

**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
	)	

**CENTURYLINK REPLY COMMENTS**

CenturyLink submits these Reply Comments to reiterate that it has demonstrated special circumstances warranting a waiver 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”<sup>1</sup> (“one-day porting”). In addition, CenturyLink shows that the brief Opposition and Comments filed by three parties do not in any way negate the special circumstance and public interest showing CenturyLink has made in support of its waiver petition.

**I. CENTURYLINK HAS DEMONSTRATED SPECIAL CIRCUMSTANCES WARRANTING A WAIVER OF THE AUGUST 2 DEADLINE**

Unlike other carriers working to comply with the Commission’s orders regarding one-day porting, CenturyLink is operating two sets of systems and it would be a waste of scarce resources to modify both sets of systems to perform one-day porting when one of each of the systems will soon be replaced through the integration. This duplicative effort and investment would also delay other integration effort that will benefit end-user and carrier customers, and the effort

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<sup>1</sup> *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*).

would increase the likelihood of porting errors. In addition, unlike other carriers, CenturyLink is also working to comply with a Commission order regarding the integration of the legacy CenturyTel and Embarq operational support systems (OSS).<sup>2</sup>

Therefore, the public interest will be best served if CenturyLink proceeds with the construction of its integrated OSS, including complying with the Commission's order regarding the provisioning component of the OSS, rather than delaying the integration work to meet the one-day porting deadline. Even after the provisioning component is completed by October 1, 2010 consistent with the Commission's order approving the merger of CenturyTel and Embarq, additional systems that are necessary for automated LNP will still be in the process of being integrated. In addition, and large numbers of customer accounts will have to be migrated to the billing component of the integrated OSS before automated one-day porting can be provided, which should occur by May 1, 2011. Given the large volumes of ports CenturyLink handles each month, automated processing is strongly preferable because it substantially reduces the likelihood of error.

The Commission approved CenturyTel's acquisition of Embarq on June 25, 2009, more than a month after the same Commission adopted the *One-Day Porting Order*, and the integration of the two companies' operations began after the merger closed on July 1, 2009. The new integrated set of OSS includes provisioning systems built on the legacy Embarq systems for provisioning services for other carriers, including number ports.<sup>3</sup> The new integrated OSS will also include the legacy CenturyTel billing systems, which are implicated in LNP requests as that is where necessary information is stored. The North American Numbering Council issued its

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<sup>2</sup> *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*).

<sup>3</sup> *See, e.g.*, CenturyLink Petition for Waiver of One-Day Porting Deadline, Exhibit A.

recommendations regarding the process for one-day porting on November 2, 2009; the Commission adopted the recommendations on May 20, 2010; and those requirements are being incorporated into all systems on the integrated OSS platform, including the billing systems.

Among the most important milestones in the integration is meeting the requirement in the conditions of the Commission's merger approval that all provisioning be migrated to new platform's provisioning systems on or before October 1, 2010. The provisioning systems on the new CenturyLink OSS platform are being modified to be capable of provisioning one-day porting, but it will not be possible to port numbers within one business day using the automated systems until most of the customer accounts are also migrated to the new platform's billing systems. This is a highly sensitive process that must be done with care to avoid harming customer service or altering customer data. The companies anticipate that enough of the customer base will be migrated by May 1, 2011 for fully automated one-day number porting to commence on those lines. At the point it will be feasible to perform the account lookup steps in the NANC process manually on the remaining lines for an interim period until all CenturyLink customer accounts are migrated to the new platform. It would not be feasible to perform those operations manually with a larger volume of accounts because it would substantially increase the likelihood of porting errors, which is not consistent with the public interest.

## **II. NO CREDIBLE ARGUMENTS HAVE BEEN MADE AGAINST CENTURLINK'S WAIVER REQUEST**

CTIA – The Wireless Association (CTIA) submitted a letter in opposition to CenturyLink's waiver petition because it believes that "any delay in the implementation of the one-business day porting rule would not serve the public interest."<sup>4</sup> This position was rejected

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<sup>4</sup> CTIA Comments at 1.

by the Commission in the *One-Day Porting Order* itself, which expressly contemplated the need for waivers of the deadline and set forth criteria for such waivers, which CenturyLink has met. CTIA further claims that CenturyLink's petition does not demonstrate special circumstances, apparently by attempting to differentiate wholesale and retail OSS from "simple" ports which only involve an account for a single line." This misses the essential point that number ports are themselves wholesale services, so that the OSS integration directly implicates one-day porting. Finally, CTIA appears to confuse the cost of implementing one-day porting itself, which CenturyLink does not offer as a special circumstance for a waiver, with the additional cost of implementing one-day porting on two sets of systems, one of which is in the process of being eliminated. The latter, which is a special circumstance warranting a waiver of the deadline for CenturyLink, is a basis for a waiver of Commission rules due to the wastefulness involved in making improvements to a system that is in the process of being eliminated.<sup>5</sup> Similarly, CenturyLink has demonstrated special circumstances through the increased likelihood of porting errors that would result but for a waiver, and through the disruption to the public interest benefits of system integration which the Commission made a condition of the *CenturyTel-Embarq Order*.

The National Cable & Telecommunications Association (NCTA) filed an Opposition to CenturyLink's petition, also arguing that special circumstances have not been shown. NCTA first claims that CenturyLink should have been aware of the one-day porting deadline and "in committing to complete the integration effort in fifteen months, the companies should have been fully aware that the integrated system would have to support one day porting."<sup>6</sup> This claim simply misses the point. CenturyLink was indeed aware of the need to support one-day porting

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<sup>5</sup> *E.g., Local Number Portability Porting Interval and Validation Requirements*, WC Docket No. 07-244, Order, 23 FCC Rcd 2425 (2008).

<sup>6</sup> NCTA Opposition at 3.

and it is building its integrated OSS to support one-day porting, as stated in CenturyLink's Petition. NCTA is wrong in asserting that CenturyLink committed to complete the entire OSS integration in 15 months. Instead, CenturyLink committed to complete the migration of CenturyTel wholesale provisioning to the Embarq provisioning systems on the integrated OSS within 15 months, which is October 1, 2010—a full two months *after* the one-day porting deadline. This integration of the provisioning component of the OSS is just *one part* of the overall integration, which will require many additional months. Moreover, the Commission recognized that the integration would take longer than the one-day porting deadline because it made integration of the provisioning component by October 1, 2010 a condition of its merger approval. That provisioning component is a necessary but not sufficient component of automated one-day porting.

NCTA also alleges that the “real concern is that [meeting the deadline] would result in a few million dollars of unplanned expense,” and casts aspersions on the fact that CenturyLink receives significant federal USF high-cost support to serve the low-population density, high-cost areas that NCTA member companies typically avoid serving, pays its investors market-priced dividends on much needed equity capital, and is seeking to merge with Qwest as the companies seek to offer valued products and services, improve efficiency, and maintain service levels in the face of challenging economics<sup>7</sup> – all extraneous arguments in the matter of this instant petition. In addition, this line of argument mischaracterizes CenturyLink's Petition, which is based on the special circumstances of seeking to avoid not the cost of implementing one-day porting but, rather, the additional and ultimately wasteful cost of implementing it on two sets of systems, one of which is in the process of being eliminated. In addition, NCTA does not rebut the additional

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<sup>7</sup> NCTA Opposition at 4.

special circumstances of avoiding an increased likelihood of porting errors that would result but for a waiver.

Sprint Nextel Corporation (Sprint) filed comments opposing CenturyLink's Petition, claiming that CenturyLink is only considering the "effect that the deadline will have on CenturyLink's bottom-line."<sup>8</sup> This argument misses the mark because CenturyLink's Petition is based on harms to customers and competitors, and not to its bottom line. The misuse of resources to which the Petition refers concerns the wastefulness of implementing one-day porting on systems that are in the process of being retired, and the harms to consumers include increased likelihood of porting errors and delays in improving service for retail customers and competitors alike. Both harms could be avoided through the requested waiver, which calls for a modest implementation delay, and only in the relatively small percentage of the country that is served by CenturyLink.

Sprint also alleges that its merger with Nextel involved many of the same obstacles that CenturyLink is facing yet Sprint "ensured that it met Commission deadlines and took the steps necessary to ensure that it supported number portability."<sup>9</sup> This argument is a non sequitur as wireless LNP was fully implemented in May 2004 whereas Sprint and Nextel announced their merger 7 months later and did not start implementation until after the transaction closed on August 12, 2005. Therefore, Sprint did not face the difficulty of implementing new LNP processes during the course of merger integration. Finally, Sprint alleges that CenturyLink has had ample time to comply with the one-day porting deadline as it "had been working on its merged operations for seven months *before* the Commission released its order [in May 2009]." Sprint's claim is simply untrue as CenturyLink did not start the integration process until after the

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<sup>8</sup> Sprint Nextel Comments at 2.

<sup>9</sup> *Id.*

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merger of CenturyTel and Embarq closed on July 1, 2009. Indeed, it would have been a violation of the antitrust laws to begin integration before the merger closing.

### III. CONCLUSION

CenturyLink reiterates that it 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 Comments and Opposition filed by three parties fail to discount the evidence provided by CenturyLink; nor do they demonstrate any legitimate reason why the waiver is not in the public interest. 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 operate under the current rules until May 1, 2011, when the special circumstances will be substantially ameliorated and the balance of public interest benefits will support one-day porting.

Respectfully submitted,

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