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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: Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991, CG Docket No. 02-278; 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 Thursday June 4, 2015, the undersigned of Bandwidth.com, Inc. ("Bandwidth") met with Travis Litman, legal advisor to Commissioner Rosenworcel 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 meeting 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 have existed since the SBCIS Waiver Order was granted a decade ago and were again highlighted by the Numbering Trials. Bandwidth also discussed 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
- How will the legal distinctions between telecommunications carriers subject to the terms of the '96 Act and IVoIP providers be managed and enforced?⁷
- How will intercarrier compensation be affected?⁸
- How will IVoIP interconnection work?⁹
- How will IVoIP providers sufficiently demonstrate facilities readiness in a non-discriminatory fashion?¹⁰
- “[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.”¹¹
- “[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.”¹²
- “[W]hat would be appropriate timeframes and limits for a graduated transition?”¹³

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 *Verizon v. FCC*.

⁸ See *e.g. Id.* at ¶¶28, 47-51.

⁹ See generally *Bureau Report on Numbering Trials*; See also *NPRM* ¶¶52-56.

¹⁰ See *Id.* at ¶29-30.

¹¹ *Id.* at ¶ 44.

¹² *Id.* at ¶46.

¹³ *Id.* at ¶65.

- “[F]or those costs of numbering administration, number portability, and number pooling that remain shared across the industry, should non-telecommunications carriers contribute and, if so, on what basis?”¹⁴

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. Specifically, Bandwidth urges the Commission to ensure that there a robust application and approval process is in place to ensure that only those providers that are truly acting in the capacity as an IVoIP provider that is subject to all applicable Commissions rules for IVoIP will be allowed direct access to numbering resources. For example, the Commission must require and ensure that 911 emergency calling is operational for the numbers that are being granted to IVoIP providers as well as capabilities such as CALEA, rural call completion, CPNI, and numbering administration systems supports. In a period where the traditional telecommunications regulatory framework is transforming and fraying in a multitude of ways,¹⁵ 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: Travis Litman

¹⁴ *Id.* at ¶68.

¹⁵ *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.