

UTEX Communications Corp. d/b/a FeatureGroup IP

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Sharon Gillett
Chief, Wireline Competition Bureau
Federal Communications Commission
445 12th Street, SW
Washington DC 20554

Re: *Establishing Just and Reasonable Rates for Local Exchange Carriers, WC*
Docket No. 07-135; *Broadband Industry Practices, 07-52*; *GoogleVoice Calling*
Restrictions (DA 09-2210); *AT&T Call Blocking*

Dear Ms. Gillett:

UTEX Communications Corporation d/b/a FeatureGroup IP submits this letter to point out the hypocrisy behind AT&T's latest exercise of "Google envy." On October 14, 2009 AT&T filed a letter in the above captioned matters complaining that Google Voice was blocking calls addressed to entire number blocks or "exchanges." AT&T letter, p. 9.

On page 13, AT&T asserted that its rival wants to establish a "Google" double-standard: Google gets to play by its own rules while the rest of the industry, including those who compete with Google, must instead adhere to the FCC's regulations." AT&T's letter implicitly claims that AT&T "adheres to the FCC's regulations." They somehow forgot to mention that AT&T is right now, today, blocking calls originating on its network that are addressed to entire blocks of numbers that were assigned to FeatureGroup IP.

Feature Group IP has long been attempting to establish the "Rules of the Road" for IP enabled voice intermediation with the legacy Public Switched Telephone Network (PSTN). We believe that proper deployment of new technology can dramatically lower costs and increase utility to subscribers, lessen the burden on Universal Service and dramatically increase competition. We have also been focused on building a business as a common carrier that provides a service to new technology companies that in turn provide the user controlled Internet-based applications of the future.

We are now also experienced observers of how our regulatory system can become captured and bogged down by the existing beneficiaries of the legacy system to the detriment of the public and to new competition.

Over two years ago FGIP announced that it had technically "solved" the phantom traffic problem. We did this by inventing a way to represent to the old technology (the PSTN) that in fact a new technology was making a call. We also invented corollary signaling improvements on the "Internet" side of the call to greatly enhance inter-operation between the old and the new. Google and Skype filed comments in support of our approach and technology and said these inventions hold great promise.¹

¹ CC Docket No. 01-92, *In the Matter of the Missoula Intercarrier Compensation Reform Plan; Missoula Plan Phantom Interim Process and Call Detail Records Proposal*; Written Ex Parte presenting

To make our service work, we needed to obtain PSTN numbers and assign them to a new class of customer, i.e. IP Enabled voice companies. We in fact did so: FGIP secured non-geographic and geographic numbering resources from NANPA.

AT&T has been blocking calls addressed to FeatureGroup IP's numbers that AT&T users attempt to dial. They absolutely refuse to route these calls despite multiple demands. Our invention is useless and our services are materially degraded as a result of this raw exercise of market power.

AT&T is engaged in discriminatory call blocking against a competitor who is solely engaged in supporting IP-enabled voice services.

FGIP has not sought to recover any compensation for calls to these numbers. We do not treat this as "access" or "toll" and we have consistently tried to enter contracts that have a "mutual waiver of cost recovery" under § 252(d)(2)(B)(i). FGIP believes that all traffic to and from Internet voice applications falls within § 251(b)(5), but as noted we always propose to waive compensation on a mutual basis for such traffic. AT&T also recently started to block calls to a 700 MHz-based CMRS provider that has committed to operate an open network and freely allow users to enjoy innovative applications like Skype and GoogleVoice with their wireless devices on its network.

We firmly believe that AT&T's call blocking is anticompetitive and an unreasonable practice under the Act and violates its duties and obligations as a Common Carrier. We seek your assistance and advice on how to require AT&T to stop blocking calls addressed to these numbers. In the same way the Commission asked Google to answer questions about its practices, including its decision to block calls addressed to a relatively few numbers, we request the FCC to also ask AT&T why, as a Common Carrier, it believes it has the right to block calls to entire blocks of numbers when there would not be any charge or cost to AT&T as a result of completing the call.

Thank you for your attention to this matter.



Lowell Feldman
President and CEO
FeatureGroup IP

Copies to:

Chairman Julius Genachowski
Commissioner Michael J. Copps
Commissioner Robert M. McDowell
Commissioner Mignon Clyburn
Commissioner Meredith Attwell Baker

method to uniquely identify, represent and allow callback to an IP endpoint from the Legacy Public Switched Telephone Network (March 28, 2007).