



January 25, 2010

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: In the Matter of a National Broadband Plan, GN Docket No. 09-51

Dear Ms. Dortch:

COMPTEL has consistently advised the Commission that a critical element of its National Broadband Plan must be the recognition that the interconnection and traffic exchange obligations of incumbent local exchange carriers (ILECs) under sections 251/252 continue to apply, even as these carriers transition from a TDM-based architecture to IP.¹ This view was reinforced by a number of filings in response to the Commission's Public Notice # 25,² each emphasizing that existing law already compels interconnection in IP-form and that such interconnection will accelerate the transition from a circuit-switched PSTN to IP-networks.³

¹ See *e.g.*, September 22, 2009 Letter from COMPTEL, Cbeyond, *et al.* to Marlene H. Dortch, Federal Communications Commission filed in GN Docket No. 09-51.

² FCC Public Notice, "Comment Sought on Transition from Circuit-Switched Network to All-IP Network," NBP Public Notice # 25, GN Docket Nos. 09-47, 09-51, and 09-137, DA 09-2517 (rel. Dec. 1, 2009).

³ See Cablevision Systems Corp. Comments – NBP Public Notice 25, filed December 22, 2009 in GN Docket Nos. 09-47, 09-51, 09-137 ("Cablevision Comments") at 1: "A regulatory regime that facilitates direct IP handoff of voice traffic between carriers will speed the myriad benefits of IP networks – in efficiency and innovation – to service providers and customers." See also Comments of PAETEC Holding Corp. in Response to NBP Public Notice 25, GN Docket Nos. 09-47, 09-51, and 09-137, Dec. 22, 2009, at 2: "[W]ith respect to what PAETEC believes is the most critical issue that will facilitate the evolution of carrier networks to IP architecture - that of interconnection and exchange of traffic on an IP to IP basis – there is no need for an NOI. Instead, the most important Commission action would be a confirmation that the obligation and regulatory structure under the federal Communications Act ("Act") in Section 251/252 already applies to IP-based infrastructure."

The Commission should affirm that there are no technical barriers to traffic exchange in IP format.⁴ In fact, carriers interconnect and exchange traffic in IP form today. For instance, Cablevision reports that “[v]oice providers like Cablevision are already exchanging voice traffic through bilateral IP interconnection arrangements.”⁵ Small incumbent LECs have established IP traffic exchange arrangements among themselves to reduce cost and gain efficiency. VisionNet is a joint-venture owned by nine small local telephone companies in Montana that rely on a jointly-owned managed IP network to exchange and terminate traffic.⁶

Dominant carriers also interconnect in IP-format for traffic categories and services where they lack market power. For example, AT&T will interconnect in IP-format for domestic and international long distance calling.⁷ Obviously, the technology itself does not care about the geographic label (i.e., local or long distance) on a call – the same capabilities used by AT&T to interconnect for the termination of “long distance” calls could be used to terminate “local” calls as well.

Moreover, various providers offer IP-based interconnection and traffic exchange platforms to facilitate the exchange of IP voice traffic,⁸ including Sprint⁹ and Stealth Communications.¹⁰ NeuStar offers a service specifically designed to manage IP-level interconnection functions (such as policy management and ENUM-based directory services).¹¹

To be sure, the level of traffic being exchanged in IP form today is relatively small. The volume of traffic between *any* two networks is fundamentally determined by the community-of-interest of each network’s subscribers. As such, the largest traffic exchange partner for any local

⁴ Section 251(c)(2) provides requesting carriers the right to interconnect with an ILEC’s network at “any technically feasible point.”

⁵ Cablevision Comments at 6.

⁶ See Presentation of Anthony Marcello, MetaSwitch, to OPASTCO 2009 Technical and Marketing Symposium, at 5-6. <http://www.opastco.org/doclibrary/1918/Marcello.pdf>. See also <http://www.vision.net/about.php>

⁷ See AT&T Voice Over IP Connect Service (AVOICS) available from AT&T Wholesale (description attached).

⁸ Carriers sometimes refer to interconnection of IP networks for voice-traffic exchange as “voice peering,” borrowing the term from the Internet. Use of the term “peering” in this context is misleading, however, because IP-based voice interconnection arrangements involve *managed* IP networks using technologies (for instance, MLPS) precisely to avoid the best-efforts structure of the Internet.

⁹ See http://sprint.com/wholesale/partner_interexchange_network.shtml

¹⁰ See <http://www.thevpf.com/about>

¹¹ See <http://www.neustar.biz/services/ip-exchange-services>

competitor will be the incumbent serving the same or nearby markets because each is serving the same underlying community-of-interest.¹² The defining importance of the underlying community-of-interest means that the most significant potential for IP traffic exchange will not occur between non-dominant providers with relatively small inter-network volumes (even though such carriers share the same economic incentive for efficiency), but between entrants and incumbents (where the share-imbalance provides the incumbent market power). It is because of the concern that an incumbent would use its share-advantage and resulting market dominance to disadvantage rivals that the Communications Act imposes the all-important, technology neutral interconnection and traffic exchange obligations of sections 251 and 252.

Respectfully submitted,

/s/

Mary C. Albert

¹² This basic property – that is, that traffic-exchange volume is a function of community-of-interest – is also true for smaller incumbent local telephone companies adjacent to a metropolitan area served by a larger incumbent carrier, such that the smaller ILEC's customers create call volumes into the metropolitan area larger than the call volumes in the opposite direction. As such, the interconnection-related concerns of smaller ILECs are likely to be similar to those of competitive carriers seeking interconnection with large incumbents.