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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 Tuesday June 9, 2015, John Murdock, President, and the undersigned of Bandwidth.com, Inc. ("Bandwidth") met with Daniel Alvarez, legal advisor to Chairman Wheeler and Ann Stevens and Randy Clarke of the Wireline Competition Bureau and held brief follow up conference calls with Daniel Alvarez on June 10 and 11 concerning the above captioned proceedings as they relate to the proposal to allow Interconnected Voice over IP ("IVoIP"¹) service providers direct access to telephone numbering resources for the first time.

¹ "IVoIP" has been defined by the Commission to be a service "bearing the following characteristics: (1) the service enables real-time, two-way voice communications; (2) the service requires a broadband connection from the user's location; (3) the service requires IP-compatible CPE; and (4) the service offering permits users generally to receive calls that originate on the PSTN and to terminate calls to the PSTN." *In the Matter of IP-Enabled Services, WC Docket No. 04-36; E911 Requirements for IP-Enabled Service Providers, WC Docket No. 05-196; First Report and Order and Notice of Proposed Rulemaking (Rel. June 3, 2005).* ("Vonage 911 Order").

As a driver of innovation itself and one of the few nationwide CLEC and VoIP providers, Bandwidth reiterated its consistent support for the Commission's efforts to lead the industry's transition to an all-IP environment. Bandwidth continues to believe, however, that the transition must be conducted in accordance with Commission rules, industry guidelines, and the '96 Act.² Therefore, Bandwidth expressed its concerns with the Commission's plan to move ahead with an item that touches virtually every aspect of voice communication regulation separately from other key aspects of the transition - such as those identified in the caption to this ex parte notice.

During the meeting, Bandwidth articulated some of the most significant issues tied to granting direct access to numbering resources by IVoIP providers for the first time. Critically, the item risks introducing difficult and wide-ranging problems and uncertainties that may negatively impact consumers without commensurate countervailing benefits.

Important risks that the current item does not appear prepared for include, among others:

- Disruptions to end-users traffic due to further proliferation of non-standardized routing schemes.³
- Increases in both consumer and carrier fraud and abuse as we are witnessing in cyber-security matters on IP networks generally.⁴
- 911 calling and compliance problems.
- Increased litigation over intercarrier compensation.⁵
- Increased disputes over interconnection rights and obligations.
- Increased demand for Commission enforcement of compliance regulations.
- Uneven compliance and enforcement between telecommunications carriers and IVoIP providers.
- Discriminatory and anticompetitive behaviors in the communications marketplace, without clear paths for resolution for lack of jurisdiction of FCC and/or State PUCs.⁶

² 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").

³ See e.g.: *Rural Call Completion*, WC Docket No. 13-39.

⁴ For example, note that another item on the June 18, 2015 aims to address Robo-dialing fraud and abuse.

⁵ See: *Ex Parte* letter in *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; *Developing a Unified Intercarrier Compensation Regime*, CC Docket No. 01-92; *Connect America Fund*, WC Docket No. 10-90; *Numbering Resource Optimization*, CC Docket No. 99-200, Level 3 Communications, LLC, June 9, 2015.

⁶ See *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 9, 2015.

- Difficulties with ensuring only qualified Interconnected VoIP service providers will be granted access to numbering resources.
- Confusion in administration and oversight with new participants, some of whom may not qualify as Interconnected VoIP services when further scrutinized.
- General confusion in all aspects of the industry.

To minimize these risks, Bandwidth recommends the implementation of a robust application and approval process to grant only those providers that precisely meet the Commission's definition of IVoIP "the proverbial key to the kingdom."⁷ The rules should clearly provide how the 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 supporting 911, CALEA, CPNI, FUSF, LNP, TCPA, number administration, and rural call completion, among many other obligations that carriers have historically performed. The application and approval process must be sufficiently robust to ensure that "shell IVoIPs" are not given carte blanche to obtain numbering resources for non-IVoIP purposes. In a period where the traditional telecommunications regulatory framework is transforming and fraying in a multitude of ways,⁸ Bandwidth questions the advisability of introducing uncertainties unnecessarily. Because of these risks, Bandwidth suggested that the Commission, the industry, and consumers would benefit by requiring sufficient time to allow for a more effective implementation of such significant changes to the Commission's rules and practices.

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
Randy Clarke
Ann Stevens

⁷ *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.

⁸ *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.