

September 12, 2012

Marlene Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

*Re: Comments on Procurement Documents for the Local Number Portability
Administration Contract; WCB Docket 09-109, WC Docket No. 07-149, CC Docket
No. 95-116*

Dear Ms. Dortch:

Public Knowledge respectfully submits these comments on the above-referenced Request for Proposal (RFP) documents that will form the basis for selecting the next local number portability (LNP) administrator. We urge all parties involved in the process to ensure that the administrator continue to be required to meet strong neutrality requirements and deliver the reliable, seamless LNP services that consumers have come to expect when they decide to switch telecommunications carriers.

Since its founding, Public Knowledge has consistently urged the Commission, states and industry to support policies that promote competition. We know well that competition spurs the innovation and entrepreneurship that is so important to consumers and to the success of the nation. Innovation and entrepreneurship has birthed telephone competitors, smartphone applications, and the growth of the internet. These advances open countless doors of opportunity – from keeping consumers connected to their jobs, schools, and family physicians to educating our citizens and bringing new points of view to all corners of the country. We believe that a retreat from pro-competitive policies will be tremendously detrimental to consumers.

The number portability mandate has been one of the most pro-consumer and pro-competitive provisions of the Telecommunications Act of 1996. Through the LNP process, consumers have the ability to retain their phone number when switching telecommunications service providers, enabling them to choose a provider that best suits their needs; thereby enabling competition. When it comes to wireless portability, for example, any consumer in a matter of minutes is able to walk into a wireless telephone store and change providers or upgrade devices while keeping their phone number.

Prior to the introduction of LNP, changing service providers meant having to get a new telephone number, which is something consumers are unlikely to do given that your phone number in many respects is an essential link to family, friends, and work colleagues. Number portability changed that, making it easy for millions of consumers to select freely the communications service provider of their choice and retain the same telephone number.

The benefits of number portability are dependent on a neutral, LNP administrator. The neutrality of the administrator is essential because were an administrator to be aligned with a segment of the telephone industry or with a particular telecommunications service provider, it

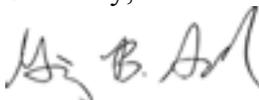
would have every incentive to favor one company or sector over another. For example, when a consumer walks into a store and wants to change carriers, the portability experience makes it easy to do so. But if the administrator had the incentive to make the process burdensome in order to prevent a consumer from switching from a company it favored, it would quickly undermine the number portability system. Moreover, service providers will be loathe to share the confidential information that is essential to making the LNP system work if they perceive the administrator to be associated with a competitor or aligned with a different industry segment.

The FCC defines the LNP administrator as an “independent, non-governmental entity, not aligned with any particular telecommunications industry segment.”¹ Consistent with this regulation, the procurement documents rightly insist that a LNP administrator cannot be “subject to undue influence by parties with a vested interest in the outcome of numbering administration” and cannot be “involved in a contractual or other arrangement that would impair its ability to administer the NPAC/SMS fairly and impartially.”² With the ongoing consolidation of both telecom carriers and telecom network equipment manufacturers, and their increasing reliance upon each other, these requirements are particularly important to ensure neutrality in the administration of LNP.

In addition, an extraordinary level of performance by the LNP administrator is a key to ensuring a positive customer experience. Flawless performance and management by the LNP administrator is crucial – it’s what consumers have come to expect and deserve. Delays in porting could cost consumers time and money and limit consumer choice and competition because when consumers get frustrated with slow porting, they often abandon efforts to switch providers. As the Commission has found previously, it is critical that customers be able to port their telephone numbers in an efficient manner in order for LNP to fulfill its promise of giving “customers flexibility in the quality, price, and variety of telecommunications services.”³

Public Knowledge recognizes that were the local number portability administrator permitted to skirt the neutrality rules in place today or if there was any disruption in the portability process it would significantly damage consumers’ confidence in the process and their ability to take advantage of choices available in the market today. We urge all stakeholders to ensure that the selection process maintains strong neutrality and performance requirements. In doing so, we can rest assured that with the next LNP administrator consumers will be able to take their numbers with them easily, thereby enabling telephone competition that can result in better quality, choice and lower prices for phone service.

Sincerely,



Gigi B. Sohn
President & CEO

¹ 47 C.F.R. 52.21(k).

² *LNPA Vendor Qualification Survey* §3.4(3) and *LNPA Request for Proposal* §4.2(D).

³ *First Number Portability Order*, 11 FCC Rcd at 8368, para. 30.