Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 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

COMMENTS OF AT&T INC.

AT&T Inc., on its behalf and on the behalf of its subsidiaries, (AT&T) files these comments in response to the Commission's *Public Notice* of September 15, 2011.[1]

I. INTRODUCTION

For some time now, the local number portability (LNP) regulatory world has been essentially divided between simple and non-simple ports—simple ports (as defined by the Commission[2]) are subject to a one-business-day interval; and non-simple ports, to a four-business-day interval.[3] But in reality, providers recognized, and industry guidelines reflected,

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[1] *Public Notice*: Comment Sought on North American Numbering Council Proposal for Standardized Minimum Thresholds and Intervals for Non-simple Ports and "Projects," WC Docket No. 07-244; CC Docket No. 95-166, DA 11-1558 (Sept. 15, 2011) (*Public Notice*).

[2] *Telephone Number Portability*, Memorandum Opinion and Order and Further Notice of Proposed Rulemaking, 18 FCC Rcd 23697 n.112 (2003) (*Intermodal Porting Order*):

> Simple ports are defined as those ports that: do not involve unbundled network elements, involve an account for a single line (porting a single line from a multi-line account is not a simple port), do not include complex switch translations (*e.g.*, Centrex or Plexar, ISDN, AIN services, remote call forwarding, multiple services on the loop), may include CLASS features such as Caller ID, and do not include a reseller.

The Commission's definition of a simple port comes from the North American Numbering Council Local Number Portability Administration Working Group Third Report on Wireless Wireline Integration, Sept. 30, 2000, CC Docket No. 95-116 (filed Nov. 29, 2000). *See, Telephone Number Portability; etc.*, Memorandum Order and Opinion and Further Notice of Proposed Rulemaking, 18 FCC Rcd 23697, 23715, ¶ 45 n.112 (2003).

[3] The one-business-day interval for simple ports is a recent mandate. *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) (Porting Interval Order and FNPRM). The standard for LNP before the Commission's Porting Interval Order was four business days. *Id.* at para. 3.

that it was a practical impossibility to always and in every case port telephone numbers within four business days. Port requests referred to as "projects"—those involving, among other things, large quantity of telephone numbers—usually require negotiations between the Old Network Service Provider (ONSP) and the New Network Service Provider (NNSP). One of the difficulties arising from this arrangement has been that, in cases where the quantity of telephone numbers (TNs) being ported was the issue, there is no wide-spread agreement on what number of port requests should rise to the level of a *project* and thereby fairly call for negotiations to set a port-out date.[4]

To remedy this, the North American Numbering Council's (NANC) Local Number Portability Administration Working Group (LNPA-WG) developed Best Practice 67 (BP67) to establish thresholds to provide general guidance to providers on when a port request should be handled within the standard four-business-day porting interval and when it ought to be a project subject to inter-provider negotiation. As a general proposition, AT&T supports this effort and the LNPA-WG's product; however, AT&T believes that, before providers are subjected to forfeiture penalties for allegedly failing to comply with a Commission rule, the application of BP67 to different porting scenarios should be clear and detailed and that providers are fully aware of what BP67 requires of them. Or, said another way, it should be "rule-ready."

A. The Commission Should Support the Industry Efforts to Develop Industry-wide Standards for Addressing Regulatory Goals

The Commission has consistently turned to industry bodies to develop standards and solutions for obtaining regulatory goals and mandates. For example, in the field of number porting, the LNPA-WG developed the provisioning flows that are the backbone of meeting the LNP time intervals and exchanging data necessary for number porting.[5] More recently, the

[4] *See* Comments and Reply Comments filed in response to the Porting Interval Order and FNPRM, WC Docket No. 07-244; CC Docket No. 95-116, August 3 and 31, 2009, including Reply Comments of AT&T Inc., pp. 3-5 (Aug. 31, 2009).

[5] *Telephone Number Portability*, Second Report and Order, 12 FCC Rcd 122281 (1997).

Ordering and Billing Forum (OBF) of the Alliance for Telecommunications Industry Solutions (ATIS) and the LNPA-WG worked to standardize the type and number of data fields for the local service request (LSR) form used in number porting as part of the Commission's efforts at facilitating and expediting the process for simple ports.[6]

BP67 follows in the footsteps of this prior work. Here, the LNPA-WG seeks to address the absence of consensus on what constitutes a *project* for purposes of negotiating a porting due date. AT&T has consistently urged the Commission to submit these sorts of issues to industry bodies for consensus resolution, because AT&T believes that these industry forums are the best venues for resolving tricky matters of inter-carrier processes and standards. In line with that history, AT&T urges the Commission to support the efforts of the LNPA-WG to address this issue, as well. If, however, BP67 is to be more than a set of general guidelines—*i.e.*, if, as it appears, the Commission is contemplating using BP67 as a springboard for rules subject to enforcement—then BP67 needs to reach a sufficient level of specificity and clarity, which it presently lacks.[7] And providers need to understand how BP67 fits into the overall LNP process flow.

B. The Commission Should Work with the NANC to Make Sure that BP67 is Sufficiently Clear and Detailed Before Codifying it into a Commission Rule

For all the good work that the LNPA-WG does to assist providers in addressing the various issues that arise in the number porting arena, the LNPA-WG are usually not attempting to draft documents suitable on their own for inclusion in a Commission rule that would subject providers to forfeiture penalties for perceived violations.[8] Rather, the LNPA-WG aims to

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[6] *Local Number Portability Porting Interval and Validation Requirements; Telephone Number Portability*, Report and Order, 25 FCC Rcd 6953 (2010).

[7] Historically, the LNPA-WG has worked to create operational-ready language, not rule-ready language.

[8] AT&T believes that one of the reasons providers may have been reluctant to bring past porting disputes to the Commission's attention is the fact that the Commission adopted by reference the NANC's Local Number Portability Administration Selection Working Group Report, dated April 25, 1997. See 47 C.F.R. § 52.26. Given the almost inherent disconnect between the work product of the LNPA-WG and the nature of a Commission rule, complaining

develop a consensus around a general process. And often work product is subject to various interpretations. BP67 is a case in point.

Given the broad strokes which with the LNPA-WG set out its proposal in BP67, it is easy to see that, while there may have been unanimous concurrence on the proposal, the individual members may have developed their own individual understanding of it.[9] Indeed, BP67 admits that the intent of the report was merely "to consolidate the information and present it . . . in its *condensed* form."[10] Moreover, AT&T understands that the proposed provisioning flow was meant to be understood in the larger context of the existing LNP provisioning flows—a point that may not be self-evident from the document itself.

Roughly stated, a *non-simple port* is a port that is not a *simple port*. And a simple port is defined in reference to multiple elements, specifically the number of lines in an account and whether the port involves unbundled network elements and/or complex switch translations.[11] AT&T's understanding of BP67 is that its guidance on porting up to 50 TNs within four business days would apply to what would otherwise be a "simple port" *but for the number of lines in the account*.[12] Said another way, the guidelines on porting up to 50 TNs in four business days would

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parties would be hard pressed to show a clear cut violation. There is a tension between the flexibility needed to write usable LNP process flows—flows that will cover a variety of providers with their own networks, processes, and limitations and a variety of telecommunications services—and drafting rules that can be enforced by fines.

[9] See Letter from Betty Ann Kane, Chairman, North American Numbering Council, to Sharon E. Gillett, Chief, Wireline Competition Bureau, Federal Communications Commission (filed June 20, 2011) ("[T]he North American Numbering Council ('NANC'), at its May 17, 2011 meeting, *unanimously concurred* with the recommendations of the Local Number Portability Administration Working Group to submit the attached Report on Best Practice on Porting 'Projects' with a request that the Best Practice #67 and the Local Number Portability Provisioning Flows be approved by the Wireline Competition Bureau.") (Emphasis supplied.)

[10] BP67, Section: "Decisions / Recommendations." *Condensed* in this case appears to mean *abbreviated*. The LNPA-WG does not appear to have intended to capture all the events that might push out a porting due date.

[11] See footnote 2 above. Simple ports also do not presently include "a reseller."

[12] This is consistent with AT&T's prior advocacy in this area. In other filings on this topic, AT&T recommended a change to the definition of "simple port" to include ports involving "one entire account with up to 20 telephone numbers." Comments of AT&T Inc., p. 4 (Aug. 3, 2009). Porting an entire account with up to 50 "simple" TNs within four business days is similar.

apply to TNs within a single, solitary account where the individual TNs within that account would be deemed "simple" if they were not otherwise part of a multi-line account.[13] BP67 was not intended to subject a port request with up to 50 TNs that also involve unbundled network elements or complex switch translations to the four-business-day interval. Yet, BP67 standing on its own may not be clear on this point. Before the Commission can adopt it as a rule, the Commission must make sure that the Commission itself understands what it is adopting and must be sure that it is adopting exactly what the NANC participants concurred on. Moreover, the Commission must make sure that the obligations of any rule based on BP67 are clearly understood by all providers.

An example of how "unbundled network elements" can impact the porting interval can be found in Flow Step 13 of the existing Wireline Non-Simple Port LSR/FOC Process. The narrative for that step 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*.[14]

This part of the provisioning flow narrative presently 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.[15] If multiple services are requested, the "porting interval" becomes the interval associated with the requested service that takes the longest to provision.[16] So even though BP67 may make it look

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[13] Because "simple ports . . . involve an account for a single line," a porting request for more than a single line or a single line from a multi-line account would be deemed non-simple.

[14] 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 (emphasis supplied).

[15] 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.

[16] 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.

as if a port request involving these 15 unbundled POTS loops when the entire account is being ported should be completed within the standard four-business-day interval, it would in fact conflict with the existing process flow.[17]

Complex switch translations present a different problem. If multiple ports involving complex switch translations are not properly coordinated through the project process, the results could be customer affecting—up to and including complete disconnection. This is so because services involving complex switch translations do not lend themselves to the mechanized porting activities available for simple ports. They can require manual intervention to review the services associated with the porting TNs and, in many cases, they can require special processes to disconnect, rearrange, or reconfigure services. Some services might even require the ONSP to seek additional input from the NNSP when the port involves a service or feature capability under direct end-user control.

Over the years since long-term LNP was adopted, providers have been able to manage these sorts of ports without more specificity in the LNP process flows. The Commission ought not to include the porting of TNs that involve complex switch translations in any revision or addition to the existing LNP process flows without further analysis by and discussion with the LNPA-WG.

[17] Porting TNs is governed by the Commission's rules and orders, as well as the industry guidelines. They can be in conflict. The classic example if the general one-day/four-day interval rule, which is subject to the industry direction that 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. *See* NANC Nov. 2, 2009 *Ex Parte* Letter, Attach. 1, Sec. 3.2.; 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). There is a similar provision applicable to simple ports. The Commission and industry bodies, like the NANC, should endeavor to harmonize these conflicting directives whenever possible.

II. CONCLUSION

AT&T supports the LNPA-WG BP67 report and the underlying process. Nevertheless, the present version of BP67 is not easily translatable into a Commission rule subject to forfeiture penalties, because it lacks a sufficient level of specificity and clarity to be fair to and enforceable against providers. Additional work is required to make adoption of BP67 as a rule so that all providers are fully apprised of what is required of them and how BP67 fits into the overall LNP process flows.

Respectfully submitted,

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