

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

In the Matter of

Local Number Portability Porting Interval
and Validation Requirements;

Telephone Number Portability

Request for Clarification of Use of Passcodes
for Non-Simple Ports and Local Number
Portability Provisioning Flows

WC Docket No. 07-244

CC Docket No. 95-116

COMMENTS OF AT&T INC.

In a *Public Notice*, dated May 22, 2013, the Commission has requested that interested parties address certain questions raised by the North American Numbering Council's (NANC) request to clarify aspects of the *2010 LNP Standard Fields Order*.¹ One question raised was whether the Commission's "*LNP Standard Fields Order* appl[ies] to all ports, not just simple ports, thereby prohibiting the use of a carrier-initiated passcode for any porting request." Because the issue is critical to the efficient processing of porting requests, AT&T Inc. (AT&T) files these comments on behalf of its covered affiliates.

In 2009, the Commission undertook an effort to "promote competition" in the communications market and "ensure the efficiency and effectiveness of LNP [local number portability]." ² As part of this effort, the Commission both reduced the then-current porting interval for simple wireline-to-wireline and simple intermodal port requests to "one business day" and solicited input from interested parties on "additional ways to streamline the number porting processes or improve efficiencies for simple and non-simple ports."³ As part of this

¹ Public Notice, WC Docket No. 07-244 and CC Docket No. 95-116, DA 13-1178 (rel. May 22, 2013) (*Public Notice*). See also *Local Number Porting Interval and Validation Requirements; Telephone Number Portability, Report and Order*, 25 FCC Rcd 6953 (2010) (*LNP Standard Fields Order*).

² *Local Number Porting Interval and Validation Requirements; Telephone Number Portability, Report and Order and Further Notice of Proposed Rulemaking*, 24 FCC Rcd 6084 para. 6 (2009) (*Porting Interval Order*).

³ *Id.* paras. 7 & 19.

effort, the Commission directed the NANC “to develop new LNP provisioning flows that take into account this shortened porting interval.”⁴

Per the Commission’s directive, the NANC’s Local Number Portability Administration Working Group (LNPA WG) submitted a recommendation revising the LNP process flow. In step 6 of those NANC-recommended process flows, which applies to non-wireless-to-wireless porting requests, the NANC recommends that “CSRs [Customer Service Records], if requested and available, must be returned within 24 clock hours, unless otherwise negotiated between service providers, excluding weekends and Old Service Provider holidays.”⁵ In the sequence of the flow, this recommendation concerning production of CSRs comes before the determination of the nature of the port; that is, the LNPA WG recommended that the CSRs be produced, if requested, before the nature of the port is determined to be either a simple or a non-simple one.⁶ Moreover, the LNPA WG plainly understood that carrier-initiated passcodes are a barrier to end users making service provider changes. It doesn’t make sense that the LNPA WG would only want certain end users—*i.e.*, those requesting a simple port—to be free of that barrier while others end users were still effectively barred from quick and efficient porting to new service providers. Clearly then, the LNPA WG expected the CSR recommendation to apply to all ports covered by the 2009 NANC LNP process flow, not just to simple ports.

What’s more, in the interim between the time that the *Porting Interval Order* was released and the NANC submitted revised provisioning flows to the Commission, interested parties commented on other steps the Commission could adopt to streamline and improve the porting process to promote competition. Among the ideas proposed was to address the issue of pre-porting access to CSRs. Briefly commenters argued that the then-existing CSR process was

⁴ *Id.* para. 10.

⁵ See NANC – Local Number Portability Administration Working Group (LNPA WG): “Recommended Plan for Implementation of FCC Order 09-41,” Version 5, pp. 17-18 (Oct. 23, 2009) (2009 NANC Recommendation); NANC Inter-Service LNP Operations Flows – Narratives, Flow Step 6, p. 5 of 48, ver. 4.0 (2009 NANC Process Flow Narratives). CSRs are not available in the wireless-to-wireless porting process. See Note to Flow Step 6.

⁶ 2009 NANC Process Flow Narratives, Step 8: “Does NLSP consider this a Simple Port?”

adversely delaying porting in general—not just simple ports under a one-business-day porting process, which was not yet in effect.⁷ Indeed, in its comments, AT&T complained that competitive LECs were using the CSR access process as a way of delaying and ultimately derailing the port:

Typically the time in which a competitive LEC will return a CSR can vary from around five days for a customer whose line would constitute a simple port to as much as 15 days if the customer's line is deemed "complex" merely by virtue of the presence of a UNE loop. This means that the Commission's efforts to streamline and make the porting process more efficient by reducing the porting interval from four days to one is being frustrated by competitive LECs who use the CSR process, which is usually a prelude to porting, as a way to delay porting and to engage in retention marketing.⁸

These comments, and similar comments of others, were cited by the Commission in its finding that the CSR be returned within 24 clock hours as proposed by the NANC-recommended process flows.⁹

In light of this, it is already clear that the CSR recommendation adopted by the Commission in the *LNP Standard Fields Order* applies to both simple and non-simple ports. That said, however, AT&T, and indeed the industry at large, is fully cognizant that there are port requests that involve bulk or large number porting. These usually arise in the medium to large business environment and involve complex ports. Typically these non-simple ports require more than four business days to complete and require both the new local service provider (NLSP) and the old local service provider (OLSP) to cooperate in the production of CSRs, if requested, and in the timing of the porting process. Any clarification the Commission might give concerning the rule requiring CSRs within 24 clock hours should continue to respect this process.

In sum, AT&T agrees with the NANC's assertion that the "the request for and provision of customer service records (CSRs) is not limited to simple ports" and that "the NANC recommended LNP process flows . . . were intended to restrict the use of a carrier-assigned

⁷ See *Porting Interval Order*, para. 19 and footnotes 65 – 67.

⁸ Reply Comments of AT&T Inc., p. 10 (filed Aug. 31, 2009).

⁹ *LNP Standard Fields Order*, para. 19.

passcode for all port requests, not just simple port requests.”¹⁰ But just as importantly, in the *LNP Standard Fields Order*, independent of the NANC recommendation, the Commission obviously intended to respond to the concerns of commenters who pointed to delays in producing CSRs as an impediment to the porting process generally. It cannot not be reasonably argued that the Commission intended to limit its CSR ruling to simple ports alone. Consequently, if there are carriers who are asserting that the rule applies only in the context of simple ports, the Commission should act swiftly to refute that assertion by clarifying the rule as requested by the NANC.

Respectfully submitted,

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¹⁰ Letter from Betty Ann Kane, Chairman, North American Numbering Council, to Julie A. Veach, Chief, Wireline Competition Bureau, Federal Communications Commission (filed Sept. 19, 2012).