

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

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In the Matter of)	
)	
Numbering Policies for Modern)	WC Docket No. 13-97
Communications)	
)	
Numbering Resource Optimization)	CC Docket No. 99-200
_____)	

PETITION FOR WAIVER

Altice USA, Inc. (“Altice USA”) is poised to launch its infrastructure-based Mobile Virtual Network Operator (“iMVNO”) service in 2019 and become a forceful new competitive entrant in the wireless market. Unlike a traditional wireless reseller, Altice USA has its own infrastructure and will use its own wireless telephone numbers from the North American Numbering Plan Administration (“NANPA”) to manage its mobile network, switch and route wireless calls, and compete effectively in the market to a degree not possible for a resale MVNO. In light of the foregoing, and given the significant public interest benefits described below that will flow from Altice USA’s entry into the mobile wireless market, good cause exists to grant a waiver of section 52.15(g)(2) of the Federal Communications Commission’s (“Commission’s”) rules to the extent necessary to authorize Altice USA to receive wireless telephone numbers.¹

I. Altice USA’s Unique Infrastructure-Based MVNO Satisfies the Requirements to Obtain Wireless Telephone Numbers.

Altice USA provides broadband, voice, and video services to approximately 4.9 million residential and business customers in 21 states. In 2017, Altice USA entered a multi-year radio

¹ 47 C.F.R. § 52.15(g)(2).

access network (“RAN”) access agreement with Sprint under which Altice USA will market and sell Altice USA mobile wireless services using, in part, Sprint’s RAN.²

Altice USA’s combination of Sprint RAN access; its ownership and operation of a core network that will be used to provide its mobile service; and its use of network and subscriber identification modules (“SIMs”) easily satisfies the Commission’s requirements and policy goals for access to telephone numbers, and significantly differentiates Altice USA’s iMVNO platform from the typical reseller MVNO.

Section 52.15(g)(2) of the Commission’s rules requires that an applicant for initial numbering resources must provide evidence that (1) it is authorized to provide service within the specific areas for which numbers are requested, and (2) it is capable of providing service within 60 days.³ Altice USA meets both of these requirements. Although section 52.15(g)(2) does not specify the documentation necessary to establish whether an entity is “authorized to provide service in the area,” the Commission has indicated that evidence of either a state certificate of public convenience and necessity (“CPCN”) or a Commission license satisfies this requirement.⁴ NANPA’s guidance implementing this rule suggests that a spectrum license or Commission-registered lease is necessary for access to wireless telephone numbers.⁵ Out of an abundance of

² Press Release, Altice USA, *Sprint, Altice USA Announce Strategic MVNO Agreement* (Nov. 5, 2017), <http://www.alticeusa.com/sites/default/files/pdf/Sprint%2C%20Altice%20USA%20Announce%20Strategic%20MVNO%20Agreement.pdf>; *see also* Press Release, Sprint, *Sprint, Altice USA Announce Strategic MVNO Agreement* (Nov. 5, 2017), <http://investors.sprint.com/news-and-events/press-releases/press-release-details/2017/Sprint-Altice-USA-Announce-Strategic-MVNO-Agreement/default.aspx>.

³ 47 C.F.R. § 52.15(g)(2) (“Initial numbering resources. An applicant for initial numbering resources must include in its application evidence that the applicant is authorized to provide service in the area for which the numbering resources are requested; and that the applicant is or will be capable of providing service within sixty (60) days of the numbering resources activation date.”).

⁴ *In re Numbering Policies for Modern Commc’ns*, Report and Order, 30 FCC Rcd 6839, 6849 para. 4 (2015) (“*Access to Numbers Order*”).

⁵ *See* Section 4.2.1, Central Office Code Assignment Guidelines, ATIS-0300051 (June 8, 2018); *see also* *Industry Numbering Committee*, ATIS, http://www.atis.org/01_committ_forums/inc/mission/ (last visited Nov. 8, 2018).

caution Altice USA requests a waiver of section 52.15(g)(2) to the extent necessary to enable it to obtain wireless numbers based on the information provided below regarding its infrastructure-based MVNO.

First, Altice USA has a multi-year agreement with Sprint, a Commission licensee, to use Sprint's RAN. Under the terms of this agreement, Altice USA has authority to provide mobile service in the geographic areas where the company will request wireless numbers. Unlike a typical MVNO agreement, Altice USA will combine Sprint's RAN with Altice USA's own core mobile network to deliver a more competitive and differentiated service to consumers. The agreement with Sprint provides Altice USA with the necessary authorization to provide service.⁶

Second, Altice USA will be capable of providing services within 60 days of the numbering resources activation date per the second prong of the Commissions' rules.⁷ Altice USA already has made the necessary investments to have a wireless core and facilities in place. In addition, Altice USA has secured or is in the process of obtaining interconnection agreements as well as domestic and international roaming agreements with other providers.

In addition to the interconnection and roaming agreements, Altice USA operates its own "core network" including SIMs and Service Profile Management System (including Home Subscriber Server ("HSS"), Home Location Register ("HLR"), and Authentication, Authorization, and Accounting ("AAA") Server). This core network includes routers and switches and will enable Altice USA to control the routing of all Altice USA's wireless customers' calls.

⁶ In addition, Altice USA holds CPCNs in states where it does business, and will be utilizing facilities covered by those CPCNs to route wireless calls to and from the public switched networks. Altice USA's CPCNs can therefore serve as additional evidence that it is authorized to provide service in support of its request for wireless telephone numbers.

⁷ Altice USA will initially begin testing the service with trials before a commercial launch.

Further Altice USA has secured its Home Network Identity (“HNI”) and International Mobile Subscriber Identity (“IMSI”) code components from iconectiv, its Service Profile Identifier/Operating Company Number (“SPID/OCN”) from the National Exchange Carrier Association, and its Transferred Account Data Interchange Group (“TADIG”) Code from GSM Association (“GSMA”).⁸

Finally, Altice USA certifies that it will continue to comply with all applicable regulatory requirements, including federal universal service (“USF”), telecommunications relay service (“TRS”), NANPA, and local number portability (“LNP”) contributions and 911 fees.

The Commission has explained that the purposes of section 52.15 is to further the agency’s overarching policy goals of ensuring efficient number utilization, counteracting number exhaust, and providing adequate safeguards to prevent bad actors from gaining direct access to numbers.⁹ The foregoing factors make clear that Altice USA’s access to wireless telephone numbers is consistent with these goals.

II. Good Cause Exists to Grant the Waiver.

The Commission has the discretion to waive a rule if “good cause” is shown.¹⁰ Under this standard, waiver of the Commission’s rules is appropriate when (i) special circumstances warrant a deviation from the general rule and (ii) such deviation will serve the public interest.¹¹

⁸ Altice USA is also a member of the GSMA.

⁹ *Access to Numbers Order*, 30 FCC Rcd at 6849 para. 22.

¹⁰ 47 C.F.R. § 1.3 (“[a]ny provision of the rules may be waived by the Commission on its own motion or on petition if good cause therefor is shown.”).

¹¹ *NetworkIP, LLC v. FCC*, 548 F.3d 116, 125-28 (D.C. Cir. 2008); *Ne. Cellular Tel. Co., L.P. v FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990).

In addition, the Commission may take into account hardship, equity, or more effective implementation of overall policy in deciding to waive one or more of its rules.¹²

To the extent a waiver is necessary to authorize Altice USA to receive wireless telephone numbers, Altice USA plainly meets the good cause standard. Altice USA's request for access to wireless telephone numbers is pro-competitive, pro-consumer, and consistent with the Commission's policies. As the Commission has recognized, allowing carriers direct access to telephone numbers will increase visibility and accuracy of number utilization, increase the transparency of call routing, and improve responsiveness in the number porting process, thereby furthering the goals of NANPA and the Commission.¹³

Moreover, Altice USA's iMVNO is distinguishable from traditional resellers and will introduce significant competitive benefits. As the Commission has recognized, traditional wireless resellers "do not own *any* network facilities, but instead purchase mobile wireless services wholesale from facilities-based service providers and resell these services to consumers."¹⁴ Unlike traditional resellers, Altice USA's service will leverage its own facilities and core network to bring competitive and public interest benefits.

Finally, applying section 52.15(g)(2) in a manner that would deny Altice USA access to wireless telephone numbers would impose a severe hardship. Altice USA has made significant investment and is at the cusp of launching its wireless service. To do so, Altice USA needs a wireless telephone number and Location Routing Number ("LRN") to properly route its wireless

¹² *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969); *Ne. Cellular*, 897 F.2d at 1166.

¹³ *See Access to Numbers Order*, 30 FCC Rcd at 6894 Appendix C para. 7.

¹⁴ *In re Implementation of Section 6002(b) of the Omnibus Budget Reconciliation Act of 1993 Annual Report and Analysis of Competitive Market Conditions With Respect to Mobile Wireless, Including Commercial Mobile Services*, Twentieth Report, 32 FCC Rcd 8968, 8976 para. 15 (2017) (emphasis added).

traffic. Grant of the instant request is therefore necessary to avoid imposing a unique hardship and thwarting competitive entry.

III. Conclusion.

In light of the foregoing, grant of the instant request is in the public interest and Altice USA urges the Commission to expeditiously waive section 52.15(g)(2) to the extent necessary to grant Altice USA access to wireless telephone numbers.

Respectfully submitted,

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