

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

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In the Matter of	)	
	)	
Petitions of	)	
Global Crossing Telecommunications, Inc.	)	WC Docket No. 04-424
and	)	
SBC Communications Inc.	)	
For Declaratory Rulings	)	

**REPLY COMMENTS OF VERIZON<sup>1</sup>**

Global Crossing Telecommunications, Inc. (Global Crossing) and SBC Communications Inc.'s (SBC) competing petitions raise a dispute that is specific to those two parties. The Commission's decision on these petitions can and should be limited to those parties and the specific tariff language involved; it should not impact Verizon or other carriers. Verizon follows different billing practices and has different tariff language than SBC. Moreover, recent industry agreements will ensure that the specific shortcomings in call detail information that give rise to the petitioners' dispute do not continue in the future. Any broader questions about intercarrier compensation are more appropriately handled in the Commission's forthcoming comprehensive rulemaking proceeding, rather than in the narrow context of this conflict between two carriers.

The dispute between Global Crossing and SBC – whatever the result – does not call upon the Commission to make decisions that would have wide-ranging or prospective impact on Verizon or other carriers. *First*, as one commenter expressly noted, the petitions “present[] the Commission with a straightforward question of tariff interpretation.”<sup>2</sup> The Commission's decision on the Global Crossing and SBC petitions is therefore necessarily limited to the specific

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<sup>1</sup> The Verizon telephone companies are the local exchange and interexchange carriers affiliated with Verizon Communications Inc., listed in Attachment A.

<sup>2</sup> *Comments of MCI, Inc.*, WC Docket No. 04-424 at 1 (filed Jan. 7 2005) (“MCI”).

tariff provisions and SBC practices in dispute. Indeed, several commenters noted that SBC did not – and could not – offer any support for its assertion that local exchange carriers (LECs) throughout the industry have similar tariff provisions and billing practices for wireless-originated calls.<sup>3</sup> Because Verizon’s tariff provisions and billing practices differ in important respects from those at issue here, the Commission’s ruling on these petitions should not have any application to Verizon.

As seen throughout the comments submitted and in the petitions themselves, the dispute turns on two provisions of the SWBT Tariff.<sup>4</sup> The first provision establishes that a call is jurisdictionally “interstate” – and interstate access charges shall apply – when “the calling *number* is in one state and the called *number* is in another state.”<sup>5</sup> The second provides that as long as this jurisdictional determination can be made based on the call detail, SBC will bill access charges according to the call detail information.<sup>6</sup> Relying on this tariff language, SBC asserts that as long as the calling party’s phone number (CPN) is included in the call detail, SBC properly categorizes calls and levies access charges based solely on CPN. For example, a wireless customer who is based in Richmond, Virginia, may travel to Los Angeles, California and place a call to a colleague in Arlington, Virginia. Under SBC’s stated approach, because

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<sup>3</sup> See *Comments of AT&T Corp.*, WC Docket No. 04-424 at 16 (filed Jan. 7, 2005) (“*AT&T*”) (noting that “a number of other large local exchange carriers” employ different practices in determining the jurisdiction of wireless calls); *Comments of Sprint Corporation*, WC Docket No. 04-424 at 7 (filed Jan. 7, 2005) (“*Sprint*”) (noting that SBC “does not provide any proof that all LECs employ such practices”); *Comments of WilTel Communications LLC*, WC Docket No. 04-424 at 6 n.5 (filed Jan. 7, 2005) (“*WilTel*”) (asserting that “[c]ontrary to SBC’s contentions, SWBT is the only RBOC with this [tariff] language” and citing Verizon’s tariff in support).

<sup>4</sup> SWBT F.C.C. Tariff No. 73 (“SWBT Tariff”).

<sup>5</sup> *Id.* at § 2.4.1(A)(2)(a) (emphasis added); see also *id.* at § 2.4.1(A)(2)(b) (same); § 2.4.2(A)(1)(a).

<sup>6</sup> See *id.* at §§ 2.4, 2.4.1(A)(2)(a)-(b), 2.4.2(A)(1)(a).

both parties' CPNs would appear to be Virginia phone numbers, the call would be categorized as intrastate in nature, and intrastate access charges would apply.

The commenters universally disagree with SBC's interpretation of these tariff provisions as applied to roaming wireless calls. The commenters raise a variety of arguments as to why the SWBT tariff language cannot justify basing access charges solely on telephone numbers when there is reliable information that those numbers do not accurately reflect the caller's location.<sup>7</sup> None of these arguments, however, have any application to Verizon. Verizon's corresponding tariff differs from the SWBT tariff in at least one significant respect – it distinguishes interstate calls from intrastate calls by reference to the location of the calling and called *parties*, not the calling and called *numbers*:

[T]he customer shall consider every call that originates from a calling *party* in one state and terminates to a called *party* in a different state to be interstate communications. The customer shall consider every call that terminates to a called *party* within the same state as the state where the calling *party* is located to be intrastate communications.<sup>8</sup>

Of course, as the commenters recognize, it has not been possible to determine the actual geographic location of a wireless calling party from the call detail.<sup>9</sup> Verizon has therefore relied on a proxy for the calling party's location when assessing access charges. Where telephone numbers in the call detail represent the best information available as to the geographic end points

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<sup>7</sup> *AT&T* at 11-16; *MCI* at 2-3; *Sprint* at 7; *WilTel* at 6-7.

<sup>8</sup> Verizon Telephone Companies, Tariff F.C.C. No. 1 at § 2.3.10(A)(1)(a) (“Verizon Tariff No. 1”) (emphasis added); *see also id.* at § 2.3.10(A)(1)(b); *WilTel* at 6 n.5 (recognizing that Verizon's tariff language differs from that of SBC). Verizon's other interstate access tariffs also look to the calling party, rather than the calling number, to determine jurisdiction. *See* Verizon Telephone Companies, Tariff F.C.C. No. 11 at § 2.3.10(A)(1)(a); Verizon Telephone Companies, Tariff F.C.C. No. 14 at § 4.3.3(A)(1)(a); Verizon Telephone Companies, Tariff F.C.C. No. 16 at § 6.5.5(H)(1)(a)(1).

<sup>9</sup> *AT&T* at 6; *MCI* at 2; *Sprint* at 5-6; *WilTel* at 4.

of a call, Verizon “use(s) that call detail to render bills.”<sup>10</sup> But where carriers provide reliable information that CPNs do not indicate the geographic end points of calls and that Verizon therefore “does not have sufficient call detail to determine jurisdiction,” Verizon uses customer-provided factors to assess the appropriate access charges.<sup>11</sup> Indeed, Global Crossing and other carriers have sought and obtained adjustments from Verizon in this manner.<sup>12</sup>

*Second*, any decision on the petitions here will have minimal, if any, application going forward. Global Crossing and most of the commenters agree that at present, the CPN included in the call detail provides insufficient information about the jurisdiction of a roaming wireless call, and they argue that this fact triggers tariff provisions that require SBC to consider customer-supplied factors in determining whether calls are interstate or intrastate in nature.<sup>13</sup> Regardless of the relative merits of the parties’ arguments today, a resolution recently adopted by the Ordering and Billing Forum (OBF)<sup>14</sup> will render them obsolete in the future.

In December 2004, the OBF adopted protocols to ensure that going forward, terminating carriers receive information about the approximate geographic location of wireless callers – without reference to CPN. The OBF promulgated rules for populating a Jurisdictional Information Parameter to be included in the call detail. *See OBF Resolution, 7 Rules for Populating JIP* (Dec. 8, 2004) (Attachment B); *see also NIIF Resolution, Jurisdiction Information Parameter (JIP)* (Nov. 12, 2004) (Attachment C). These rules are the product of

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<sup>10</sup> Verizon Tariff No. 1 at § 2.3.10(A)(1)(b).

<sup>11</sup> *Id.*

<sup>12</sup> *See AT&T* at 16 (acknowledging that large LECs other than SBC have used factors provided by AT&T to assess access charges).

<sup>13</sup> *See Global Crossing Petition* at 5-6; *AT&T* at 6-10; *MCI* at 2-3; *WilTel* at 5-6.

<sup>14</sup> The OBF is a forum of the Carrier Liaison Committee (CLC) of the Alliance for Telecommunications Industry Solutions (ATIS).

two and a half years of study and cooperation among a number of wireline and wireless industry groups.<sup>15</sup> Under the OBF's resolution, both wireline and wireless carriers will provide terminating carriers a unique NPA-NXX identifying the first end office or mobile switching center in the call path. Using this information, the terminating carrier can determine the calling party's approximate geographic location and can properly categorize the call as interstate or intrastate.<sup>16</sup> For example, our Richmond-based wireless customer may again travel to Los Angeles and place a call to a colleague in Arlington. Because both parties' CPNs would likely appear to be Virginia phone numbers, a comparison of the originating and terminating CPNs without more would suggest to the terminating carrier that the call was intrastate in nature. Under the OBF resolution, however, the NPA-NXX would alert the terminating carrier in Virginia that the call was initially routed to a mobile switching center in the Los Angeles area. The terminating carrier would therefore have information as to the caller's California location – and the interstate nature of the call – regardless of CPN.<sup>17</sup>

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<sup>15</sup> The organizations consulting with and assisting the OBF and the ATIS in creating the protocols for the jurisdictional information parameter included T1S1, the Network Interconnection Interoperability Forum (NIIF), the Wireless Number Portability Operations (WNPO), the Wireless Workshop, the North American Numbering Council (NANC), and the Industry Numbering Committee (INC).

<sup>16</sup> The OBF recognized that some originating switches or mobile switching centers may serve more than one state or LATA. In such cases, the originating switch or mobile switching center should have a separate NPA-NXX for each state or LATA served, such that the jurisdictional information for any given call identifies the switch and the caller's state and LATA. The OBF resolution also recognized that some originating switches or mobile switching centers may not be technologically able to signal this jurisdictional information. In such cases, the next switch in the call path should populate the jurisdictional information parameter using information about the call's incoming route.

<sup>17</sup> Reliance on the jurisdictional information parameter to determine the jurisdiction of calls going forward also is consistent with prior Commission rulings. As the Commission recognized in the *Local Competition Order*, it is not technologically feasible at this time to determine the precise geographic location of wireless callers. See *Implementation of the Local Competition Provisions in the Telecommunications Act of 1996*, First Report & Order, 11 FCC Rcd 15499, ¶ 1044 (1996). The Commission explained that “the point of interconnection” between the

## Conclusion

For the reasons discussed above, Global Crossing's and SBC's petitions do not present issues that will have a wide-ranging impact on other carriers such as Verizon. The Commission's decision should not affect carriers that, like Verizon, consider factors other than CPN in assessing access charges for wireless-originated calls and will have minimal relevance in the future as improved jurisdictional information is included in call details. Any decision by the Commission on the petitions here should therefore be limited to the specific tariff language and billing practices at issue.

Respectfully submitted,



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wireless carrier and a LEC at the beginning of the call – the data included in jurisdictional information parameter – is a reasonable proxy for a wireless caller's location for purposes of determining call jurisdiction. *Id.*; see also *WilTel* at 7-8 (reliance on jurisdictional information parameter would comply with the *Local Competition Order*); *Sprint* at 3, 7-8.