

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

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

**PETITION FOR CLARIFICATION AND/OR RECONSIDERATION¹ OF
QWEST COMMUNICATIONS INTERNATIONAL INC.**

I. INTRODUCTION: In its *2010 Porting Interval/Validation Order*, the Commission Reasonably Balanced the Need for Certainty and Efficiency in Porting Between Providers. Yet Limited Items Require Clarification and Modest Modifications to Reflect Current Rules, Adoption of the NANC’s Recommendations and Current Carrier Practices.

Qwest supports the Commission’s endorsement of the NANC’s November 2, 2009 Recommendations;² and we are, therefore, pleased with the Commission’s *2010 Porting Interval/Validation Report and Order* overall. The *Order* reflects sound legal and policy analyses, appropriately calibrating the industry’s need for efficient processes with customer expectations for easy and efficient porting of telephone numbers.

Qwest files this *Petition* seeking clarification and limited reconsideration (and modification) of two aspects of the Commission’s *Order* – specifically those stating that non-

¹ 47 C.F.R. § 1.429.

² Letter from Betty Ann Kane, Chairman, North American Numbering Council and Chairman DC Public Service Commission, to Sharon E. Gillett, Chief, Wireline Competition Bureau, FCC, WC Docket No. 07-244 (filed Nov. 2, 2009; note: this filing was resubmitted on Dec. 2, 2009) (NANC 2009 Recommendations or Recommendations). *And 2010 Porting Interval/Validation Report and Order*, WC Docket No. 07-244 and CC Docket No. 95-116, FCC 10-85, ¶ 10 (May 20, 2010) (also referred to as *Order*). *And see* Qwest’s communications in support of this Letter, including Joint Comments, filed herein Feb. 16, 2010; Reply Comments of Qwest Corporation, filed herein Feb. 22, 2010; and Joint Ex Partes, filed herein Mar. 15, 2010, Apr. 21, 2010, Apr. 22, 2010, Apr. 26, 2010.

simple (*i.e.*, complex) ports should be accomplished *within* four business days;³ and the turn-around interval for Customer Service Records (CSRs), especially very large ones.

As to the first item, Qwest believes the language in the *Order* and the proposed rules reflects a drafting mis-statement that can easily be clarified or corrected. Nothing in the current rules (unchanged since 1997) or the NANC 2009 Recommendations, adopted by the Commission in its *2010 Porting Interval/Validation Report and Order*, would require complex ports to be accomplished in four business days. The current rules and industry practices only require the *process to begin* within four business days. The Commission should clarify that its earlier statements in the *Order* did not accurately reflect the legal actions it took with respect to the Recommendations and revise the language of the rule.

As to the second, Qwest seeks clarification that the Commission understands that service providers will need to negotiate the return of CSRs beyond a 24-hour timeframe in certain cases. These would include where there are multiple lines, voluminous or highly complex ports (such as those involving design services).

II. EXISTING RULES, CURRENT PRACTICES AND THE NANC 2009 RECOMMENDATIONS DO NOT REQUIRE COMPLEX PORTS TO BE ACCOMPLISHED WITHIN FOUR DAYS.

A. Language of the *Order* and Proposed Rule.

As noted above, the language in the *Order* (and corresponding rules) requires that carriers complete complex⁴ ports within four business days, citing to the NANC 2009 Recommendations

³ *2010 Porting Interval/Validation Report and Order* ¶ 24 and n.89 (“We further clarify that the porting interval . . . for non-simple wireline-to-wireline and non-simple intermodal ports remains four business days[,]” referencing the NANC Nov. 2, 2009 *Ex Parte* Letter, Attach. 1, Section 3.2, at 17). *And see* proposed rule change to 47 C.F.R. § 52.35.

⁴ A complex port is a non-simple port. The definition of a simple port is one of exception. That is, all ports are simple *unless* they involve: (a) unbundled network elements (UNE); (b) accounts with more than a single line; (c) Complex Switch Translations (such as Centrex, ISDN, AIN,

as support for its position. But as demonstrated below, those Recommendations did not propose changes to the current rules regarding complex ports. Those rules, and industry practice, do not require that complex ports be completed within four business days, *only that they be begun by then*. While many complex ports *are* completed within four business days,⁵ not all of them are. Particularly in those cases where there are multiple lines, voluminous porting requests or complex translations associated with large businesses, completion of the porting activity is *not* generally done within four business days; *and* the submitting carriers do not object to that *status quo*. Qwest requests that the Commission clarify that complex ports, particularly those that involve many lines, are voluminous or involve complex transactions, should be begun within four business days and completed according to carrier negotiated dates, as is required by the current rules.

remote call forwarding or multiservices on a single loop); and (d) resellers. As Qwest has previously stated, we believe a simple port means one involving a single telephone number associated with a single line; and would not, accordingly, extend to a single DS1 with multiple telephone numbers. Qwest Comments filed herein Aug. 3, 2009 at 4 and n.4. (The Commission notes in paragraph 17 of the *2010 Porting Interval/Validation Report and Order* that modification of the definition of what constitutes a simple port is currently pending before it.) *And see* North American Numbering Council, Local Number Portability Administration Working Group, 3rd Report on Wireless Wireline Integration, Sept. 30, 2000 at Section 3.1, where it states that a “single line from a multi-line account is not a simple port” (filed with the Commission in CC Docket No. 95-116 on Nov. 29, 2000) (“NANC LNP WG Third Report 2000”).

⁵ *See* Qwest’s Reply Comments, filed herein, dated Aug. 31, 2009 at 10-11 (stating that carriers such as Qwest can accomplish some multi-line porting within four business days, and giving as examples that Qwest “will return a FOC within 24 hours whether the port request involves a single line (one telephone number) . . . or multiple lines on the same account (with multiple telephone numbers), up to 50 lines. The installation period reflects three days for lines up to ten and four business days for lines 11-50. So what [Qwest’s Internet Service Interval Guide] screen reflects is that when a porting interval is four-days long, Qwest can accommodate multiple line/telephone number porting in about the same amount of time as it can complete a port involving a single line/telephone number.)

B. The Alignment of the Order and the NANC 2009 Recommendations.

Qwest believes the *Order* reflects a drafting error in that it departs from current rule requirements and is not aligned with the NANC 2009 Recommendations that the Commission adopted in its *Order*. The *Order* “clarifies” that “the porting interval for non-simple wireline-to-wireline and non-simple intermodal ports **remains four business days.**”⁶ But that is not the practice outlined in the documents that the Commission adopted and referenced as part of its overall adoption of the NANC 2009 Recommendations (Nov. 2, 2009 *Ex Parte* Letter, Attach. 1, Section 3.2, at page 17).⁷ Nor is it the current industry practice. Consequently, this “clarification” results in a material rule change and a departure from the NANC Recommendations.

The NANC Flow Process in the Attachment cited by the Commission (and submitted with the Nov. 2, 2009 NANC Letter) reflects a process that has remained unchanged since it was first codified in 1997.⁸ That process requires that complex ports *be started* – not completed –

⁶ 2010 *Porting Interval/Validation Report and Order* ¶ 24 (bold added) and n.89.

⁷ *Id.* at n.89. The NANC 2009 Recommendation Attachment (version 4) states: “Recommended Revised NANC LNP Provisioning Flows” “Attached are the revised NANC LNP Provisioning Flows (Diagrams and accompanying Narratives) in their entirety that are recommended for adoption in support of all porting, both for Simple Ports in one Business Day and for Non-Simple Ports in the four Business Day interval.” Within that section are embedded PowerPoint and Word documents. When you open up the Word document, and go to Figure 5, Step 13, you see the following language: “The due date of the first TN ported in an NPA-NXX is No earlier than five (5) Business Days after FOC receipt date. Any subsequent port in that NPA NXX will have a due date No earlier than three (3) Business Days after FOC receipt.”

⁸ The newly-approved NANC LNP Process flows (version 4) *are consistent* with the NANC LNP Process Flow Version 1 (quoted above in note 7), which were approved by the Commission, and incorporated into the Commission’s rules at 47 C.F.R. §§ 52.26(a), (c). This long-standing standard has been incorporated into industry practices since 1997. (In the associated rule amendments adopted by the 2010 *Porting Interval/Validation Report and Order* that are

within four business days: “The due date of the first TN ported in an NPA-NXX is **No earlier** than five (5) Business Days after FOC receipt date. Any subsequent port in that NPA-NXX will have a due date **No earlier** than three (3) Business Days after FOC receipt.”

In line with the flexibility associated with the current rule, current industry practice is for companies to establish and publish their criteria for what types of complex ports can be completed within four days and which cannot. In Qwest’s experience, this does not harm providers or customers attempting to accomplish complex ports. On the contrary, allowing for additional time assures that such ports are accomplished correctly the first time, without the need for “do overs.” Accordingly, the Commission should clarify that its earlier remarks were misstatements and conform its proposed rule language at 64 C.F.R. § 52.35 to that found in the process flows it adopted (*i.e.*, that complex ports be processed “no earlier than three (3) business days after FOC receipts”).

III. THE COMMISSION SHOULD CLARIFY THAT PROVIDERS ARE FREE TO PROPOSE CSR RELEASES BEYOND 24 HOURS WHEN THE PORTING ACTIVITY IS VOLUMINOUS.

The Commission adopted the NANC’s 2009 Recommendation regarding the time interval for the production of CSRs: “Specifically, the NANC recommends that the CSR be returned within 24 clock hours, unless otherwise negotiated. . . .”⁹ The Commission noted that the “record reflect[ed] that the time interval for return of a CSR is often longer than the Commission’s one-business day interval, which can make the overall time to port seem longer

scheduled to become effective on July 22, 2010 -- that is, except for the Section 52.36 rule amendment, which first requires OMB review and approval of the related information collection requirements and thus will become effective at some future date -- the analogous references are at 47 C.F.R. §§ 52.26(a), 52.35.)

⁹ 2010 Porting Interval/Validation Report and Order ¶ 19.

for a consumer.”¹⁰ And in support of that comment, it cited to a variety of commenting parties who provided information about CSR return intervals ranging from 48 hours to 15 days for complex ports.¹¹

Qwest seeks clarification that the Commission appreciates that service providers will, of necessity, need to negotiate CSR returns of longer than 24 hours in the case of voluminous or highly complex ports (such as those involving design services). For example, Qwest currently posts information about its capabilities with respect to voluminous porting requests.¹² That posted information is subject to additional negotiation, certainly, but the fact that the posting reflects returns beyond 24 hours should not be deemed a rule violation. This posting/discussion

¹⁰ *Id.* (emphasis added).

¹¹ *Id.* at n.66.

¹² See <http://www.qwest.com/wholesale/clecs/preordering.html>. Among the information found there is the following:

- A small CSR is considered up to 50 pages for IMA GUI and up to 75 pages for IMA XML. A large CSR is considered up to 300 pages for IMA GUI and up to 450 pages for IMA XML.
- The maximum number of pages returned at one time for a CSR is 300 pages in IMA GUI and 450 pages in IMA XML.
- When a CSR has more than 300 pages in IMA GUI and 450 pages in IMA XML, you will need to transmit the CSR using File Transfer Protocol (FTP).

. . . . You may request a CSR for LSR ordered/CRIS billed accounts . . . you need to complete and send the CSR Request Form, which will be processed on a first in - first out basis. The resulting CSR (50 pages for IMA GUI and 75 pages for IMA XML) output will be delivered to you either by email or fax. For larger CSRs, 300 pages for IMA GUI and 450 pages for IMA XML, the output will be mailed or transmitted via FTP. You should have your requested CSR within 3 business days of sending your request to Qwest.

process should be considered “a negotiation” under the language of paragraph 19 of the *Order* and Qwest seeks clarification to that effect.

Respectfully submitted,

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July 22, 2010

CERTIFICATE OF SERVICE

I, Eileen Kraus, do hereby certify that I have caused the foregoing **PETITION FOR CLARIFICATION AND/OR RECONSIDERATION OF QWEST COMMUNICATIONS INTERNATIONAL INC.** to be 1) filed in WC Docket No. 07-244 and CC Docket No. 95-116 via ECFS with the Office of the Secretary of the FCC; and 2) served via email on the FCC's duplicating contractor Best Copy and Printing, Inc. at fcc@bcpiweb.com.

/s/ Eileen Kraus

July 22, 2010