

NANC Future of Numbering Working Group

TITLE: Number Porting Problems Encountered by Vonage

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ABSTRACT: This is a copy of an ex parte filing that Vonage has submitted in various dockets concerning the problems the Company has experienced in attempting to port telephone numbers from ILECs.

NOTICE:

This document is offered to the NANC Future of Numbering Working Group as a basis for discussion.

VIA ELECTRONIC FILING

March 28, 2005

Marlene H. Dortch, Secretary
Federal Communications Commission
The Portals
445 12th Street, S.W.
Washington, D.C. 20554

Re: CC Docket Nos. 95-116, 99-200 and WC Docket Nos. 04-36, 03-251

Dear Ms. Dortch:

Vonage Holdings Corp. (“Vonage”) submits this letter to provide the Commission additional information on problems Vonage faces concerning telephone number porting from many incumbent local exchange carriers (“ILECs”).¹ As recently as Friday, March 25, 2005, the Commission reaffirmed that the 1996 Telecommunications Act requires ILECs to port telephone numbers in a non-discriminatory manner and that “carriers may not impose not porting related restrictions on the porting out process.”² Specifically, certain parties had highlighted to the Commission that ILECs will delay porting when a competing voice provider wins a customer that also subscribes to an ILEC voice service.³ While Vonage has also experienced similar discriminatory treatment in the same circumstances, this filing pertains to Vonage’s experience concerning ILECs’ information management practices that are producing unwarranted costs and delays. This is creating a systemic slowdown of the entire porting process to the detriment of customers and the public interest. In delaying porting through poor information management practices these carriers are frustrating federal law, damaging the reputation of requesting

¹ Vonage’s broadband communications service is used by over 500,000 customers in the United States and Canada. When a customer chooses to use Vonage’s service and to retain their existing telephone number, Vonage works with a carrier, *i.e.*, a competitive local exchange carrier (“CLEC”), to arrange for the port of the customer’s number from their existing carrier, typically a RBOC. In most cases, Vonage (and CLECs) must use the wireline-to-wireline porting process in order to obtain the customer’s telephone number. However, in some cases, Vonage converts a wireless customer to the Vonage service, thereby using the intermodal porting process.

² *See BellSouth Telecommunications, Inc. Request for Declaratory Ruling that State Commissions May Not Regulate Broadband Internet Access Services by Requiring BellSouth to Provide Wholesale or Retail Broadband Services to Competitive LEC UNE Voice Customers*, Memorandum Opinion and Order and Notice of Inquiry, WC Docket No. 03-251, at ¶ 36.

³ *See id.*

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competitive local exchange carriers (“CLECs”) and companies that rely on the services of such carriers like Vonage, and increasing the costs associated with finalizing number ports for CLECs and Voice over Internet Protocol (“VoIP”) providers. Further, as the Commission allows VoIP providers to become directly involved in the porting process, the existing problems with porting will only increase. Ultimately, porting benefits consumers in allowing them to maintain their telephone numbers regardless of service provider and ILECs must conform their systems and practices to give effect to the decisions made by consumers.

As detailed in Vonage’s reply comments filed in the intermodal porting docket, the wireline-to-wireline porting process is broken.⁴ Vonage confronts numerous obstacles in completing customer requested number ports with ILECs. Another issue impeding the wireline porting process and causing customers significant delay is the pervasive mismanagement in ILEC back office systems. ILECs are causing needless delays and costs due to inaccurate data. Vonage has noticed that many ILEC back office systems are not updated to match changes in customer services. Specifically, ILECs will not honor porting requests if a customer has not first cancelled their tied DSL service. However, when ILEC customers cancel DSL service and/or multiple line service, many ILECs fail to account for this service change in all related databases.⁵ When those customers attempt to port numbers, some ILECs reject the request because their back office systems show that those numbers are tied to DSL or multiple line service. When the CLEC working with Vonage requests the relevant customer service record (“CSR”) as part of the porting process, it wrongly indicates that customer has either a DSL or multiple line service associated with the line.

The inaccurate and mismanaged data in ILEC back office systems is a great cause of concern for the Company because no matter how good Vonage’s pre-order process is, the Company has no way of knowing about discrepancies in the ILEC databases that may delay a port. Such ILEC-caused inaccuracies delay porting and require customers to become involved in the porting process, an extremely technical and inherently confusing process, since the ILECs will not allow either the carrier or the VoIP provider to remove the phantom features from the account.⁶ This, in turn, places unjustified costs on the requesting carrier or VoIP provider as a result of forcing such companies to manually contact the ILEC to explain the circumstances

⁴ See generally *Telephone Number Portability*, Reply Comments of Vonage Holdings Corp., CC Docket No. 95-116 (filed Dec. 17, 2004) (“*Vonage Reply Comments*”).

⁵ Customer are unaware of the erroneous information associated with their account because the ILECs cease billing customers for the service but fail to update other databases pertaining to the customer’s account and service.

⁶ Furthermore, when Vonage begins to specifically instruct customers on how to remove restrictions from their line, the customer will have an expectation that the port will go through smoothly; however, due to ILEC mismanagement, this is not the case. Numerous other issues may arise even after the customer “removes” the non-existent services from their account. For further details concerning other issues that arise, please see *infra* note 8 and Vonage’s reply comments filed in CC Docket No. 95-116.

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surrounding the rejected port. Vonage and the CLECs involved in the porting process have to pay various fees and overhead associated with the porting. Rejections result in a double (or even higher multiples) of the single port cost.

These inconsistencies are derived solely from the internal practices of the ILECs and are acutely manifested when customers request a number port. In many instances, customers have canceled DSL and/or multiple line service months in advance of the requested port. However, when such a customer requests a port through their new carrier, their old carrier (the ILEC) rejects the port request, claiming that either the DSL line or multiple line service must first be removed from the line, regardless of the fact that the affected customer does not have such services, and in many cases has not had such services for several months preceding the port request.

When a port request is rejected because the ILEC incorrectly claims the number is tied to DSL or multiple line service, the customer is automatically faced with a significant delay in finalizing the port. Further, the ILECs claim that the port is no longer governed by the Commission's rules because it is rejected by the ILEC as an erroneous port request. As detailed in Vonage's reply comments, the wireline-to-wireline industry standards that establish deadlines for the porting of telephone numbers are arguably applicable only if the carrier porting out a number receives an "error-free port request." Despite the fact the port is rejected because of faulty ILEC information, ILECs argue that they are able to reject the port and are not subject to otherwise applicable federal rules. When these situations arise, Vonage and the CLEC must initiate a conference call with the RBOC to clarify that the number in question is not associated with DSL or multiple line service. Many times, Vonage and the CLEC must wait on the line to ensure the problem is fixed while they wait on the call. When Vonage encounters such difficulties, customer requests for porting can be delayed days if not weeks. The ability of ILECs to self-determine what constitutes an "error free" port allows ILECs to reject any and all orders. The Commission should implement a rule that allows an error-related rejection only if the submitting carrier submits an order that contains an error. Otherwise, the carrier receiving the port request must comply with the existing timeframes established by the industry and adopted by the Commission.

To remedy these problems, the Commission must address the larger concern of "error free orders." The situation described in this letter is a subset of a much larger problem that Vonage addressed in its reply comments and other parties have also raised.⁷ The timeframes associated with wireline porting are measured from the receipt of an "error free order." ILECs are able to abuse the porting process by classifying port requests as erroneous even if the "errors" are caused by their own internal databases (as detailed in this letter). Port requests rejected for any number of other validation errors require supplemental port requests that introduce

⁷ See *Telephone Number Portability*, Comments of CTIA – The Wireless Association, CC Docket No. 95-116, at 6 (filed Nov. 17, 2004).

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substantial delays into the porting process (as detailed in Vonage's reply comments).⁸ Once a customer has provided a Letter of Authorization, the acquiring carrier (or VoIP provider) should be able to work directly with the ILEC to remove the non-existent features that are causing the port to be rejected. This would greatly streamline the porting process from the customer perspective and allow further automation to be developed to handle these cases in order to serve and give effect to the customers' intent.

It is also necessary for the Commission to overhaul holistically the wireline porting process. Many of the problems identified by Vonage in this filing, as well as in its reply comments filed in the intermodal porting docket, would be resolved if the Commission were to: (1) standardize the fields that require validation; and (2) greatly reduce the number of fields required to validate a port. The purpose of validation edits and the continued usefulness of this practice must be reevaluated to reflect the communications marketplace as it exists today and in the foreseeable future. The only purpose such edits serve is to minimize inadvertent ports to ensure the carrier is porting the correct number and the correct customer. Certainly this is a legitimate goal, however, much has changed in the telecommunications marketplace since 1997 when this process was established. Significantly, the Commission has made clear that liability for inadvertent ports rests completely on the company that submits the carrier change request and has adopted rules for obtaining customer consent.⁹ The company requesting the porting of a telephone number has a powerful incentive to ensure that they are acting consistent with the wishes of a customer. Accordingly, validation edits should be streamlined to the most basic information required to port a telephone number to a new service provider so the practice cannot be used to frustrate customer choice.

⁸ See *Telephone Number Portability*, Reply Comments of Vonage Holdings Corp., CC Docket No. 95-116, at 5-7 (filed Dec. 17, 2004).

⁹ See, e.g., 47 C.F.R. § 64.1140 ("Any submitting telecommunications carrier that fails to comply with the procedures prescribed in this part shall be liable to the subscriber's properly authorized carrier in an amount equal to 150% of all charges paid to the submitting telecommunications carrier by such subscriber after such violation, as well as for additional amounts as prescribed in § 64.1170."); see also *Implementation of the Subscriber Carrier Selection Changes Provisions of the Telecommunications Act of 1996; Policies and Rules Concerning Unauthorized Changes of Consumers Long Distance Carriers*, First Order on Reconsideration, CC Docket No. 94-129 (rel. May 3, 2000).

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Vonage is not suggesting that wireline carriers engage in no validation of data but Vonage does advocate for both a standardized the fields that require validation and reduce the number of fields subject to such a requirement. The Commission should work with the industry to require the validation of only two or three fields. This would enormously simplify the porting process, reduce the delays associated with rejected port requests since there would be less data to process, and restrict the ability of ILECs to use the validation process as a means to delay porting request so as to maintain their market share.¹⁰

Respectfully submitted,

/s/

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¹⁰ Aside from the reforms set out in this letter, Vonage has recommended other improvements to the wireline-to-wireline porting process that would greatly improve the system in its reply comments. Specifically, Vonage submits that the Commission should: (1) require carriers to electronically submit and process Local Service Requests (“LSRs”) forms; (2) mandate standardized forms utilized for change requests; (3) examine the procedures and timeframes for processing port requests that are rejected and reevaluate what constitutes a valid port reject; (4) reduce the timeframe associated with the activation process after a LSR has been accepted by the porting out carrier; (5) require carriers to presume port requests are valid regardless of the features installed on a line; (6) clarify that providers should not be required to obtain social security numbers when porting a wireless customer to their service; and (7) extend any modifications made to the wireless-to-wireline porting process to the wireline-to-wireline porting process. *See Vonage Reply Comments*, at 1.