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EX PARTE

VIA ECFS

February 9, 2011

Ms. Marlene H. Dortch,
Secretary
Federal Communications Commission
Room TW-A325
445 12th Street, S.W.
Washington, DC 20554

RE: *In the Matter of Local Number Portability Porting Interval and Validation Requirements; Telephone Number Portability, Petition for Clarification and/or Reconsideration of Qwest Communications International Inc., WC Docket No. 07-244 and CC Docket No. 95-116*

Dear Ms. Dortch:

Please associate this *Ex Parte* with the above-referenced proceedings. This filing is in response to an *Ex Parte* filed by Wiltshire & Grannis LLP on behalf of Level 3 Communications, dated January 18, 2011. Level 3's filing, made just under six months after Qwest filed its Petition for Clarification/Reconsideration,¹ argues that Qwest "misstates the existing rules on non-simple ports."² The authors are incorrect; and their advocacy incorporates inaccurate descriptions of references and statements taken out of context.

While porting intervals have come to be known by pithy short phrases, such as "4-day interval" or "1-day interval" or a "2 and 1/2 hours interval" (in the case of wireless), the fact is that since 1997 the actual industry documented language regarding port completions for wireline

¹ Qwest files a copy of its Petition with this *Ex Parte* (as Attachment A) for the Commission's easy reference.

² Level 3 *Ex Parte* at 1.

carriers (incorporated into existing Commission rules)³ is that such ports should have a “due date . . . **no earlier** than three (3) Business Days after [Firm Order Confirmation] FOC receipt,”⁴ which is generally expected to occur within 24 hours. That wireline-to-wireline (intramodal) porting standard was recommended by the NANC to the Commission in 1997, with no differentiation between porting types (*i.e.*, “simple” or “non-simple”). At that time, the primary objective was just to establish operations that would get numbers ported between wireline carriers.⁵

It was only in 2000 that the terms “simple” and non-simple” were introduced with respect to number porting, in the context of porting between wireline and wireless providers. *See* the NANC LNPA WG 3rd Report on Wireless Wireline Integration, dated September 30, 2000 (*2000 NANC Wireless/Wireline Integration Report*), in Section 3.1.⁶ The definition of “simple port” is still in effect and referenced today by the Commission and the industry.⁷

In 2000, the *2000 NANC Wireless/Wireline Integration Report* recommended shortening the then-current 4-day porting interval in the case of simple ports. *See* Section 3.1. Despite the reference to “4-day porting interval,” immediately below the *Report* (at Section 3.2) makes clear

³ 47 C.F.R. § 52.26(a), (c).

⁴ NANC’s Local Number Portability Administration Selection Working Group, dated April 25, 1997 (*1997 Working Group Report*) (bold added), discussed in Attachment B, which provides more detailed descriptions/discussions of the industry and regulatory commentary associated with the language of porting timeframes over the years. *See* <http://www.fcc.gov/wcb/cpd/Nanc/lnpastuf.html>. Level 3 cites to this document at its footnote 3. But a review of the referenced document supports Qwest’s – not Level 3’s – position. At Step 7 of the document, it says that “The FOC due date is **no earlier** than three (3) business days after the FOC receipt date” (emphasis added).

⁵ *See Local Number Portability Porting Interval and Validation Requirements; Telephone Number Portability, Report and Order*, 25 FCC Rcd 6953, 6965 n.82 (2010) (*2010 LNP Porting Interval Order*) (noting that the processing flows at that time “laid out the general process by which a customer’s telephone number is ported”).

⁶ The Report defined the term “simple port” (through a process of exclusion) to “ensure precision and consistency.” *See* <http://www.npac.com/emas/documents.shtml#wwisc>.

⁷ *See 2010 LNP Porting Interval Order*, 25 FCC Rcd at 6954 n. 3 (referencing the Commission’s *2003 Intermodal Porting Order*, as well as the *2000 NANC Wireless/Wireline Integration Report*). It is worth noting that non-simple ports are sometimes referred to as “complex ports,” which the Commission has described as “ports that generally require more time for coordination due to factors such as number of lines, multiple geographic locations, multiple time zones, involvement of multiple service providers, or other similar factors. Simple ports generally involve fewer complicating factors, e.g. single-line account port.” *In the Matter of Telephone Number Portability – Carrier Request for Clarification of Wireless-Wireless Porting Issues*, Memorandum Opinion and Order, 18 FCC Rcd 20971, 20980 n. 46 (2003).

that there was no such thing as a wireline-to-wireline “4-day porting interval” in 2000. The *Report* states: “The current **minimum-porting interval** consists of: [a 24 hour FOC and] [t]hree business days to complete the porting process[.]” (Emphasis added.) Similar language is found at Section 3.3.2 (*see* Attachment B for quotes from this section.)

Following the issuance of the *2000 NANC Wireless/Wireline Integration Report*, some providers actively worked to reduce the time in which a simple port could be accomplished for wireline-to-wireline ports, something finally done in 2009, with the issuance of the Commission’s *2009 Porting Interval Order and Further Notice*.⁸ In that *Order*, the Commission “left it to the industry to work through the mechanics of the new interval[.]” and “direct[ed] the NANC to develop new LNP provisioning process flows” that took into account the shortened interval.⁹

In May of 2010, the Commission acknowledged its receipt of the NANC’s new LNP processing flows.¹⁰ In its *2010 Porting Interval/Validation Report and Order*, the Commission “adopt[ed] the NANC’s recommended provisioning flows” (which “consist[ed] of diagrams and accompanying narratives setting forth the processes to be used”); and it “require[d] the industry to adhere to them.”¹¹ At Attachment B, Qwest demonstrates how that filed package did not change the long-standing industry standard that wireline-to-wireline ports (characterized as mostly non-simple in the *2000 NANC Wireless/Wireline Integration Report*) should have a due date “no earlier” than 3 business days after the FOC.

For all of the above reasons, it is incorrect to state, as does Level 3, that “[n]on-simple ports – like simple ports [until 2009] – have always been subject to a default four-day interval.”¹² It is equally wrong to claim that “the Commission has long indicated that it believes four days to be the longest acceptable interval for all ports”¹³ **in an intramodal context**. Level 3 cites to the

⁸ *See In the Matter of Local Number Portability Porting Interval and Validation Requirements; Telephone Number Portability*, Report and Order and Further Notice of Proposed Rulemaking, 24 FCC Rcd 6084 (2009).

⁹ *Id.* at 6090 ¶ 10.

¹⁰ *2010 LNP Porting Interval Order*, 25 FCC Rcd at 6962-63 ¶ 18. *And see* Letter from Betty Ann Kane, Chairman, North American Numbering Council and Chairman of the Public Service Commission of the District of Columbia, 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*).

¹¹ *2010 LNP Porting Interval Order*, 25 FCC Rcd at 6962-63 ¶ 18.

¹² Level 3 *Ex Parte* at text accompanying note 3. Qwest has demonstrated above (at note 4) and in Attachment B that Level 3’s reliance on the 1997 Working Group Report language is misplaced as support for its position.

¹³ Level 3 *Ex Parte* at text accompanying note 4.

Commission's 2003 *Intermodal Porting Order*¹⁴ in support of its assertion. But a review of the *Order*'s language shows that the referenced paragraph was addressing wireline porting intervals **in the context of intermodal porting**, not intramodal porting. The clear import of the *Order*, as well as the *Further Notice*, was on reducing the existing wireline porting interval so that wireless carriers (who had a very short porting interval among themselves, e.g., hours) could better align porting with their business model. It was in this context that the Commission made the statement quoted by Level 3.¹⁵

Finally, Level 3 cites to AT&T's filing supporting Qwest's Petition as "argu[ing] that old service providers will be put at a disadvantaged by" what Level 3 claims is the "new rule."¹⁶ But that summarization of AT&T's comments is under-descriptive in terms of AT&T's point. AT&T never conceded in its filing that there was a "new rule" that would disadvantage old service providers. Rather, it – like Qwest – argued that there was no reason to conclude that there had been a change in the prior rule (and industry practice).¹⁷

¹⁴ *In the Matter of Telephone Number Portability; CTIA Petitions for Declaratory Ruling on Wireline-Wireless Porting Issues*, Memorandum Opinion and Order and Further Notice of Proposed Rulemaking, 18 FCC Rcd 23697 (2003) (*2003 Intermodal Porting Order*).

¹⁵ The complete quote is "The current porting interval for wireless-to-wireless ports is two and one half hours. We decline to require wireline carriers to follow a shorter porting interval for intermodal ports at this time. Instead, we will seek comment on this issue in the Further Notice. We note that, while we seek comment on whether to reduce the length of the wireline porting interval, the current four business day porting interval represents the outer limit of what we would consider to be a reasonable amount of time in which wireline carriers may complete ports." *Id.*, 18 FCC Rcd at 23712-13 ¶ 38 (footnote omitted). In the **same** paragraph, in footnote 95, the Commission says that the wireline-to-wireline porting interval is four days ("[w]ireline carriers are required to complete the LSR/FOC exchange within 24 hours and complete the port within three business days thereafter."), citing to the *1997 NANC Working Group Report*. But as demonstrated throughout this *Ex Parte*, the quoted statement is at odds with the text of that *Report*. A similar inaccurate statement is found at *2010 LNP Porting Interval Order*, 25 FCC Rcd at 6966 ¶ 24 and note 86 (citing to language quoted above from 18 FCC Rcd at 23712-13). But there again, the inaccuracy seems not to have been appreciated. *Id.* at note 88 (stating that the 2009 "NANC recommended provisioning flows for porting non-simple ports in a four-business day interval are consistent with the 1997 NANC recommendation adopted by the Commission.")

¹⁶ See Level 3's reference to a "new rule" at pp. 1 and 2.

¹⁷ See Comments and/or Written Ex Parte Presentation of AT&T Inc., WC Docket No. 07-244 and CC Docket No. 95-116 (Sept. 13, 2010) at 2 ("The past 13 years of porting has shown that, in the absence of such a bright-line rule [meaning the past 13 years has not had an absolute 4-day porting rule], service providers are capable of negotiating mutually agreeable arrangements when it comes to porting large volumes of telephone numbers under one account.").

Ms. Marlene H. Dortch
February 9, 2011
Page 5 of 5

The resolution of the matter is simple: there is no “new rule” pronounced by the Commission in 2010 regarding non-simple porting intervals; nor has there ever been a codified rule (in 2003 or before or after) requiring all wireline-to-wireline ports (including non-simple ones) to be completed within 4 days. Nothing Level 3 says changes the law of the matter.

/s/ Kathryn Marie Krause

Attachments

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ATTACHMENT A

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 mis-statements 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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Its Attorneys

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

ATTACHMENT B

1997 Activity

In the *Second Report and Order*, the Commission noted that on May 1, 1997, the NANC forwarded to the Commission its recommendations regarding certain aspects of local number portability implementation in a “report from its Local Number Portability Administration Selection Working Group, dated April 25, 1997 ([1997] *Working Group Report*).”¹ The Commission specifically “adopt[ed] the technical and operational standards proposed by the NANC for the provision of Number portability by wireline carriers.”²

With regard to the industry positions proffered to the Commission in 1997, the Commission further stated: Specific Technical Standards Addressed by the Technical & Operational Task Force:

54. We conclude that the NANC’s recommended technical and operational standards are consistent with the Commission’s performance criteria for implementing local number portability.^[3] In adopting the standards as currently set forth in the *Working Group Report . . .* and [its] Appendices as a framework for implementation of local number portability, we recognize that ongoing changes to these specifications and processes likely will be needed as the industry gains operational experience in implementing long-term number portability. We urge the industry, working under the auspices of the NANC, to maintain, update and modify the technical and operational standards as necessary, and to establish a long-term compliance process for service providers and local number portability administrators.

55. Number Portability Administration Center Service Management System Provisioning Process Flows (Provisioning Process Flows). We adopt the Provisioning Process Flows as set forth in the Technical and Operational Task Force Report [Appendix E to the *Working Group Report*] and recommended by the NANC as industry standards for use in each Number Portability Administration Center region.

.....

58. We conclude that the uniform standards for Provisioning Process Flows proposed by the NANC are essential to the efficient deployment of local number portability across the nation. In particular, we find that uniform Provisioning Process Flows will help ensure that communication between and among service providers (using local Service Management Systems) and local number portability administrators (using Number

¹ *In the Matter of Telephone Number Portability*, Second Report and Order, 12 FCC Rcd 12281, 12283 ¶ 2 (1997) (*Second Report and Order*).

² *Id.* at 12283-84 ¶ 3.

³ An Appendix to the basic 1997 *Working Group Report* was the NANC’s *LNPA Technical and Operational Requirements Task Force Report (1997 Technical/Operational Requirements)*. This was also incorporated into the Commission’s rules as an appendix to the basic *Report*.

ATTACHMENT B

Portability Administration Center Service Management Systems) proceed in a clear and orderly fashion so that number portability requests are handled in an efficient and timely manner.⁴

In the *1997 Technical/Operation Requirements Task Force Report* document, at I. Issue Resolution, A.1 on page A-1, the document reflects adoption of ILECs' proposals including that "The FOC due date will be no earlier than three (3) business days after the FOC receipt date."⁵ Thus, in 1997 ports were not expected to be completed within 4 days, but to be initiated no sooner than that time frame.

2000 Activity

It was in 2000 that the concept of "simple" versus "non-simple" ports was articulated in the context of wireless-wireline porting. That "definition" is still in effect and referenced today by the Commission and the industry.

While referencing a "4-day interval" in connection with shortening porting intervals for "simple ports," the NANC LNPA WG 3rd Report on Wireless Wireline Integration, dated September 30, 2000 (*2000 NANC Wireless/Wireline Integration Report*), in Section 3.1, stated that it expected that "most of the potential customers for porting from wireline to wireless to fall within [its] definition of a simple port." But it continued that "[c]urrently most of the wireline to wireline ports are not classified as simple ports."⁶

In at least two places in the *2000 NANC Wireless/Wireline Integration Report* it is made clear that stated wireline porting intervals reflected the initiation of a port request, not its completion. The first is in Section 3.1 ("The current **minimum-porting interval** consists of: [a 24 hour FOC and] [t]hree business days to complete the porting process"⁷ (emphasis added); the second in Section 3.3.2 (referencing the *1997 LNPA Technical and Operational Requirements Task Force Report* document, which was also – in 2000 – a Commission rule):

3.3.2 Current Wireline Provisioning Process

The "LNPA Technical & Operational Requirements Task Force Report' established a *minimum three-day porting interval* starting with the OSP sending the LSC (FOC) to the NSP and ending with the due date. For complex ports, the OSP and NSP may agree to a longer porting interval. During this *minimum three-day porting interval*, the OSP and NSP will be updating internal systems, provisioning network elements and preparing to transfer facilities." (Emphasis added.)⁸

⁴ *Second Report and Order*, 12 FCC Rcd at 12315-16 ¶¶ 54-55, 12316-17 ¶ 58 (footnotes omitted).

⁵ <http://www.fcc.gov/web/cpd/Nanc/lnpastuf.html>

⁶ 2000 NANC Wireless/Wireline Integration Report, Section 3.1
<http://www.npac.com/emas/documents.shtml#wwisc>.

⁷ *Id.*

⁸ *Id.* at 3.3.2.

ATTACHMENT B

2010 Activity

The NANC Recommended Plan (to support implementation of a 1-day wireline-to-wireline porting interval), was submitted in November and December of 2009. That Plan, at Section 3.2, contained two embedded documents. *See* http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-296559A1.pdf. The first (a Word document) is a narrative Recommended Revised NANC LNP Provisioning Flows (or “Inter-Service Provider LNP Operations Flows – Narratives”), Version 4. That narrative ties into the Operations Flows (PowerPoint document) also embedded.

The Narrative Word Document discusses a “Wireline Simple Port LSR/FOC Process, Figure 4.” In that discussion it also takes up “Non-Simple LSR-FOC (at Step 12, beginning page 12 of 48). At step 15, it states that “Any subsequent port in that NPA NXX will have a due date no earlier than three (3) Business Days after FOC receipt.”

That Narrative Word Document also addresses Figure 5, “Wireline Non-Simple Port LSR/FOC Process” (at page 15 of 48). At Step 13 (page 17 of 48) the same language quoted above is repeated: “Any subsequent port in that NPA NXX will have a due date No earlier than three (3) Business Days after FOC receipt.”⁹

⁹ AT&T’s filing in support of Qwest’s Petition presents another argument that undermines Level 3’s position. *See* Comments and/or Written Ex Parte Presentation of AT&T Inc., WC Docket No. 07-244 and CC Docket No. 95-116 (Sept. 13, 2010) at 4 (“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.’”), note 10 (citing to the above-referenced Figure 5, Flow Step 13, p. 17 of 48).