

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Comment Sought on Proposals for)	WC Docket No. 07-244
Standardized Data Field for Simple Port)	DA 09-2569
Requests)	
)	



REPLY COMMENTS

I. INTRODUCTION & SUMMARY

The National Telecommunications Cooperative Association (NTCA) hereby submits these reply comments in response to the Further Notice of Proposed Rulemaking (FNPRM) issued in the above-captioned proceeding.¹ NTCA is an industry association representing rural telecommunications providers. Established in 1954 by eight rural telephone companies, today NTCA represents more than 580 rural rate-of-return regulated telecommunications providers. All of NTCA’s members are full service local exchange carriers and many of its members provide wireless, cable, Internet, satellite, and long distance services to their communities. Each NTCA member is a “rural telephone company” as defined in the Communications Act of 1934, as amended. NTCA’s

¹ *Comments Sought on Proposals for Standardized Data Field for Simple Port Requests*, Public Notice, WC 07-244, DA 09-2569 (Dec. 8, 2009)

members are dedicated to providing competitive modern telecommunications services and ensuring the economic future of their rural communities.

While NTCA is generally supportive of the NANC recommendation for Standard Local Service Request Data Fields, NTCA remains concerned that the recommendation defines a “business day” that is inconsistent with the Commission’s intentions and, if implemented, would disproportionately burden small and rural telecommunications companies.

The Commission should not approve a definition of “business day” that includes a four hour Local Service Request (LSR)/Firm Order Commitment (FOC) interval which shortens the amount of time a carrier has to complete a port to significantly less than 24 hours. If the Commission does adopt the recommended business day definition, it should adopt an exception for rural ILECs that will not require them to complete more than five port requests, simple or complex, in a single business day. Rural ILECs generally do not utilize automated systems for processing port requests, and the adoption of a four hour LSR/FOC interval or overwhelming them with port requests increases the likelihood of errors such as inadvertent or delayed ports, disconnections, or other disruptions to customers’ services.

II. THE COMMISSION SHOULD NOT APPROVE A DEFINITION OF “BUSINESS DAY” THAT INCLUDES A FOUR HOUR LSR/FOC INTERVAL; RURAL ILECS SHOULD NOT BE REQUIRED TO PROCESS MORE THAN FIVE PORT REQUESTS OF ANY TYPE IN A SINGLE BUSINESS DAY

In its Order and FNPRM that reduced the porting interval for simple wireline and

intermodal ports to “one business day,” the Commission left to NANC the task of recommending new local number portability (LNP) provisioning process flows.² Section 3.1 of the North American Numbering Council (NANC) working group recommended plan defines “business day” as one that includes a four hour LSR/FOC interval and requires that requests received by 1 PM be completed by midnight that day.³ The NANC recommendation is inconsistent with the precise language of the FCC’s order and would substantially shorten the time that rural wireline providers have to complete ports. The Commission should not approve a definition of “business day” that includes a four hour LSR/FOC interval and requires ports to be complete within a matter of hours, rather than a business day.

The LSR/FOC interval is the time between the old service provider’s receipt of a request to port a number (made by the new service provider) to the time the old service provider sends the new service provider confirmation of the request. The proposed four hour interval would be a reduction from a 24 hour interval allotted for this process under the rules.⁴ The LSR/FOC interval is important because it allows for the verification of the customer’s information in order to minimize erroneous ports and confirms the due date of the port to minimize the chance of disrupting the customer’s service. Rural ILECs in most cases utilize a third party service bureau to interface with the Number Portability Administration Center (NPAC), an additional step that is necessary for carriers without automated porting systems.

² *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, ¶ 10 (2009).

³ North American Numbering Council (NANC) Local Number Portability Administration working Group Recommended Plan for Implementation of FCC Order 09-41, Version 5 (Oct. 23, 2009).

⁴ *See* North American Numbering Council Local Number Portability Selection Working Group Final Report and Recommendation to the FCC, Appendix E (rel. April 25, 1997); 47 C.F.R. § 52.26.

Rural ILECs generally do not utilize automated systems for processing port requests because the costs of these systems cannot be justified for the number of port requests they receive. The manual LSR/FOC process is performed by rural ILECs' customer service representatives and/or technicians, who have many other responsibilities that must be completed across the rural ILEC's service territory. These include initiating service for new customers and responding to requests for changes in service from existing customers, maintenance and upgrades, and responding to outages or disruptions in service which could include voice, broadband, wireless, and video customers, among others. The Order and FNPRM that is the basis for the NANC interpretation defined the porting interval as one business day, rather than defining it in terms of hours, to accommodate those carriers that would otherwise not have adequate staff to handle port requests outside of normal business hours.⁵ The Commission clearly rejected a rule that would have imposed unreasonable staffing burdens on rural ILECs. Yet, a four hour LSR/FOC interval could potentially have this exact effect on rural ILECs that the Commission sought to avoid when it adopted a porting interval in terms of business day as opposed to in terms of hours. The sub-committee recommendation, if adopted, would be inconsistent with the FCC's order, defining the interval in terms of "hours" rather than a day. It would force additional burdens and costs on rural ILECs and if it is presented to the Commission as a full NANC recommendation, the Commission should rejected it.

If the NANC recommendation is adopted, the Commission should limit the number of ports that a rural ILEC must complete in a single day to five. While rural ILECs have not, historically, received a large number of port requests, there is still the

⁵ *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, ¶ 8 (2009).

possibility of a carrier being overwhelmed by a large number of requests in a single business day, especially as competition in rural areas increases. Without a limit on the number of ports rural ILECs are required to process within a single business day, the adoption of a four hour LSR/FOC interval increases the likelihood of errors such as inadvertent or delayed ports, disconnections, or other disruptions to customers' services.

The Commission should not approve the NANC recommendation of a maximum four hour LSR/FOC interval. Should it do so despite the risks described above, the Commission should adopt an exception for rural ILECs that does not require them to complete any more than five port requests, simple or complex, in a single business day. To the extent that a rural ILEC receives more than five port requests in a single business day, it would be permitted a full business day for every five port requests received over and above the initial five.

III. CONCLUSION

Rural ILECs generally do not utilize automated systems for processing port requests, and there is the possibility of a carrier being overwhelmed by a large number of requests in a single business day. Thus, the Commission should not approve the NANC recommendation of a maximum four hour LSR/FOC interval. It should adopt an exception for rural ILECs that does not require them to complete any more than five port requests, simple or complex, in a single business day.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I, Adrienne L. Rolls, certify that a copy of the foregoing Reply Comments of the National Telecommunications Cooperative Association in WC Docket No. 07-244 DA 09-2569, was served on this 22nd day of February 2010 by first-class, United States mail, postage prepaid, or via electronic mail to the following persons:

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