

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

In the Matter of)
)
Local Number Portability Porting Interval) **WC Docket No. 07-244**
and Validation Requirements)

REPLY COMMENTS OF CINCINNATI BELL TELEPHONE COMPANY LLC

Cincinnati Bell Telephone Company LLC (“CBT”)¹ files these reply comments to address several issues raised in comments filed on February 16, 2010, in response to the Commission’s Public Notice² seeking comment on the North American Numbering Council’s (“NANC”) Recommended Plan for Implementation of the Commission’s new one-business day porting interval for simple ports.³ While CBT supports the adoption of the 14 standardized data fields recommended by the NANC, it believes that the concerns about the protection of customer proprietary information raised in the Comments of CenturyLink, Iowa Telecommunications, and Windstream (the “mid-sized ILECs) are valid and should be addressed by the Commission.

¹ Cincinnati Bell Telephone Company is the ILEC subsidiary of Cincinnati Bell Inc, which is a mid-sized, integrated communications provider offering local, long distance, wireless, data, broadband Internet access, and cable service in southwestern Ohio, northern Kentucky, and southeastern Indiana.

² *Comment Sought on Proposal for Standardized Data Fields for Simple Port Requests*, WC Docket No. 07-244, Public Notice, DA 09-2569 (rel. Dec. 8, 2009) (*Public Notice*).

³ See Letter from Betty Ann Kane, Chairman North American Numbering Council, to Sharon E. Gillett, Chief Wireline Competition Bureau, Federal Communications Commission, WC Docket No. 07-244 (filed Nov. 2, 2009). See also, Letter from Betty Ann Kane, Chairman North American Numbering Council, to Sharon E. Gillett, Chief Wireline Competition Bureau, Federal Communications Commission, WC Docket No. 07-244 (filed Dec. 2, 2009) (*NANC Recommendation*).

I. INTRODUCTION

The majority of comments filed in response to the Public Notice support adoption of the 14 standardized data fields recommended by the NANC. Only the cable providers and the California Public Utilities Commission support the adoption of fewer than 14 fields. All of the ILECs, CLECs and wireless providers who commented recognized the importance of using the 14 fields in order to ensure that all providers are able to complete simple ports within one business day. CBT concurs with the arguments in favor of 14 fields and believes that although some providers (i.e., the cable operators) may not need all 14 fields given their limited product suite, the benefits to the overall porting process of using all 14 fields outweigh additional costs the cable companies might incur relative to using the 8 fields they have proposed. Furthermore, adopting the standardized 14 fields for all providers will help to ensure that the porting process remains technologically and competitively neutral.

However, while not opposing adoption of the NANC recommended 14 fields, the mid-sized ILECs' comments raise a significant concern about the impact that adoption of the full NANC Recommendation will have on carriers' ability to safeguard customer proprietary information in accordance with Section 222 of the Act. The mid-sized ILECs point to the inconsistency between the NANC Recommendation and Section 222 and the Commission's rules implementing it. Specifically, the mid-sized ILECs contend that by requiring the Old Service Provider ("OSP") to give the purported New Service Provider ("NSP") access to the Customer Service Record ("CSR") without properly validating that the customer at issue has granted the NSP permission to access their records violates Section 222's explicit duty to protect customer proprietary information. CBT shares those concerns and urges the Commission to explicitly address the legal and policy issues raised by the mid-sized ILECs.

II. THE COMMISSION SHOULD ADOPT THE NANC RECOMMENDED 14 STANDARDIZED DATA FIELDS

CBT agrees with those commenters who urge the Commission to expeditiously adopt the 14 standardized Local Service Request (“LSR”) data fields. As several parties point out, although some carriers can accomplish ports with less than 14 fields, the majority of carriers need the information contained in the additional fields to ensure timely and accurate ports.⁴ Companies that process only one type of order (i.e., local ports) via an LSR may not need information regarding the type of service being requested. However, because LECs process multiple services via the LSR, they need information in the REQTYP and ACT fields. Without this information, the OSP may have to spend additional time trying to determine exactly what the request is for before it can begin the porting process. With only one business day to validate and complete the port, it only makes sense to provide sufficient information for the OSP to promptly begin processing the port. Other fields (CCNA, NPDI, TEL NO (INIT), and AGAUTH) deemed unnecessary by the cable providers are equally critical to ensuring the prompt and accurate processing of the port and a seamless transition for the end-user. As both AT&T and The Alliance for Telecommunications Industry Solutions (“ATIS”) explain in their comments, ports may be unnecessarily delayed and/or errors will occur without the information contained in these fields.⁵ Neither result is satisfactory and the NSP’s end-users will be adversely impacted.

Further, as AT&T and ATIS explain in their comments, it should be a relatively simple task for a cable company or any other provider to pre-populate or auto-populate some or all of the six additional fields if the data will always be the same.⁶ The costs of doing so should be relatively insignificant compared to the costs the Cable Proposal would impose on the remainder

⁴ See, for example, Comments of AT&T Inc., Joint Comments, and Comments of COMPTEL.

⁵ Comments of AT&T Inc. at p. 2; Comments of ATIS at p. 6

⁶ Comments of AT&T Inc. at p. 5; Comments of ATIS at p. 16.

of the industry to develop new systems or modify the existing LSR systems. Moreover, the porting rules are intended to benefit consumers. Imposing significant costs on the majority of the industry so that a small segment of the industry is not inconvenienced may benefit the cable companies, but the benefits will not extend to consumers. The most likely impact on consumers will be delayed and/or erroneous ports. The 14 fields recommended by the NANC will ensure accurate and timely porting across all segments of the industry while minimizing overall industry costs.

III. THE MID-SIZED ILECS' PRIVACY CONCERNS SHOULD BE ADDRESSED

The mid-sized ILECs' are concerned that the NANC Recommendation fails to balance the need for expediency in processing legitimate port requests against the need to protect sensitive customer data from unauthorized disclosure and the need to guard against invalid ports.⁷ CBT shares this concern, particularly as it relates to the protection of sensitive customer data. The problem with the NANC Recommendation arises due to its failure to set different requirements for requesting a CSR versus a port. The Commission previously established that carriers can use the following four fields to validate a port: (1) 10-digit telephone number, (2) customer account number, (3) 5-digit zip code, and (4) passcode.⁸ These fields were established to guard against an incorrect port. However, the order instituting the four validation fields did not address how carriers are to obtain the information needed to complete the fields. CBT has always presumed and continues to believe that it is entirely appropriate for the NSP to obtain this information from the end-user customer who desires to port his or her number to the NSP.

⁷ Comments of the Mid-sized ILECs at p. 2.

⁸ *Telephone Number Requirements for IP-Enabled Services Providers, etc.*, Report and Order, Declaratory Ruling, Order on Remand, and Notice of Proposed Rulemaking, 22 FCC Rcd 19531, 19557 (2007).

By mandating that the OSP provide the NSP with direct access to the CSR and thus, any information (except for an end-user requested password) needed for a valid port request without written proof that the end-user desires to give the NSP full access to its CSR, the NANC Recommendation turns the distinction between a CSR request and a port request on its head. Although the NANC Recommendation includes an Agency Authorization Status (AGAATH) field, which is simply a check box indicating that the NSP has a Letter of Agency (“LOA”) from the end user (the contents and purpose of which are not clear), checking the box alone is not sufficient for access the CSR. CBT agrees that the AGAATH is necessary in order for the OSP to process a validated port request, but it is not sufficient for the OSP to provide the NSP with unfettered access to the CSR.

Under Section 222(c) and the Commission’s rules, carriers are required to obtain written authorization from the customer prior to disclosing any proprietary information to a third party. There is no doubt that the CSR contains the very customer proprietary information that Section 222 was enacted to protect. Further, the Commission’s rules require that customers themselves be properly authenticated and only be given online access to proprietary customer information through a password.⁹ If Section 222(c) requires a carrier to have written authorization to provide proprietary account information to a third party and if Section 64.2010(c) requires a subscriber to provide a password to directly access online account information, how can the OSP release the same information to the purported NSP with only a check of a box by the NSP that it has the customer’s authorization?¹⁰ Moreover, even if one agrees that the checked box is sufficient verification that the NSP has the customer’s LOA for submitting a carrier change, it does not

⁹ 47 CFR § 64.2010(c).

¹⁰ Under the cable providers’ proposal the AGAATH field would be eliminated entirely, thus providing no indication that the customer has authorized the port, let alone provided a written authorization to access the CSR.

establish that the NSP has a written authorization sufficient to view the CSR. In fact, it is CBT's experience that most customer carrier change requests are verified using third-party verification in accordance with the Part 64 Slamming rules.¹¹ While third-party verification is acceptable for processing a carrier change request where no customer proprietary information is shared with the NSP, it is not allowed under Section 222(c)(2) which requires a carrier to obtain written authorization prior to releasing customer proprietary information to a third party.

If carriers are required by the NANC Recommendation to give any carrier full access to the CSR without sufficient proof that the customer has authorized such access, CBT will be forced to grant access to the NSP based on less information than it requires of customers to obtain access to their own proprietary account information over the phone or online. For example, CBT requires customers who call its call center to be properly authenticated before the customer can get information about their account or make any changes to the account. A caller must provide 1) the name on the account, 2) the telephone number, and 3) a) the exact password, if one has been established, or b) the last four digits of the subscriber's social security number, or c) the exact billing address, including zip code, for business accounts. This information is used to ensure that the caller is authorized to obtain information or make changes to the account. Further, in some instances, call center representatives must use their best judgment to determine if the caller is who he or she purports to be and to deny information if the representative believes the call may be fraudulent. Alternatively, a customer who would like access to account information online must first establish an online account by providing the unique account number. Once the customer enters the account number the first time, the customer must establish a unique user name and password for future online access. The NANC

¹¹ 47 CFR § 64.1120.

Recommendation, on the other hand, would require CBT to provide full access to the CSR based solely on the NSP checking a box indicating that it has the customer's permission. No verification of the customer's account number or password is required. In fact, by providing access to the CSR, CBT would be providing the customer's account number to the NSP.

The cable companies contend that they need access to the CSR without providing customer account number or password because customers often want to port their number but do not know their account number or password.¹² The NANC Recommendation that the OSP must provide the NSP access to the CSR without any verification about the customer is akin to the customer calling the OSP to cancel service without having to verify that they are authorized to make changes to the account. As described above, every customer must be properly authenticated by provide specific end-user information before the customer can make any changes to the account. Thus, if the standard established in the NANC Recommendation applied to the end user's request to change or cancel service, CBT would be required to provide the caller with the very information the customer must recite in order to be authenticated. Accordingly, it makes no sense at all for the OSP to provide access to the customer's CSR so that the NSP will have the information it needs to complete the four acceptable fields required to validate a port request.

CBT knows that the Commission is very concerned with enforcement of carriers' duty to protect the privacy of customer proprietary information and would fault a carrier who allowed access to customer information without adequate safeguards. CBT believes that the same standards must apply to carrier access to the same information. Requiring customers to provide their account number and password (if applicable) to the NSP in order for the NSP to access the

¹² See, Comments of Charter Communications, Inc. at p. 3

CSR is not unreasonable. Further, it serves as a level of assurance that the NSP has the customer's authorization to view the CSR in lieu of producing a written authorization as required by Section 222(c).

CBT urges the Commission to direct the NANC to modify its Recommendation as proposed by the mid-sized ILECs in order to adequately safeguard customer information. If the Commission does not do that, at a minimum, it should specifically address the legal and policy issues implicated by the NANC Recommendation. Namely, the Commission should clarify that releasing CSR information to requesting carriers without the same safeguards that are required when releasing the same information directly to customers is not a violation of Section 222 and the Commission's rules.

IV. CONCLUSION

For the forgoing reasons, CBT supports the NANC Recommendation with respect to the adoption of the 14 standardized data fields but respectfully requests that the Commission thoroughly considers the concerns raised herein and by the mid-sized ILECs with respect to the protection of customer proprietary information from unauthorized access. Alternatively, CBT asks that the Commission clarify that carriers who provide other carriers with access to CSRs without authorization are absolved of liability for violation of Section 222.

Respectfully submitted,

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