



Federal Communications Commission
Washington, D.C. 20554

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Small Entity Compliance Guide

Local Number Portability (LNP)

WC Docket Nos. 07-243, 07-244, 04-36
CC Docket Nos. 95-116, 99-200
FCC 07-188

This Guide is prepared in accordance with the requirements of Section 212 of The Small Business Regulatory Enforcement Fairness Act of 1996. It is intended to help small entities—small businesses, small organizations (non-profits), and small governmental jurisdictions—comply with the above-referenced FCC rules. This Guide is not intended to replace the rules, which provide the final authority in this context. While we have attempted to cover all parts of the rules that might be especially important to small entities, the coverage may not be exhaustive. This Guide may not apply in a particular situation based upon the circumstances, and the FCC retains the discretion to adopt approaches on a case-by-case basis that may differ from this Guide, where appropriate. Any decisions regarding a particular small entity will be made based on application of the statute and regulations. Interested parties are free to file comments regarding this Guide and the appropriateness of its application to a particular situation; the FCC will consider whether the recommendations or interpretations in the Guide are appropriate in that situation. The FCC may revise this Guide without public notice to clarify or update the contents. Direct your comments and recommendations, or calls for further assistance, to the FCC’s Consumer Center:

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I. OBJECTIVES OF THE PROCEEDING

- **Extend local number portability (LNP) benefits and obligations, including contributions to shared LNP costs, to interconnected Voice over Internet Protocol (VoIP) service providers**
 - Local number portability empowers customers to take advantage of new services without losing their telephone numbers, thus promoting competition by giving customers more flexibility to respond to changes in price and service offerings. Recognizing the growing importance of interconnected VoIP service providers in the market for telephone services, it is important that interconnected VoIP service customers have the same opportunities for number portability as customers of wireline and wireless services.

- **Clarify the information that may be used to validate simple port requests**
 - Local number portability cannot be effective if the mechanisms used by providers to port numbers are so burdensome that they discourage use. Existing Commission rules have made clear that providers cannot unreasonably obstruct or delay the porting process, for example by demanding far more information than needed to fulfill the request. To avoid obstructing or delaying a port, up to four information fields may be used in order to validate a request for a “simple port”: (1) the 10-digit telephone number to be ported; (2) the customer’s account number with the current service provider; (3) the 5-digit ZIP Code associated with the account; and (4) the customer’s pass code, if applicable.

- **Issue a Final Regulatory Flexibility Analysis (FRFA) on the impact of applying intermodal LNP rules to wireline carriers that classify as small entities**
 - In 2003, the Commission adopted the *Intermodal Number Portability Order*, which, in part, requires wireline carriers to port local numbers to wireless carriers, provided the wireless provider’s coverage area meets certain conditions. The United States Court of Appeals for the District of Columbia Circuit issued a stay of this order, pending the release of a Final Regulatory Flexibility Analysis (FRFA) which analyzes the impact of the Order’s new rules on small entities. In the current proceeding, the Commission issued a FRFA, finding that wireline carriers that qualify as small entities should be required to port numbers to wireless carriers under certain circumstances. The Commission found that these limited requirements appropriately balance the costs to the small entities and the public interest benefits of the requirements. As a result, small wireline carriers are now required to comply with intermodal LNP requirements.

II. COMPLIANCE REQUIREMENTS

A. Porting Requirements

- **Interconnected VoIP providers and their numbering partners must facilitate an end-user customer's valid number port request**
 - Interconnected VoIP providers must take all steps necessary to initiate or allow a port-in or port-out request without unreasonable delay or unreasonable procedures that have the effect of delaying or denying porting of the number. If the interconnected VoIP provider works with a numbering partner to acquire its NANP-based telephone numbers then the numbering partner must perform the technical porting; the interconnected VoIP provider must take all steps necessary on its part to facilitate the execution of the port request. **[47 C.F.R. § 52.34(a)]**
 - To the extent that carriers serving as numbering partners with direct access to numbers are exempt from LNP requirements, that exemption from LNP only extends to the exempt service and not to that carrier's activities as a numbering partner for an interconnected VoIP provider. **[VoIP LNP Order]**
 - Interconnected VoIP providers may not enter into contracts with numbering partners or other carriers to delay or block an end-user customer's port request. Existing contracts and contract provisions do not supersede these rules. **[47 C.F.R. § 52.34(b)]**
 - Interconnected VoIP providers may not enter into contracts with end-user customers that limit the customer's number portability rights. **[47 C.F.R. § 52.34(b)]**
- **Scope of porting obligations for interconnected VoIP providers**
 - The scope of an interconnected VoIP provider's porting obligation is identical to the scope of the provider's numbering partner's porting obligation: **[VoIP LNP Order]**
 - If the interconnected VoIP provider's numbering partner is a wireline carrier then the provider must facilitate a valid request for porting to or from: (1) a wireless carrier whose coverage area overlaps with the geographic location of the porting-out numbering partner's rate center; (2) a wireline carrier with facilities or numbering resources in the same rate center; or (3) another interconnected VoIP provider whose numbering partner meets the requirements of (1) or (2). **[47 C.F.R. §§ 52.23, 52.34]**
 - If the interconnected VoIP provider's numbering partner is a covered Commercial Mobile Radio Services (CMRS) provider then the provider must facilitate a valid request for porting to or from: (1) another wireless

carrier; (2) a wireline carrier within the telephone number's originating rate center; or (3) another interconnected VoIP provider whose numbering partner meets the requirements of (1) or (2). [47 C.F.R. §§ 52.31, 52.34]

➤ **Scope of carrier obligations to port-out numbers, upon valid request, for use with interconnected VoIP service**

- The scope of the obligation to port-out numbers for use with an interconnected VoIP service is identical to the scope of the obligation to port-out numbers to the interconnected VoIP provider's numbering partner: **[VoIP LNP Order]**
 - Subject to a valid port request on behalf of the user, a wireline carrier must port-out a NANP telephone number to: (1) an interconnected VoIP provider that partners with a wireless carrier for numbering resources, where the partnering wireless carrier's coverage area overlaps with the geographic location of the porting-out wireline carrier's rate center; or (2) an interconnected VoIP provider that partners with a wireline carrier for numbering resources, where the partnering wireline carrier has facilities or numbering resources in the same rate center as the porting-out wireline carrier. [47 C.F.R. §§ 52.23, 52.34]
 - Subject to a valid port request on behalf of the user, a wireless carrier must port-out a NANP telephone number to: (1) an interconnected VoIP provider that partners with a wireless carrier; or (2) an interconnected VoIP provider that partners with a wireline carrier for numbering resources, where the partnering wireline carrier is within the number's originating rate center. [47 C.F.R. §§ 52.31, 52.34]

➤ **Entities subject to the Commission's LNP obligations may not demand information beyond what is required to validate the port request and accomplish the port**

- All entities that provide LNP must validate a customer's request for a simple port using at most four data fields: (1) 10-digit telephone number; (2) customer account number; (3) 5-digit ZIP Code; and (4) pass code, if applicable. **[VoIP LNP Order]**

B. Contribution Requirements

➤ **Interconnected VoIP providers must contribute to LNP costs**

- Each interconnected VoIP provider must contribute to the shared costs of long-term number portability in each of the LNP Administration (LNPA) regions in which the provider offers service. Each provider will be assessed a proportional share of the total long-term number portability costs in the region, as determined by the percentage of the provider's revenue within the region to the total revenue generated within the region by all carriers. [47 C.F.R. § 52.32]

- **Interconnected VoIP providers may recover their LNP costs**
 - Interconnected VoIP providers may recover any costs directly related to their provision of long-term number portability. The Commission’s rules do not establish a particular methodology for this recovery, but instead specify that the recovery of costs may be by any lawful method. **[47 C.F.R. § 52.33(b)]**
- **Interconnected VoIP providers must contribute to NANP costs**
 - Interconnected VoIP providers must contribute to the shared costs of numbering administration. Each interconnected VoIP provider will be assessed an amount determined by the product of the provider’s revenue and a contribution factor determined annually by the Commission. **[47 C.F.R. § 52.17]**
- **Interconnected VoIP providers may recover their NANP costs**
 - Interconnected VoIP providers may recover any costs directly related to their efforts involved with establishing number administration, including pooling requirements. The Commission’s rules do not establish a particular methodology for this recovery, but instead specify that the recovery of costs may be by any lawful method. **[VoIP LNP Order]**

C. Filing Requirements

- **Form 499-A**
 - Interconnected VoIP providers already are required to file Form 499-A on April 1 of each calendar year. In their annual Form 499-A filing, interconnected VoIP providers must report the prior calendar year’s revenue in each of the seven LNPA regions for the purpose of determining the provider’s contributions to the support mechanisms for local number portability. **[VoIP LNP Order]**
 - Providers unable to divide their traffic and resulting end-user revenue among the seven LNPA regions precisely will be allowed to divide their end-user revenue among these regions based on the percentage of subscribers served in each region. Providers may use their billing databases to identify subscriber location. **[VoIP LNP Order]**

III. COMPLIANCE DATES

- **Mar. 24, 2008** – All VoIP LNP Order rules, with the exception of the four fields validation requirement, became effective. **[VoIP LNP Order]**
- **July 31, 2008** – Four fields validation requirement becomes effective for all providers other than Embarq. **[Waiver Order, FCC 08-31]**

- **Sept. 30, 2008** – Four fields validation requirement becomes effective for Embarq. [Waiver Order, FCC 08-31]

IV. IMPORTANT DEFINITIONS

- Carrier. See “telecommunications carrier,” below.
- Covered CMRS provider. Covered Commercial Mobile Radio Service (CMRS) providers are broadband Personal Communications Service (PCS), cellular, and 800/900 MHz Specialized Mobile Radio (SMR) licensees that hold geographic area licenses or are incumbent SMR wide area licensees, and offer real-time, two-way switched voice service, are interconnected with the public switched network, and utilize an in-network switching facility that enables such CMRS systems to reuse frequencies and accomplish seamless hand-offs of subscriber calls. [47 C.F.R. § 52.21]
- Communications carrier. See “telecommunications carrier,” below.
- Coverage area. For a wireless carrier, the area in which wireless service can be received from the wireless carrier. [VoIP LNP Order; Intermodal Number Portability Order]
- Interconnected VoIP service. An interconnected Voice over Internet protocol (VoIP) service is a service that:
 - enables real-time, two-way voice communications;
 - requires a broadband connection from the user's location;
 - requires Internet protocol-compatible customer premises equipment (CPE); and
 - permits users generally to receive calls that originate on the public switched telephone network and to terminate calls to the public switched telephone network. [47 C.F.R. § 9.3]
- LEC. Local Exchange Carrier; any entity other than a CMRS provider engaged in the provision of telephone exchange service or exchange access. [47 C.F.R. § 52.21]
- LNP. See “local number portability,” below.
- LNPA Regions. The seven local number portability administration (LNPA) regions divide up the national responsibility of managing number portability. They are: Southeast (Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Puerto Rico, South Carolina, Tennessee, and U.S. Virgin Islands); Western (Alaska, Arizona, Colorado, Idaho, Iowa, Minnesota, Montana, Nebraska, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming); West Coast (California, Hawaii, Nevada, American Samoa, Guam, Johnston Atoll, Midway Atoll, Northern Mariana Islands, and Wake Island); Mid-Atlantic (Delaware, District of Columbia, Maryland, New Jersey, Pennsylvania, Virginia, and West Virginia); Mid-West

(Illinois, Indiana, Michigan, Ohio, and Wisconsin); Northeast (Connecticut, Maine, Massachusetts, New Hampshire, New York, Rhode Island, and Vermont); and Southwest (Arkansas, Kansas, Missouri, Oklahoma, and Texas). **[FCC Form 499-A]**

- Local number portability. The ability of users of telecommunications services to retain, at the same location, existing telecommunications numbers without impairment of quality, reliability, or convenience when switching from one telecommunications carrier to another. **[47 C.F.R. § 52.21]**
- LSR. The term LSR, or Local Service Request, includes the range of forms used by LECs to process requests for number ports, and may include forms requiring a wide variety of information to complete the port. **[VoIP LNP Order]**
- NANP. See “North American Numbering Plan,” below.
- North American Numbering Plan. The “North American Numbering Plan” is the basic numbering scheme for the telecommunications networks located in American Samoa, Anguilla, Antigua, Bahamas, Barbados, Bermuda, British Virgin Islands, Canada, Cayman Islands, Dominica, Dominican Republic, Grenada, Jamaica, Montserrat, St. Kitts & Nevis, St. Lucia, St. Vincent, Turks & Caicos Islands, Trinidad & Tobago, and the United States (including Puerto Rico, the U.S. Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands). **[47 C.F.R. § 52.5]**
- Numbering partner. The carrier from which an interconnected VoIP provider obtains numbering resources. **[VoIP LNP Order]**
- Rate center. The geographic area used by a telecommunications carrier to determine whether a call is local or long-distance. **[VoIP LNP Order]**
- Simple port. Local number ports that: (1) do not involve unbundled network elements; (2) involve an account only for a single line; (3) do not include complex switch translations (*e.g.*, Centrex, ISDN, AIN services, remote call forwarding, or multiple services on the loop); and (4) do not include a reseller. **[VoIP LNP Order]**
- Small business. See “small entity,” below.
- Small entity. The Regulatory Flexibility Act generally defines the term “small entity” as having the same meaning as the terms “small business,” “small organization,” and “small governmental jurisdiction.” The term “small business” has the same meaning as the term “small business concern” under the Small Business Act. A small business concern is one which: (1) is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the SBA. **[VoIP LNP Order, Appendix C]**
- Telecommunications carrier. A “telecommunications carrier” is any provider of telecommunications services, except that such term does not include aggregators of

telecommunications services (as defined in 47 U.S.C. § 226(a)(2)). [47 C.F.R. § 52.5]

- Telecommunications service. The term "telecommunications service" refers to the offering of telecommunications for a fee directly to the public, or to such classes of users as to be effectively available directly to the public, regardless of the facilities used. [47 C.F.R. § 52.5]

V. WEB LINKS

FCC 08-31 (*Waiver Order*):

http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-08-31A1.pdf

FCC 07-188 (*VoIP LNP Order*), 22 FCC Rcd 19531 (2007):

http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-07-188A1.pdf

Erratum to *VoIP LNP Order*:

http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-279989A1.pdf

FCC 04-28 (*IP Enabled Services NPRM*):

http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-04-28A1.pdf

FCC 03-284 (*Intermodal Number Portability Order*):

http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-03-284A1.pdf