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Submitted via ECFS

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW Room TW-A325
Washington, DC 20554

Re: Comment Sought on the Technological Transition of the Nation’s Communications Infrastructure, GN Docket No. 12-353; Technology Transition Task Force, GN Docket No. 13-5; Numbering Policies for Modern Communications, WC Docket No. 13-97; IP-Enabled Services, WC Docket No. 04-36; Telephone Number Requirements for IP-Enabled Service Providers, WC Docket No. 07-243; Numbering Resource Optimization, CC Docket No. 99-200; Rural Call Completion, WC Docket No. 13-39

Dear Ms. Dortch:

On Wednesday June 3, 2015, John Murdock, President, and the undersigned of Bandwidth.com, Inc. (“Bandwidth”) met with Randy Clarke, Ann Stevens, Marilyn Jones, Melissa Kirkel, Pam Arluk, and John Visclosky of the Wireline Competition Bureau and separately with Nicholas Degani, Legal Advisor to Commissioner Pai concerning the above captioned proceedings and the item concerning Interconnected Voice over IP (“IVoIP”) direct access to telephone numbering resources on the tentative agenda for the Commissioner’s June 18, 2015 open meeting.

During our meetings we discussed Bandwidth’s concerns with the Commission’s plan to move ahead with an item that touches virtually every aspect of voice communication regulation without the benefit of a complete analysis of the potential impacts on the industry. While the SBCIS Waiver Order was granted in 2005,¹ and the Commission

¹ See generally; *Administration of North American Numbering Plan*, CC Docket No. 99-200, Order, 20 FCC Rec 2957 (2005) (“SBCIS Waiver Order”).

published a Notice of Proposed Rulemaking in April 2013² that included a few small-scale trial scenarios,³ the Commission has not otherwise publicly addressed the roughly sixty (60) pages of issues raised in the NPRM or confronted the fundamental legal and operational issues that the Numbering Trials highlighted but which have existed since the SBCIS Waiver Order was granted a decade ago. Bandwidth also highlighted its role in driving innovative and entrepreneurial developments in the industry as a CLEC and a VoIP provider pursuant to Commission rules and industry guidelines that have developed according to the terms of the '96 Act.⁴

Among the most important questions raised in the NPRM were:

- “[W]hether [the Commission] should implement a certification or blanket authorization process applicable to interconnected VoIP providers...[?]”⁵
- “[W]hether there are ways to ensure that [interconnected] VoIP providers are subject to the same penalties and enforcement processes as traditional common carriers[?]”⁶
- What will the legal distinctions between telecommunications carriers and IVoIP providers be?[cite VZ v. FCC]
- How will intercarrier compensation be affected?⁷
- How will IVoIP interconnection work?⁸
- How will IVoIP providers sufficiently demonstrate facilities readiness in a non-discriminatory fashion?⁹
- “[W]hether providing interconnected VoIP providers direct access to numbers will hinder or prevent call routing or tracking, and how we can prevent or minimize such complications.”¹⁰
- “[H]ow numbering schemes and databases integral to the operations of the PSTN call routing will need to evolve to operate well in IP-based networks.”¹¹
- “[W]hat would be appropriate timeframes and limits for a graduated transition?”¹²
- “[F]or those costs of numbering administration, number portability, and number

² *Numbering Policies for Modern Communications*, Notice of Proposed Rulemaking, Order and Notice of Inquiry, WC Docket No. 13-97 *et. al.* (rel. April 18, 2013)(“NPRM”).

³ See *NPRM Bureau Report*, rel. Jan. 31, 2014 (“*Numbering Trials*”).

⁴ Telecommunications Act of 1996, Pub.L.A. No. 104-104, 110 Stat. 56 (1996)(“’96 Act”). See also: *Verizon v. Federal Communications Commission*, D.C. Cir., No. 11-1355,(Jan. 14, 2014)(“*Verizon v. FCC*”).

⁵ *NPRM* at ¶ 36.

⁶ *Id.* at ¶38.

⁷ See *e.g. Id.* at ¶¶28, 47-51.

⁸ See generally *Bureau Report on Numbering Trials*; See also *NPRM* ¶¶52-56.

⁹ See *Id.* at ¶29-30.

¹⁰ *Id.* at ¶ 44.

¹¹ *Id.* at ¶46.

¹² *Id.* at ¶65.

pooling that remain shared across the industry, should non-telecommunications carriers contribute and, if so, on what basis?”¹³

The answers to these and a long list of additional questions will have dramatic impacts on the foundations of the telecommunications regulatory system as it has evolved since the passage of the '96 Act and across the communications marketplace broadly speaking. Bandwidth supports the Commission's initiatives to advance the industry toward an all-IP environment, but it believes that the public interest demands that the transition be conducted in as orderly and responsible a fashion as possible. In a period where the traditional telecommunications regulatory framework is transforming and fraying in a multitude of ways¹⁴, Bandwidth questions the advisability of introducing uncertainties unnecessarily.

In accordance with Section 1.1206(b), this *ex parte* notification is being filed electronically for inclusion in the public record of the above proceeding. Should there be any questions or concerns regarding this filing, please direct them to the undersigned.

Sincerely,

/s/ Greg Rogers

Greg Rogers

cc: Randy Clarke
Marilyn Jones
Ann Stevens
Melissa Kirkel
John Visclosky
Pam Arluk
Nicholas Degani

¹³ *Id.* at ¶68.

¹⁴ See *Verizon v. FCC*; See also: *Ex Parte* letter in *WC Docket Nos. 13-97, 07-243, 07-149, 09-109, 04-36, 10-90, CC Docket Nos. 01-92, 99-200, 95-116*, Public Knowledge, June 4, 2015.