

November 7, 2014

Marlene H. Dortch  
Federal Communications Commission  
Office of the Secretary  
445 12<sup>th</sup> Street, S.W.  
Room TW-A325  
Washington, D.C. 20554

Re: *Connect America Fund*, WC Docket No. 10-90; *A National Broadband Plan for Our Future*, GN Docket No. 09-51; *High-Cost Universal Service Support*, WC Docket No. 05-337; *Developing an Unified Intercarrier Compensation Regime*, CC docket No. 01-92; *Federal-State Joint Board on Universal Service*, CC Docket No. 96-45; *Numbering Policies for Modern Communications*, WC Docket No. 13-97; *IP-Enabled Services*, WC Docket No. 04-36; *Telephone Number Requirements for IP-Enabled Services Providers*, WC Docket No. 07-243; *Telephone Number Portability*, CC Docket No. 95-116; *Numbering Resource Optimization*, CC Docket No. 99-200

Dear Ms. Dortch:

On November 5, 2014, Brendan Kasper of Vonage Holdings Corp. (“Vonage”), together with the undersigned of Harris, Wiltshire & Grannis LLP, met with Amy Bender, Legal Advisor to Commissioner O’Rielly, to discuss Vonage’s support for the pending Level 3 Communications, LLC and Bandwidth.com, Inc. request that the Commission issue a declaratory ruling clarifying that Sections 51.903(d), 51.913(b), and 69.106 of the Commission’s rules permit CLECs to collect end office switching access charges for over-the-top (“OTT”) VoIP calls when providing the functional equivalent of end office switching but not a physical loop.<sup>1</sup>

Vonage explained that its interest in this proceeding derives from its interest in IP interconnection. In Vonage’s experience, the position that the Commission permits asymmetrical compensation has been an obstacle to IP interconnection agreements, as providers will request equivalent asymmetrical compensation as part of an IP interconnection agreement. Yet others may be reluctant to transition away from legacy TDM interconnection lest they sacrifice an opportunity to collect asymmetrical compensation. Vonage generally does not collect intercarrier compensation, and thus is not concerned about preserving intercarrier compensation income. Rather, Vonage wishes to ensure that intercarrier compensation rules do not inadvertently disincent IP interconnection.

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<sup>1</sup> See Letter from John T. Nakahata, Wiltshire & Grannis LLP, counsel to Level 3 Communications, LLC *et al.*, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 10-90 *et al.* (filed April 15, 2013).

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Vonage also detailed the benefits of IP interconnection, and noted that the Commission can take a simple step to support the IP transition by granting interconnected VoIP providers direct access to telephone numbers. Vonage urged the Commission to act quickly on this issue.

Finally, Vonage noted that as the Commission considers additional obligations for OTT VoIP providers, it should carefully consider whether those obligations should fall on OTT providers or on underlying broadband providers.

If you have questions or require any additional information, please do not hesitate to contact me at (202) 730-1346 or bstrandberg@hwglaw.com.

Sincerely,

A handwritten signature in black ink, appearing to read "BDS", with a long horizontal line extending to the right.

Brita D. Strandberg  
*Counsel to Vonage Holdings Corp.*

cc: Amy Bender