Federal Communications Commission DA 14-842

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of	**)**	
	)	
Local Number Portability Porting Interval and	**)**	WC Docket No. 07-244
Validation Requirements	**)**	
	)	
Telephone Number Portability	**)**	CC Docket No. 95-116
	)	
Numbering Resource Optimization	**)**	CC Docket No. 99-200
	)	

ORDER

Adopted: June 20, 2014   Released: June 20, 2014

By the Acting Chief, Wireline Competition Bureau:

I.   INTRODUCTION

1.   In this Order, we adopt several recommendations of the North American Numbering Council (NANC)[1] pertaining to local number portability (LNP).[2] These recommendations all involve changes to the LNP "provisioning flows" and are intended to improve the telephone number porting process.[3] These improvements include revising existing processes for cancelling a number port request, clarifying the timeline for re-using disconnected ported numbers, and stopping new service providers from prematurely activating ports. Also in this Order, we clarify that, notwithstanding the NANC's preference for area code overlays over area code splits, the states still have the option to choose the best means of implementing area code relief for their citizens.[4]

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[1] The NANC is the Federal Communications Commission's federal advisory committee on telephone number administration.

[2] The Communications Act defines number portability as "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 U.S.C. § 153(37); *see* 47 C.F.R. § 52.21(l). This means that customers have the ability to keep their telephone numbers if they change service providers, with a few exceptions. This process is called telephone number "porting."

[3] Telephone number porting is accomplished by the old and new service providers working together and following a uniform set of flow charts, referred to as the "LNP provisioning flows." These flows consist of diagrams and accompanying narratives which explain the processes service providers follow in specific porting scenarios. The recommendations addressed in this Order are changes to the narratives that accompany the diagrams.

[4] An area code "split" occurs when the geographic area served by an area code is divided into two or more geographic parts. *See* 47 C.F.R. § 52.19(c)(1). An area code overlay occurs when a new area code is introduced to serve the same geographic area as one or more existing area codes. *See* 47 C.F. R. § 52.19(c)(3). In both scenarios, callers must dial a ten-digit telephone number (three-digit area code, plus seven-digit number) to reach end users.

II. BACKGROUND

A. LNP Provisioning Flows

2.   In May 2010, the Commission adopted various provisioning flows in its *LNP Standard Fields Order*.[5] However, the Commission recognized that industry developments would likely require changes to these flows.[6] It also acknowledged that "the NANC is best situated to monitor the continued effectiveness of the provisioning process flows, and make recommendations when changes are needed."[7] Thus, the Commission decided that the provisioning flows adopted in that order would remain in effect until the Commission approves revised provisioning flows based on recommendations from the NANC.[8] The Commission delegated authority to the Chief of the Wireline Competition Bureau (Bureau) to approve such recommended revisions and directed the NANC to make the revised provisioning flows, once approved, available to the public on the NANC website.[9]

3.   ***Flows for Cancellations and Disconnections.*** On January 2, 2013, the NANC submitted a letter to the Bureau recommending revisions to the provisioning flows for port cancellations, termed by the NANC as the "Cancel Flows."[10] These flows apply when a customer asks a new service provider to port his or her number, and then subsequently decides to cancel that request and remain with his or her current provider. The customer must notify one of the providers of the cancellation. The NANC recommended three revisions to these flows. The first revision clarifies the responsibilities of the current and new service providers. It states that if the customer contacts the current provider, that provider may choose to advise the customer to call the new provider to cancel the port request. If the customer contacts the new provider, that provider must cancel the port.[11] The second revision states that if the current provider decides to cancel the port request, it must obtain verifiable authority from the customer, such as a Letter of Authorization, dated after the initial port request. The new provider must then process the cancellation request, even if the current provider does not provide an actual copy of the authorization.[12] The third revision outlines the different steps to be taken to notify the new provider of the cancellation, depending on whether the current provider is a wireline or a wireless provider.[13]

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[5] *See Local Number Portability Porting Interval and Validation Requirements; Telephone Number Portability*, WC Docket No. 07-244, CC Docket No. 95-116, Report and Order, 25 FCC Rcd 6953, 6962, para. 18 (2010) (*LNP Standard Fields Order*); *see also* North American Numbering Council, *Inter-Service Provider LNP Operation Flows (Version 4.2.*), http://www.npac.com/lnpa-working-group/nanc-lnp-process-flows (last visited June 19, 2014).

[6] *LNP Standard Fields Order*, 25 FCC Rcd at 6965, para. 22.

[7] *Id.*

[8] *Id.*

[9] *Id.*

[10] *See* Letter from Betty Ann Kane, Chairman, NANC, to Julie A. Veach, Chief, Wireline Competition Bureau, FCC, WC Docket No. 07-244, Attach. 1 (filed Jan. 2, 2013) (NANC Jan. 2 *Ex Parte* Letter) (depicting the "Cancel Flows" in Figure 12); *see also* NANC, *Cancellation Flows for Provisioning Process,* http://www.npac.com/lnpa-working-group/nanc-lnp-process-flows/cancellation-flow-for-provisioning-process (last visited June 19, 2014).

[11] *See* NANC Jan. 2 *Ex Parte* Letter at Attach. 1, Figure 12, Step 2. The term "current provider" is the same as "old local service provider" or "OLSP" in the "Cancel Flows" narratives.

[12] *See id*. at Figure 12, Step 7. If a dispute arises, the current service provider must then produce a copy of the cancellation authorization.

[13] *See id*. at Figure 12, Step 11.

4.   In its January 2013 letter, the NANC also recommended deleting language in the flow entitled "Disconnect Process for Ported Telephone Numbers." That flow applies to "aging numbers," defined by section 52.15(f)(ii) of the Commission's rules as "disconnected numbers that are not available for assignment to another customer for a specified period of time."[14] The language to be deleted reads, "[t]he maximum interval between disconnect date and effective release is 18 months."[15] The NANC proposes to delete this language because it is inconsistent with section 52.15(f)(ii) of the Commission's rules, which provides that a service provider may not "age" disconnected residential numbers for more than 90 days and disconnected business numbers for more than 365 days.[16]

5.   The Bureau sought comment on these NANC recommendations in May 2013.[17] In response, the Commission received comments from CenturyLink supporting the NANC's recommended revisions to these flows.[18] No commenter opposed the recommendations.

6.   ***Flows and Premature Activation of Ports.*** On October 17 and October 28, 2013, the NANC submitted letters requesting that the Commission accept Best Practice 65, which provides that both service providers involved in a port must agree to any changes to the original due date for that port.[19] According to the NANC letters, there is a perceived loophole in the current flows that prompts some new service providers to activate ports hours or days before the agreed-to porting date and before the old service providers have their networks ready to port a number out. These premature port activations can disrupt customers' service.[20] The NANC believes it is important that current and new service providers coordinate when activating a port, to avoid service disruptions.[21] By Best Practice 65, and corresponding provisioning flows, the NANC intends to close the perceived loophole and stop premature activation of ports.[22]

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[14] 47 C.F.R. § 52.15(f)(ii).

[15] *See* NANC Jan. 2 *Ex Parte* Letter at Attach. 1, Figure 14, Step 7. The "Disconnect Process For Ported Telephone Numbers" is depicted in Figure 14. *See also* NANC, *Disconnect Process For Ported Telephone Numbers,* http://www.npac.com/lnpa-working-group/nanc-lnp-process-flows/disconnect-process-for-ported-tn (last visited June 19, 2014).

[16] *See* 47 C.F.R § 52.15(f)(ii).

[17] *See Comment Sought on North American Numbering Council Requests for Clarification of Use of Passcodes for Non-Simple Ports and Local Number Portability Provisioning Flows*, WC Docket No. 07-244, CC Docket No. 95-116, Public Notice, 28 FCC Rcd 7470 (Wireline Comp. Bur. 2013).

[18] *See* CenturyLink Comments at 4.

[19] *See* Letter from Betty Ann Kane, Chairman, NANC, to Julie A. Veach, Chief, Wireline Competition Bureau, FCC, WC Docket No. 07-244 (dated Oct. 17, 2013 and filed Oct. 22, 2013) (NANC Oct. 17 *Ex Parte* Letter); *see also* Letter from Betty Ann Kane, Chairman, NANC, to Julie A. Veach, Chief, Wireline Competition Bureau, FCC, WC Docket No. 07-244, Attachs. (dated Oct. 28, 2013 and filed Nov. 5, 2013) (NANC Oct. 28 *Ex Parte* Letter) (including a description of Best Practice 65 endorsed by NANC).

[20] *See* NANC Oct. 17 *Ex Parte* Letter at 1.

[21] *See generally id*.; *see also* NANC Oct. 28 *Ex Parte* Letter; NANC, LNPA Working Group, 0065 LSR SUPPs, Expedites, Due Date Changes (May 4, 2010), http://www.npac.com/lnpa-working-group/lnp-best-practices#0065 (Best Practices 65 Report).

[22] *See generally* Best Practices 65 Report. *See also* LNPA Working Group, 0065 Redline PIM 81 LNP Process Flow and BP 65 Consensus Changes, 6Mar2013 (May 4, 2010), http://www.npac.com/lnpa-working-group/lnp-best-practices#0065 (embedded document in the Best Practices 65 Report); NANC Oct. 17 *Ex parte Letter* at 1, Attach. 1 at Figure 7, Step 1; Figure 9, Step 3; and Figure 10, Step 4; NANC Oct. 28 *Ex Parte* Letter.

7.   The Bureau sought comment in December 2013 on the NANC's request to accept Best Practice 65 and the corresponding provisioning flows.[23] The Commission received comments from CenturyLink and AT&T supporting the Best Practice and the corresponding flows, and received no opposition to either.[24]

B.   Area Code Relief and Number Porting

8.   In its October 17, 2013 letter, the NANC also recommends approval of Best Practice 30, which calls for "All-Services Area Code (NPA) Overlays," rather than area code splits, as the best solution for area code relief.[25] The NANC states that "NPA Overlays have both practical and technical positive implications for customers and service providers alike."[26] The letter and accompanying attachment explain that an overlay avoids the need to synchronize old and new area codes in the LNP database to ensure that port requests are completed on time and are not misrouted.[27] The NANC notes that area code overlays treat all customers the same, allowing them to retain their existing area codes and telephone numbers.[28]

9.   The Bureau sought comment on Best Practice 30 in December 2013, along with Best Practice 65.[29] CenturyLink and AT&T support Best Practice 30.[30] Three state agencies express concern about making area code overlays mandatory.[31] The state agencies contend that states have the greatest expertise regarding the issues facing their citizens and should continue to have autonomy to decide whether an area code split or an overlay is more appropriate.[32]

III.   DISCUSSION

A.   LNP Provisioning Flows

10. We conclude that all of the NANC's proposed revisions to the provisioning flows will improve the number porting process for service providers and their customers. The flow revisions clarifying the process for cancelling port requests will improve communications between service

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[23] *See Comment Sought on North American Numbering Council Proposals Regarding Premature Activation of Ports and Area Code Relief Options*, WC Docket No. 07-244, CC Docket No. 95-116, CC Docket 99-200, Public Notice, 28 FCC Rcd 16595 (Wireline Comp. Bur. 2013) (*Best Practices PN*).

[24] *See* CenturyLink Comments at 1-4; *see also* AT&T Reply Comments at 1.

[25] *See* NANC Oct. 17 *Ex Parte* Letter at Attach., "The All Services Overlay is the Best Solution for the Area Code" (explaining preference for area code overlays over area code splits).

[26] *Id*.

[27] Port requests can fail or create a backlog if the carriers' operational support systems are not in sync with the LNP database. If such synchronization fails, calls can also be misrouted. *Id*.

[28] The NANC maintains that an overlay avoids discrimination against customers on different sides of a boundary line when determining which side of the boundary gets the new area code. The NANC also maintains that an overlay requires less customer education and results in less customer confusion. *Id*.

[29] *See Best Practices PN*.

[30] *See* CenturyLink Comments at 5-6; AT&T Reply Comments at 1.

[31] *See* Minnesota DOC Comments at 1, 4; California PUC Reply Comments at 2; Pennsylvania PUC Reply Comments at 4, 5.

[32] Minnesota DOC Comments at 3-4; California PUC Reply Comments at 2-3; Pennsylvania PUC Reply Comments at 4-5.

providers, and will ensure that port cancellation requests are handled properly and without customer inconvenience.[33] The change to the disconnection flow will make the disconnection process consistent with Commission rules on aging disconnected telephone numbers, lessening service provider and customer confusion. Also, Best Practice 65 and the corresponding provisioning flows will ensure that service providers are in sync when activating a port, thus avoiding disruption of service to customers. Therefore, pursuant to the Commission's authority over telephone number administration and porting, and the authority delegated to the Bureau by the full Commission, we adopt the NANC's recommended changes to the LNP provisioning flows and require the industry to adhere to them.[34] Pursuant to the Commission's 2010 *LNP Standard Fields Order*, we direct the NANC to make these revised provisioning flows available to the public through the NANC's website.[35]

B.   Area Code Relief and Number Porting

11. The NANC's Local Number Portability Administration (LNPA) Working Group has created many Best Practices to facilitate porting between service providers.[36] The Bureau appreciates and commends those efforts to improve the number porting process. However, we do not, in this Order, adopt and codify Best Practice 30. And, we make clear that unless the Commission specifically adopts and codifies a Best Practice, it is not mandatory.[37] Section 52.19(a) of the Commission's rules gives state commissions the discretion to decide how to introduce new area codes within their states.[38] Therefore, the states still have the option to choose between an area code split or overlay in determining the best way to implement area code relief for their citizens.

IV.   ORDERING CLAUSES

12. Accordingly, IT IS ORDERED that, pursuant to sections 1, 4(i)-4(j), 5, 251, and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i)-(j), 155, 251, 303(r), this Order approving the North American Numbering Council's recommendation to revise the "Cancel Flows" in the Local Number Portability Provisioning Flows, WC Docket No. 07-244, CC Docket Nos. 95-116 and 99-200, IS ADOPTED.

13. IT IS FURTHER ORDERED that, pursuant to sections 1, 4(i)-4(j), 5, 251, and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i)-(j), 155, 251, 303(r), this Order approving the North American Numbering Council's recommendation to revise the "Disconnect Process

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[33] *See LNP Standard Fields Order*, 25 FCC Rcd at 6963, para. 18; *Telephone Number Portability*, CC Docket No. 95-116, RM 8535, Second Report and Order, 12 FCC Rcd 12281, 12316, para. 58 (1997).

[34] *See* 47 U.S.C. § 251(b)(2) (requiring LECs to "provide, to the extent technically feasible, number portability in accordance with requirements prescribed by the Commission"); 47 U.S.C. § 251(e) (giving the Commission plenary jurisdiction over the North American Numbering Plan and related telephone numbering issues in the United States).

[35] *See LNP Standard Fields Order*, 25 FCC Rcd at 6965, para. 22.

[36] *See* Number Portability Administration Center, *Local Number Portability Best Practices,* http://www.npac.com/lnpa-working-group/lnp-best-practices ("The members of the Local Number Portability Administration Working Group have created 'Best Practices' for porting between and within telephony carriers.") (last visited June 19, 2014).

[37] *Id*. ("These Best Practices have not been mandated entirely, and in many cases are considered a gentleman's agreement on porting between carriers. However, many of the Best Practices have been presented to the North American Number Council (NANC) for approval and, after NANC's approval, forwarded on to the FCC.").

[38] 47 C.F.R. § 52.19(a) ("State commissions may resolve matters involving the introduction of new area codes within their states. Such matters may include, but are not limited to: Directing whether area code relief will take the form of a geographic split, an overlay area code, or a boundary realignment. . . .").

for Ported Telephone Numbers" in the Local Number Portability Provisioning Flows, WC Docket No. 07-244, CC Docket Nos. 95-116 and 99-200, IS ADOPTED.

14. IT IS FURTHER ORDERED that, pursuant to sections 1, 4(i)-4(j), 5, 251, and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i)-(j), 155, 251, 303(r), this Order approving the North American Numbering Council's recommendation to accept Best Practice 65 and the corresponding revisions to the Local Number Portability Provisioning flows, and denying the North American Numbering Council's recommendation to accept Best Practice 30, WC Docket No. 07-244, CC Docket Nos. 95-116 and 99-200, IS ADOPTED.

15. IT IS FURTHER ORDERED that this Order SHALL BECOME EFFECTIVE 30 days after publication in the Federal Register.

FEDERAL COMMUNICATIONS COMMISSION

Carol E. Mattey
Acting Chief
Wireline Competition Bureau