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

REPLY 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) reply here to the comments filed by other parties in response to the FCC's December 8, 2009 Public Notice in the above-captioned proceeding.[1] In their comments, parties responded to 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 has established.[2] Both proposals, the NANC Non-consensus Recommendation (NANC Recommendation) and the Cable Alternative, recommend standardized sets of data fields for the FCC to adopt for completing simple port requests in the time frame the Commission has mandated.[3]

The CPUC has reviewed the comments submitted and discussed these issues with experts on the requirements of the Number Portability Administration Center (NPAC). The CPUC, in its Comments, set forth the procedural background relevant to the FCC's present inquiry, and will not repeat that background here

[1] The following parties submitted comments: the Alliance for Telecommunications Industry Solutions (ATIS); AT&T (AT&T); CenturyLink, Iowa Telecommunications, and Windstream (Mid-sized LECs); Charter Communications, Inc. (Charter), Comcast Corporation and Cox Communications, Inc. (Cable), COMPTEL (COMPTEL); and Joint Commenters consisting of Sprint Nextel Corporation, T-Mobile USA, Inc., Verizon, Verizon Wireless, Qwest Corporation, CTIA-The Wireless Association®, and U.S. Cellular Association.

[2] *See 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

[3] 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).

I. THE COMMENTS

ATIS, Joint Commenters, Comptel, and AT&T support the NANC Recommendation consisting of fourteen fields. ATIS points out that the recommended number of fields is necessary to eliminate confusion between multiple products offered by a single service provider, to ensure compliance with the one-day porting interval and to reduce errors that would frustrate the first two objectives.[4] AT&T asserts that reducing the number of fields, as proposed in the Cable Alternative, would require significant retooling of existing systems.[5] AT&T further argues that the NANC Recommendation, which it recasts as the "Majority Recommendation", would better serve the interest of most service providers, that eliminating data fields has not been shown to reduce errors, and that the fields recommended are all required by various providers.[6]

AT&T observes that the order forms used for number porting are also used for other ordering purposes, and therefore, to correctly identify the order as that for a simple port, more fields are required.[7] AT&T asserts that the objective in identifying which fields are necessary in a simple port is to standardize, not necessarily to eliminate, data fields; use of just four fields to validate a port, AT&T states, does not necessarily mean that only those four fields can be used to complete a port.[8]

[4] ATIS Comments, p. 6.
[5] AT&T Comments, p. 5.
[6] *Id.*, pp. ii-iii.
[7] *Id.*, p. 4.
[8] *Id.*

Joint Commenters not only urge support of the fourteen fields, but urge the FCC to mandate compliance with the fourteen fields, arguing that "standardization and uniformity is of greater importance than the precise number and substance of the fields."[9]

The Mid-Sized ILECs also support the NANC Recommendation, but make a further recommendation to include the PIN, whether customer or company initiated, and to require validation of an actual port request prior to releasing any customer information.[10]

Charter and Cable argue for a modified version of the reduced field proposal contained in the Cable Alternative, submitted on November 2009. Charter's proposal would eliminate the AN (Account Number) field and include the TEL NO (INIT) (Initiator's Telephone Number).[11]

Cable modifies its original recommendation to include the NPDI (Number Portability Direction Indicator) field. Cable asserts that, while it still considers this field unnecessary to complete a simple port, nonetheless it recognizes the benefit of transmitting "all E-911 information in the most convenient and efficient manner in every instance"[12] Acknowledging the value of including this one additional field, Cable maintains that only nine fields are necessary to validate and effectuate a simple port within the mandated one-day interval.

[9] Joint Comments, p. 4.
[10] Mid-sized LECs Comments, p. 2.
[11] Charter Comments, p. 3.
[12] WC Docket No. 07-244, Comments of Comcast Corporation and Cox Communications, Inc., February 16, 2010, p. 12.

II. DISCUSSION

A. Comparing the Comments

California perceives that the Commission must choose in this instance between, on the one hand, supporting service providers' understandable wish to maintain their legacy systems, and on the other, whittling down the number of fields necessary to effectuate and validate a simple port. The service providers supporting the alleged necessity of all fourteen fields primarily argue that the ordering system which they chose to use for port requests, as well as their complex internal organizational structure require several variations of the same information. Those arguing for the NANC Recommendation also argue that no evidence has surfaced to show that reducing the amount of information necessary to complete an order contributes to the efficiency of processing that order. It is easy to infer from the comments that because most of the service providers support the greater number of fields, then the NANC Recommendation must be the better choice.

B. California's Response

1. Inconsistency with Legacy Systems does not Mandate Policy

Use of the local service request system for port requests was done not at the direction of the Commission, but for the convenience of service providers themselves. Having made this particular choice for implementing local number portability, it now seems somewhat disingenuous for providers to argue that the choice justifies continued complexity in the local number portability process. AT&T's, in particular, argues that "the interests of consumers are best served when the interests of the industry as a whole

are taken into consideration".[13] California reminds the Commission that carriers made similar arguments in opposing deployment of local number portability, and, more recently, in opposing number portability. The fact that "legacy systems" will have to be altered to accommodate competition and customer convenience is a fact of life in the competitive world.

2. Fewer Fields Means Fewer Errors.

As noted above, the commenters' contend that no evidence has surfaced showing that reducing the number of required fields for effectuating a port request improves efficiency. This argument is counterintuitive and simply defies logic. Aside from the obvious problem this position presents of asking the FCC to prove a negative, it simply stands to reason that fewer data entry fields present less opportunity for data entry error. In this instance, less is more.

3. Might does not Make Right.

The FCC should be mindful of the imbalance in the comments. A greater number of companies, and mostly larger companies, propose that the FCC adopt a protocol which will enable them to protect their legacy ordering and billing systems, as opposed to a smaller number of service providers advocating for simpler systems. This imbalance does not demonstrate that promoting maintenance of legacy systems, which will save these companies money, simultaneously shows support for the public interest goal of streamlining the number porting process for the benefit of the customer. It simply means that those advocating for a greater number of fields are proposing to reduce their

[13] AT&T Comments, p. 3.

expenses of implementing local number portability, at the expense of efficiency and convenience for the consumer.

III. CALIFORNIA'S RECOMMENDATION

A. The CPUC Is Modifying Its February 16, 2009 Recommendation

Having reviewed the comments filed and the arguments supporting both proposals, as well as the additional proposal submitted by the Mid-Size ILECs and NPAC requirements, the CPUC here revises the recommendation contained in its February 16, 2010 Comments. Having learned that the NPAC cannot process a port request based on the FCC's mandated four fields, California no longer recommends that the FCC adopt a protocol based on *only* the four fields previously adopted.

Both the NANC Recommendation and the Cable Alternative provide a basis for requiring the use of additional fields to complete a simple port. Therefore, the CPUC now does not object to expanding the number of required fields to include four fields in addition to the fields required for port request validation. Specifically, in addition to the seven fields the CPUC proposed in Comments, California does not oppose including the NPDI (Number Portability Direction Indicator) field. If that additional field is included, the following eight fields would be the maximum number required to complete a simple port request:

1. Customer Account Number (AN)[14]
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)

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

6. Order or purchase order number (PON)
7. Customer version number (VER)
8. Number Portability Direction Indicator (NPDI)

In addition, the CPUC supports including the account code, or PIN, which is missing from both the fourteen fields in the NANC Recommendation and the eight fields contained in the Cable alternative. The CPUC recommends including the PIN because the concerns regarding security of customer data expressed by the Mid-sized ILECs are persuasive on this issue.

California continues to believe that the desired due date (DDD) is unnecessary in a simple port because it should always be one day from the date of the port request as defined by the Local Number Portability Working group.

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

California continues to support a uniform objective, time frame, and result of a simple port. The CPUC urges the FCC to strip away the complexities called for by the various service providers provisioning systems, and, instead, mandate a streamlined set of requirements that will best serve customers seeking to change service providers quickly and efficiently.

IV. CONCLUSION

The NANC Recommendation and the arguments of the parties advocating for the recommendation requirements unnecessarily cast a simple port request as analogous to a local service request. The CPUC maintains that 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.

In other words, while recognizing the importance of the local service request, the LSR process should not drive the porting process.

California therefore urges the FCC to limit the required data fields to eight for processing a simply port request: the ten-digit telephone number; the customer's account number; the zip code; a password, if appropriate; company code of the company requesting the port; order or purchase order number; customer version number; and the number portability direction indicator. In addition, the CPUC recommends that the FCC require use of a PIN to protect customer privacy.

Respectfully submitted,

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