

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
)	
BellSouth's Petition for Declaratory Ruling)	
Regarding the Commission's Definition of)	
Interconnected VoIP in 47 C.F.R. § 9.3 and)	
the Prohibition on State Imposition of 911)	
Charges on VoIP Customers in 47 U.S.C. §)	WC Docket No. 19-44
615a-1(f)(1))	
)	
Petition for Declaratory Ruling in Response)	
to Primary Jurisdiction Referral, Autauga)	
County Emergency Management)	
Communications District Et al. v. BellSouth)	
Telecommunications, LLC, No. 2:15-cv-)	
00765-SGC (N.D. Ala))	
)	

REPLY COMMENTS OF VERIZON

In their comments, individual service providers and their trade associations show why the Commission promptly granting BellSouth's petition—at minimum its interpretation of the NET 911 Act—is critical for the parties to the underlying litigation and to the public. Grant of the petition would restore regulatory certainty for the Commission, state regulators, tax authorities, and the service providers they regulate—not only for the narrow state tax law at issue here, but for a variety of federal and state regulatory policies related to legacy voice and interconnected VoIP services. Commenters also show how the Districts' position would undermine the Commission's national policy of promoting the transition of TDM to IP-enabled networks.¹

¹ See AT&T Comments at 4-7, 16-17; NCTA Comments at 5; CenturyLink Comments at 13-16; USTelecom Comments at 2-4, 7-8; VON Coalition Comments at 3; Windstream Comments at 6-8.

While BellSouth’s petition remains pending, other *qui tam* litigants will continue to try and exploit the uncertainty they have created, and some state courts may feel compelled to allow such litigation to proceed.² Prompt resolution of BellSouth’s petition is needed to prevent the risk of patchwork interpretation that could undermine the Commission’s policy objectives.

BellSouth’s petition is consistent with the Part 9 interconnected VoIP definition and, contrary to the Districts’ position, would not apply a new “customer order” prong to it.³ BellSouth’s petition merely applies a straightforward interpretation of the term “*requires* internet protocol-compatible [CPE]” that ensures the Part 9 definition refers to the service a customer actually receives.⁴ That a particular network and CPE configuration *might* support an interconnected VoIP service does not automatically make it an interconnected VoIP service. What matters for regulatory classification purposes is what the customer has ordered and is receiving.⁵ And contrary to the Districts’ assertions,⁶ grant of BellSouth’s petition would not undermine states’ and localities’ ability to fund their 911 services. In recent years several state legislatures have modified the amount(s) and structure of their 911 charges, and Verizon has not opposed reasonable increases in 911 charges that are used exclusively for 911-related purposes

² See Bandwidth Comments at 4; CenturyLink Comments at 16; USTelecom Comments at 2-3; Windstream Comments at 2-5.

³ See Comments of the Madison County, Alabama Emergency Communications District, at 7-8; Comments of the 911 Districts for Autauga county et al., at 5-7.

⁴ See BellSouth Petition at 19-20; 47 C.F.R. § 9.3 (emphasis added).

⁵ See AT&T Comments at 7-8; Bandwidth Comments at 3-4; Windstream Comments at 11-15; *cf. Restoring Internet Freedom*, Declaratory Ruling, Order, Report and Order, 33 FCC Rcd. 311, ¶ 80 (2018) (“the definition of ‘interconnected service’ *focuses on the characteristics of the offered mobile service itself*,” not the fact that “an end user can use a separate application or [interconnected] service that rides on top of the broadband Internet access service”) (emphasis added).

⁶ See Comments of the 911 Districts for Autauga county et al., at 12-14; Madison County Comments at 10-11.

and applied on a competitively neutral basis. BellSouth's petition would affirm, not undermine, states' ability to raise 911 monies in this fashion.

For these reasons and those discussed in Verizon's and other parties' comments, the Commission should promptly grant BellSouth's petition in its entirety, and at minimum its interpretation of how the NET 911 Act applies to state tax laws like those at issue here.

Respectfully submitted,

/s/ Robert G. Morse

William H. Johnson
Of Counsel

Gregory M. Romano
Robert G. Morse
1300 I Street, N.W.
Suite 500 East
Washington, DC 20005
(202) 515-2400

Attorneys for Verizon

April 12, 2019