



Federal Communications Commission
Washington, D.C. 20554

May 19, 2010

DA 10-814

Small Entity Compliance Guide

Local Number Portability Porting Interval and Validation Requirements; Telephone Number Portability

FCC 09-41
WC Docket No. 07-244
CC Docket No. 95-116
Released: May 13, 2009

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 new rules adopted in the above-referenced FCC rulemaking docket(s). This Guide is not intended to replace the rules and, therefore, final authority rests solely with the rules. Although 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, perhaps, 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 based on the statute and regulations.

In any civil or administrative action against a small entity for a violation of rules, the content of the Small Entity Compliance Guide may be considered as evidence of the reasonableness or appropriateness of proposed fines, penalties or damages. 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 decide to revise this Guide without public notice to reflect changes in the FCC's approach to implementing a rule, or to clarify or update the text of the Guide. Direct your comments and recommendations, or calls for further assistance, to the FCC's Consumer Center:

**1-888-CALL-FCC (1-888-225-5322)
TTY: 1-888-TELL-FCC (1-888-835-5322)
Fax: 1-866-418-0232
fccinfo@fcc.gov**

Objectives of the Proceeding

- Reduce the porting interval for simple wireline-to-wireline and simple intermodal port requests.
 - By porting or number portability, the Commission means the ability of telecommunication users to retain their existing number, at their same location, when switching from one telecommunications carrier to another.
 - By porting interval, the Commission means the amount of time it takes two carriers to complete the process of porting a number.
 - By intermodal port, the Commission means a port between a wireline and a wireless carrier, or a port involving interconnected Voice over Internet Protocol (VoIP) service.
- Ensure that consumers are able to port their telephone numbers efficiently and in a timely manner, and improve competition for all communications services.

Compliance Requirements

- All carriers subject to local number portability (LNP) rules, including interconnected VoIP providers, must complete port requests for simple wireline-to-wireline and simple intermodal ports within one business day unless a longer period is requested by the customer or the new provider. [47 C.F.R. § 52.35(a)]

Implementation Dates

- The Commission directed the North American Numbering Council (NANC) to develop new LNP provisioning process flows that must address how porting time should be measured and how a “business day” should be construed for purposes of the porting interval. The recommendations must be submitted to the Commission within **ninety days** of the effective date of the *Porting Interval Order*, or by November 2, 2009.
- **All providers other than small providers.**
 - All providers subject to the Commission’s LNP rules must comply with the one-business day porting interval within **nine months** from the date that the NANC submits its revised provisioning flows to the Commission, except for small providers.
- **Small providers.**
 - Small providers are required to implement the reduced porting interval of one business day for simple wireline-to-wireline and simple intermodal ports no later than **15 months** from the date that the NANC submits its revised provisioning flows to the Commission. [47 C.F.R. § 52.35(a)]
 - Small Providers are defined as a provider with fewer than 2 percent of the nation’s subscriber lines installed in the aggregate nationwide and Tier III wireless carriers, as defined in the *E911 Stay Order*. What constitutes a 2 percent provider will be calculated based on an aggregate of incumbent local exchange carrier (LEC) and competitive LEC lines, based on the Commission’s most recent industry statistics available as of the effective

date of the *Porting Interval Order*, or by August 3, 2009. [*Porting Interval Order*]

Waiver

- Providers may apply for a waiver of the one-business day porting interval under the Commission's rules by showing with particularity that it would be unduly economically burdensome for the provider to implement the one-day interval, or other good cause. [47 C.F.R. § 1.3]
- The provider's waiver application should specify the number of port requests it typically receives per month and any costs associated with complying with the reduced porting interval. Waiver requests will be considered on a case by-case basis. [*Porting Interval Order*]
- The Commission may set the porting interval between one and four business days as individually warranted. However, providers that receive a waiver still must comply with the four-business day porting requirement, unless told otherwise. [*Porting Interval Order*; 47 C.F.R. § 52.35(b)]

Web Link

- A copy of the *Porting Interval Order* is available at:
http://fjallfoss.fcc.gov/edocs_public/attachmatch/FCC-09-41A1.pdf