

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of

Local Number Portability Porting Interval
and Validation Requirements;

Telephone Number Portability

WC Docket No. 07-244

CC Docket No. 95-116

COMMENTS AND/OR WRITTEN EX PARTE PRESENTATION OF AT&T INC.

AT&T Inc., on its behalf and on the behalf of its common carrier subsidiaries, (AT&T) files these comments and/or written *ex parte* in reply to and in support of the Petition for Clarification and/or Reconsideration of Qwest Communications International Inc. (Petition).¹

The Commission's porting-interval rules should reflect the same flexibility incorporated into the NANC Working Group's LNP Process Flows

1. Complex Ports

In the Petition, Qwest asks 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.”² AT&T agrees that, insofar as non-simple ports are concerned, the general intent of the report filed by the NANC at the direction of the Commission was not to change existing porting practices *as they pertain to actually completing the porting process*.³ The

¹ Commission Rule 1.429(f) states in pertinent part that “Oppositions to a petition for reconsideration shall be filed within 15 days after the date of the public notice of the petition’s filing” As the date of the public notice was August 18, 2010, oppositions to the Petition were due on September 2, 2010, and replies to any such oppositions due 10 days later. *See* 75 Fed. Reg. 51072 (2010), and 47 C.F.R. § 1.429(f) and (g). As of the date of this filing, however, no oppositions were filed. If the Commission finds this filing to be either untimely or inconsistent with the intent of Commission Rule 1.429(g), AT&T asks that the Commission deem this filing to be a written *ex parte* on this matter. *See* 47 C.F.R. § 1.1206.

² Petition, p. 3 (emphasis added). The Commission defines the term *simple port*. *See Local Number Portability Porting Interval and Validation Requirements; Telephone Number Portability, Report and Order*, 25 FCC Rcd 6953 n.3 (2010) (2010 LNP Porting Interval Order). All other ports are generally lumped into the term *non-simple port*; however, industry representatives often refer to *complex ports*, which are non-simple ports that involve many telephone numbers under one account or porting request or involve complex transactions on the part of either the old network service provider (ONSP) or the new network service provider (NNSP) or both.

³ *See* Letter from Betty Ann Kane, Chairman, North American Numbering Council, to Sharon Gillett, Chief, Wireline Competition Bureau, FCC, WC Docket No. 07-244, Attachs. (filed Nov. 2, 2009) (NANC Nov. 2, 2009 *Ex Parte* Letter).

Commission’s blanket language of Commission Rule 52.35(d)—*i.e.*, “All telecommunications carriers required by the Commission to port telephone numbers must complete a non-simple wireline-to-wireline or non-simple intermodal port request within four business days unless a longer period is requested by the new provider or by the customer”⁴—unnecessarily restricts the ability of carriers to properly and accurately handle large porting requests involving numerous telephone numbers under one account; *i.e.*, complex ports. For example, this year, AT&T processed a port request involving over 2,000 telephone numbers. It could not have been the Commission’s intent to require every service provider, large or small, to complete a port request of this magnitude in a four-day period.⁵

As this sort of port request normally arises in the context of transferring business accounts, where parties are in rough negotiating parity, the old network service provider (ONSP) shouldn’t be put at a disadvantage when negotiating the handling and timing of such ports by the existence of a bright-line rule requiring a four-day turn around. The past 13 years of porting has shown that, in the absence of such a bright-line rule, service providers are capable of negotiating mutually agreeable arrangements when it comes to porting large volumes of telephone numbers under one account.

The Commission should allow the existing practice for handling such large, single-account requests for *non-simple ports* to continue unimpeded. AT&T is confident that, under the Commission’s new shorter porting interval for *simple ports*, most consumer and small-business porting requests will be handled quickly and efficiently and within one business day.

2. Porting Interval Exceptions

This issue of applying the bright-line one-day and four-day porting interval regulations to simple and non-simple ports highlights a potential pitfall in interpreting and enforcing the

⁴ 47 C.F.R. § 52.35(d).

⁵ In a similar vein, a Customer Service Record (CSR) request involving a business subscriber with hundreds of telephone numbers and features could result in the production of a huge CSR file. It is not reasonable to expect production of such records within the general 24-hour time frame referenced in the LNP process flows. The NNSP and the ONSP have to be reasonable and be willing to negotiate a mutually agreeable time frame for production, and the Commission should encourage such negotiations and avoid a rigid application of the 24-hour clock rule.

Commission’s newly adopted rules; that is, Commission Rules 52.26 and 52.35. Briefly, Commission Rule 52.26, which incorporates the bulk of the *Working Group Report* (process flow diagram and narrative),⁶ and Commission Rule 52.35, which establishes the bright-line one-day and four-day porting intervals for simple and non-simple ports, respectively, conflict because the *Working Group Report* porting interval guidelines enumerate exceptions that are not reflected in the bright-line directives of the rules.

For example, Commission Rule 52.35(d) states unequivocally that non-simple ports must be completed “within four business days *unless* a longer period is requested by the new provider or by the customer.”⁷ Yet, the Working Group Report, which is incorporated by reference into Commission Rule 52.26, has two other express exceptions to the four-day requirement. *First*, as set out in the narrative, carriers have six business days to port a non-simple port for the “first TN ported in an NPA-NXX”—one business day for processing the port request (LSR) and returning the firm order commitment (FOC) and five business days after returning the FOC for completing the port.⁸ A similar exception exists for simple ports, as well.⁹ These exceptions may not arise frequently, but they may arise.

⁶ See 2010 LNP Porting Interval Order, 25 FCC Rcd at 6962-63 (“We adopt the NANC’s recommended provisioning flows in support of the porting process and require the industry to adhere to them. Specifically, the NANC recommends *provisioning flows that consist of diagrams and accompanying narratives* setting forth the processes to be used by service providers and database administrators in specific scenarios, including a new flow for determining the type of port at the beginning of the porting process.”) (emphasis added).

⁷ 47 U.S.C. § 52.35(d) (emphasis added). The one codified exception is a request from the NNSP or the customer for a different porting interval.

⁸ See NANC Nov. 2, 2009 *Ex Parte* Letter, Attach. 1, Sec. 3.2.; http://www.nanc-chair.org/docs/mtg_docs/Oct09_LNPA_WG_FCC_09_41_Implementation_Plan_v5.doc at 17 (NANC Flows v. 4.0 - 10-16-2009.ppt and NANC_OPS_Flows_Narratives v4.0 (10-16-2009).doc) (Inter-Service Provider LNP Operations Flows – Narratives, Wireline Non-Simple Port LSR/FOC Process, Figure 5, Flow Step 13, ONSP sends FOC to NNSP, Description: “The due date of the first TN ported in an NPA-NXX is No [sic] earlier than five (5) Business Days after FOC receipt date” p. 17 of 48.)

⁹ The same exception applies in the case of wireline simple ports. See Figure 4 of the Working Group Report, Flow Steps 10 and 15, pp. 12 and 13 of 48. This provisioning flow narrative conflicts with the bright-line one-business-day requirement of Commission Rule 52.35(a).

Second, and more important, the non-simple port request interval is extended to embrace the time it takes the ONSP to provision “other requested services.”¹⁰ In Flow Step 13 of the Wireline Non-Simple Port LSR/FOC Process, the narrative states:

It is assumed that the porting interval is not in addition to intervals for other requested services (e.g., unbundled loops) related to the porting request. The interval becomes the longest single interval required for the services requested.¹¹

This part of the provisioning flow narrative means that, using the example of unbundled loops, if it takes seven days for the ONSP to provision 15 unbundled POTS loops for the NNSP’s service associated with the telephone numbers to be ported, then the porting interval for this non-simple port request could be extended from four business days to seven.¹² If multiple services are requested, the “porting interval” becomes the interval associated with the requested service that takes the longest to provision.¹³

The plain language of Commission Rule 52.35(d) doesn’t accommodate these exceptions, which can be a future source of conflict in interpreting the Commission’s regulations. The Commission should be alert to the fact that the one-business-day and four-business-day porting intervals in Commission Rule 52.35(a) and (d) are subject to exceptions adopted by the NANC *Working Group Report’s* Provisioning Process Flows and incorporated by reference into Commission Rule 52.26(a).

¹⁰ NANC Nov. 2, 2009 *Ex Parte* Letter, Inter-Service Provider LNP Operations Flows – Narratives, Wireline Non-Simple Port LSR/FOC Process, Figure 5, Flow Step 13, p. 17 of 48.

¹¹ *Id.*

¹² AT&T intends this hypothetical to be exemplary only. Nevertheless, the length of the porting interval would be impacted by the number of loops involved—fewer loops, less time; more loops, more time.

¹³ This would appear to make sense *unless* one or more of the requested services cannot be provisioned simultaneously with the other services and has to be performed sequentially.

Respectfully submitted,



William A. Brown
Christopher M. Heimann
Gary L. Phillips
Paul K. Mancini

AT&T Services, Inc.
1120 20th Street, N.W.
Suite 1000
Washington, D.C. 20036
(202) 457-3007 (telephone)
(202) 457-3073 (fax)
William.Aubrey.Brown@att.com

September 13, 2010

CERTIFICATE OF SERVICE

I, Loretia Hill, do hereby certify that on this 13th day of September 2010, a copy of the foregoing "Comments and/or Ex Parte of AT&T Inc." in WC Docket No. 07-244 was served via electronic mail or U.S. mail to the parties below.

/s/ Loretia Hill

Craig J. Brown
Kathryn Marie Krause
Qwest Communications International Inc.
Suite 950
607 14th Street, N.W.
Washington, DC 20005

Office of the Secretary
The Federal Communications Commission
Washington, DC 20554
Via Electronic Format

Best Copying & Printing, Inc.
Via Email: fcc@bcpiweb.com