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Address Portability Pondered

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The FCC wants to know if Internet service providers (ISPs) should have to offer “email address portability,” thus allowing a subscriber to keep the same email address when changing ISPs – say, from AOL to Verizon. The old ISP would have to forward incoming email to the subscriber-chosen new address.

The idea comes to the FCC in a petition for rulemaking, whose author tells a sad story. She ran a small business from her home, using an AOL account opened by her then-teenage son and paid for on her own credit card. AOL closed the account suddenly and without notice, she says, allegedly on the ground that it had been opened by a minor, even though the petitioner’s son had since turned 18. The closure resulted in loss of the petitioner’s stored emails, contact information, saved documents, stored websites, etc., associated with her AOL screen name. Clients were unable to reach her, and she was unable to reach them to pass on a new email address.

The petitioner likens her request to the FCC’s imposition of telephone number portability, which lets customers change phone companies and keep the same number. But the analogy goes only so far. After a change in telephone numbers, the old phone company is completely out of the loop. Email forwarding, in contrast, would require the old ISP to continue providing service to non-paying former customers.

ISPs may question whether the FCC has the legal authority to provide the requested relief. And they may note that the petitioner could have avoided the problem altogether by registering her own domain name (like our fhhlaw.com) and using that for her email address. While most domains must be serviced by an ISP, they are easily moved from one ISP to another, leaving the email address unchanged.

Reply comments are due on November 26.