

## FCC Releases LNP Order Regarding Simple Ports

*On May 14, 2009, the Federal Communications Commission (FCC) released an order that, once effective, will require wireline, wireless and interconnected Voice over Internet Protocol (VoIP) providers to complete simple ports within one business day unless the requesting provider or customer asks for more time. The FCC declined to modify the definition of “simple port,” which currently excludes ports that involve (1) unbundled network elements; (2) multiple lines; (3) complex switch translations (e.g., Centrex, ISDN, AIN services, remote call forwarding, or multiple services on the loop); and (4) resellers. However, the FCC did ask whether it should change the definition of simple ports in a further notice of proposed rulemaking released with the order.*

In the order, the FCC found “no significant technological impediments” to reducing the porting interval, and left it to the industry to develop the “mechanics” of the new requirement. Specifically, the order directs the North American Numbering Council (NANC) to develop new local number portability (LNP) process “flows” that take into account the shortened porting interval. NANC is required to deliver the new procedures within 90 days after the effective date of the order. Large carriers – those with more than 2% of the nation’s lines – will have nine months after the FCC receives the feedback from NANC to implement the new porting interval; small carriers will have fifteen

months. The order establishes waiver standards and delegates authority to the Chief of the Wireline Competition Bureau to review and decide waiver requests on a case-by-case basis. To the extent that carriers incur costs to comply with the new interval, the FCC stated that its rules allow carriers to recover costs through end-user charges.

Along with the order the FCC released a further notice of proposed rulemaking that requested comment on whether:

- The FCC should modify the definition of simple ports;
- Additional or different information fields are necessary for completing simple ports;
- The FCC should standardize Local Service Request forms;
- It is appropriate to establish a single standard time interval in which providers must return Customer Service Record requests; and
- The FCC should take any additional steps to improve the process of changing providers.

Kelley Drye is organizing a group to discuss potential modifications to the LNP process flows that NANC has been ordered to develop and the issues that will be the focus of the further notice of proposed rulemaking. For more information regarding this client advisory, please contact your usual Kelley Drye attorney or any member of the Telecommunications practice group. For more information on the Telecommunications practice group, please [click here](#).