

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

In the Matter of:

2018 Biennial Review of
Telecommunications Regulations.

WC Docket No. 18-378

**REPLY COMMENTS
OF THE CALIFORNIA PUBLIC UTILITIES COMMISSION**

AROCLES AGUILAR
HELEN M. MICKIEWICZ

505 Van Ness Avenue
San Francisco, CA 94102
Telephone: (415) 703-1319
Facsimile: (415) 703-2262
Email: helen.mickiewicz@cpuc.ca.gov,

March 11, 2019

Attorneys for the
California Public Utilities Commission

The California Public Utilities Commission (California or CPUC) submits these reply comments in response to comments submitted by NCTA – the Internet & Television Association (NCTA) – submitted on February 8, 2019. NCTA was responding to the Public Notice released December 17, 2018, in which the Federal Communications Commission (FCC or Commission) sought comment as to what rules should be modified or repealed as part of the 2018 biennial review.¹ In that Public Notice, the Wireline Competition Bureau specifically sought comment on amending Section 52, in which the FCC’s rules for numbering administration appear. In response to that request for comment, NCTA urged the FCC to repeal section 52.15(g)(3)(iv)(C), which mandates that interconnected VoIP providers give state commissions 30-days’ notice before applying for numbers in that state from the NANPA.²

California opposes NCTA’s request, and urges the FCC *not* to repeal the requirement that VoIP providers give notice to states of their requests for numbering resources. NCTA asserts that “the 30-day state notification requirement is unnecessary because states have access to interconnected VoIP providers’ numbering applications pursuant to rule 52.15(g)(6).”³ That provision of the FCC’s rules reads as follows:

State regulatory commissions shall have access to service provider's applications for numbering resources. The state commissions should request copies of such applications from the service providers operating within their states, and service providers must comply with state commission requests for copies of numbering resource applications.

¹ *FCC Bureaus and Offices Seek Public Comment in 2018 Biennial Review of Telecommunications Regulations*, CG Docket No. 18-375 *et al.*, Public Notice, DA 18-1260 (WCB rel. Dec. 27, 2018) (Public Notice).

² Comments of NCTA – The Internet & Television Association, filed February 8, 2019.

³ NCTA Comments, p. 2.

Carriers that fail to comply with a state commission request for numbering resource application materials shall be denied numbering resources.

As NCTA notes, “[t]his requirement does not apply to other voice service providers that request numbers.” That is true, and for good reason. Many, if not most, states cannot or do not license VoIP providers.⁴ Indeed, in 2015, when the FCC allowed VoIP providers to seek numbers directly from the NANPA, it acknowledged that states had no way of determining whether a particular VoIP provider was authorized to provide service.

Accordingly, the Commission established a scheme for allowing VoIP providers to obtain authority from the FCC for the purpose of obtaining numbers.

The effect if not the purpose of Section 52.15(g)(3)(iv)(C) is to require interconnected VoIP providers *without state certifications* to provide a state commission a 30-day notification before it applies for numbering resources from the NANPA. NCTA contends this requirement is unnecessary. Yet, California, which has more numbers and more NPAs than any state in the nation, has found that the 30-day notice affords the benefit of allowing it to address any compliance or number utilization issues with a VoIP provider before any number request is made. In California, the requirement has allowed us to advise VoIP providers of available numbering resources prior to their number requests and avoided the unnecessary opening of numerous new central office codes. Quite recently, a VoIP provider in California in one day asked for over 30 codes in 14 NPAs; it sought 4 codes each in 4 of those NPAs. The provider did give the CPUC

⁴ Section 710 of the California Public Utilities Code, for example, states in relevant part that “[t]he [CPUC] shall not exercise regulatory jurisdiction or control over [VoIP]....”.

30-days' notice of that request, and the CPUC has been working with the provider to attempt to reduce the number of codes requested.

This experience supports the CPUC's view that this rule provides a clear benefit in managing numbering resources. Thus, California rejects NCTA's additional contention that "potential number exhaust is a function of the numbering resources requested in aggregate by all service providers, irrespective of technology."⁵ No new providers are seeking to provide service using TDM technology; all new providers offering voice service are employing VoIP.

Further this recent experience is at odds with NCTA's contention that "no numbering exhaust issues have arisen related to interconnected VoIP providers' number requests."⁶ Given the rate at which VoIP providers are seeking new codes in California, NCTA's contention – that VoIP providers are not driving number exhaust – is untested at best.

The CPUC also notes that NCTA's reliance on rule 52.15(g)(6) is misplaced as it requires a state commission to request "copies of such applications from the service providers operating within their states." In other words, instead of the service provider telling the state commission about its plans for obtaining numbers, the staff of the commission must request *each and every* service provider in the state to provide copies of such requests. This is more burdensome to the state than it is for the VoIP provider seeking numbers to inform the state commission of its impending request.

⁵ NCTA's comments, p. 2.

⁶ *Id.*

Finally, the CPUC recommends that the 30-day notice requirement be modified to include a process for states to object to VoIP provider number requests on the grounds that the provider is not complying with state mandates.⁷

Respectfully submitted,

By: /s/ HELEN M. MICKIEWICZ

HELEN M. MICKIEWICZ

505 Van Ness Avenue
San Francisco, CA 94102
Telephone: (415) 703-1319
Email: helen.mickiewicz@cpuc.ca.gov

Attorneys for the
California Public Utilities Commission

March 11, 2019

⁷ Section 285 of the California Public Utilities Code requires VoIP providers to collect and remit surcharges to support the CPUC's public programs. Some VoIP providers are out of compliance but are seeking numbers from NANPA.