

March 8, 2011

Marlene H. Dortch  
445 12<sup>th</sup> Street, S.W.  
Room TW-A325  
Washington, D.C. 20554

Re: *Vonage's Petition for Limited Waiver*, CC Docket No. 99-200

Dear Ms. Dortch:

On January 28, 2005, the Commission granted SBC Internet Services, Inc. (SBCIS) a waiver of Section 52.15(g)(2)(i) of the Commission's rules, which require an applicant for NANP resources to prove that it is authorized to provide service in the area for which the numbering resources are being requested.<sup>1</sup> This waiver has allowed SBCIS to access numbering resources directly from the NANPA and/or the Pooling Administrator despite being an interconnected VoIP provider rather than a state-certified common carrier.

In its order granting the waiver, the Commission stated that “[t]o the extent other entities seek similar relief we would grant such relief to an extent comparable to what we set forth in this Order.”<sup>2</sup> Vonage Holdings Corp. (“Vonage”) filed its own petition for waiver on March 4, 2005,<sup>3</sup> requesting the same relief and agreeing to accept the same conditions as those imposed on SBCIS as a condition of its waiver.<sup>4</sup> The Commission has not yet acted on Vonage's petition.

Vonage renews its request for a waiver of Section 52.15(g)(2)(i) to allow it direct access to numbering resources, with the same conditions the Commission attached to SBCIS's waiver. Because the market for voice services is ever more competitive, and the opportunities to provide consumers with advanced features and services continue to grow, Vonage's need for this waiver is even more pressing today than it was in 2005. If granted, the requested waiver will enable Vonage to:

- *Deploy innovative services.* Vonage's ability to offer its customers certain advanced services like SMS today requires consent and cooperation from the third

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<sup>1</sup> *In the Matter of Administration of the North American Numbering Plan*, 20 FCC Rcd. 2957 (Feb. 1, 2005) (“SBCIS Order”).

<sup>2</sup> *Id.* at 2959, ¶ 4.

<sup>3</sup> *Vonage's Petition for Limited Waiver*, CC Docket No. 99-200 (filed March 4, 2005).

<sup>4</sup> Those conditions require SBCIS to “comply with the Commission's other numbering utilization and optimization requirements, numbering authority delegated to the states, and industry guidelines and practices, including filing the Numbering Resource Utilization and Forecast Report (NRUF). We further require SBCIS to file any requests for numbers with the Commission and the relevant state commissions at least thirty days prior to requesting numbers from the NANPA or the PA.” *SBCIS Order*, at 2959, ¶ 4.



party telecommunications carriers with whom Vonage is now required to contract to obtain numbers.<sup>5</sup> Having to obtain consent and cooperation from these carriers hinders our ability to provide new services that use telephone numbers.<sup>6</sup> Direct access to numbers will remove this obstacle and allow Vonage to offer existing and emerging services to its customers directly, increasing competition in the voice market and providing consumers with a more robust set of communications choices.

- *Drive down costs.* Indirect access to numbers increases the cost of service for VoIP providers like Vonage as it has to pay its wholesale telecommunications carriers to obtain telephone numbers. Allowing direct access will allow Vonage to capture these savings, and, given the highly competitive nature of the voice market, pass savings on to customers.

Granting Vonage direct access to numbers also will advance key Commission policy goals, including the transition to an all IP network. The Commission has made this transition a touchstone of its recently launched effort to reform universal service and intercarrier compensation.<sup>7</sup> Enabling Vonage direct access to numbers will facilitate this transition by enabling Vonage to implement IP-to-IP interconnection that integrates services that rely on PSTN numbers.

Providing Vonage with direct access to numbers is also consistent with the Commission's approach to numbering and porting obligations for interconnected VoIP providers. The Commission has placed significant responsibilities on these providers. First, the Commission ensured that interconnected VoIP customers enjoy the same freedom to port their telephone numbers as customers of traditional carriers.<sup>8</sup> The Commission subsequently required VoIP

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<sup>5</sup> Because Vonage is not listed as the carrier in carrier name field, it cannot directly authorize SMS. In order to provide SMS to its customers, Vonage must first negotiate with its wholesale provider for the right to add that service to the numbers it has already purchased – negotiations that would be unnecessary if it had direct access to those numbers. Vonage faces similar obstacles to offering any service that implicates the carrier name field.

<sup>6</sup> Vonage has also faced difficulty offering caller ID to its customers. As with SMS, Vonage had to obtain consent from its numbering partners to offer this service, which delayed Vonage's ability to offer it to its customers.

<sup>7</sup> See, e.g., *In the Matter of Connect America Fund, A National Broadband Plan for Our Future, Establishing Just and Reasonable Rates for Local Exchange Carriers, High-Cost Universal Service Support, Developing an Unified Intercarrier Compensation Regime, Federal-State Joint Board on Universal Service, Lifeline and Link-Up*, Notice of Proposed Rulemaking and Further Notice of Proposed Rulemaking, FCC 11-13 at ¶ 10 (rel. Feb. 9, 2011) (identifying as one of four principles underlying the FCC's USF and intercarrier compensation reform effort the need to modernize USF and intercarrier compensation to promote acceleration of the transition from circuit switched to IP networks).

<sup>8</sup> See *In the Matter of Time Warner Cable Request for Declaratory Ruling that Competitive Local Exchange Carriers May Obtain Interconnection Under Section 251 of the Communications Act of 1934, as Amended, to Provide Wholesale Telecommunications Services to VoIP Providers*, Memorandum Opinion and Order, 22 FCC Rcd. 3513, 3519, ¶ 13 (March 1, 2007).



providers to assume LNP and numbering administration support obligations.<sup>9</sup> In these decisions, the Commission recognized that parity in numbering obligations and responsibilities would facilitate competition and increase consumer choice. Granting Vonage its requested limited waiver is the logical next step in this application of numbering rights and responsibilities to interconnected VoIP providers.

Vonage is willing and able to accept all of the conditions imposed on SBCIS in exchange for direct access to numbering resources. Vonage can handle numbers – and, in fact, already does. Though it must obtain numbers from a wholesale telecommunications carrier, Vonage today uses those numbers in ways that conform to industry numbering resource standards. For instance, Vonage meets the NANC requirements for number porting, releasing unused numbers, and managing its number inventory. Vonage is comfortable with these standards and responsibilities – indeed, it owns IPv4 addresses and meets similar requirements in that context.

Granting Vonage direct access to numbering resources will allow it to better serve its customers as well as increase efficiency and lower costs. It will also promote the growth of IP-based services consistent with the National Broadband Plan. Vonage welcomes the opportunity to assume responsibilities and requirements that come with direct access to numbers – just as SBCIS has done. It requests that the Commission therefore expeditiously grant its petition for a limited waiver of Section 52.15(g)(2)(i).

If you have questions or require any additional information, please do not hesitate to contact me at (202) 730-1346.

Sincerely,

Brita D. Strandberg  
*Counsel to Vonage Holdings Corp.*

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<sup>9</sup> *In the Matter of Telephone Number Requirements for IP-Enabled Services Providers*, Report and Order, Declaratory Ruling, Order on Remand, and Notice of Proposed Rulemaking, 22 FCC Rcd. 19531, 19541, ¶ 19 (November 8, 2007) (“*IP-Enabled Service Providers Order*”).