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October 9, 2009

Honorable Betty Ann Kane  
Chairman  
North American Numbering Council  
District of Columbia Public Service Commission  
1333 H Street, N.W., West Tower 7th Floor  
Washington, DC 20005

**RE: Comments of COMPTEL on LNPA WG Recommended  
Implementation Plan of FCC 09-41**

Dear Chairman Kane:

COMPTEL submits the attached comments opposing one aspect of the LNPA WG Recommended Implementation Plan of FCC-0941, for inclusion in the record of the NANC meeting scheduled for October 15, 2009. Thank you again for permitting us to provide a written submission.

Respectfully Submitted,

/s/

Karen Reidy  
COMPTEL NANC Representative

cc: Ms. Marilyn Jones, DFO  
Ms. Deborah Blue

Attachment

**COMPTEL OBJECTION TO CERTAIN ASPECTS OF THE LNPA WG RECOMMENDED  
IMPLEMENTATION PLAN OF FCC 09-41**

COMPTEL hereby opposes the recommendation proposed by the Local Number Portability Administration Working Group (LNPA WG) which, in certain instances, would require an Old Service Provider (SP) to process a response to an LSR for a Non-Simple Port within 4 hours. Specifically COMPTEL opposes the recommendations contained in section 3.1 DEFINITION OF A “BUSINESS DAY” and 3.2 RECOMMENDED REVISED NANC LNP PROVISIONING FLOWS that require an Old SP to respond to an LSR within 4 hours if the New SP requests a due date of 1-2 Business Days on the LSR, thereby labeling the port as a Simple Port. The language in those sections generally bases the Old SP’s required response time on what is labeled on the LSR in terms of Simple versus Non-Simple Ports, not on what the Old SP determines is actually the case. In addition, 3.1 DEFINITION OF A “BUSINESS DAY” also contains the following clarifying language, to which COMPTEL objects: “...[I]f there is no obvious indication that the port request is Non-Simple and was requested as a Simple Port with a requested 1-2 Business Day due date, but the Old SP determined that it is a Non-Simple Port, a response is due back to the New SP in four (4) hours...”

I. LNPA WG’s Recommendation Exceeds the Scope of the Task Assigned to the NANC

The Council must consider the scope of the task that it was assigned by the Commission. Currently, as codified in Section 52.26(a) of the Commission’s Rules, 45 CFR 52.26(a), local number portability administration shall comply with the Report of NANC’s Local Number Portability Administration Selection Working Group, dated April 25, 1997 (Working Group Report) and its appendices, which are incorporated into the Commission’s rule. Step 7 of the Inter-Service Provider LNP Operations Flows – Provisioning - Figure 1 of Appendix B, states that the “Old Service Provider provides Firm Order Confirmation (FOC) to New Service Provider within 24 hours.”

In the Commission’s Order, FCC Order 09-41, the Commission “...reduce[d] the porting interval for *simple* wireline and *simple* intermodal port requests,” requiring all entities subject to its LNP rules to complete such port requests within one business day.<sup>1</sup> The Commission directed “the NANC to develop new LNP provisioning process flows that take into account *this* shortened porting interval.”<sup>2</sup> The Commission did not reduce the porting intervals for Non-Simple ports, and the Order does not contain any language that authorizes the NANC to unnecessarily reduce inter-carrier communication timeframes in the provisioning process flows for Non-Simple ports.

Additionally, since the LNPA WG’s recommendation goes beyond that which was assigned to the NANC, affected carriers have not have been put on notice that the

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<sup>1</sup> FCC 09-41 at ¶ 1 (emphasis added).

<sup>2</sup> *Id* at ¶ 10.

processes for Non-Simple ports would be altered. This calls into question the appropriateness of the consensus process administered by the LNPA WG since carriers that process all or mostly Non-Simple ports may not have found it necessary to participate and weigh in on the discussions concerning process flows for Simple ports.

## II. The Impact of the Recommendation to the CLEC Community

The LNPA WG seeks to expand the scope of the Commission's order and alter the Commission's rules with regard to Non-Simple ports to the benefit of those providers that mislabel their port requests in the LSR. In carrying out its responsibilities, the role of the Council as a whole, and each individual NANC member is not only to adhere to the Commission's mandates but to support certain policy objectives, including a policy "that NANP and LNP administration does not unduly favor or disfavor any particular industry segment..."<sup>3</sup> A number of CLECs represented by COMPTTEL, due to the nature of their businesses, process primarily Non-Simple ports because they mainly serve multi-line business customers and often rely on unbundled network elements. These carriers' porting processes will already become more complex in order to comply with the Commission's Order with regard to the Simple ports, due to the need to distinguish between Simple and Non-simple ports. This added burden, however, is likely to be significantly amplified by the increased number of port requests that would be generated solely as a result of the proposed rule. While at first blush it may seem that this burden would be lessened by the Old SP's ability to respond with a Reject to a mislabeled Simple port request, in fact sending a Reject would actually increase the number of port requests the Old SP ultimately must handle. Every Reject will subsequently result in another port request, hopefully corrected with a proper due date, that must again be reviewed and processed by the Old SP. Whereas, if the Old SP was permitted to respond to the Non-Simple port request, whether or not it is labeled as such by the new SP, within the current 24-hour timeframe (as proposed in the CLEC Position Paper), the Old SP would be more apt to provide a FOC with a revised due date instead of a Reject, and the port request would not have to be resubmitted by the New SP and reprocessed by the Old SP, thereby eliminating the increase in the overall number of port requests.

Also, to the extent the Old SP alternatively provides FOCs instead of Rejects to those New SPs who mislabel their Non-Simple LSRs, the rule as proposed by the LNPA WG would unjustly reward those New SPs who fail to make an effort to appropriately label their port requests over those who do make the effort. Such an outcome virtually eliminates any incentive for a New SP to conduct due diligence to determine if a port request is Simple or Non-Simple before submitting the LSR, placing all of the burden on the Old SP to make that determination and respond within 4 hours regardless.

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<sup>3</sup> NANC OPERATING MANUAL, version 2, Chapter 15 Members as Representative, p. 13, as modified Sept. 9, 2006.