

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20544**

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

PETITION FOR LIMITED WAIVER

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)
) CC Docket No. 99-200
Administration of the North American Numbering)
Plan)

CORECOMM-VOYAGER, INC. PETITION FOR LIMITED WAIVER

I. INTRODUCTION

CoreComm-Voyager, Inc. (“Voyager”), respectfully requests that the Federal Communications Commission (“Commission”) grant it a limited waiver of Section 52.15(g)(2)(i) of the Commission’s rules, 47 C.F.R. § 52.15(g)(2)(i), to allow Voyager to obtain numbering resources directly from the North American Numbering Plan Administrator (“NANPA”) and/or the Pooling Administrator (“PA”) in a manner comparable to the waiver granted to SBC Internet Services, Inc. (“SBC-IS”).¹ Voyager intends to use these numbering resources to deploy IP-enabled services, including Voice over Internet Protocol (“VoIP”) services, on a commercial basis to residential and business customers.

The Commission should grant this limited waiver request because good cause exists and granting the request would serve the public interest. Voyager intends to deploy innovative new services using more efficient means of interconnection with the Public Switched Telephone Network (“PSTN”), which will benefit its customers. The interconnection will be similar to the means used by a state-certificated carrier, but Voyager would not be considered a carrier.

¹ *In the Matter of Administration of the North American Numbering Plan*, Order, CC Docket 99-200, FCC 05-20 (released Feb. 1, 2005) (“*SBC-IS Waiver Order*”).

Additionally, Voyager requests the waiver of Section 52.15(g)(2)(i) in a manner comparable to that granted to SBC-IS and until such time as the Commission adopts final numbering rules either through the North American Numbering Council or in the *IP-Enabled Services* proceeding.² Voyager will comply with all of the conditions established by the Commission in the *SBC-IS Waiver Order*.³ Furthermore, Voyager asks the Commission to review and grant its waiver request on an expedited basis given that the waiver involves new technologies.

II. BACKGROUND

Voyager intends to provide VoIP services primarily to residential and business customers. Voyager would be able to obtain access to telephone numbers through competitive local exchange carriers (“CLEC”) by purchasing a Primary Rate Interface (“PRI”) line or Direct Inward Dialing (“DID”). These telephone numbers are necessary for Voyager customers on a broadband IP network to receive calls from parties served by a carrier operating a time division multiplexed (“TDM”) network within the PSTN.

VoIP providers are not, however, able to acquire telephone numbers directly from NANPA or the PA according to the Commission’s existing rules.⁴ Specifically, Section 52.15(g)(2)(i) requires that an applicant requesting North American Numbering Plan numbering resources must be “authorized to provide service in the area for which the numbering resources are being requested.”⁵ The Commission has interpreted this rule as requiring “carriers [to] provide, as part of their applications for initial numbering resources, evidence (*e.g.*, state

² *IP-Enabled Services*, Notice of Proposed Rulemaking, WC Docket No. 04-36, 19 FCC Rcd 4863 (2004) (“*IP-Enabled Services NPRM*”).

³ *SBC-IS Waiver Order* at ¶¶ 4, 9.

⁴ SBC-IS is the sole exception because the Commission previously granted SBC-IS’ waiver request.

⁵ 47 C.F.R. § 52.15(g)(2)(i).

commission order or state certificate to operate as a carrier) demonstrating that they are licensed and/or certified to provide service in the area in which they seek numbering resource[s].”⁶ In other words, an applicant must be a state-certificated common carrier in order to obtain numbering resources directly from NANPA and/or the PA and VoIP providers like Voyager are not.

As a VoIP provider, Voyager will provide an interstate service, and because Voyager is not a state-certificated common carrier, the Company cannot obtain numbering resources directly from NANPA and/or the PA without a waiver of Section 52.15(g)(2)(i) of the Commission’s rules. If Voyager’s waiver request is granted, the Company intends to offer VoIP services that interconnect with the PSTN in a more efficient manner by interconnecting with the PSTN on a trunk-side basis, at a centralized switching location, *e.g.*, a tandem switch. Voyager believes that this type of interconnection will allow it to use softswitch and media gateways more efficiently to overcome the availability and scalability limitations inherent in retail interconnections with the PSTN.

Voyager requests a limited waiver of Section 52.15(g)(2)(i) so that it can obtain numbering resources directly from NANPA and/or the PA without having to become a state-certificated common carrier. Allowing Voyager to directly obtain numbers from NANPA and/or the PA will help to expedite the implementation of IP-enabled services that interconnect to the PSTN and will enable Voyager to deploy innovative new services and encourage the rapid deployment of new technologies and advanced services that benefit American consumers. In

⁶ *Numbering Recourse Optimization*, Report and Order and Further Notice of Proposed Rulemaking, CC Docket No. 99-200, 15 FCC Rcd 7574, ¶ 97 (2000).

addition, granting a waiver to Voyager to facilitate new interconnection arrangements is consistent with Commission precedent.⁷

III. DISCUSSION

A. “Good Cause” Exists to Grant Voyager’s Request for a Limited Waiver

Pursuant to Section 1.3 of the Commission’s rules, the Commission may waive a rule when “good cause” is demonstrated.⁸ The Commission may exercise its discretion to waive a rule where the particular facts make strict compliance inconsistent with the public interest.⁹ In addition, the Commission may take into account considerations of hardship, equity, or the more effective implementation of overall policy on an individual basis.¹⁰ Thus, waiver of the Commission’s rules is appropriate when special circumstances warrant a deviation from the general rule and such a deviation will serve the public interest.¹¹

Voyager asserts that special circumstances warrant a deviation from the general rule that limits the assignment of numbering resources to state-certificated carriers. In granting SBC-IS’ request for waiver, the Commission highlighted that granting the waiver request would expedite the implementation of IP-enabled services interconnected to the PSTN and allow for the deployment of innovative new services as well as encourage the rapid deployment of innovative new services that benefit American consumers.¹² Granting Voyager’s waiver request would

⁷ *SBC-IS Waiver Order* at ¶ 6.

⁸ 47 C.F.R. § 1.3; *see also WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969), *cert. denied*, 409 U.S. 1027 (1972) (“*WAIT Radio*”).

⁹ *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) (“*Northeast Cellular*”).

¹⁰ *Id.*; *WAIT Radio*, 418 F.2d at 1159.

¹¹ *Id.*

¹² *SBC-IS Waiver Order* at ¶ 4.

serve to further the same goals and would encourage the implementation of PSTN interconnected IP-enabled services and other new services and technologies. In addition, by granting the waiver, Voyager will be able to deploy more efficiently configured networks and services without having to subject itself to state common carrier regulation solely for the purpose of obtaining direct access to numbering resources. Accordingly, “good cause” exists to grant Voyager’s waiver request.

Granting Voyager’s request for waiver would also further the public interest. In allowing Voyager to achieve efficiencies that the Company cannot realize without direct access to numbering resources, the Commission is encouraging innovation and expediting the delivery of advanced services to consumers.¹³ Furthermore, granting the waiver petition furthers the public interest because it encourages the deployment of broadband infrastructure to United States’ citizens. The Commission has recognized that IP-enabled services have increased economic productivity and growth.¹⁴ VoIP, in particular, encourages consumers to demand broadband connections creating a “virtuous cycle” where market forces lead to the deployment of additional IP-enabled services.¹⁵ By granting this waiver, the Commission will stimulate the implementation of IP-enabled services and allow for increased communications choices for American consumers. Accordingly, granting the waiver request will serve the public interest.

¹³ *Id.* at ¶ 6.

¹⁴ *Id.* at ¶ 8; *IP-Enabled Services NPRM* at ¶ 5.

¹⁵ *Id.* at ¶ 8.

B. The Requested Waiver is Comparable to the SBC Internet Services, Inc. Waiver

The Commission granted a limited waiver to SBC-IS and stated that similar relief was available “to an extent comparable” to what the Commission set forth.¹⁶ Voyager submits that it will comply with all of the conditions the Commission established in granting SBC-IS’ request for numbering resources. Specifically, Voyager will comply with the Commission’s numbering utilization and optimization requirements and industry guidelines and practices. Voyager will comply with any relevant numbering regulations or obligations. Voyager will also file the Numbering Resource Utilization and Forecast Report (“NRUF”) and will comply with the thousand-block number pooling requirements and with local number portability requirements.¹⁷

In addition, Voyager asserts that it will meet the “facilities readiness” requirements of Section 52.15(g)(2)(ii). Voyager will provide a copy of an interconnection agreement approved by a state commission, or, alternatively, Voyager will submit evidence, prior to filing an application for numbering resources, that it has ordered an interconnection service pursuant to a tariff that is generally available to other providers of IP-enabled voice services.¹⁸ Voyager notes that the Commission should allow VoIP providers that are unaffiliated with ILECs additional flexibility in establishing facilities readiness. Traffic exchange agreements, individual contracts and other forms of evidence that establish the ability to serve PSTN customers should be accepted by the NANPA or the PA when submitted by companies like Voyager that are unaffiliated with ILECs.

¹⁶ *Id.* at ¶ 4.

¹⁷ *Id.*

¹⁸ *SBC-IS Waiver Order* at ¶ 10.

Moreover, Voyager only requests the waiver until the Commission adopts final numbering rules regarding IP-enabled services. Voyager recognizes that the Commission has not yet decided whether any action relating to numbering resources is needed.¹⁹ However, granting this limited waiver will not prejudice the outcome of the *IP-Enabled Services* proceeding because the Commission has complete discretion to take whatever action it finds necessary.

C. The Commission Should Grant Voyager’s Waiver Request on an Expedited Basis

In the *New Technology Policy Statement*, the Commission stated that it would review waiver requests for technical and market trials on an expedited basis.²⁰ Voyager is seeking a waiver of Section 52.15(g)(2)(i) to deploy IP-enabled service offerings until the Commission adopts final numbering rules, even though the deployment is not a trial. Consequently, the Commission should review Voyager’s request as described in the *New Technology Policy Statement*. As previously mentioned, the Commission has acknowledged the importance of encouraging the development of IP-enabled services.²¹ Furthermore, Voyager is only seeking a waiver until the Commission adopts final numbering rules for IP-enabled services.

¹⁹ *IP-Enabled Services NPRM* at ¶ 76 (seeking comments on the desirability of numbering resources for IP-enabled services).

²⁰ *1998 Biennial Regulatory Review – Testing New Technology*, Policy Statement, CC Docket 98-94, FCC 99-53, ¶¶ 4, 20, 23-24 (1999) (“*New Technology Policy Statement*”).

²¹ *IP-Enabled Services NPRM* at ¶ 5.

IV. CONCLUSION

For the reasons described above, Voyager respectfully requests that the Commission grant the Company a limited waiver of Section 52.15(g)(2)(i) of its rules—comparable to that granted to SBC-IS to allow Voyager to obtain numbering resources directly from NANPA and/or the PA for use in the provision of IP-enabled services.

Respectfully submitted,



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