

ATTACHMENT 2

Principles and Procedures for CLEC-to-CLEC/ILEC End-User Migrations

These principles and procedures apply when CLEC end-user customers choose to migrate to another CLEC or an ILEC.

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I. Objective

The following list of principles and procedures govern inter-provider interfaces and are intended to ensure that end-user customers can exercise their right to migrate from one local service provider to another local service provider without encountering undue delay or burdensome procedures. These principles and procedures are in addition to the Mass Migration Guidelines originally established in D.06-10-021 and revised in attachment 3 and Guidelines for CLEC Involuntary Exits from Local Exchange Services Market adopted in Rulemaking 03-06-020.

II. Definitions

The term Local Service Provider (LSP) as defined by the Ordering and Billing Forum (OBF) is any provider (*e.g.*, voice provider, data provider) that administers and bills local exchange and related services directly to the end-user customer. The LSP interacts directly with the end-user customer.

III. Principles

1. End-user customers have the right to migrate their local service from one LSP to another in a timely manner without losing their existing telephone number(s) in accordance with applicable laws and Federal Communications Commission (FCC) rules governing the Local Number Portability (LNP) process (including but not limited to 47 C.F.R. §§ 52.11, 52.21-52.26, 52.34, 52.35-52.36) and 47 U.S.C. §§ 251(b)(2) and 153(30) (the "Act")). LSPs shall comply with applicable rules, including those established for porting intervals, customer service records, and firm order confirmations.

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2. FCC rules prohibit LSPs from unreasonably obstructing or delaying the end-user customer migration process through the imposition of non-porting related restrictions on the porting-out process. Furthermore, the end-user customer's existing LSP cannot refuse or otherwise block or delay the migration of the telephone number of an active account for reasons such as any unpaid amounts owed to the LSP.
3. LSPs shall respond to end-user customer service inquiries and complaints and shall work in good faith to resolve end-user customer concerns to the end-user customer's satisfaction.
4. Notwithstanding the end-user's choice to migrate and the requirements and guidelines supporting that choice, both the existing and the "new" LSP retain the right to enforce obligations and impose requirements on an end-user that are permissible under Commission rules and any other applicable state or federal law.
5. A variety of industry guidelines apply to end-user customer migrations, including but not limited to those developed by the OBF, the North American Numbering Council (NANC), Local Number Portability Administration Working Group (LNPA WG), and the Industry Numbering Committee (INC). LSPs shall comply with applicable industry guidelines, including those established for porting intervals, when they are adopted by the FCC.

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6. LSPs shall provide LNP in accordance with the requirements of the Act and the rules and orders of the FCC, including the guidelines of NANC, particularly those of the LNPA WG adopted by the FCC.
7. The end-user's privacy is respected by all LSPs. LSPs are subject to applicable federal and state rules governing the handling of end-user customer authorizations and protection of customer proprietary network information and carrier proprietary information.
8. LSPs shall abide by the FCC/Federal Trade Commission "Statement on Deceptive Advertising" for local service migrations and all applicable California laws and regulations, such as Pub. Util. Code § 2889.5.
9. LSPs shall work together in good faith to minimize, avoid, and (if necessary) correct any problems experienced by the migrating end-user customer (including service interruptions, billing problems, etc.) LSPs shall make available to all other LSPs established processes and procedures for end-user migration, consistent with these principles and all applicable federal and state regulations.
10. Each LSP shall publish and maintain an accurate, complete and current company escalation list (name, telephone number, and e-mail address) on the company's public website. This list shall include at least two contacts for escalation issues.

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IV. Dispute Resolution Procedures

LSPs shall make a good faith effort to resolve migration disputes through good faith discussions and/or under the applicable terms and conditions for dispute resolution of an existing interconnection or other contractual agreement between the LSPs. Migration disputes that are not successfully resolved may be submitted to the Commission's alternative dispute resolution (ADR) program. LSPs are not prohibited from negotiating and agreeing to different migration processes, provided that the terms thereof are made generally available to other LSPs and do not lengthen the end-user's migration process by increasing the response intervals and timelines contained in industry guidelines and in FCC rules and orders.

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