



January 29, 2015

1300 I Street, NW, Suite 400 West
Washington, DC 20005

Ex Parte

Phone 202 515-2595
Fax 202 336-7922
alan.buzacott@verizon.com

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 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 a Unified Intercarrier Compensation Regime, CC Docket No. 01-92; Federal State Joint Board on Universal Service, CC Docket No. 96-45

Dear Ms. Dortch:

On January 27, 2015, Curtis L. Groves and Alan Buzacott of Verizon spoke with Deena Shetler, Victoria Goldberg and Rhonda Lien of the Wireline Competition Bureau and Rick Mallen and Jim Carr of the Office of General Counsel regarding the above-captioned proceeding.

We discussed the application of the VoIP symmetry rule to 8YY traffic originating from a VoIP end user. For an 8YY call, the VoIP end user dials a toll-free 8YY number; the VoIP provider sends the call to a CLEC (over the public Internet, in the case of an over-the-top VoIP provider); and the CLEC then hands the call off to the IXC that serves the toll-free customer.

As the Bureau explained in the *Clarification Order*, section 61.26(f) of the Commission's rules is "the tariffing provision intended to implement the VoIP symmetry rule."¹ Pursuant to section 61.26(f), the VoIP symmetry rule applies only if "the CLEC is listed in the database of the Number Portability Administration Center as providing the calling party or dialed number."²

We observed that the *USF-ICC Transformation Order* adopted this limit on the VoIP symmetry rule, so that it applies only if the CLEC is listed in the NPAC database as providing the calling party or dialed number, verbatim from proposals submitted by Level 3 and other CLECs in 2011.³

We explained that, pursuant to section 61.26(f), the VoIP symmetry rule therefore applies to an originating 8YY call only if the CLEC is listed in the NPAC database as providing the

¹ *Connect America Fund*, Order, 27 FCC Rcd 2142, ¶¶ 4-5, n.9 (2012) ("*Clarification Order*").

² 47 C.F.R. § 61.26(f).

³ See *Connect America Fund*, Report and Order and Further Notice of Proposed Rulemaking, 26 FCC Rcd 17663, ¶ 970 n.2027 (2011) ("*USF-ICC Transformation Order*"). See also letter from John T. Nakahata to Marlene H. Dortch, WC Docket No. 10-90 (October 6, 2011) at 2, Attachment at 2.

calling party number for that call. For example, the VoIP symmetry rule would apply in the typical case in which a CLEC and its VoIP partner originate an 8YY call from a VoIP end user whose telephone number was provided by that CLEC.

We noted, however, that some CLECs aggregate originating 8YY calls from VoIP providers whose end users' telephone numbers are provided by other CLECs. We explained that, because the aggregating CLEC is not "listed in the database of the Number Portability Administration Center as providing the calling party ... number" for 8YY calls placed by those end users, those calls are not covered by the VoIP symmetry rule and a CLEC aggregating 8YY calls, therefore, can charge only for the functions that the CLEC provides (not also any functions the VoIP provider performs).

The Commission is currently considering whether the VoIP symmetry rule permits a CLEC to assess end office switching charges when it partners with an over-the-top VoIP provider. As Verizon has previously stated, the Commission should not reverse its precedent and allow a LEC to assess end office switching charges when it routes over-the-top traffic to or from the public Internet, because neither the LEC nor its retail VoIP partner performs end-office switching in this scenario.⁴

We explained that, if the Commission does allow CLECs to assess end office switching charges on over-the-top VoIP traffic – which it should not – it should at a minimum emphasize that its ruling applies only to traffic covered by the VoIP symmetry rule. In particular, the Commission should emphasize that its ruling covers originating 8YY traffic only if the CLEC is listed in the NPAC database as providing the calling party number. We pointed out that the letter asking the Commission to issue a declaratory ruling on the end office switching question submitted by Level 3 and Bandwidth.com in 2012 asserted that "CLECs (and their [over-the-top] VoIP partners) provide the functional equivalent of local switching" because, among other things, "[t]he CLEC assigns the NPAC number."⁵

This letter is being filed electronically pursuant to Section 1.1206 of the Commission's rules. Please contact me if you have any questions.

Sincerely,



cc: Deena Shetler
Victoria Goldberg
Rhonda Lien
Rick Mallen
Jim Carr

⁴ See Letter from Alan Buzacott, Verizon, to Marlene H. Dortch, FCC, WC Docket No. 10-90, *et al.* (Nov. 10, 2014).

⁵ Letter from Tamar E. Finn to Marlene H. Dortch, FCC, WC Docket No. 10-90 (June 11, 2012) at 4.