

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

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

REPLY COMMENTS OF VERIZON

The Commission should promptly decide the numbering issues raised in the waiver petition filed by SBC IP Communications, Inc. ("SBCIP")¹ in the context of the pending IP-enabled services proceeding because the petition implicates several closely related issues under consideration in the proceeding and should not be addressed in isolation.² If, however, the Commission decides to consider the SBCIP petition first, any grant of the SBCIP petition should be conditioned on compliance with existing numbering and porting rules (other than those apparently requiring CLEC certification).

I. THE COMMISSION SHOULD PROMPTLY ADDRESS NUMBERING ISSUES IN THE CONTEXT OF ITS IP-ENABLED SERVICES NPRM.

As the comments in this matter make clear, SBCIP's petition cannot be considered in isolation. Whether providers of Voice over Internet Protocol ("VoIP") should have direct access to North American Numbering Plan numbers implicates several other closely related issues, including number exhaust, number-porting obligations, and the classification of VoIP as

¹ *Comment Sought on SBC IP Communications, Inc. Petition for Limited Waiver of Section 52.15(g)(2)(i) of the Commission's Rules Regarding Access To Numbering Resources*, CC Docket No. 99-200, Public Notice, DA 04-2144 (rel. July 16, 2004).

² *See IP-Enabled Services*, 19 FCC Rcd 4863 (2004) ("IP-Enabled Services NPRM").

telecommunications or information service. *See, e.g.*, BellSouth Comments at 1-3; Time Warner Telecom Opposition at 2-3, 10; Vonage Comments at 8-9. These issues have been addressed in depth in the record before the Commission in its pending IP-enabled services rulemaking. *See, e.g.*, Verizon IP-Enabled Services Reply Comments at 38-40 (filed July 14, 2004); BellSouth IP-Enabled Services Reply Comments at 15-19 (filed July 14, 2004). A Commission ruling on any of the numbering issues raised in SBCIP's petition will affect all VoIP providers and a wide range of other participants in the telecommunications industry. Accordingly, it is not in the public interest for the Commission to rule on these issues in a piecemeal fashion for an individual entity. Instead, the Commission should focus its resources on promptly concluding the IP-Enabled Services NPRM and establishing a comprehensive framework for IP-enabled services that will provide certainty for the industry.

SBCIP asserts that granting its petition will not prejudice the IP-enabled services NPRM because it requests a "limited" waiver only "until the Commission adopts final numbering rules regarding IP-enabled services." *SBC Petition* at 2 (filed July 7, 2004). But limiting the duration of the waiver does not eliminate or resolve other significant related issues. Indeed, SBCIP's commitments, *id.* at 9-10, are a tacit acknowledgement that its petition implicates other issues that cannot be resolved on an isolated basis. *See, e.g.*, BellSouth Comments at 3-9.

Moreover, several commenters make plain that SBCIP is not alone in its desire for direct access to numbers. *See, e.g., id.* at 2 (predicting requests for "me-too" waivers if SBCIP's petition is granted); Sprint Comments at 2-3 (requesting blanket waiver for all non-certificated providers of VoIP services). This is further evidence of the industry-wide affect that a decision on numbering issues will have, and it emphasizes the need to resolve these issues comprehensively in the IP-Enabled Services NPRM.

II. IF THE SBCIP PETITION IS GRANTED, THE COMMISSION SHOULD REQUIRE COMPLIANCE WITH NUMBERING AND PORTING RULES.

As Verizon explained in the IP-Enabled Services NPRM, the Commission must ensure that VoIP providers comply with numbering and portability rules whether they obtain numbers from a CLEC partner or are permitted to secure numbers directly, without the intervention of a CLEC partner. *See* Verizon IP-Enabled Services Reply Comments at 38-40. In its comments here, Vonage complains that some ILECs are not timely porting numbers to CLECs from which Vonage purchases facilities. *See e.g.*, Vonage Comments at 4. But Verizon has an exemplary porting record.³ The process is the same whether the port request is for VoIP service or other types of service; indeed, Verizon has no way of knowing if a CLEC port request is for VoIP service. By contrast, Verizon has already encountered significant difficulty in attempting to fulfill requests from some VoIP subscribers who want to switch their local service provider to Verizon. *See* Verizon IP-Enabled Services Reply Comments at 40 n.106. Typically, the CLEC partner of the VoIP provider initially refused outright to honor Verizon's port request on the grounds that the VoIP provider "owned the number" and claimed not to be subject to federal porting requirements. Verizon has been forced to escalate these situations with the VoIP provider's CLEC partner to make sure the CLEC understood that it is required to comply with FCC porting obligations.⁴ Verizon's experiences amply demonstrate that the Commission must

³ *See, e.g., Verizon Maryland, DC and West Virginia 271 Order*, 18 FCC Rcd 5212 at Appendix B-15, C-16, D-17, and E-18 (2003) (documenting Verizon's performance metric data in Maryland, Washington, DC, West Virginia, and Virginia for metric PR-4-07-3540, which shows percent on-time performance for LNP only).

⁴ These obligations are spelled out in the Act and implemented in FCC regulations. *See* 47 C.F.R. § 52.23(b)(2)(i); Sections 153(30) and 251(b) of the Act; *Telephone Number Portability* First Report and Order, 11 FCC 8352, ¶ 77 (1996).

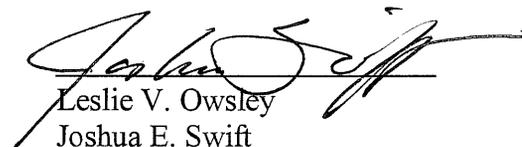
clarify that all VoIP providers and their CLEC partners are subject to federal number portability requirements.⁵

Conclusion

The Commission should promptly address the numbering issues raised in SBCIP's petition in the pending IP-Enabled Services NPRM. If the Commission addresses SBCIP's petition in isolation, however, it should condition any grant on compliance with numbering and porting rules (other than those requiring CLEC certification).

Respectfully submitted,

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⁵ As Verizon explained in its opening comments in the IP-Enabled Services NPRM (at 52 n.128), the Commission should not require LECs to port in numbers from a VoIP provider in the limited instance in which a VoIP customer chooses an NPA-NXX designation that falls outside of the customer's geographic rate center. *See also* Verizon IP-Enabled Services Reply Comments at 40 n.106. The Commission has not required LECs to port-in wireless telephone numbers when the rate center associated with the number is inconsistent with the physical location of the customer seeking to port the number. *See Telephone Number Portability*, 18 FCC Rcd 23697, ¶ 43 (2003). The Commission should do the same for VoIP customers.