Attachment #6

From: j c [mailto:jfc@calcable.org]
Sent: Wednesday, October 28, 2009 5:02 PM
To: Deborah.Blue@fcc.gov; anneboyle22@cox.net; anewman@telcordia.com; alee@ntia.doc.gov; Amy Putnam; aberkowitz@verizon.com; Ann Stevens; Anna.Miller@T-Mobile.com; Ben Childers; bethodonnell@comcast.net; bill.mason@crtc.gc.ca; brendan.kasper@vonage.com; Carrie Cox; Hinton, Cary (PSC); Cindy_Sheehan@cable.comcast.com; daniel.stromsland@level3.com; dgreenhaus@800response.com; don.gray@nebraska.gov; doug.birdwise@bell.ca; fmarcotte@welchandco.ca; gsteele@welchandco.ca; Gary Sacra; gegi.leeger@xo.com; greg.rogers@level3.com; Helen Mickiewicz; hh8358@att.com; anne.boyle@nebaska.gov; Anthony.palermino@po.state.ct.us; Kane, Betty Ann (PSC); LJoyner@ncuc.net; pjones@utc.wa.gov; robert.clayton@psc.mo.gov; james.t.castagna@verizon.com; Jean-Paul Emard; Jeffrey Lanning (jeffrey.s.lanning@centurylink.com); Jeffrey Steinberg; Jennifer Salhus; Jerome Candelaria; john.e.benedict@centurylink.com; john.manning@neustar.biz; jtm@opastco.org; jnr@opastco.org; Jose.Jimenez@cox.com; Julie Veach; kreidy@comptel.org; Karen Riepenkroger (Karen.S.Riepenkroger@sprint.com); Hagans@occ.state.oh.us; Kevin.m.green@verizon.com; Kim.wardle@crtc.gc.ca; Laura Dalton; lou@pulp.tc; Marilyn Jones; mario.bertrand@crtc.gc.ca; malbert@comptel.org; Mary McManus; Mary Retka; mgerst@ctia.org; melvin.clay@att.com; MAltschul@ctia.org; Michelle Sclater; Natalie McNamer; Nicholas Degani; Paula.Jordan@T-Mobile.com; peter.pescosolido@po.state.ct.us; rbeaton@utc.wa.gov; rosemary.emmer; s.buyak@psc.mo.gov; Sue Tiffany; tom@phoenix-center.org; tsoroka@usta.org; tiki.gaugler@xo.com; timothy.decker@verizon.com; tgoode@atis.org; william.vallee@po.state.ct.us
Cc: RLathrop@NCTA.com
Subject: Re: NANC: Revised LNPA WG FCC 09-41 Implementation Plan

Dear Chairperson Kane,

This morning NCTA received an e-mailed copy of the LNPA WG FCC 09-41 Implementation Plan Version 5 along with a request that any comment be provided to you by close of business today. NCTA maintains that comment and discussion regarding this new version are only appropriate through NANC's open meeting processes where it or any subsequent version can be properly noticed and considered. However, NCTA will share with you our initial concerns regarding this latest iteration of the Implementation Plan.

First, the LNPA WG's cover letter indicates that Version 5 is a consensus document. However, the process whereby the LNPA WG came to suggest that consensus exists for reducing the 21 previously recommended field to 14 was based on a dramatically compressed and limited opportunity –an email sent late last Friday evening for feedback to be submitted by noon Eastern time Monday. There are NCTA members, consequently, who literally had no time to digest or even read the revisions. NCTA must question the legitimacy of such consensus, particularly when a major industry segment—the segment providing full facilities-based local exchange competition-- has expressed opposition to the new plan (See Minority Report of Cox and Comcast). The FCC's decision to reduce the porting interval for simple ports and to require no more than four information fields to validate simple port requests was intended to foster competition (FCC 09-41, paras 1, 8). Any LNPA WG plan claiming to help effectuate the FCC's pro-competitive policy can't be viewed as a true consensus plan when a major competitive industry objects.

Moreover, as a practical matter, today's eight hour comment period for NANC members did not provide sufficient time for NCTA to receive meaningful input and direction from the majority association members regarding the utility of or need for some or all of the proposed 14 fields.

Next, the FCC did not ask NANC to address this competition-impacting issue. Instead, the FCC's

Further Notice of Proposed Rulemaking provides all parties the opportunity to address whether different or additional information field are necessary for completing simple ports. (FCC 09-41 para 19); This open proceeding offers a deliberative and open process that stands in contrast to the LNPA WG's rushed recommended conclusion. This fact alone argues in favor of status quo, i.e., the previously agreed upon exclusion of the number or type of fields on a Local Service Request (LSR) from the NANC report to the FCC due to lack of consensus.

Finally, NCTA continues to support NANC's determination at its meeting of October 15 that consensus does exist for standardizing the wireline and intermodal port requests in order to improve the efficiency of processing port requests. NCTA also continues to support the process as discussed at the NANC meeting, that the ATIS OBF's newest required fields proposal would be reviewed by the LNPAWG's open forum with sufficient time for a field by field explanation and evaluation, and the development of a true consensus plan for consideration by the NANC.

Respectfully,

Jerome F. Candelaria NANC Primary Representative for NCTA