

**SEPARATE STATEMENT OF
ACTING CHAIRMAN MICHAEL J. COPPS, APPROVING**

Re: *Local Number Portability Porting Interval and Validation Requirements*, WC Docket No. 07-244, *Telephone Number Portability*, CC Docket No. 95-116, Report and Order (May 13, 2009)

It had its doubters and detractors early on, to be sure, but number portability has been, I do believe, a significant success. Technology has brought consumers so many ways to help us keep in touch, no matter where we are, and one of our important jobs at the FCC is to facilitate consumers being able to use these new products and services—and use them in a timely fashion.

It appears to be the unanimous judgment of this Commission that a one-business day porting interval for simple wireline-to-wireline and intermodal ports best serves consumers and is nevertheless altogether do-able in the time-frame we provide today. I am pleased to support the item.

In the 1996 Telecommunications Act, Congress imposed a number portability obligation on providers so consumers could retain their phone numbers when switching carriers. This was both consumer-friendly and competition-friendly. As a result, gone are the days when you were bound by your existing service provider, regardless of service quality or rates, simply because you had grown to know – and be known by – your telephone number. Gone are the days when making that effort to change service providers would include sending cards or making calls to friends, family, colleagues, and clients – just to make sure others could continue to reach out and touch you. Instead, by easing consumers' ability to change voice service carriers, we encourage providers to become more competitive if they want to keep their customers.

Of course, we learned that when switching voice providers, simply allowing consumers to retain their telephone numbers would not be enough to break down barriers to competition. Unlike changes in other types of services, such as video or broadband, when a number is being ported, the provider winning the customer must communicate with the provider losing the customer. This necessary interaction between competitors requires processing and time, both of which allow providers opportunities to make a change in voice providers unpalatable to just about any consumer. While the wireless industry has adopted a standard 2.5 hour porting interval for wireless-to-wireless ports voluntarily, thereby avoiding most opportunity for mischief, there has been no such industry-wide voluntary interval for wireline-to-wireline and intermodal ports. Thus, the Commission was compelled to implement a mandatory interval so that consumers of all voice services can realize the true benefits intended by local number portability.

Twelve years ago, the Commission implemented a four-business day interval for wireline-to-wireline and intermodal simple ports. Since that time, we have considered shortening the interval for such ports, and have encouraged the industry to update its

standard interval—all to no avail. So today, finally, we address the issue, something I proposed we do in the Commission’s 2007 Local Number Portability Notice of Proposed Rulemaking. At that time, I was optimistic about moving forward with the proceeding. Well, it took too long, but I believe in this Order we do, albeit belatedly, what I then suggested.

While this item does shorten the porting interval significantly, I recognize that many providers will have to make real-world changes in their porting procedures to fulfill this requirement. So we herein direct the North American Numbering Council (NANC) to develop in 90 days new local number portability process flows that take into account the shortened porting interval. Then we give providers time to implement and comply. Nine months—although it may seem to some a long time to implement a much needed change—strikes me as appropriate, given the significant reduction of the current interval and the difficulties of our current economy.

As much as we strive to put together the best item possible, no Order is perfect, and this one is no exception. We have a few loose ends still to tie-up—other standards surrounding porting processes and “non-simple” ports. In particular, as the Order stands now, the shortened interval still applies only to simple ports. Some of the non-simple ports look no different to consumers than simple ports, yet the shortened interval adopted in this Order will not apply. All consumers should be able to benefit from the shortened porting interval. We do, however, take these matters up in the Further Notice, and I look forward to addressing them in the relatively near future.

Thanks to our FCC team for their hard work over a long time here, and special thanks to my colleagues for pursuing a pro-consumer and achievable position on this item. I welcomed their pro-consumer input. And I look forward to witnessing and experiencing the many benefits that will, I am confident, flow from the Commission’s adoption of this item.