Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matters of	)	
	)	
Local Number Portability Porting Interval and Validation Requirements	)	WC Docket No. 07-244
	)	
Telephone Number Portability	)	CC Docket No. 95-116

REPLY COMMENTS OF CENTURYLINK ON THE FURTHER NOTICE OF PROPOSED RULEMAKING REGARDING ONE-DAY PORTING

The comments on the Further Notice reflect a general theme of seeking further clarity regarding the rules adopted in the one business day[1] and four-field[2] local number portability (LNP) orders. While clarity is desirable, CenturyLink suggests that the current implementation process will itself produce substantial clarity and should be allowed to play out before additional rule changes are contemplated. Indeed, the comments calling for additional changes offer little reason to believe that additional changes are likely to benefit consumers. Therefore, the Commission should reject most of the calls for further changes to the local number portability (LNP) process. In particular: (1) the definition of a simple port should not be revised at this time; (2) the Commission should only adopt a common local service request (LSR) if and when such a standard is agreed upon through the Ordering and Billing Forum (OBF); and (3) pass codes often protect consumers and should continue to be a permissible method of validating a port request.

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[1] *Local Number Portability Porting Interval and Validation Requirements*, WC Docket No. 07-244, Report and Order and Further Notice of Proposed Rulemaking, FCC 09-41, at 12 ¶ 19 (May 13, 2009) (*One Business Day LNP Order*).

[2] *Local Number Portability Porting Interval and Validation Requirements*, WC Docket No. 07-244, Report and Order, 22 FCC Rcd 19531 (2007) (*Four-Field Order*).

I. THE DEFINITION OF A SIMPLE PORT SHOULD NOT BE REVISED AT THIS TIME.

AT&T calls on the Commission "to ensure that the rules surrounding porting are clear, apply equally to all providers, and are readily enforceable."[3] CenturyLink agrees with this high-level objective but disagrees with AT&T on its more-specific recommendation that the definition of a simple port should be modified. In particular, AT&T argues that the Commission should eliminate what it calls out-dated exceptions to the one-business-day porting requirement. Respectfully, CenturyLink disagrees with the characterization and submits that the exceptions to the definition of a single port are grounded in provisioning factors that are just as real and meaningful today as when they were adopted. Accordingly, CenturyLink agrees with Qwest that "the definition of a 'simple port' does not need any major or radical change."[4]

Although AT&T does not specifically mention the situation where voice and data service are provisioned over the same loop, several commenters do call for a change to the simple port definition to include bundled voice and digital subscriber line (DSL) service. Separating DSL and voice services—which are provided over the same line—and re-provisioning the data service requires additional provisioning time and work. This necessarily renders porting the number with the voice service in the context of multiple services on the loop to be non-simple. That is why the North American Numbering Council (NANC) specifically identified digital subscriber line service (DSL) as a complex switch translation that could not be included in a simple port.[5]

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[3] AT&T Comments, at 1.

[4] Qwest Comments at 3.

[5] North American Numbering Council, Local Number Portability Administration Working Group, *Third Report on Wireless Wireline Integration*, Sep. 30, 2000, at 8.

Contrary to the assertion of the Nebraska Public Service Commission,[6] nothing has changed that would make it possible to treat a bundled DSL and voice service package as a simple port. Indeed, with the clear (and proper) emphasis on broadband competition, as directed by Congress in section 706 of the Telecommunications Act of 1996, the Commission should not place voice competition ahead of broadband competition. If a subscriber would prefer to keep its broadband services with the carrier porting out the voice number, then that subscriber should be free to do so without inconvenience or service disruption.

T-Mobile is also incorrect when it asserts that the fact that an ILEC (or presumably any LEC) "may have to unbundle DSL service from a home telephone line … has no bearing on the port itself."[7] Embarq, which was acquired by CenturyTel in the merger that created CenturyLink, was one of the ILECs that treated the porting of numbers attached to DSL service as a simple port. Embarq did so, however, because it generally did not offer or provide stand-alone DSL. Therefore, that history offers no relevant evidence on the fact that unbundling DSL and voice service is a complex port when the customer chooses to retain the DSL service.

Smaller carriers such as Cbeyond, Integra Telecom, and One Communications (Joint CLEC Commenters) also argue that the definition of a simple port should not be expanded as doing so would increase errors and unduly burden wireline providers.[8] These Joint CLEC Commenters also argue that the transfer of a number associated with a line that can carry multiple numbers, such as a DS1, should always be considered not to be simple. Therefore, they observe that "restricting the definition of a simple port to the porting of a single telephone

[6] Nebraska PSC Comments at 2.

[7] T-Mobile Comments at 6.

[8] Cbeyond, Integra, and One Communications Comments at 2.

number on a single account facilitates a prompt, straightforward determination with relatively little opportunity for error."[9] XO also argues that the Commission should not change the definition of a simple port, citing the example of service provided over an unbundled network element.[10]

AT&T[11] and Verizon[12] specifically request that the reseller exception to the definition of a simple port should be eliminated. CenturyLink disagrees and submits that, in fact, this exception is more relevant today than ever before. The reseller exception is based on recognition that additional coordination is required as the provider interacting with the customer is not the same entity that must perform the number portability and any associated network functions. With the decreased porting intervals that are being implemented at this time, it is increasingly impossible for the reseller and network provider to coordinate in time to complete the port on the time frame allotted for simple ports. CenturyLink submits, however, that a provider that is outsourcing its numbering functions is not a reseller within the meaning of the exception. Therefore, the reseller exception could be clarified to encompass only total service resale pursuant to section 251(c) and analogous services.

II. THE COMMISSION SHOULD ONLY ADOPT A COMMON LOCAL SERVICE REQUEST (LSR) IF AND WHEN SUCH A STANDARD IS AGREED UPON THROUGH THE ORDERING AND BILLING FORUM (OBF).

Another area that generated significant discussion in the comments is the idea that the LNP ordering process should be standardized. For example, AT&T urges standardization of

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[9] *Id*. at 6.

[10] XO Comments at 3.

[11] AT&T Comments at 5-6.

[12] Verizon Comments at 2-3.

local service requests (LSRs), calling on the Commission to "adopt an OBF solution to the LSR format quandary."[13] XO also argues that the Commission should adopt a standard LSR form for use by all carriers.[14] Sprint Nextel agrees and also calls on the Commission to standardize the provisioning part of the LNP process.

Taking a different position, however, Qwest,[15] and the Joint CLEC Commenters[16] argue that additional fields beyond the four validation fields are needed to actually complete simple ports (and, indeed, all ports). This is, of course, true and the understanding that additional fields are needed for performing number portability is reflected in unanimous agreement at the North American Numbering Council (NANC) Local Number Portability Administration Working Group that the identity of the new service provider and the desired due data are necessary data fields. As the Alliance for Telecommunications Industry Solutions (ATIS) points out, the Ordering and Billing Forum (OBF) believes that additional fields are necessary, and it expects to complete its work identifying a standard set of data fields needed to process a simple port request.[17] CenturyLink urges the Commission to allow this technical process to work its way through the industry standard-setting bodies rather then intervene now in the absence of any compelling need for government involvement until after the standards are finalized. As Qwest notes, "changes to [current process and forms] inevitably result in additional costs to carriers …

[13] AT&T Comments at 7.

[14] XO Comments at 7.

[15] Qwest Comments at 6-7.

[16] Cbeyond, Integra, and One Communications Comments at 7.

[17] ATIS OBF Comments at 4.

[so t]here should be solid evidence of significant benefits to the industry and the public before carriers are asked to bear additional number portability costs."[18]

III. PASSCODES OFTEN PROTECT CONSUMERS AND SHOULD CONTINUE TO BE A PERMISSIBLE METHOD OF VALIDATING A PORT REQUEST

Many telecommunications carriers, including commercial wireless radio service (CMRS) providers use pass codes to protect their customers. In particular, pass codes help prevent *both* unwanted service changes and breaches of privacy, among other things. Sprint Nextel attempts to gloss over the pro-consumer aspects of pass codes by claiming that wireline carriers could rely on local service freezes instead, which is an argument that simply doesn't make sense. Many customers may want to avoid the stricter protections of local service freezes while nonetheless having some security that their service will not be altered without their permission. And, contrary to the assertion of Comcast, [19] the customer benefits of pass codes are not limited to customer proprietary network information (CPNI) but, rather, also extend to preventing unintended or unauthorized LNP requests, which can lead to the loss of a valued phone number.

Sprint Nextel also complains that pass codes "should not be used to validate intermodal and wireline-to-wireline ports …."[20] This position is ironic since, of course, Sprint Nextel was one of the two co-petitioners that caused pass codes to be used for such validation in the first place. Before, the Sprint/T-Mobile petition to limit validation to four fields, many LECs used address fields to validate port requests but this was allegedly inconvenient for wireless carriers. Therefore, the Commission adjusted the methodology for intermodal and wireline-to-wireline

[18] Qwest Comments at 3.

[19] Comcast Comments at 6-7.

[20] Sprint Nextel Comments at 13.

ports to be consistent with the wireless methodology, which includes the use of pass codes.[21] At the same time, the Commission also required wireline carriers to begin using pass codes to protect CPNI.[22] The Commission did not, nor could it, suggest that pass codes should be used solely for CPNI related purposes. Therefore, Comcast's assertion that pass codes should never be used to validate port requests[23] should be rejected. Indeed, Comcast's argument is inherently inconsistent with the Commission's order which permitted validation on a pass code where applicable (meaning where one is in use), which cannot possibly mean "never" as Comcast claims.

Although some customers have gone through an adjustment period for using pass codes in the wireline service context because other methods of validation have been used over time, this does not mean that customers should be left with no protection simply to ease the transfer of telephone numbers when customers may not always want their service transferred—slamming remains a significant concern in our industry. It would be highly unusual if pass codes were permitted, even encouraged, for access to voice mail and making account changes for existing customers, but simultaneously prohibited for the more drastic action of changing service providers altogether. Therefore, the assertion here by Vonage[24] and by General Communications in an earlier filing[25] that requiring the use of a pass code to close down an account violates

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[21] *Four-Field Order*, 22 FCC Rcd at 19556-59 ¶¶ 45-49.

[22] *Implementation of the Telecommunications Act of 1996: Telecommunications Carriers' Use of Customer Proprietary Network Information and Other Customer Information*, CC Docket No. 96-115, Report and Order and Further Notice of Proposed Rulemaking, 22 FCC Rcd 6927 (2007).

[23] Comcast Comments at 6-7.

[24] Vonage Comments at 11.

[25] General Communications Comments, *Local Number Portability Porting Interval and*

customer privacy by requiring the customer to give the pass code to a third party (the new service provider) is inherently illogical. Indeed, Vonage's argument that the only validation that should be permitted for LNP requests is the number itself is troubling because of its cavalier disregard for customer welfare. Human beings frequently transpose numbers or make mistakes and many innocent third parties would lose their phone numbers to inadvertent and mistaken ports if the Commission listened to Vonage on this point.

IV. CONCLUSION

The Commission should reject most of the calls for further changes to the LNP process. In particular: (1) the definition of a simple port should not be revised at this time; (2) the Commission should only adopt a common LSR if and when such a standard is agreed upon through the OBF; and (3) pass codes often protect consumers and should continue to be a permissible method of validating a port request.

Respectfully submitted,

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Validation Requirements, WC Docket No. 07-244, at 8-9 (March 24, 2008).