

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of )  
 )  
IP-Enabled Services ) WC Docket No. 04-36  
 )

**REPLY COMMENTS OF VERISIGN, INC.**

Anthony M. Rutkowski  
Vice President for Regulatory Affairs  
VeriSign Communications Services Div.  
21355 Ridgetop Circle  
Dulles VA 20166-6503  
tel: +1 703.948.4305  
<mailto:trutkowski@verisign.com>

Brian Cute  
Director for Regulatory Policy  
VeriSign Government Relations  
1666 K Street, N.W., Suite 410  
Washington DC 20006-1227  
tel: +1 202.973.6615  
<mailto:bcute@verisign.com>

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## I

### **THE RECORD DEMONSTRATES THAT IP-ENABLED SERVICES ARE INHERENTLY INTERSTATE AND SUBJECT TO EXCLUSIVE FEDERAL JURISDICTION**

A majority of commenters agree that IP-enabled services are inherently interstate or international in nature and that the FCC should establish a jurisdictional framework for these services – including preemption of state or other unnecessary regulation of these services to prevent a patchwork of requirements – many of which may not be appropriate. The increasing number of jurisdictions attempting to regulate IP-enabled services demonstrates the need for FCC preemption.

IP-enabled signalling and directory services – even more so than services offered directly to the end customer – are interstate and international in character, and therefore properly subject to exclusive Commission jurisdiction to meet existing regulatory, statutory, and intergovernmental requirements pertaining to these services.

## II

### **A STRONG CONSENSUS EXISTS THAT NO ECONOMIC REGULATION OF IP-ENABLED SERVICES IS WARRANTED**

Consumers are best served by a competitive market that is allowed the freedom and flexibility to adapt to consumer demands and new technological innovations. The marketplace for IP-Enabled Services today is highly competitive in all its diverse sectors. Economic regulation under such circumstances would serve no useful purpose and contravene years of well-established telecommunications regulatory policy.

Like other aspects of IP-enabled services, IP signaling and directory services are also competitive and should not be subject to economic regulation. With the nondiscriminatory application to all signalling and directory services of Computer III requirements for secure open network architectures and service elements, including reciprocal access to authenticated CPNI, IP-enabled signalling and directory services should remain competitive.

### III

#### **PRIVATE IP-ENABLED SERVICES SHOULD NOT BE SUBJECTED TO ANY REQUIREMENTS**

A number of commenting parties directly and indirectly shared VeriSign's concern that IP-Enabled Services, including signalling and directory services, not generally available to the public or not interconnected with public offerings such as the PSTN, should not be subject to any regulatory requirements and remain outside the contemplated framework. Private networks and offerings not "generally available to the public" have long remained free of regulatory requirements under both Federal regulations and intergovernmental agreements. This longstanding policy should be retained.

### IV

#### **WIDESPREAD SUPPORT WAS MANIFESTED FOR "LITE" REGULATORY APPROACHES**

The preponderance of commenting parties in the proceeding called for a "lite" regulatory requirement approach. However, there were few if any attempts to describe exactly what this means.

VeriSign suggests that any regulatory lite approach should be based on the following attributes:

- 1) The Commission establishing a generic set of requirements that every affected provider must meet within designated timeframes;
- 2) The relevant beneficiary community (public safety, homeland security, law enforcement, disability groups, rural representatives, etc., as applicable) and industry developing satisfactory open, published implementation specifications in a timely manner;
- 3) Affected providers or designated third parties demonstrating through regular testing and certification that the implemented capabilities via those specifications are put into place and fully functional;

- 4) Affected providers being allowed the flexibility to implement the capabilities in different ways, except where a common interface specification to the beneficiary community is required;
- 5) If the beneficiary community believes that the published implementations are insufficient, recourse is available thru the Commission – usually in the form of a public proceeding

Over the past twenty years, there have been many good examples of successful broad requirements platforms implemented with these regulatory lite characteristics, including Computer III and CALEA.

Related to the subject of classifications and mandate mechanisms, the U.S. Department of Justice comments raise the importance of CALEA in this proceeding, and the need to avoid actions which might prejudice implementation of regulatory requirements in the separate NPRM for IP-Enabled Services and VoIP. These actions include categorizations either of classes of services covered or providers of those services that might adversely affect the ability to implement requirements relating either to law enforcement or public safety. As noted by the Department, “speedy and secure access to CPNI by law enforcement pursuant to lawful authority is critical to all kinds of criminal investigations and intelligence operations.”<sup>1</sup> VeriSign supports those concerns, and notes the availability of highly cost-efficient service bureau solutions to these requirements today.

## V

### **COMMENTING PARTIES RECOGNIZED THE IMPORTANCE OF PUBLIC IP-ENABLED SIGNALLING AND DIRECTORY SERVICES AND SUPPORTED TREATMENT ON A NON-DISCRIMINATORY BASIS SUBJECT ONLY TO TRADITIONAL COMPUTER III REQUIREMENTS**

Although many parties sought to use various layering schema as the basis for drawing regulatory framework distinctions for IP-enabled services, they invariably failed to note the ubiquitous existence of signalling and directory services, and the fact that such services constitute a network management backplane across multiple layers.

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<sup>1</sup> *Comments of the United States Department of Justice, In the Matter of IP-Enabled Services, WC Docket No. 04-36, at 17 (28 May 2004).*

Many commenting parties in the proceeding identified signalling and directory services as critical to facets of the resulting regulatory framework. Such comments usually took the form of using E.164 numbers combined with interoperability with the existing Public Switched Telephone Network (PSTN) as the basis for invoking non-discriminatory regulatory treatment, as well as applying an array of different related requirements. This inherently requires significant interoperation between VoIP and PSTN signalling infrastructures. Some parties even advocated the availability of E.164 number blocks as a quid pro quo for meeting requirement typically applied to PSTN providers. These requirements typically include:

- + public safety (E911) needs
- + disability assistance (IP Relay Service)
- + law enforcement support
- + competition (Computer III/number portability/1996 Act requirements, LNP)
- + fraud prevention
- + restoration after failures
- + call prioritization during emergencies
- + privacy and data protection
- + consumer protection against unwanted intrusions

Indeed, in VeriSign's *ex parte* presentation to Commission staff, as well as the E-911 Institute congressional luncheon, it was pointed out that without authenticated directory services, almost all of the nation's most important public telecommunication infrastructure requirements cannot be met.<sup>2</sup> This goes even to critical infrastructure concerns such as the inability to control massive attacks on an individual subscriber or entire segments of IP-Enabled network services. Many of these same concerns were raised in the comments of the U.S. Departments of Justice and Homeland Security.<sup>3</sup>

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<sup>2</sup> See VeriSign, *Ex Parte Presentation In the Matter of IP-Enabled Services*, WC Docket No. 04-36, (30 June 2004); VeriSign, *Providing Critical Subscriber Information to Public Safety Officials in a Public VoIP World with IRIS-EREG*, E-911 Institute Congressional Luncheon, 24 June 2004.

<sup>3</sup> See *Comments of the United States Department of Justice*, *supra* at 17 *et seq.* See *Comments of the Department of Homeland Security*, In the Matter of IP-Enabled Services, WC Docket No. 04-36, at 6 *et seq.* (28 May 2004)

Considering that a substantial body of statutory and regulatory activity over the past 20 years domestically and internationally has revolved around signalling and directory services dealing with real operational and public interest needs and disputes, it is unlikely that this will change merely because the protocols are varied. Furthermore, the transparency requirements and approaches taken worldwide for these services as they span Intelligent Network and IP-Enabled Services platforms are being developed by essentially every jurisdiction.