



OPASTCO

21 Dupont Circle NW
Suite 700
Washington, DC 20036

July 1, 2008

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street SW
Washington, DC 20554

Ex Parte Notice

**Re: Local Number Portability Porting Interval and Validation Requirements
WC Docket No. 07-244**

Dear Ms. Dortch:

On Monday, June 30, Stephen Pastorkovich of the Organization for the Promotion and Advancement of Small Telecommunications Companies (OPASTCO) and Derrick Owens of the Western Telecommunications Alliance participated in meetings with the Commission staff members noted below to discuss the porting interval for simple local number portability requests.

OPASTCO and WTA met with Scott Deutchman, wireline advisor to Commissioner Copps; John Hunter, wireline advisor to Commissioner McDowell; Ann Stevens, Randy Clarke, and Melissa Kirkel of the Wireline Competition Bureau; Amy Bender, wireline advisor to Chairman Martin; and Scott Bergmann, wireline advisor to Commissioner Adelstein.

OPASTCO and WTA stressed that most rural ILECs still process number porting requests manually. Due to the low number of port requests, automated systems that may enable a shorter porting interval are not cost-effective for either carriers or their customers. Therefore, OPASTCO and WTA believe that the Commission should retain the current porting interval of four business days for rural ILECs. A written summary of this position was provided in the meetings and follows below.

In accordance with FCC rules, this letter and the presentation are being filed electronically in the above-captioned docket.

Sincerely,

/s/ Stephen Pastorkovich

Stephen Pastorkovich
Business Development Director/
Senior Policy Analyst
OPASTCO

cc: Scott Deutchmann
John Hunter
Ann Stevens
Randy Clarke
Melissa Kirkel
Amy Bender
Scott Bergmann



A PORTING INTERVAL OF FOUR BUSINESS DAYS SHOULD BE MAINTAINED FOR RURAL ILECs

Rural ILECs have unique operating characteristics that differ from the largest carriers, such as:

- An average of 22 employees;
- Higher local line costs due to long distances between customers and a switch;
- Difficult terrain;
- Higher unit costs for equipment, software, etc. due to smaller and more geographically dispersed subscriber populations;
- Higher proportion of residential versus business subscribers.

Rural ILECs' small staffs and large service territories are ill-suited to the wholesale revamping of recordkeeping, staffing, training, and business practices that a shorter porting interval would demand.

The North American Numbering Council (NANC) has correctly reported to the Commission that in order to support a shorter porting interval, rural ILECs would “need to change internal operating software, business practices, and implement mechanized systems and automated interfaces with other carriers.”

The additional investment in these systems and the personnel training and other costs that would be incurred to support the relatively few ports that rural carriers can anticipate would not pass any rational cost-benefit test, and could create an economic hardship. This, in turn, could hinder other planned network upgrades.

Absent automated systems, the current four business day porting interval is necessary to ensure adherence to both administrative and technical safeguards that have been put in place to protect consumers.

Administrative: When a port request is received, rural ILECs without automated systems must manually process the request using Firm Order Confirmation (FOC) procedures. This process verifies the customer's information in order to minimize erroneous ports, and confirms the due date of the port to minimize the chance of disrupting the customer's service.

In order to complete this process, rural ILECs must interface with the Number Portability Administration Center (NPAC), which is open from 7:00 a.m. until 7:00 p.m. Central Time from Monday to Friday. Manual processing under the FOC safeguards generally takes a minimum of one full business day to complete.



Technical: After the administrative work is completed, ports must be initiated, tested, and finalized. To do so, rural ILECs typically need to visit a switch more than once to complete translation changes. The day before the scheduled due date of a port, a “10-digit trigger” (TDT) must be set at the old service provider’s switch to ensure that calls to the number in question are queried in the LNP database. Carriers that do not have automated systems must visit the number’s old switch in order to set the TDT. Another visit is required to complete the port, and remove the TDT.

Therefore, technicians, who have a myriad of other responsibilities throughout the carrier’s service territory, must visit a switch at least twice in order to properly execute a port. For small carriers with few employees, it would be difficult to impossible to schedule a qualified technician to perform the required functions at a central office that may be remotely located within a timeframe of fewer than four business days.

The Commission must consider the disproportionate burdens that a shorter porting interval would impose on rural ILECs.

The Commission acknowledged that a shorter porting interval “could modify the reporting and recordkeeping requirements of certain telecommunications providers.” But it did not describe these reporting and recordkeeping requirements. Nor did it describe steps that the Commission might take to minimize burdens on rural ILECs.

Conclusion

Rural ILECs face practical barriers to implementing a porting interval of less than four business days. Requiring them to do so would impose severe burdens on carriers and, more importantly, increase the risk of inaccurate ports to the detriment of consumers. The Commission has not adhered to required procedures associated with the imposition of new rules on small businesses, including rural ILECs. Retention of the four business day porting interval for rural ILECs is the most sound course of action.