



**Association of Directory Publishers**

**R. Lawrence Angove**  
President & CEO

March 18, 2005

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

**Re: Ex Parte Filing  
In the Matter of IP-Enabled Services, WC Docket No. 04-36**

The Association of Directory Publishers ("ADP")<sup>1</sup> files these ex parte comments in support of the comments filed by the Yellow Pages Integrated Media Association ("YPIMA") in the above-captioned proceeding on the need for directory publishers to have access to subscriber listing information ("SLI") of Voice over Internet Protocol ("VoIP") subscribers.

For over a century, telephone directories have been an indispensable adjunct to telephone service. The utility and value of such directories has remained high through many evolutions in telephone service technology and market structure. Thus, regardless of the regulatory classification of VoIP services, the Commission must ensure that subscribers to VoIP services have the same opportunities that telephone service subscribers have always had to have their SLI published in telephone directories. To accomplish this, the Commission must ensure that VoIP providers make the SLI of their subscribers wishing to be listed in the telephone directory available to all directory publishers.

As VoIP services become a substitute for traditional local exchange services, directory publishers will face increasing challenges to obtain the listings of all subscribers to voice communications services wishing to appear in the telephone directory. Section 222(e) of the Act applies to every telecommunications carrier that provides telephone exchange service and gathers SLI in its capacity as a provider of such service. *See* 47 U.S.C. § 222(e). The Commission rules adopted pursuant to this provision have been successful in ensuring that all telecommunications carriers provide their listings to

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<sup>1</sup> ADP is the international trade association founded in 1898 to promote the establishment and maintenance of the highest standard of quality and service in directory publishing. It primarily represents the interests of independent telephone directory publishers that publish white and yellow pages directories and compete with the affiliates of the local exchange carriers in the sale of telephone directory advertising. ADP membership today includes more than 150 directory publishers, and some 100 associates who supply goods and services to those publishers. ADP members are recognized by consumers and advertisers alike for their innovative products, emphasis on customer service and competitive pricing. ADP members publish over 2,200 titles annually, printing and distributing some 205,000,000 copies each year, and support thousands of employees and hundred of suppliers across the country.

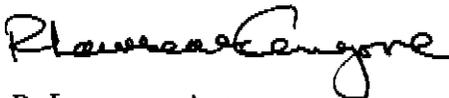
directory publishers, either directly or through a third party listings agent or the incumbent telephone company. *See* 47 C.F.R. § 64.2301 *et seq.* The Commission must ensure that a similar rule applies to providers of VoIP service.

The key issue concerning VoIP services is whether these services will be considered "telecommunications services" or "information services." Regardless of the resolution of this classification issue, telephone directory publishers are likely to want to include listing information of VoIP subscribers in their directories, and VoIP providers offering voice services that substitute for local exchange service are likely to want their subscribers to appear in these directories.<sup>2</sup> If there is no mechanism to ensure that these subscribers' listings appear in all telephone directories published in a region, the negative effects will be felt by directory publishers, VoIP providers, and the public. VoIP providers may have difficulty obtaining customers if they cannot ensure that the customer will continue to have a listing in the appropriate telephone directories. Many small businesses rely on the free yellow pages listing in the local telephone directories to bring in new clients. Also, if VoIP subscribers are left out, the directory will be less useful to consumers, and directory publishers -- who compete for advertising revenue with other media such as newspapers and television -- will be less able to compete.

It should also be noted that ADP's publisher members do not wish to publish the listings of VoIP subscribers who prefer to remain unlisted in any telephone directory. Under any rules adopted by the Commission in this area, VoIP providers should not be obligated to provide these listings, just as providers of traditional local exchange services do not provide listings that are designated as unlisted.<sup>3</sup> Of course, VoIP providers may wish to provide the addresses of these subscribers to publishers for delivery purposes only, to ensure that these subscribers receive a copy of the directory.

Should you have any questions concerning this letter, please do not hesitate to contact me.

Respectfully submitted,



R. Lawrence Angove  
President and CEO

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<sup>2</sup> *See* Comments of Charter Communications in WC Docket No. 04-36, at 8 (filed June 1, 2004) ("For facilities-based providers of IP voice services to survive in the marketplace, they must have certain basic rights with respect to existing PSTN entities and institutions, including the following: . . . The right to obtain telephone numbers, including numbers secured through number portability, to assign those numbers to VoIP customers, and to have them published in telephone directories.")

<sup>3</sup> The definition of SLI contemplates that only listings that have been published, caused to be published, or accepted for publication are included within the definition, thus excluding unlisted numbers. A similar rule should apply to SLI of VoIP subscribers.