used as a noun to differentiate between "simple" services associated with 1 FRs and 1 FBs and more complex services associated with other offerings. In any event, the chart reflects that Qwest could port up to ten lines within a four-day interval.

<sup>27</sup> Compare Cbeyond, Inc., Integra Telecom, Inc. and One Communications Corp. at 5-7; XO Communications, LLC at 3. Compare CenturyLink at 4.

<sup>28</sup> Compare Verizon at 3 (noting that Old Service Providers should be able to port accounts with 2-19 lines under "the four business day standard interval currently in place.").

the first instance – be evaluated by industry participants, the Commission should reject its request.

Respectfully submitted,

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I, Ross Dino, do hereby certify that I have caused the foregoing **REPLY COMMENTS OF QWEST CORPORATION** to be 1) filed via ECFS with the Office of the Secretary of the FCC; 2) served via e-mail on the Competition Policy Division of the Wireline Competition Bureau of the FCC via [cpdcopies@fcc.gov](mailto:cpdcopies@fcc.gov); 3) served via email on the FCC's duplicating contractor Best Copy and Printing, Inc. at [fcc@bcpiweb.com](mailto:fcc@bcpiweb.com); and 4) served via First Class United States Mail, postage prepaid, on the parties listed on the attached service list.

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