

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

In the Matter of)	
)	
<i>SBC IP Communications, Inc.</i>)	
<i>Petition for Limited Waiver of</i>)	CC Docket No. 99-200
<i>Section 52.15(g)(2)(i) of the</i>)	DA No. 04-2144
<i>Commission's Rules Regarding Access</i>)	
<i>to Numbering Resources</i>)	
)	

**REPLY COMMENTS OF THE
NATIONAL ASSOCIATION OF REGULATORY UTILITY COMMISSIONERS**

The National Association of Regulatory Utility Commissioners (NARUC) submits these Reply Comments in response to the SBC IP Communications, Inc.'s (SBC) Petition for Limited Waiver of the Commission's Rules Regarding Numbering Resources (Petition) filed in this docket.

Even before its September 1991 petition asking the FCC to issue a Notice of Inquiry to "explore several long range issues related to administration of the NANP,"¹ a proceeding that ultimately led to the creation of the North American Numbering Council (NANC) in 1995, NARUC, and its member commissions, worked very hard with federal regulators and the industry to ensure the efficient use and conservation of numbering resources.

In this proceeding, SBC proposes that it be allowed to by-pass state oversight and deal directly with NANPA when seeking numbers for its VOIP services. *While NARUC has not passed a resolution specifically addressing the SBC petition*, the association has consistently supported the FCC's extensive delegations of numbering authority to States in a variety of contexts.

¹ In the Matter of Administration of the North American Numbering Plan, Notice of Inquiry, 7 FCC Rcd 6837 (1992).

Indeed, the most recently adopted statement of NARUC policy from our July 2004 meetings in Salt Lake City, Utah, reiterates NARUC's long standing policy that: "States and NANPA need enforcement authority, and States need the ability to participate in policy decisions relating to the implementation of conservation measures." Accordingly, NARUC urges the FCC to pay particular attention to the comments filed in this proceeding by NARUC's member commissions.

To date, the New York Public Service Commission, the Missouri Public Service Commission, the Ohio Public Utilities Commission, the Pennsylvania Public Utilities Commission, and the Iowa Utilities Board, all filed comments in this proceeding. All object to the requested waiver to the extent that it would preclude State commissions from exercising authority the FCC delegated to them concerning proof of facilities readiness.²

² The Ohio and New York comments emphasize that all service providers must be required to show facilities readiness that meets State commission criteria before number resources are allocated. They argue allowing States to enforce facilities readiness criteria ensures that numbering resources are not hoarded, requested prematurely, or diverted to consumers outside the rate center. It also ensures that the appropriate interconnection/compensation arrangements have been made between providers and carriers. Missouri's comments ". . . recommend[] that any waiver. . . that allows SBCIP or other providers to obtain numbering resources directly from NANPA be conditioned on the requirement that those providers . . . comply with all numbering resource requirements, including those delegated to state commissions. . . . [t]hese companies . . . should be required to be responsive to state commission concerns and inquiries regarding the utilization and conservation of numbers and local number portability. . . . Such a requirement will allow state commissions to apply number conservation efforts to all numbers received directly from NANPA." MoPSC Reply Comments at 2 {internal citations omitted & emphasis added}.

They also raised many other important concerns, including the waste of resources that will occur in non-pooling areas as well as the need (1) to enforce State interconnection requirements; (2) for SBC to participate in both number porting and pooling, follow FCC requirements regarding geographic portability (refrain from assigning numbers to customers located outside the rate center);³ and file required NRUF reports.

For the reasons discussed above, we respectfully request that the FCC give careful consideration to the comments and arguments presented by NARUC's member commissions.

Respectfully Submitted,

NATIONAL ASSOCIATION OF REGULATORY UTILITY COMMISSIONERS

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³ The Ohio PUC argues that VOIP providers must be required to follow FCC requirements regarding geographic portability. VOIP providers currently offer phone numbers from one State to consumers located in other States and countries. (See, e.g., http://www.vonage.com/no_flash/index.php advertising the availability of out-of-State numbers.) A few years ago, companies like J-Fax would obtain large quantities of numbers from CLECs operating in a particular area and sell them for use around the country. The unexpected demands caused a number of areas codes around the country to enter jeopardy status prematurely. Nobody benefits from a repeat of that problems. That's why the Ohio commission argues the FCC should explicitly condition any SBC waiver on SBC adhering to current geographic porting limitations.

CERTIFICATE OF SERVICE

I, James Bradford Ramsay, certify that these Reply Comments of the National Association of Regulatory Utility Commissioners were filed electronically with the Federal Communications Commission and served via first-class mail to the persons on the attached service list on this date.

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Dated: August 30, 2004

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