BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

In the Matter of: Local Number Portability Validation Requirements Telephone Number Portability	WC Docket No. 07-244

COMMENTS OF THE CALIFORNIA PUBLIC UTILITIES COMMISSION AND THE PEOPLE OF THE STATE OF CALIFORNIA

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The California Public Utilities Commission and the People of the State of California and (CPUC or California) respectfully submit these comments in response to the Public Notice released December 8, 2009, by the Federal Communications Commission (FCC or Commission). In the Notice, the FCC seeks comment on two proposals pertaining to the number of standard data fields required to complete simple ports within the one business day porting interval for simple wireline-to-wireline and intermodal ports the Commission in the *Porting Interval Order and Further Notice.*[1] One of the proposals was submitted by the North American Numbering Council (NANC) as a Non-consensus Recommendation (NANC Recommendation). The other proposal before the Commission was submitted by the National Cable & Telecommunications Association, Cox Communications, and Comcast Corporation (collectively, Cable) as an Alternative Proposal (Cable Alternative) to the NANC Non-consensus Recommendation. Both proposals recommend standardized sets of data fields for the FCC to adopt for effecting simple port requests in the one-business-day interval the Commission has established for completion of simple ports.[2]

The CPUC has reviewed the discussion contained in the NANC's Recommendation, and the counter arguments in Cable's Alternative. Based on that review, California concludes that the FCC's original list of four data fields is sufficient to

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[1] *See Local Number Portability Porting Interval and Validation Requirements; Telephone Number Portability*, WC Docket No. 07-244, CC Docket No. 95-116, Report and Order and Further Notice of Proposed Rulemaking, 24 FCC Rcd 6084, 6095 (2009) (*Porting Interval Order and Further Notice).*

[2] Simple ports (1) do not involve unbundled network elements; (2) involve an account only for a single line; (3) do not include complex switch translations; and (4) do not include a reseller. *See Intermodal Number Portability FNPRM*, 18 FCC Rcd at 23715, ¶ 45, Fn. 112 (citing NANC Local Number Portability Administration Working Group Third Report on Wireless Wireline Integration, Sept. 30, 2000, CC Docket 95-116 (filed Nov. 29, 2000).

complete simple ports. That having been said, and as explained below, the CPUC does not object to the addition of three of the fields included in both the NANC Recommendation and the Cable Alternative.

I. BACKGROUND

In 1997[3], the FCC adopted a time interval of four days for the transfer of, or porting of a customer's telephone number from one wireline carrier to another wireline carrier or for simple intermodal ports.[4]

In November 2007, in ruling on a Petition for Declaratory Ruling filed by T-Mobile and Sprint Nextel, the FCC concluded that "LNP validation should be based on no more than four [data] fields for simple ports".[5] The four data fields the FCC adopted are as follows:

1. 10-digit telephone number;
2. Customer account number;
3. 5-digit zip code; and
4. Customer designated account pass code (if applicable).[6]

In May 2009, the FCC reduced the mandatory porting interval for simple wireline and intermodal port requests to one business day.[7] In so doing, the Commission stated that reducing the porting interval was intended "to ensure that consumers are able to port their telephone numbers efficiently and to enhance competition for all communications

[3] 47 C.F.R. § 52.26.

[4] Intermodal ports include 1) wireline-to-wireles ports; 2) wireless-to-wireline ports, and 3) ports involving interconnected Voice over Internet Protocol (VoIP) service. (*See Report and Order and Further Notice of Proposed Rulemaking*, FCC 09-31`, WC Docket No. 078-244, CC Docket No. 95-116, ¶ 1, Fn. 1.)

[5] *Report and Order, Declaratory Ruling, Order on Remand, and Notice of Proposed Rulemaking*, FCC 07-188, WC Docket No. 07-243, WC Docket No. 07-244, WC Docket NO. 04-36, CC Docket No. 95-116, CC Docket No. 99-200, Released November 8, 2007, ¶¶ 1, 16.

[6] *Id*., at ¶ 2.

[7] *Report and Order and Further Notice of Proposed Rulemaking*, FCC 09-41, WC Docket No. 07-244, CC Docket No. 95-116, Released May 13, 2009.

services".[8] At the same time, and in the same order, the FCC also asked parties to "refresh the record on what further steps the Commission should take, if any, to improve the process of changing providers …".[9] Specifically, the FCC asked whether it should "modify the definition of simple ports", and whether "different or additional information fields are necessary for completing simple ports".[10]

On November 2, 2009, the NANC submitted its Non-consensus Recommendation, which called for expanding the number of data fields from the four the FCC adopted to fourteen required fields and fourteen additional "conditional" fields.[11] The NANC Recommendation document indicated that Local Service Ordering Guidelines and Wireless Inter-carrier Communications Interface Specifications were essential to implement one-day porting. Further NANC efforts to standardize the LNP process resulted in agreement on fourteen fields required to accomplish a simple port.

On November 19, 2009, the Cable group submitted its Alternative Proposal, which recommended that the FCC adopt a protocol for simple ports that would include just eight, rather than fourteen, required data fields (and no "conditional" fields).

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[8] *Id*., ¶ 1.

[9] *Id*., ¶ 19.

[10] *Id*.

[11] The NANC Recommendation consists of several documents. The Recommendation was set forth in Attachments 1 and 4. The NANC typically works on a "consensus" basis, meaning that the NANC participants attempt to reach consensus on the proposals and/or recommendations it presents to the FCC. When the group does not reach consensus, the majority will deliver to the FCC a non-consensus report, while a minority of members may forward a minority report.

II. DISCUSSION

1. Comparing the Two Proposals

The NANC Recommendation calls for fourteen required fields, while the Cable proposal includes eight fields. The fields proposed, along with their proponents and applicable definitions are set forth in the following chart:

FCC	Non-consensus	Cable	Definition
	CCNA		Customer carrier name abbreviation. The Common Language IAC code for the customer.
	PON	PON	Purchase order number- the customer's unique purchase order or requisition number that authorizes the issuance of the request or supplement
Customer Account Number	AN	AN	Account – identifies an account number assigned by the current Network Service Provider that may or may not be dialable.
	REQTYP		Requisition Type and Status – the first character of REQTYP specifies the type of service. The second character of REQTYP specifies a firm order.
	ACT		Activity – Identifies the activity involved in this service request.
	CC	CC	Company code – identifies the exchange carrier initiating the transaction.
	NNSP	NNSP	New Network Service Provider – Identifies the Number Portability Administration Center Service Provider Identifier or the New Network Service Provider. (New NPAC ID)
	AGAUTH		Agency Authorization Status – Indicates that the customer is acting as an end user's agent and has authorization on file.
	NDPI		Number Portability Direction Indicator – Identifies the direction of LNP conversion activity and the Enhanced 9-1-1 data base record activity requirements for this request
	TEL NO (INIT)		Telephone Number – This appearance of TEL No is for the initiator
ZIP (END USER)	ZIP (END USER)	ZIP (END USER)	Zip Code – this instance of the ZIP CODE field is used for the service address
PORTED NUMBER	PORTED NUMBER	PORTED NUMBER	Indentifies the number or numbers to be ported.
	VER	VER	Identifies the customer's version number.
		DDD	Desired due date

The Cable recommendation excluded six fields included in the NANC Recommendation. The Cable Alternative identified the following fields as redundant and unnecessary, and provided a rationale for their conclusions: Customer Carrier Name

Abbreviation (CCNA), Requisition Type and Status (REQTYP), Activity (ACT), Agency Authorization Status (AGAUTH), Number Portability Direction Indicator (NPDI), and Initiator Telephone Number (INIT). California agrees with the Cable recommendation that the fields REQTYP, ACT, AGAUTH, NDPI, and INIT are unnecessary because these data fields are implicit in a simple port request.

At the same time, the CPUC recognizes that the initiating company code (CC), purchase or order number (PON), and request version number (VER), while not essential to complete a simple port request, may be useful to enhance clarity and accountability in the service order process. As these fields are not specific to the customer, and do not require additional information from the customer, California would not oppose including these three fields in the porting protocol.

California further observes that a simple port request is not a complex negotiation between carriers, where an inquiry is made regarding the availability of certain services, a response is given, and then an order placed. A port request, therefore, is not analogous to a local service request, and analysis of the simple port's requirements should not be limited to the local service request model. Unlike a local service request, the infrastructure for porting is already in place; the equipment and network infrastructure necessary to complete this type of order are always available. In a port request, it is not necessary to distinguish between a service inquiry and a firm order, as is done with a local service request.

In addition, the CPUC considers the Desired Due Date field, which Cable recommends, to be superfluous. Under FCC rules, the port must be completed within one

business day, depending on the time zone of the end user telephone number and the time of day of submission. Further, the due date should be automatically populated according to the date and time of the end user and of the port request submission. If the requesting service provider wishes a later due date, it would be incumbent on that provider to hold the port request until the time to accomplish the customer's requested due date.

2. California's Recommendation

Having reviewed the two proposals and the arguments supporting both, the CPUC finds unpersuasive the basis for the industry's recommendations for additional required data fields, and continues to support the original four required data fields the FCC adopted by Declaratory Ruling in 2007. From California's perspective, neither the NANC Recommendation nor the Cable Alternative has established a basis for *requiring* the use of additional fields to complete a simple port. Nonetheless, the CPUC does not object to expanding the number of required fields to include three additional fields. If those additional fields were included, the following seven fields would be the maximum number required to complete a simple port request:

1. Customer Account Number (AN)[12]
2. Customer ten-digit telephone number (TEL NO (INIT))
3. Customer zip code (ZIP (END USER))
4. Customer account code or pin, if applicable
5. Company code of the company requesting the port (CC)
6. Order or purchase order number (PON)
7. Customer version number (VER)

[12] The abbreviations in parentheses refer to those contained in both proposals, where applicable.

Therefore, while not specifically advocating additional data fields, California does not oppose augmenting the FCC's original four data fields with three of the additional fields that Cable and the NANC propose.

3. Applicable Standard

In reaching the conclusion that four data fields are sufficient for a simple port, California has applied a basic standard: whether any proposal will serve the interests of customers seeking to port their numbers. Making the number porting process as simple, straightforward, and easy as possible *for the customer*, serves a dual purpose – customer convenience and facilitation of competition. The FCC has adopted this same standard, and acknowledged such, in its November 2009 Report and Order.

> [I]t is critical that customers be able to port their telephone numbers in an efficient manner in order for LNP to fulfill its promise of giving "customers flexibility in the quality, price, and variety of telecommunications services." [Footnote omitted.] Through the LNP process, consumers have the ability to retain their phone number when switching telecommunications service providers, enabling them to choose a provider that best suits their needs and enhancing competition.[13]

The CPUC can confirm the need to achieve seamless and timely simple ports. In the early years of portability, the CPUC was routinely contacted by customers with complaints of porting delays and complications. One customer's bad experience in trying to switch carriers, with unexplained delay and concomitant inconvenience and potential business loss, can ripple through the customer base by word-of-mouth.[14] Consequently,

[13] FCC 09-41, ¶ 6.

[14] Not to mention, texting, blogging, Twitter, Facebook, and other means by which customer experience can be broadcast to any and all.

with this standard in mind, California considers fewer data fields to make for a quicker port and the likelihood of less trouble for the ported customer.

4. The Simple Port Is Not a Local Service Order Change

In the Non-Consensus Recommendation, the NANC asserts that its proposal, and the fourteen data fields it includes, applies to simple ports. California notes, however, that some elements, such as "supplements", "due date changes", and "firm order confirmations", appear to apply to more complex transactions. California envisions the simple port process as uniform both in due date, and in request and objective. The simple port process applies to a specific set of circumstances which involves a single line, and, by definition, does *not* include any unbundled network elements, complex switch translations, or a reseller. If a request requires a supplement, for instance, California anticipates that the initial port request would be cancelled and a new request, reflecting the changed circumstances, would be submitted.

5. Customer Service Request Recommendations

The NANC Recommendation also offered several customer service request (CSR) proposals:

1. Physical copies of end user authorization should not be required before processing a porting out request.
2. CSRs should not be required to process a porting out request.
3. CSRs, if available, must be returned to the order initiator within 24 hours on a normal business day.
4. Porting out service provider should not require end user validation fields, other than customer assigned PIN or passwords, which are not contained in a CSR.

5. Only customer assigned PINs or passwords should be utilized as an end user validation field.[15]

The CPUC agrees with the NANC's recommendations regarding order copies, customer service requests, timing intervals, consistency between Local Service Requests and Customer Service Records and passwords. Additional documentation should not be mandatory; only the specific data fields should be needed to accomplish a simple port. By implication, other documentation, such as a signed customer authorization, is not necessary and cannot be *required* for the porting transaction.

III. CONCLUSION

The NANC Non-consensus recommendation unnecessarily casts a simple port request as analogous to a local service request. The simple port can be and should be handled in a manner independent of a local service request, because a local service request encompasses technical complexities which do not arise in a simple port request.

California therefore urges the FCC to maintain the current four data fields for processing a simply port request: the ten-digit telephone number; the customer's account number; the zip code; and a password, if appropriate. If the FCC determines, however, that the protocol for simple ports should be expanded, the CPUC would not oppose including three additional data fields: the initiating company code (CC); the customer or purchase order number (PON); and the port request version number (VER). In light of the FCC's standard for establishing an efficient porting process, a porting protocol

[15].*See* November 2, 2009 Letter from the NANC Chair to the FCC, Attachment 1, pp. 25-26.

requiring additional and unnecessary customer fields to effect a simple port request will only delay the port and disadvantage the customer.

Respectfully submitted,

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