



April 27, 2009

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:

The Organization for the Promotion and Advancement of Small Telecommunications Companies (OPASTCO)¹ and the Western Telecommunications Alliance (WTA)² urge the Commission to retain the current local number portability (LNP) interval for rural incumbent local exchange carriers (ILECs). Most rural ILECs still process number porting requests manually due to the fact that they experience a low number of port requests. These manual systems are not capable of consistently porting numbers accurately in less than four business days. Since an automated porting system is necessary to ensure consistent compliance with a shorter porting interval, and investment in these systems by carriers with few port requests would be economically irrational, the current four business day porting interval should be maintained for these carriers.

The Commission's expert advisory body on numbering matters, the North American Numbering Council (NANC), is composed of regulators, consumer advocates, and representatives from all segments of the telecommunications industry. The 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."³ Some of the operational challenges to a shorter porting interval that rural ILECs face have been outlined in previous filings submitted in this proceeding by OPASTCO and WTA.⁴ To

¹ OPASTCO is a national trade association representing approximately 520 small telecommunications carriers serving rural areas of the United States. Its members, which include both commercial companies and cooperatives, together serve approximately four million customers. Nearly all OPASTCO members are rural telephone companies as defined in 47 U.S.C. §153(37).

² WTA is a trade association that represents approximately 250 rural telephone companies operating west of the Mississippi River. Most members serve fewer than 3,000 access lines overall, and fewer than 500 access lines per exchange.

³ *NANC Report & Recommendation on Intermodal Porting Intervals*, Prepared for the NANC by the Intermodal Porting Interval Issue Management Group (fil. May 3, 2004), p. 25.

⁴ See OPASTCO & WTA comments, WC Docket No. 07-244 (fil. Mar. 24, 2008); see also, OPASTCO comments, CC Docket No. 95-116 (fil. Nov. 17, 2004).

date, no evidence has been presented in the record that demonstrates how rural ILECs with manual porting systems could match the consistency, speed, and reliability of an automated system.

Clearly, the additional investment in equipment, software, personnel training, etc. required by automation is not appropriate given the relatively few ports that rural carriers can anticipate. This would place undue hardship on the small staffs of rural ILECs, which average only 19 employees.⁵ Therefore, if forced to make this irrational investment, customer service, as well as the timetable for other planned network upgrades, notably those that would enhance and expand broadband availability, may be compromised.

Rural carriers' small staffs and large, sparsely populated service territories are ill-suited to the wholesale revamping of record keeping, staffing, training, and business practices that would be needed to accommodate faster porting. Nevertheless, in the event the Commission decides to alter the porting interval for rural ILECs, OPASTCO and WTA recommend that certain exemptions and conditions, outlined below, be adopted.

1. Because rural ILECs generally have limited staff resources and manual porting mechanisms, it is important that the porting interval for these carriers be measured in business days. It is also important to recognize that rural ILECs with manual porting systems and limited resources that currently port few if any numbers risk being overwhelmed if they suddenly receive a relatively large number of port requests within a short period of time.

2. In order to account for these factors, the four business day porting interval should be maintained for rural ILEC exchanges that do not have automated porting systems, and anticipate few if any ports. Specifically:

- The four business day porting interval should be retained for rural ILEC exchanges operating outside of the top 100 Metropolitan Statistical Areas (MSAs).
- The four business day porting interval should also be retained for rural ILEC exchanges operating within any of the top 100 MSAs that receive 100 or fewer simple port requests a month.
- Rural ILEC exchanges that experience more than 100 port requests a month for a period of six consecutive months should have six additional months to comply with a shorter porting interval, as measured in business days. The Commission must provide for an effective method for rural ILECs that might be subject to this requirement to achieve full cost recovery, as provided for in the Telecommunications Act of 1996.⁶

⁵ Telergee Alliance, 2008 Telergee Benchmarking Study, p. 64 (2008).

⁶ 47 U.S.C. § 251(e)(2).

3. The definition of “simple port” should be included once again in any decision to reinforce clarity.

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

Sincerely,

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