



O1 Communications, Inc. and Teliax, Inc. Support
Centurylink's Petition for Declaratory Ruling
on the VoIP Symmetry Rule

WC Docket No. 10-90; CC Docket No. 01-92

NOVEMBER 1-2, 2018

Teliax & O1 Are Providing Valuable Services

- The LECs provide end office switching functions to VoIP providers that have chosen to partner with the LECs.
- VoIP providers rely on the LECs' substantial investments in wholesale service that enhance and properly route IP calls.
- The LECs have built infrastructure that supports growth of IP, the very goal of the Commission's 2011 *Transformation Order*, which created the VoIP symmetry rule to promote investment in IP connectivity during a limited transition period.
- 8YY customers pay for and receive calls switched by the LECs.

Affirm the VoIP Symmetry Rule

- The DC Circuit vacated and remanded the Commission's *2015 Declaratory Ruling*.
- The Commission should respond to the remand, through CenturyLink's Petition, and confirm its previous position that end office switched access charges apply to "over the top" VoIP calls when a LEC or its VoIP partner perform the end office functions.
- Sound engineering principles support that over the top VoIP services perform the functional equivalent of end office switching.
- Ownership of the physical last mile loop is not required to perform end office switching functions.
- Commission precedent and sound public policy favor granting the Petition.

Do Not Impose Retroactive Liability Against LECs

- If the Commission were to reverse its previous precedent and apply a new rule to over the top VoIP services specifically, the Commission should apply the new rule prospectively only from the time of such an order.
- The 2015 *Declaratory Ruling* clarified settled Commission precedent. The vacatur does not disturb the underlying precedent of the 2011 *Transformation Order* that the VoIP Symmetry Rule applies to all VoIP services, including OTT VoIP services.
- LECs have invested in and provided services to IXCs and their customers for years, and public policy dictates that these companies should be compensated for these services.

End the Abusive Practice of Self-Help

- The Commission must take a stand against large IXC's that are withholding payments but not lodging complaints against the LEC's in accordance with procedures in the Communications Act for challenging carrier rates.
- The Commission has condemned this practice in the past. The Commission should confirm this policy and fine IXC's for withholding payments.
- The Commission can adopt a process for resolving these matters expeditiously.