

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

In the Matter of)	
)	
Telephone Number Requirements for IP-Enabled Services Providers)	WC Docket No. 07-243
)	
Local Number Portability Porting Interval and Validation Requirements)	WC Docket No. 07-244
)	
IP-Enabled Services)	WC Docket No. 04-36
)	
Telephone Number Portability)	CC Docket No. 95-116
)	
Numbering Resource Optimization)	CC Docket No. 99-200

Reply of the South Dakota Telecommunications Association

The South Dakota Telecommunications Association (SDTA), by its attorneys, hereby responds to the opposition filed by the Voice on the Net Coalition (VON Coalition) to SDTA’s Petition for Clarification and/or Reconsideration in the above-captioned matter.

In the Petition, SDTA asks the Commission to address whether telephone numbers can be provided by a carrier to a VoIP provider separate and apart from any telecommunications service. The uncertainty on this issue stems from the Commission’s definition of “numbering partner” as the “carrier from which an interconnected VoIP provider obtains numbering resources.” This definition could be interpreted as allowing a carrier to provide only telephone numbers to a VoIP provider, disassociated from any telecommunications service. SDTA asks the Commission to make clear that an interconnected VoIP provider obtains telephone numbers from a wireline or wireless

carrier in association with the telecommunications services purchased from that wireline or wireless carrier. Although the VON Coalition states that it is not convinced that the Order disassociated the provision of telephone numbers from the provision of telecommunications service, the VON Coalition states “we would agree that the order could be clarified on that point.” VON Coalition Opposition at 2.

As shown in SDTA’s Petition, the requested clarification on this issue will ensure that the Commission’s Order does not conflict with existing rules, such as Section 52.15(g)(2)(i), concerning the use of numbering resources. It also will deter the sale of telephone numbers and, thereby, promote the Commission’s numbering conservation rules. Accordingly, as there is no disagreement with the clarification requested by SDTA and the clarification will ensure that the Order does not create a conflict with existing Commission rules and policies, the request for clarification should be granted.

SDTA also asks the Commission to clarify its language concerning the porting scope provided to VoIP providers and the porting obligations imposed on incumbent local exchange carriers (ILECs). Specifically, SDTA asks the Commission to clarify that a VoIP provider cannot obtain the porting scope afforded to wireless carriers simply by obtaining telephone numbers from a wireless carrier. The VON Coalition opposes this request apparently on the basis that SDTA seeks to limit the type of telecommunications carrier with which a VoIP provider can contract and to link VoIP services to wireline carriers.

It is not the intent of SDTA to limit the type of telecommunications carrier with which a VoIP provider can contract. However, a wireline VoIP provider, such as a cable company, should not be able to obtain telephone numbers from a wireless carrier and, as

a result, obtain a porting scope different from that which would be available if that VoIP provider was a LEC. The Commission provided no explanation as to why a wireline VoIP provider's porting scope should be different than the porting scope of a LEC operating in the same area and there is none. In fact, there are a number of examples of cable companies that obtained authority to provide service as CLECs and which have now declared themselves to be VoIP providers. A Commission decision which now would give such a company the porting scope of a wireless carrier instead of a wireline carrier, merely because it obtained telephone numbers from a wireless carrier, would be arbitrary and capricious.

It also would encourage the manipulation of numbering resources by wireline VoIP providers to obtain a competitive advantage over ILECs by precluding the possibility of porting out numbers to the ILEC. As the Commission is aware, although numbers assigned to ILEC customers can be ported to wireless carriers, numbers assigned to wireless carrier customers cannot be ported to the ILEC. If a wireline VoIP provider is allowed to obtain telephone numbers from a wireless carrier, it will be able to port numbers from the ILEC while preventing its customers from porting out their numbers to the ILEC and, thereby, protect itself from competition.

If it is not the intent of the Commission's Order to allow this unjustified result, it should make clear that a wireline VoIP provider cannot obtain telephone numbers from a wireless carrier and, thereby, obtain the porting scope of a wireless carrier. To the extent the Commission's Order allows this result, SDTA asks the Commission to reconsider its Order because it is arbitrary and capricious and contrary to the goals of LNP and competition.

Based on the foregoing and on the arguments raised in the Petition for Clarification and/or Reconsideration, SDTA asks the Commission to clarify and/or reconsider its Order as discussed herein.

Respectfully submitted,

**SOUTH DAKOTA
TELECOMMUNICATIONS
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May 9, 2008

CERTIFICATE OF SERVICE

I, Salvatore Taillefer, Jr., certify that a copy of the foregoing Reply of South Dakota Telecommunications Association in WC 07-243, WC 07-244, WC 04-36, CC 95-116, and CC 99-200, was served on this 9th day of May, 2008, via electronic mail to the following persons:

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