



Greg Rogers
Deputy General Counsel
900 Main Campus Drive
Raleigh, NC 27606
(919) 439-5399
grogers@bandwidth.com

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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 Friday June 5, 2015, John Murdock, President, and the undersigned of Bandwidth.com, Inc. ("Bandwidth") met with Daniel Alvarez, legal advisor to Chairman Wheeler concerning the above captioned proceedings as they relate to the proposal to allow Interconnected Voice over IP ("IVoIP") service providers direct access to telephone numbering resources.

During our meeting we discussed Bandwidth's leading role in developing innovative and entrepreneurial IP-enabled services as a nationwide CLEC and VoIP provider in accordance with Commission rules, industry guidelines, and the '96 Act.¹ Bandwidth expressed its concerns with the Commission's plan to move ahead with an item that touches virtually every aspect of voice communication regulation prematurely. While the

¹ 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").

SBCIS Waiver Order was granted in 2005,² and the Commission published a Notice of Proposed Rulemaking in April 2013³ that included a few small-scale trial scenarios,⁴ the Commission has not otherwise publicly addressed the roughly sixty (60) pages of issues raised in the NPRM. Further, Bandwidth articulated the risk of introducing difficult and wide-ranging issues that may cause negative consumer impacts without sufficiently compelling benefits as a counterbalance.

Among the critical issues identified in the NPRM still needing resolution are:

- How will the Commission ensure that only qualified Interconnected VoIP service providers will be granted access to numbering resources?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 after IVoIP providers have direct access?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 See generally; *Administration of North American Numbering Plan*, CC Docket No. 99-200, Order, 20 FCC Rec 2957 (2005) (“SBCIS Waiver Order”).

³ *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”).

⁴ See *NPRM Bureau Report*, rel. Jan. 31, 2014 (“*Numbering Trials*”).

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.

The answers to these and a long list of additional questions will have dramatic impacts on the telecommunications regulatory system and the communications marketplace broadly speaking. To be clear, Bandwidth is a proponent of the Commission's initiatives to advance the industry toward an all-IP environment. Yet, the public interest demands that the IP transition be conducted in as orderly and responsible a fashion as possible.

Bandwidth urged that a robust application and approval process be established to ensure that only those providers that meet the Commission's definition of "IVoIP" will be permitted direct access to numbers and used for qualifying IVoIP services. New applicants must demonstrate the technical, financial and managerial ability to comply with all aspects of the communications ecosystem that are tied to the direct management of numbering resources for IVoIP services. Such obligations include 911, CALEA, CPNI, FUSF, LNP, TCPA, number administration, and rural call completion, among many other obligations that carriers have historically performed. This major exception to the '96 Act that the Commission appears to be advancing must be narrowly tailored to avoid negative repercussions. For example, the Commission must exercise its authority to require that 911 emergency calling is in fact tethered to the numbers IVoIP providers request. In a period where the traditional telecommunications regulatory framework is transforming and fraying in a multitude of ways,¹⁴ 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: Daniel Alvarez

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.