

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

In the Matter of)	
)	
Local Number Portability Porting Interval and Validation Requirements)	WC Docket No. 07-244
)	
Telephone Number Portability)	CC Docket No. 95-116
)	

PETITION FOR WAIVER OF DEADLINE

CenturyLink submits this petition seeking a limited waiver¹ of the August 2, 2010 deadline by which providers must comply with the Commission’s order that “all entities subject to our local number portability (LNP) rules to complete simple wireline-to-wireline and simple intermodal port requests within one business day”² (“one-day porting”). CenturyLink will comply with this order and the rules the Commission adopted on May 20, 2010 regarding one-day porting. Indeed, CenturyLink has been working diligently toward compliance, but it faces special circumstances that create a situation where the public interest would be better served if CenturyLink were granted a limited waiver of the August 2, 2010 deadline.

The Commission explicitly contemplated the fact that some carriers would find it unduly burdensome to meet the August 2, 2010 deadline. As the Commission stated in the *One-Day Porting Order*, “some providers may find it unduly burdensome to implement a one-business day porting interval [within the] implementation period,” which led the Commission to explicitly

¹ CenturyLink makes this request for a waiver pursuant to section 1.3 of the Commission’s rules, 47 C.F.R. § 1.3.

² *Local Number Portability Porting Interval and Validation Requirements*, WC Docket No. 07-244, Report and Order and Further Notice of Proposed Rulemaking, 24 FCC Rcd 6084 ¶ 1 (2009) (*One-Day Porting Order*).

delegate authority to the Wireline Competition Bureau to grant waivers that meet the criteria set forth in the *One-Day Porting Order* and the Commission's rules.

As CenturyLink has proceeded with the integration of CenturyTel and Embarq operating systems to provide better service to retail and wholesale customers and to meet the requirements of the Commission's order approving the transaction, it has become apparent that CenturyLink meets the criteria for a waiver of the August 2, 2010 deadline. In fact, if CenturyLink were to continue attempting to meet the deadline it would create at least two public interest harms. First, CenturyLink is in the process of integrating two separate operating systems in connection with the merger of CenturyTel and Embarq, and it would be unduly burdensome and a misuse of resources to implement the new one-day porting requirement (which requires substantial system changes) on both platforms when one of each of the impacted systems is in the process of being eliminated. Specifically, meeting the deadline would require CenturyLink to incur substantial additional operational cost to modify an additional seven separate databases, and to create an additional seven new interfaces implement and operate one-day porting. Modifying systems that CenturyLink is already in the process of replacing would waste resources and effort that would benefit consumers and other carriers far more if used to advance the merger integration and hasten the deployment of the ultimate systems that comply with the one-day porting requirement.

Second, the resulting integrated system will allow CenturyLink to provide superior service to both retail and wholesale customers, but these benefits likely would be delayed if CenturyLink were required to meet the August 2, 2010 deadline even using manual processing as this would divert resources from other system change activity, including changes required to fulfill the Commission's order approving the merger of CenturyTel and Embarq operations to form CenturyLink. Not only would delays in this integration be costly, but the delay in

deployment of customer- and carrier-affecting system improvements would create additional public interest harm.

Given these facts, CenturyLink asks the Commission to recognize that it faces special circumstances warranting deviation from the rule and, consequently, that there is good cause to grant the requested limited waiver. CenturyLink also asks the Commission to find that the public interest would be served by granting the requested waiver. Finally, in light of these determinations, CenturyLink asks the Commission to grant this petition to waive the August 2, 2010 deadline for meeting the new one-day porting requirement for a limited period of time in order to allow CenturyLink to continue the integration of CenturyTel and Embarq systems.

CenturyLink recently completed the migration of the customer base in North Carolina to the integrated billing system, which is the second migration (Ohio was first), and the first of the three moves of nearly 1 million customers needed to complete the integration (the other two large state migrations involve the former Embarq customers in Nevada and Florida). These large customer migrations offer the greatest challenges for the integration, and they also pose the greatest challenge for implementing one-day porting before they are migrated to the new system. With the success of the North Carolina migration, and the clarity provided by the Commission's resolution of open questions regarding the one-day porting process in the Report and Order released on May 20, 2010, CenturyLink expects to be able to meet the requirements by May 1, 2011. CenturyLink will convert a number of smaller state customer bases after May 1, 2011, but the company plans on implementing manual processes for the remaining states in order to comply with the *One-Day Porting Order* during the remaining intervals before full integration.

I. THE PUBLIC INTEREST WOULD BE BETTER SERVED IF CENTURYLINK WERE NOT REQUIRED TO MODIFYING OPERATING SYSTEMS THAT ARE IN THE PROCESS OF BEING ELIMINATED THROUGH INTEGRATION

On May 13, 2009, the Commission adopted a Report and Order and Further Notice of Proposed Rulemaking to “reduce the porting interval for simple wireline and simple intermodal port requests.”³ Specifically, the Commission ordered that carriers modify their systems and processes to have the ability to complete simple port requests within one business day. For larger carriers, such as CenturyLink, the Commission adopted a deadline of August 1, 2010 for completing this work. The Commission went on to say

We leave it to the industry to work through the mechanics of this new interval. In particular, we direct the NANC to develop new LNP provisioning process flows that take into account this shortened porting interval.⁴

The North American Numbering Council (NANC) submitted its recommendation to the Commission on November 2, 2009,⁵ and the Commission sought comment on the recommendation. On May 20, 2010, the Commission adopted the NANC recommendation and rules codifying the recommendation and the new one-day porting process.⁶ This Order established the process flows and timers for one-day port requests.

CenturyLink has been building its systems to meet the NANC-recommended flows and timers for one-day porting, which involves substantial modifications to seven operational support

³ *One-Day Porting Order*, at 1.

⁴ *Id.* at ¶ 10.

⁵ Federal Communications Commission, *Comment Sought On Proposals For Standardized Data Fields For Simple Port Requests*, Public Notice, DA 09-2569 (Dec 8, 2009).

⁶ *Local Number Portability Porting Interval and Validation Requirements*, WC Docket No. 07-244, Report & Order, __ FCC Rcd ____, FCC 10-85 (May 20, 2010).

systems that store data and control elements of service delivery for all of CenturyLink's over 7 million voice lines. These seven systems are identified in the process chart attached as Exhibit A, which is a slide entitled LSR-LNP Architecture that shows the system changes required to implement one-day porting. CenturyLink will also have to build seven new automated interfaces, as shown on Exhibit A.

Unlike other carriers, CenturyLink is in the process of integrating two separate operational support systems—those that were used by CenturyTel and Embarq before the merger of the two companies in the middle of last year. CenturyLink is designing the integrated operational support system to comply with the Commission's requirements for one-day porting. At this time, however, both sets of legacy systems are in place, which means that CenturyLink would have to engage in duplicate effort to implement one-day porting by August 2, 2010. The development costs associated with duplicating these changes appear likely to run into the millions of dollars.

The disruption to merger integration would be even more costly than the duplication that would be required to meet the August 2 deadline. The ongoing system changes related to the merger would have to be suspended, which would create large numbers of problems with retail and carrier customer processes, and lead to service disruptions, delays, and errors that would likely cause incalculable additional costs. Although CenturyLink committed in connection with the CenturyTel-Embarq merger to cease manual processing of port requests,⁷ the disruption to

⁷ *Applications Filed for the Transfer of Control of Embarq Corporation to CenturyTel, Inc.*, WC Docket No. 08-238, Report & Order, 24 FCC Rcd 8471 ¶ 29 (June 25, 2009) (*CenturyTel-Embarq Order*).

merger integration associated with meeting the August 2 deadline would be so costly that manual processing of all orders would be more cost effective from August 2, 2010 to May 1, 2011.

CenturyLink estimates that manual LNP processing would cost a minimum of \$2.0-\$2.5 million in additional personnel costs alone, plus hundreds of thousands of dollars of supporting system changes. Even with its flaws, however, such an approach would be more cost effective than modifying and operating duplicate processes on both of the separate Embarq and CenturyTel operational systems, one each of which is being replaced due to the integration of systems in connection with the merger of CenturyTel and Embarq. The development costs associated with modifying the duplicate systems would approach the cost of manual LNP processing, and the additional costs associated with the disruption of system integration benefitting wholesale and retail customers alike are incalculable, as described below.

II. THE PUBLIC INTEREST WOULD ALSO BE BETTER SERVED IF CENTURLINK DID NOT DELAY THE INTEGRATION OF CENTURYTEL AND EMBARQ SYSTEMS, WHICH WILL CREATE A SUPERIOR CUSTOMER SUPPORT PLATFORM CONSISTENT WITH THE MERGER ORDER

On June 25, 2009, the Commission approved the transfer of licenses from Embarq to CenturyTel, and the two companies completed their merger on July 1, 2009 creating CenturyLink. The Commission's approval was conditioned, in part, on CenturyLink fulfilling commitments regarding the integration of operational support systems, specifically to:

“integrate, and adopt for CenturyTel CLEC orders, the automated [OSS] of Embarq within fifteen months of the transaction's close” Applicants also commit to processing CenturyTel's wholesale LNP orders through Embarq's OSS.⁸

⁸ *Id.* at 29 (quoting CenturyTel and Embarq ex parte filings)(citations omitted).

Consistent with these commitments, CenturyLink is consolidating its wholesale ordering systems by moving the former CenturyTel operating companies to the wholesale administration and service ordering system, which is already in place for the former Embarq operating companies. CenturyLink is making this significant upgrade to fulfill conditions in the *CenturyTel-Embarq Order*, which will improve efficiency and facilitate superior service for CenturyLink's wholesale customers. If CenturyLink is required to meet the August 2, 2010 deadline for one-day porting, it will have to divert resources and implementation activity away from the wholesale systems subject to the merger commitment, which could affect the October 1, 2010 deadline for complying with those provisions in the *CenturyTel-Embarq Order*.

In addition to the wholesale and carrier-facing system integration, CenturyLink is also integrating customer-facing operational systems, as described above. In particular, retail customers in areas that were served by Embarq are being migrated to the integrated billing systems based on the platform used by CenturyTel, which allows for superior customer service. These customer migrations are essential for one-day port request processing, however, as automated LNP processing necessarily interacts with the billing systems, where information is stored regarding the customer account, some of which is essential to processing number ports.

The two sets of operational system changes cannot be made simultaneously because they impact the same systems. To attempt to do so would substantially increase the risks of errors and operational problems from added complexity and inconsistent system changes. In addition, customer migrations must be handled carefully because of the large volume and sensitivity of the data fields, which means that all other work on affected systems must be "embargoed" for a period of weeks before and after a customer migration. Accordingly, the public interest is better served by allowing CenturyLink to proceed with the scheduled merger integration without the

delay that will arise if it must first make temporary, interim changes to the outgoing systems to comply with the August 2, 2010 deadline.

CenturyLink has completed the first quarter of the migrations of customers in former Embarq service areas to the new integrated billing system, including moving the first of three states with a large number of customers—North Carolina—each of which pose substantial challenges for both integration and LNP processing. Based on the North Carolina experience, CenturyLink projects that it can comply with the one-day porting order after approximately 75% of the customer migrations, and all three of the states with large numbers of customers are completed, which is projected to occur at the end of the first quarter of 2011. Allowing for the embargo that must follow that migration, CenturyLink will be able to implement one-day porting on May 1, 2011.

III. ACCORDINGLY, CENTURYLINK FACES SPECIAL CIRCUMSTANCES JUSTIFYING A LIMITED WAIVER PERMITTING IT TO MEET THE NEW LNP INTERVAL AT A LATER DATE CONSISTENT WITH THE ONGOING MERGER INTEGRATION.

Section 1.3 of the Commission's rules⁹ grants the Commission authority to waive its regulations when good cause is demonstrated by a showing that (a) there are special circumstances warranting deviation from the general rule and (b) the requested waiver will serve the public interest.¹⁰ CenturyLink has demonstrated both in this Petition.

Simply stated, granting the waiver would avoid two principal harms: (1) waste in adapting systems soon to be abandoned; and (2) delay in implementing merger integration,

⁹ 47 C.F.R. § 1.3.

¹⁰ *Northeast Cellular Telephone Co. v. FCC*, 89 F.2d 1164 (D.C. Cir. 1990) citing *WAIT Radio v. FCC*, 48 F.2d 1153, 1159 (D.C. Cir. 1969).

which would also jeopardize CenturyLink's ability to meet its merger commitments.

CenturyLink would have to engage in duplicative and ultimately wasted effort to modify the existing ordering system for legacy Embarq customers to comply with the new requirement, when that system will soon be replaced by a new, upgraded ordering system through the merger integration. CenturyLink end-user customers, other carrier customers, and LNP requesting customers would be better served by allowing a more rapid integration and migration to the new ordering system, which would inevitably be delayed if CenturyLink were obliged to divert resources to modify the outgoing ordering system. In sum, CenturyLink submits that the public interest would be better served if it were not required to implement the one-day porting process on two systems in lieu of complying with merger integration and implementing the porting process on the combined system a few months later.

As specified in the *One-Day Porting Order*, CenturyLink does now and will continue to comply with the current four-day requirement for simple port requests. While CenturyLink understands the consumer benefit in shorter porting intervals and commits to comply with the *One-Day Porting Order* as soon as feasibly possible, it is worth noting that the customer impact from this waiver petition is heavily weighted in favor of granting the petition. Balanced against the substantial cost savings and quicker realization of consumer benefits that would be flow from granting the waiver are likely only a relatively modest number of customers that would take advantage of the shorter one-day interval at this time. In CenturyLink's experience, over 82% of port requests received from other carriers both in recent months and for the past couple of years have requested a due date within the four-day interval in the current rules; even today, most port requests are for intervals longer than four days. Moreover, some of the requests that fall within the four-day interval are nonetheless not activated until well after the four days have passed.

IV. CONCLUSION

CenturyLink faces special circumstances warranting the requested extension of the August 2, 2010, implementation deadline for one day handling of simple LNP requests given the duplicative and ultimately wasted effort and expense involved in modifying the two separate operating systems currently in use, which would be avoided if the new process were implemented as soon as feasible as a part of the new integrated operating system. The public interest would also be served by granting the requested waiver as it would permit CenturyLink to complete enough of the systems integration to fulfill merger commitments and improve service for retail and carrier customers. Therefore, CenturyLink asks the Commission to grant CenturyLink's petition for a limited waiver of the August 2, 2010 deadline for one-day porting, allowing CenturyLink to continue its merger integration and operating under the current rules until May 1, 2011 when it will be feasible to implement one-day porting.

Respectfully submitted,

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Exhibit A: LSR – LNP Architecture

