

provider, to the LNPA-WG for guidance. (Kohly, Direct pg. 29). The LNPA-WG did agree to take up the issue and it was assigned Problem Identification and Management ("PIM") number 60. (Kohly, Surrebuttal, pg. 26). At the LNPA-WG's May 2007 meeting, the LNPA-WG reached consensus that a customer's phone numbers should be ported in conjunction with a customer changing to a FX service as long as six criteria or caveats were met. As CenturyTel's witness Michael Penn testified, "there is consensus on this issue, that as long as the six caveats spelled out by the LNPA working group are met, that ports such as the ones that Socket is suggesting should be considered legitimate port requests." (Tr. 232). At the LNPA-WG's July meeting, this consensus was also added to the LNPA-WG's Industry Best Practices Document, which sets out industry practices for carriers to follow regarding number porting. (Kohly Tr. 52-57; Kistner Tr. 132-33). CenturyTel witness Penn, who participated in the LNPA-WG proceedings on behalf of CenturyTel, confirmed that I accurately described the outcome of the Working Group's deliberations. (Tr. 224-226).

The LNPA-WG reports to NANC, which is a federal advisory body under the jurisdiction of the FCC. (Kistner, Surrebuttal, pg. 16). According to CenturyTel, pursuant to the FCC's rules, it is the NANC that has "ongoing oversight of number portability administration." (CenturyTel Brief, pg. 35). Any member who disputes the finding of an LNPA-WG "consensus" may initiate an appeal by bringing their position to the NANC as a "minority" opinion. (Penn, Surrebuttal, pg. 8).

In attempting to disparage the significance of the LNPA-WG's consensus and inclusion of that consensus resolution of this issue in the LNPA-WG's Industry Best Practices document, CenturyTel claimed the process related to PIM 60 was not over. In its Brief filed in this proceeding, CenturyTel stated (without supporting citation), "In fact Respondents are appealing PIM-60 to the NANC and a number of other ILECs have indicated to a willingness to join in that appeal...".

On October 10, 2007, the NANC held its first meeting since April 17, 2007. That meeting was announced through a Public Notice issued by the Federal Communications Commission on September 17, 2007. The LNPA-WG provided a written copy of the LNPA-WG Report to NANC on October 1, 2007 (a copy of that report is attached). All LNPA-WG members were also provided with a copy of the report. Included in the written report was the porting issue brought by Socket to the LNPA-WG that is now Item 50 of the LNPA-WG's Industry Best Practice Document, which is the issue of "Porting in Conjunction with FX Service."

I attended the October 10, 2007 NANC meeting to represent Socket in the event CenturyTel did indeed appeal this issue to the NANC. At that meeting, the LNPA-WG's ILEC co-chair, Gary Sacra, presented the LNPA-WG's report to the NANC. As this was the first meeting since briefs were filed in this proceeding and was the meeting where the LNPA-WG's report which included Porting in Conjunction with FX service was being presented to the NANC, this would have been the appropriate time for any carrier opposed to the LNPA-WG's consensus opinion and the inclusion of that opinion in the LNPA-WG's Best Practice document to challenge the issue at NANC.

Neither CenturyTel nor any other carrier made any challenge to the report. The NANC accepted the LNPA-WG's report as submitted. Thus, the issue of Porting in Conjunction with FX Service is settled and porting numbers in the situation when the six criteria or caveats agreed upon by consensus described by the LNPA-WG remains an industry best practice.

R. Matthew Kohly

R. MATTHEW KOHLY

SUBSCRIBED AND SWORN to before me, a Notary Public, this 17th day of October, 2007.

Sheila M. Lynch
Notary Public

My Commission Expires: 4/28/08
(SEAL)

