From: Deborah Blue [mailto:Deborah.Blue@fcc.gov]
Sent: Thursday, February 21, 2008 11:49 AM
To: anneboyle22@cox.net; anewman@telcordia.com; alee@ntia.doc.gov; amy.putnam@neustar.biz; Robyn, Angie; Ann Stevens; anna.miller@T-Mobile.com; Ben Childers; bethodonnell@comcast.net; bill.mason@crtc.gc.ca; Ccox1@chartercom.com; Christopher.Littlewood@Level3.com; Cindy_Sheehan@cable.comcast.com; dgreenhaus@800response.com; Deborah Blue; Don.Gray@psc.ne.gov; doug.birdwise@bell.ca; fmarcotte@welchandco.ca; gsteele@welchandco.ca; gary.m.sacra@verizon.com; hmm@cpuc.ca.gov; hh8358@att.com; anne.boyle@psc.ne.gov; Anthony.palermino@po.state.ct.us; BAKane@psc.dc.gov; LJoyner@ncuc.net; pjones@utc.wa.gov; Clayton, Robert; james.t.castagna@verizon.com; jpemard@atis.org; jeffrey.s.lanning@embarq.com; Jeffrey Steinberg; Jennifer Salhus; Jerome@calcable.org; john.e.benedict@embarq.com; john.manning@neustar.biz; jtm@opastco.org; jnr@opastco.org; jlee@comptel.org; Jose.Jimenez@cox.com; joseph.r.jackson@verizon.com; Julie Veach; kreidy@comptel.org; Karen Riepenkroger (Karen.S.Riepenkroger@sprint.com); Hagans@occ.state.oh.us; ken.r.havens@sprint.com; Lmessing@ctia.org; louis.mamakos@vonage.com; lynne.fancy@crtc.gc.ca; Marilyn Jones; Mary_McManus@comcast.com; Mary.Retka@qwest.com; melvin.clay@att.com; MAltschul@ctia.org; Michael Whaley (Mike Whaley@qwest.com); Michelle Sclater; nxb@cpuc.ca.gov; natalie.mcnamer@t-mobile.com; Nicholas Degani; paul.godin@crtc.gc.ca; paula.hustead@windstream.com; paula.jordan@t-mobile.com; Philip.w.harrington@verizon.com; rlstrass@nortel.com; rbeaton@utc.wa.gov; Rosemary.Emmer@sprint.com; Sue.T.Tiffany@sprint.com; tom@phoenix-center.org; tsoroka@usta.org; timothy.decker@verizon.com; tgoode@atis.org; william.vallee@po.state.ct.us
Cc: wnewkirk@psc.dc.gov
Subject: NANC: [Fwd: Response to CenturyTel's Minority Report]

Council Members:

See attached Response to CenturyTel's Minority Report.

Debbie

From: Tom Koutsky [mailto:tom@koutsky.com]
Sent: Thursday, February 21, 2008 10:47 AM
To: Deborah Blue; Marilyn Jones
Subject: [Fwd: Response to CenturyTel's Minority Report]

-------- Original Message --------
Subject: Response to CenturyTel's Minority Report
Date: Tue, 19 Feb 2008 10:39:35 -0600
From: Matt Kohly <rmkohly@sockettelecom.com>
Reply-To:<rmkohly@sockettelecom.com>
To:<tom@koutsky.com>
CC: Gary Sacra <gary.m.sacra@verizon.com>, Paula Jordan (Regulatory) <Paula.Jordan@t-mobile.com>, <marilyn.jones@fcc.gov>

Chairman Koutsky,

Please see the attached response from Socket Telecom to CenturyTel's Minority Report. If you wish to discuss this matter further, please feel free to contact me at 573.777.1991, ext. 551.

Matt Kohly
Socket Telecom

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PO Box 7085 • Columbia, MO 65205
voice: (573) 817-0000 • fax: (573) 441-1050
www.socket.net • 1-800-SOCKET-3

February 18, 2008

North American Numbering Council
c/o Thomas M. Koutsky, Chair
Phoenix Center for Advanced Legal and
Economic Public Policy Studies
5335 Wisconsin Avenue, NW, Suite 440
Washington, DC 20015-2034

VIA Electronic Mail

Re: Response to Minority Report of CenturyTel, Inc. Concerning Adoption of PIM-60, now listed as Number Portability Best Practices No. 50, by the Local Number Portability Administration Working Group

Dear Council Members:

I am writing on behalf of Socket Telecom, LLC ("Socket") in response to CenturyTel's Inc.'s admittedly late Minority Report Concerning PIM-60, now listed as Number Portability Best Practices No. 50 ("Best Practice No. 50") by the Local Number Portability Administration Working Group, and respectfully request that the North American Numbering Council ("NANC"): (1) reject CenturyTel's proposed Amendments to the Industry Best Practices Document; and (2) affirm the inclusion of Item 50 in the Industry Best Practices Document with no changes.

Socket is a competitive local exchange carrier that operates in Missouri, providing service throughout the territories served by AT&T, Embarq, and CenturyTel. Socket provides local exchange and data services to business customers. As part of its service to business customers, Socket provides local exchange services to Internet Service Providers using both foreign exchange and non-foreign exchange services. One of the many ISPs that Socket serves is its affiliate, Socket Internet. All of Socket's retail local exchange services, including its foreign exchange offerings, are set forth in tariffs approved by the Missouri Public Service Commission. The two CenturyTel operating companies referenced in CenturyTel's Minority Report are CenturyTel of Missouri, LLC and Spectra Communications Group, LLC. These two entities serve exchanges formerly served by Verizon and GTE, which consist of approximately 500,000 access lines.

The issue in dispute is whether customers are entitled to change service providers and simultaneously change service address, change services to a tariffed local exchange foreign exchange service, and port their current phone number. Socket believes the Old Service Provider ("OSP") is obligated to port numbers in this situation, while CenturyTel, as the OSP, takes the position that it does not have to port these numbers. CenturyTel is the only local exchange carrier that Socket has encountered that has refused to port numbers in this situation. AT&T, Embarq and every CLEC that Socket has dealt with all routinely provide such number ports. To Socket's knowledge, CenturyTel is the only ILEC actually involved in providing number portability to CLECs that refuses to port numbers for customers in the scenario in question.

Socket originally approached the LNPA-WG for guidance from the industry group that was established to address number porting on whether Socket's customers were – as Socket believes - entitled to have numbers ported when the customer changes service provider and simultaneously converts to a tariffed foreign exchange service. Our hope was that guidance from the LNPA-WG would avoid the need to litigate the issue. I presented this issue on behalf of Socket as PIM-60 to the LNPA-WG at the group's March 2007 meeting held in Denver, Colorado. A copy of PIM-60 as presented to the LNPA-WG is attached as Appendix A and a copy of my presentation to the LNPA-WG is attached as Appendix B. This presentation was made prior to filing any litigation on this issue. CenturyTel fully participated in the discussions of PIM-60 at the March and subsequent meetings. Based upon CenturyTel's statements during the LNPA-WG's March meeting, it became abundantly clear that CenturyTel had no intention of fulfilling Socket's number port requests regardless of what conclusion might be reached by the LNPA-WG. As a result, Socket decided to also pursue a complaint before the Missouri Public Service Commission. CenturyTel's claims that Socket approached the LNPA-WG to gain an advantage in the Missouri complaint are false. Socket simply sought relief from CenturyTel's unique refusal to provide number ports in compliance with FCC requirements.[1]

Socket's Port Request is not Location Portability

CenturyTel misrepresents the facts in its Minority Report. Socket does not seek to port numbers "outside of the rate center", but rather maintains rate center assignment by means of its FX service[2] as required by the FCC. Likewise, the number retains the same local calling scope.

CenturyTel also misrepresents the facts regarding the transport of the involved traffic. It is exchanged at the same POI as all other traffic destined for numbers rated to the involved rate center. Each party is responsible for transport on its side of the POI, as it is for all traffic exchanged there.

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[1] In contrast, CenturyTel waited to file its Minority Report until the Missouri Commission publicly voted to rule in Socket's favor.

[2] Contrary to CenturyTel's assertions, Socket's service is foreign exchange service. Socket is expressly authorized under its interconnection agreement to exchange the traffic over local interconnection facilities. And Socket could serve its customers with new numbers with its FX service. The dispute with CenturyTel solely concerns its refusal to allow customers to keep their numbers by means of LNP.

A number port involved when a customer changes service providers and simultaneously converts to a foreign exchange service does not constitute location portability under FCC standards, because the customer's location, as defined by the NPA-NXX and call rating, does not change as a result of the number port. Further, while call routing does change as it does with any number port, the call routing is exactly the same whether the customer is able to port its existing phone number or is assigned a new phone number by the New Service Provider ("NSP").

In the FCC's November 2003 Intermodal LNP decision (para. 28), the FCC determined that it is local number portability and service provider portability, but not location portability, if the rate center assignment remains the same, such that "calls to the ported number will continue to be rated in the same fashion as they were prior to the port" and "as to the routing of calls to ported numbers, it should be no different" than if the customer were assigned "a new number rated to that rate center." Moreover, the decision to focus on the rate center as the pertinent location as announced in the Intermodal LNP Order is consistent with the FCC's First LNP Order, where it declined to order location portability because of concerns about customers being confused over how calls will be rated or having to dial more than seven digits to place locally rated calls. See, First LNP Order, para. 184-187. When the rate center assignment remains the same, such concerns do not arise. CenturyTel's cited disadvantages of Location Portability do not exist in the ports at question here.[3]

In its Interconnected VOIP LNP decision (CC Docket 95-116, 11/8/07), the FCC repeatedly states that wireline carriers are obligated to port when the telephone number's original rate center designation remains the same. (See para. 3, 10, 34-35, 50-51). The FCC makes clear that numbers are provided "in" the rate center, not "at" the service address. (See para. 50-51). The FCC states: "The Commission rejected the argument that it imposed a location portability duty on carriers [in the Intermodal Order], because the number must retain its original rate center designation, **i.e. the number remains at the same location ..."** (emphasis added). (See footnote 18). Throughout the decision, as it had already done in prior orders, the FCC made clear that so long as the rate center assignment does not change, wireline carriers must port a number. (See prior citations and footnote 114).

In addition to the customer's phone number retaining the same call rating, the call routing, while it does change as a result of the number port as happens with any number port, is the same whether the customer is assigned a new phone number by the New Service Provider (NSP) or is permitted to retain its existing phone number by porting it from the Old Service Provider ("OSP") to the NSP. Since the call routing is the same, both providers' interconnection obligations remain the same. This is reflected in the fourth condition adopted by the LNPA-WG for determining whether the OSP is required to port the number. Under this condition, the NSP is required to have an existing Point of Interconnection over which calls to either a ported number or a newly assigned number would be routed. The fourth condition further provides that: "If this customer's number(s) are ported to the New Service Providers switch, they would be routed over the same POI". Thus, CenturyTel cannot credibly assert its interconnection obligations are any different whether NSP serves the customer via a foreign exchange offering or a non-foreign exchange offering. In either scenario, calls are routed to the same POI.

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[3] CenturyTel's Minority Report on PIM-60, pg. 3.

The fact that the OSP's interconnection obligations remain the same when a customer changes service providers and simultaneously converts to a foreign exchange offering becomes readily apparent in light of what CenturyTel had to do to implement its refusal to port certain numbers. Since call rating and call routing are the same whether the customer is assigned a new phone number or retains its existing phone number by porting, CenturyTel, as the OSP, is unable to rely upon any changes to call rating and call routing to determine whether it will refuse to port a phone number. Instead, CenturyTel has to proactively obtain information about the retail relationship between the customer and Socket as the NSP. To gain this information, CenturyTel imposed an unauthorized "geographic certification requirement" as condition of completing Socket's number port requests[4]. Under this "geographic certification requirement", CenturyTel requires Socket, "to provide certification that the physical termination point for the ported numbers will not be moving outside the rate center. This must be confirmed in the remarks of orders where Socket is requesting to port numbers before we can process the order." If Socket does not follow this unilaterally imposed requirement, Socket's Local Service Request will be rejected[5]. In addition to this "geographic certification process", CenturyTel has also contacted Socket's customers to seek information about how Socket will provide service to them and has also dispatched technicians to customer premises to look for Socket's loop facilities. If there were any change in CenturyTel's interconnection or call rating obligations, CenturyTel would be able to recognize those changes from the face of the port request and would not need to resort to illegal efforts to obtain information from the NSP or the customer about the specific retail services being provided. Such "certification requirements" and retail snooping in connection with porting number are blatant violations of FCC regulations.

CenturyTel's Proposed Amendments

CenturyTel proposes two amendments to Best Practice No. 50 that are not "clarifications" as it suggests, but rather that are radical departures from FCC LNP standards. The first amendment proposed by CenturyTel would require the NSP to serve customers physically located within the rate center to which the number is rated as a condition of the OSP agreeing to port another customer's number[6]. The second amendment would require the NSP to establish a POI within the rate center in which the number to be ported is resident[7]. As fully explained below, both of these proposed amendments are inappropriate and should be rejected.

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[4] This "geographic certification requirement" is not set forth in the Interconnection Agreement between Socket and two CenturyTel entities operating in Missouri nor is it authorized by FCC or state rules. It is a direct violation of FCC orders, which preclude any requirement of additional information on porting requests.

[5] CenturyTel even imposes this requirement on number port requests where Socket has ordered loop facilities from CenturyTel to the same customer premise where CenturyTel served the customer.

[6] CenturyTel's Minority Report on PIM-60, pg. 4.

[7] CenturyTel's Minority Report on PIM-60, pg. 4.

CenturyTel's Proposed Amendment Related to Coverage Area

CenturyTel's first proposed amendment would require the NSP to already serve customers physically located within the rate center to which the number to be ported is rated[8]. According to the Minority Report, this is based upon the FCC's analogous requirement that a wireless carrier's service territory must overlap the porting-out carrier's service territory. This proposed amendment should be rejected, because requiring a carrier to have customers in a rate center is far different that requiring the carrier's service territory to overlap. It should also be rejected because, just like CenturyTel's unilaterally imposed geographic certification requirement, it relates to the NSP's retail operations and is none of the OSP's business.

In the Intermodal LNP Order, the FCC found that porting from a wireline carrier to a wireless carrier is required where the requesting wireless carrier's "coverage area" overlaps the geographic location in which the customer's wireline number is provisioned, provided that the porting-in carrier maintains the number's original rate center designation following the port. The FCC further defined the wireless "coverage area" as the area in which wireless service can be received from the wireless carrier[9]. Obviously, this requirement related to coverage area is not analogous to a requirement that a wireless provider must serve a customer physically located within the rate center to which the number is rated.

Any new entrant's coverage area is likely to be greater than the area where the carrier actually has customers. For example, Socket has customers with service addresses in a number of rate centers. However, Socket's "coverage area" as defined by where Socket can serve is much greater and includes many more rate centers than those in which Socket already has customers with service addresses. CenturyTel has already refused to port numbers for Socket unless Socket demonstrates that it has numbering resources or facilities in a particular rate center[10]. As a result, Socket obtained initial numbering resources from the Pooling Administrator in each of CenturyTel's rate centers that Socket is capable of serving. In order to obtain these numbering resources, Socket had to complete a facilities check. The facilities check verifies that Socket is authorized and capable of serving a particular rate center before numbering resources are assigned to Socket. In addition, the rate centers where Socket is able to provide local exchange services are set forth in Socket's local exchange tariffs on file and approved by the Missouri Public Service Commission. The fact that Socket is capable and authorized to serve a number of rate centers does not mean that Socket has customers physically located in each of these rate centers. CenturyTel's proposed amendment goes well beyond the allegedly analogous condition imposed upon wireless carriers. It would effectively preclude a carrier from obtaining its first customer. It is also unnecessary, as no local exchange company would port a customer's number unless that local exchange company could serve the customer.

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[8] CenturyTel's Minority Report on PIM-60, pg. 4.

[9] FCC's Intermodal Porting Order, Para 1.

[10] CenturyTel imposed this requirement based a single sentence paragraph 7 from the FCC's Intermodal Order summarizing wireline to wireline porting obligations. While it is debatable whether the FCC actually has a basis for this requirement (there certainly is no public policy reason to preclude a carrier from starting to provide service solely by ported numbers), Socket has met it by obtaining number resources in every CenturyTel exchange.

Secondly, this proposed amendment would require Socket to divulge information about retail relationships unrelated to the number port as a condition of being able to port a number. This would impose a non-porting related restriction on number porting and is inappropriate. The FCC has repeatedly said, "carriers may not impose non-porting related restrictions on the porting out process."[11]

Lastly, Socket urges you to consider how such an amendment would be enforced if it were adopted. If adopted, would Socket be required to follow a "customer certification requirement"? If there were a dispute over whether the certification was met, would Socket be required to produce a customer for the OSP to interrogate before being able to port another customer's phone number? Will the OSP dispatch technicians to that customer's premise to investigate? The NSP's retail customers and relationships with those customers are simply none of the OSP's business. The absurdity of implementing CenturyTel's proposal shows how preposterous the amendment truly is.

CenturyTel's Proposed Amendment Related to Interconnection

CenturyTel proposes a second amendment that would require the NSP to "have a POI in the rate center in which the number is resident."[12] This proposed amendment should be rejected as it is inappropriate to condition number porting on interconnection obligations; especially when the interconnection requirement sought by CenturyTel is entirely inconsistent with the FCC's Interconnection rules found at 47 C.F.R. § 51.305 (which allow a CLEC to have a single POI per LATA). This proposed amendment would also be inconsistent with the interconnection requirements in place between Socket and CenturyTel (which require Socket to add POIs over time as traffic volumes grow). In essence, CenturyTel's proposed amendment would run an end-around the POI requirements of the FCC and the Missouri Commission, so as to create two sets of interconnection obligations; one set that applies to Socket assigned numbers and one set that applies if a customer wanted to port their phone number. Something as critical to local competition as number portability was not meant to be used as a leverage to secure interconnection terms more favorable to one party. That is essentially what CenturyTel's proposed amendment does. That is completely inappropriate.

In the ports at issue, it is important to remember that both the OSP's and the NSP's interconnection obligations remain the same whether the customer is permitted to retain their current phone number by porting that number or is assigned a new phone number from the NSP. Similarly, both the OSP's and the NSP's interconnection obligations remain the same whether the customer is served via a foreign exchange offering or a non-foreign exchange offering. Therefore, CenturyTel cannot accurately portray its proposed amendment as recovering any additional cost incurred by porting a number when a customer converts to a foreign exchange offering at the same time that it changes service providers. No such additional costs exist.

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[11] October 2003 LNP Order, CC Docket 95-116, para. 11 (emphasis added). Porting out and porting in refer to the actions of the two carriers executing a port. See also, Interconnected VOIP LNP Order, para. 1, 5, 17, 19, 23, 26, 29-31.

[12] CenturyTel's Minority Report on PIM-60, pg. 4.

The FCC has repeatedly stated, "carriers may not impose non-porting related restrictions on the porting out process."[13] CenturyTel's purported interconnection and transport issues are not related to number portability. More specific to interconnection issues, the FCC has indicated that disputes over transport costs and facilities are not grounds to deny porting requests.[14] In addition, the FCC found in its Intermodal LNP Order that the issue of transport costs associated with calls to ported numbers was not relevant to the application of the LNP obligations under the Act[15]. Similarly, the FCC concluded that concerns about transport costs were outside the scope of the number portability proceeding and noted that the rating and routing issues raised by the rural wireline carriers were also implicated in the context of non-ported numbers and were before the Commission in other proceedings[16]. Thus, in addition to being inappropriate, CenturyTel's proposed amendment is also not relevant to number porting obligations.

Conclusion

In summary, there are no legal or policy issues associated with Best Practice No. 50 that need to be rectified. There is no merit to CenturyTel's Minority Report or its purported appeal. Its proposed "clarifications" contradict federal law and the results of its arbitration in Missouri. The port type at issue is not location portability and the practice of porting numbers in these circumstances is followed by every other LEC (both ILEC and CLEC) besides CenturyTel that Socket has encountered. This issue was fully and fairly considered by the LNPA-WG for several months before it was included as an Industry Best Practice. During that time, CenturyTel participated fully and certainly voiced its opinion. CenturyTel's proposed amendments are simply another attempt to reargue the same interconnection and transport issues. These are the same issues that the FCC has refused to consider as related to number portability. For these reasons, Best Practice No. 50 should remain as an Industry Best Practice with no changes.

I would note that Socket disputes other aspects of CenturyTel's Minority Report, but has tried to keep this response as brief as possible. Should you have questions or wish to discuss this matter further, please feel free to contact me directly at 573.777.1991, ext. 551

Sincerely,

R. Matthew Kohly
Socket Telecom

cc: Marilyn Jones
Gary Sacra
Paul Jordon

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[13] October 2003 LNP Order, CC Docket 95-116, para. 11 (emphasis added). See also, Interconnected VOIP LNP Order, para. 1, 5, 17, 19, 23, 26, 29-31.
[14] Intermodal LNP Order, para. 28 and n. 75.
[15] Interconnected VoIP Portability Order, Appendix D, para. 4.
[16] Interconnected VoIP Portability Order, Appendix D, para. 14.

LNP Problem/Issue Identification and Description Form

Submittal Date (mm/dd/yyyy): _03___/__07__/_2007___
Company(s) Submitting Issue: _Socket Telecom, LLC_____
Contact(s): Name ___Matt Kohly_____
Contact Number 573_/_777_/_1991, ext. 551___ ___
Email Address rmkohly@sockettlecom.com_____
(NOTE: Submitting Company(s) is to complete this section of the form along with Sections 1, 2 and 3.)

1. Problem/Issue Statement: (Brief statement outlining the problem/issue.)

Socket Telecom ("Socket") is attempting to port numbers away from a LEC to serve a customer that wishes to change its local service provider. Socket will be replacing the customer's current local exchange service with a tariffed Out of Calling Scope Service (either Remote Call Forward or Foreign Exchange Service) in conjunction with Socket's local exchange service. The LEC that is currently serving the customer is refusing to port the number on the grounds that the definition of number portability as defined in Section 147 U.S.C. 151 (30) is specifically defined as excluding attempts to change the serving location of the customer. The LEC is calling this "location portability" and is taking the position that it has no obligation to port a number if the customer's service location will change as a result of the number port.

2. Problem/Issue Description: (Provide detailed description of problem/issue.)

A. Examples & Impacts of Problem/Issue: ___

Socket is currently attempting to serve an Internet Service Provider that is trying to switch service providers in the Willow Springs exchange in Missouri. The customer wants to retain its current phone number as part of the change in service providers.

To meet the customer's request, Socket placed an order to port that customer's phone number using a coordinated hot cut[1]. The customer's current LEC placed the order in "Unworkable Status" and is refusing to port the Customer's number. When asked why they are not required to port the number, the response given is that it believes this port involves Location Portability as described above; it is not required to port this number. The LEC is basing its opinion that location portability is involved on the fact that the customer's service location will change as a result of the port.

Socket and LEC currently have an Interconnection Agreement that provides for the exchange of traffic, including the points of interconnection, and the rating and routing of traffic. As the traffic rating and routing does not change as a result of the port, it is Socket's view that this port does not involve geographic or location portability.

[1] Socket previously placed an order to port the number using the automated Ten Digit Trigger (TDT) method. Socket received a Firm Order Commitment within 24 hours. The LEC did not challenge the port in NPAC. On the due date of the port, Socket was contacted and informed that the ILEC would not port the number because it lacked sufficient facilities to transport calls to that number to the POI. At the time, Socket had already completed the port at NPAC. When companies met subsequently to address the facility issue, the LEC stated that a TDT could not be used for this port. Additionally, Socket was informed that the LEC believed this port involved Location Portability and that it had no obligation, under Applicable Law, to port that number. To date, this port remains completed at NPAC but the LEC is not routing non-queried calls to Socket for delivery to the customer.

It is true that the service location of the customer will change as a result of the port as Socket will replace the customer's current local service with a tariffed Foreign Exchange component as part of the local exchange service it provides[2]. Socket does not believe that service location is relevant to the issue of location portability or a carrier's obligations related to number portability. The customer's current phone number will retain the same call rating properties as it has prior to the port. In other words, the customer will retain the same local calling scope. As such, calls currently placed to the customer that are rated as local prior to the port will continue to be rated as local after the port. Call routing will change as a result of the number port due to the fact that the LEC serving the customer has changed. However, the new call routing will be same whether Socket provides loop facilities to the physical location of the customer or replaces the customer's service with a service that has a Foreign Exchange component. In addition, traffic to the customer will route in the same manner regardless of whether Socket is able to port the customer's current phone number or issues the customer a new number from Socket's existing numbering resources assigned to the Willow Springs exchange. In all instances, traffic will be exchanged between the LEC and Socket through the points of interconnection as required by the two companies' interconnection agreement. The location of the point of interconnection is the same regardless of whether the number is ported or Socket issues a new number to the customer.

As the customer's calling scope as well as traffic rating and routing does not change as a result of the port; it is Socket's view that this port does not involve geographic or location portability.

B. Frequency of Occurrence: ___Each time Socket Telecom attempts to port a number that this LEC believes will result in Location Portability. This has happened several times in the past and is expected to be an ongoing issue until it can be resolved.

C. NPAC Regions Impacted:
Canada___ Mid Atlantic ___ Midwest_X_ Northeast___ Southeast___ Southwest___ Western___
West Coast___ ALL___

D. Rationale why existing process is deficient:
_____n/a_____

E. Identify action taken in other committees / forums:
_____none_____

F. Any other descriptive items:

[2] While it may be generally presumed that a customer's rate center designation will correspond with the customer's physical location, Section 2.14 of Central Office Code Assignment Guideline published by ATIS recognizes that services such as Foreign Exchange Service are exceptions to this general premise

3. Suggested Resolution:

Socket is not seeking to have this particular dispute resolved by the LNPA working group. Instead, Socket would like a recommendation from the LNPA working group as to whether the port described above constitutes geographic or location portability and whether, in the its opinion, a LEC is required to port the number in the situation described above.

LNPA WG: (only)
Item Number: __ __ __ __ __
Issue Resolution Referred to: _____
Why Issue Referred: _____

Socket Telecom

Number Portability Presentation

To LNPA-WG

March 13, 2007

The Issue

Is a LEC obligated to port a customer's number if the customer's existing service is being replaced by a service that includes an Out-Of-Calling Scope (FX or Remote Call Forward) component resulting in a change in service location but no change to call rating/routing or calling scope?

Two Possible Outcomes

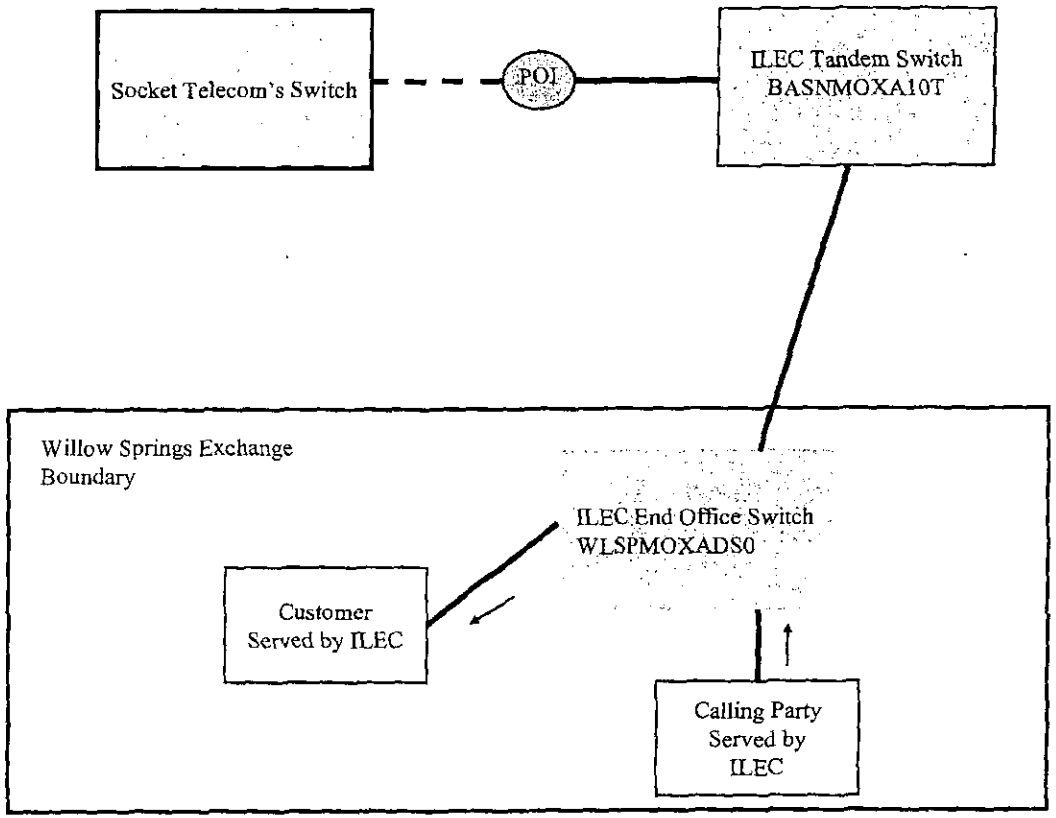
- Socket's position is that a carrier is obligated to port a customer's number in this case since the customer will retain the same local calling scope, the customer's number will remain assigned to the same rate center before and after the port, and call routing will be same whether the new CLEC assigns its own number or ports the customer's existing number away.
- Another LEC has taken the position that it is not obligated to port the number is this situation because the customer's service location will change as a result of the port. This position is based upon the definition of Local Number Portability, which it believes restricts number porting obligations only to instances where the customer's service location remains the same.

Five Scenarios for Serving Customer

- **Scenario 1: Call Routing/Rating Scenario where Customer is served by ILEC**
- **Scenario 2: Call Routing/Rating Scenario where Customer is served by Socket via a Socket issued number and Socket provided Loop facilities to WLSPMOXA**
- **Scenario 3: Call Routing/Rating Scenario where Customer is served by Socket via a ported number and Socket provided Loop facilities to WLSPMOXA**
- **Scenario 4: Call Routing/Rating Scenario where Customer is served by Socket issued number and Socket provides service via a Foreign Exchange service**
- **Scenario 5: Call Routing/Rating Scenario where Customer is served by a ported number and Socket provides service via a Foreign Exchange service**

Socket Telecom, LCC
LNP Presentation to
LNPA-WG

Scenario 1: Call Routing/Rating Scenario where Customer is served by ILEC



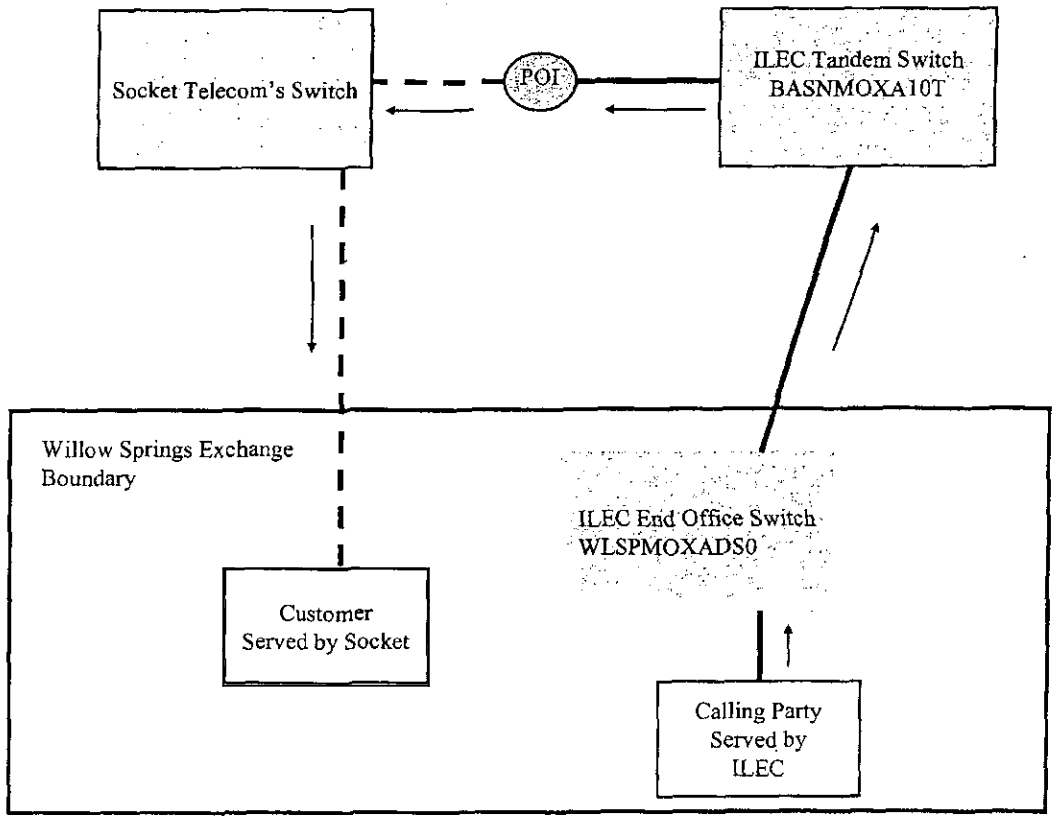
Call Rating/Routing Scenario

Customer is purchasing DS1 service from ILEC.

Customer is assigned a number from the ILEC that is rated as local to the Willow Springs exchange.

Calling Party Served by ILEC served from WLSPMPXADS0 dials 469-xxxx to call Customer. Call is routed to WLSPMOXADS0 where it is passed to the the customer

Scenario 2: Call Routing/Rating Scenario where Customer is served by Socket via a Socket issued number and Socket provided Loop facilities to WLSPMOXA

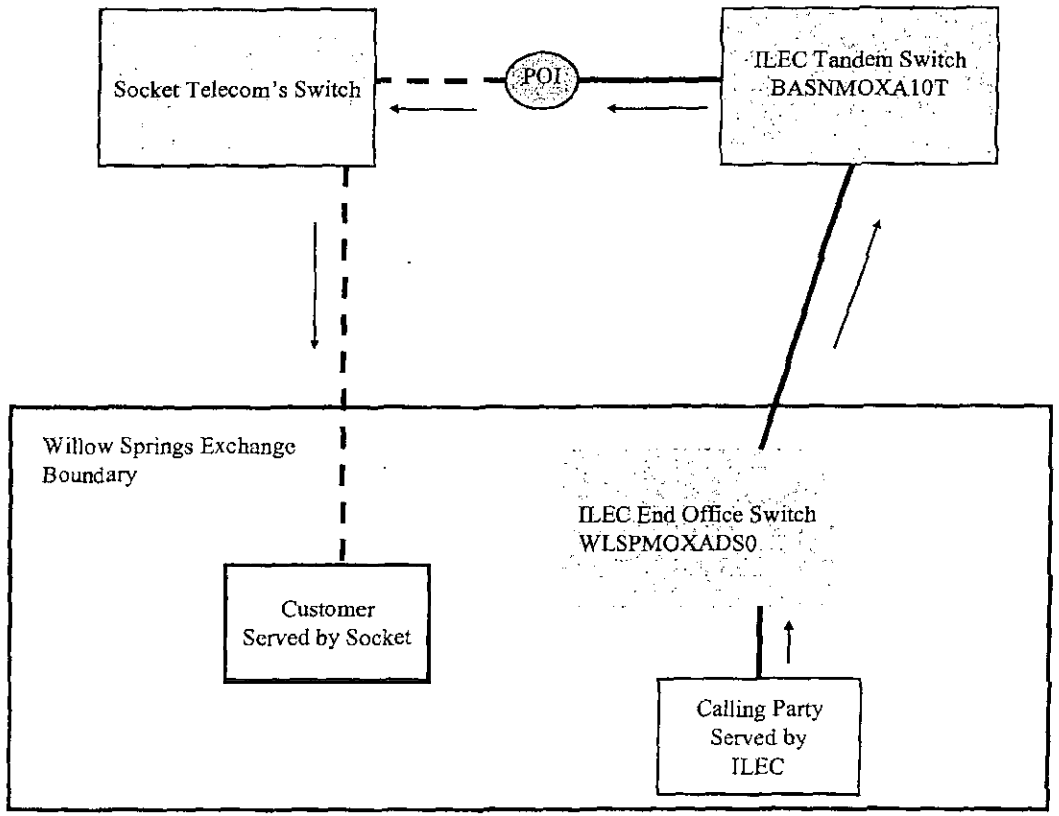


Call Rating/Routing Scenario

Customer is purchasing DS1 Service via loop facility provided by Socket. Customer is assigned a number from the Socket that is rated as local to the Willow Springs exchange.

Calling Party Served by ILEC served from WLSPMPXADS0 dials 262-6xxx to call Customer served By Socket. Call is routed to WLSPMOXADS0 and then to BASNMOXA10T where it is passed to Socket at the POI. Socket then carries the calls from the POI to its switch and then to the Customer.

Scenario 3: Call Routing/Rating Scenario where Customer is served by Socket via a ported number and Socket provided Loop facilities to WLSPMOXA

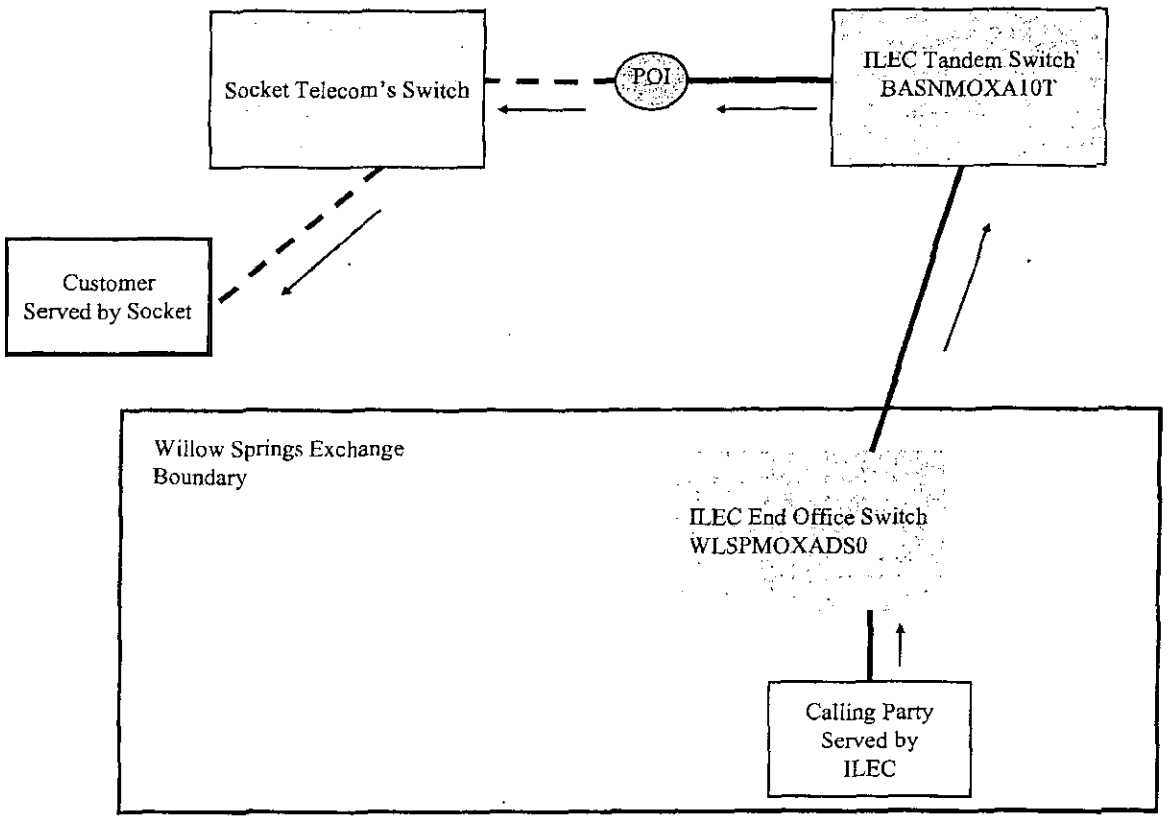


Call Rating/Routing Scenario

Customer is purchasing DS1 Service via Loop Facility Provided by Socket. Customer Retains its ported number that is rated as local to the Willow Springs exchange.

Calling Party Served by ILEC served from WLSPMPXADS0 dials 469-xxxx to call Customer served by Socket. Call is routed to WLSPMOXADS0 and then to BASNMOXA10T where it is passed to Socket at the POI. Socket then carries the calls from the POI to its switch and then to the Customer.

Scenario 4: Call Routing/Rating Scenario where Customer is served by Socket issued number and Socket provides service via a Foreign Exchange service

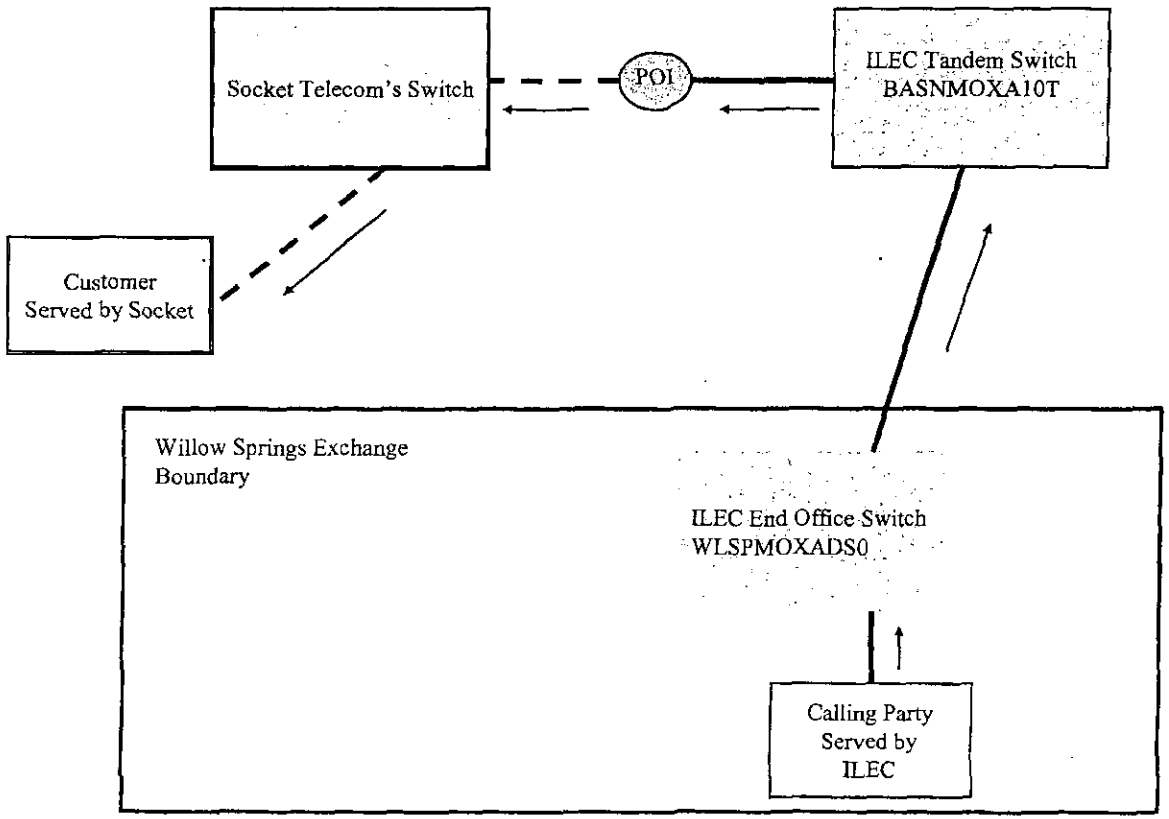


Call Rating/Routing Scenario

Customer is purchasing DS1 Service with Foreign Exchange Service provided by Socket. Customer is assigned a number from Socket that is rated as local to the Willow Springs exchange

Calling Party Served by ILEC served from WLSPMPXADS0 dials 252-6XXX to call Customer Served By Socket. Call is routed to WLSPMOXADS0 and then to BASNMOXA10T where it is passed to Socket at the POI. Socket then carries the calls from the POI to its switch and then to the Customer.

Scenario 5: Call Routing/Rating Scenario where Customer is served by a ported number and Socket provides service via a Foreign Exchange service



Call Rating/Routing Scenario

Customer is purchasing DS1 Service with Foreign Exchange Service provided by Socket. Customer retains its ported number that is rated as local to the Willow Springs exchange

Calling Party Served by ILEC served from WLSPMPXADS0 dials 469-xxxx to call Customer Served By Socket. Call is routed to WLSPMOXADS0 and then to BASNMOXA10T where it is passed to Socket at the POI. Socket then carries the calls from the POI to its switch and then to the Customer.

Calling Scope and Call Rating

- In each Scenario, the Customer's phone number is assigned to the Willow Springs (WLSPMOXA) exchange.
- Calls to Customer's ILEC-issued or CLEC-issued phone number from other phone numbers assigned to the Willow Springs exchange are rated as local calls.
  - This occurs regardless whether the Customer is served
    - By ILEC or Socket
    - By Loop Facilities provided by Socket to Willow Springs or via an FX Arrangement
- Bottom Line: Neither the Customer's Rate Center Designation or Call Rating change as a result of the number port.

Call Routing

- As with any number port, Call Routing will change when a number is ported.
  - In ILEC Scenario (Scenario 1), calls stay within ILEC's network.
  - In Socket Scenario (Scenarios 2 – 5) calls are routed by ILEC to Socket through the Point of Interconnection.
- In Socket Scenarios (Scenarios 2 – 5) Call Routing Remains the Same Regardless of the use of ported numbers or provision service via a Foreign Exchange arrangement.
- Bottom Line: Call Routing is the same whether Socket issues a new phone number or is able to port the existing phone number.

Regardless of Scenario, ILEC and CLEC Interconnection Obligations Remain the Same

- With Socket-issued phone number, the ILEC transports its customer's originating calls from Willow Springs to the Point of Interconnection (POI). Socket transports that call from the POI to its switch and then routes that call to its customer.
- With ILEC-ported phone number, the ILEC transports its customer's originating call from Willow Springs to the POI. Socket transports that call from the POI to its switch and then routes that call to its customer.

Why does Socket believe a change in service location in this instance does not alleviate a carrier's obligation to port a customer's number?

- LNP rules and documentation addressing porting obligations focus on promoting competition and making changing service providers as convenient as possible for customers.
- Limitations on number porting obligations generally hinge on technical feasibility issues.
- Porting a number in this situation is technically feasible
  - As long as call routing and rating do not change, porting the number is technically feasible.

Why does Socket believe a change in service location in this instance does not alleviate a carrier's obligation to port a customer's number?

- Socket's rate center designation/call rating is consistent with Central Office Code Assignment Guidelines published by ATIS
  - With Wireline Services, it is generally presumed that a customer's rate center designation will correspond with the customer's physical location.
  - However, Section 2.14 of Central Office Code Assignment Guideline published by ATIS recognizes that services such as Foreign Exchange Service are exceptions to this general premise.

Why does Socket believe a change in service location in this instance does not alleviate a carrier's obligation to port a customer's number?

- In addressing location portability in the context of wireless-wireline portability, the FCC focused on the following
  - The customer retains the same rate center designation
  - Calling Rating remains the same
  - Call Routing remains the same whether the new carrier assigns a new number or ports the number from the previous carrier.
- The FCC determined that as long as this criteria was met, carriers were required to permit the customer to port his/her phone number.

See FCC 03-284, CTIA Petitions for Declaratory Ruling on Wireline -Wireless Porting Obligations, MEMORANDUM OPINION AND ORDER AND FURTHER NOTICE OF PROPOSED RULEMAKING, Nov. 10, 2003, Para. 28

Why does Socket believe a change in service location in this instance does not alleviate a carrier's obligation to port a customer's number?

- The facts in this situation are consistent with past FCC determinations that carriers are obligated to permit numbers to be ported under the following conditions -
  - The customer's service location changes
  - The customer retains the same rate center designation
  - Calling Rating remains the same
  - Call Routing remains the same whether the new carrier assigns a new number or ports the number from the previous carrier.