

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of

RNK, Inc. d/b/a RNK Telecom, Nuvio Corporation, Unipoint Enhanced Services d/b/a PointOne, Dialpad Communications, Inc., Vonage Holdings Corporation, and VoEX, Inc.

CC Docket No. 99-200

Petitions for Limited Waiver of Section 52.15(g)(2)(i) of the Commission's Rules Regarding Access to Numbering Resources

COMMENTS OF AT&T INC.

AT&T Inc. (AT&T), on its behalf and on behalf of its subsidiary SBC Internet Services, Inc. d/b/a AT&T Internet Services (AT&TIS), files these Comments in response to the Commission's Public Notice (Notice), seeking "to refresh the record on numerous petitions for limited waiver of section 52.15(g)(2)(i) of the Commission's rules to allow the requesting Voice over Internet Protocol (VoIP) providers direct access to numbering resources from the North American Numbering Plan Administrator and the Pooling Administrator."¹

I. DISCUSSION

The passage of time has not altered AT&T's position with respect to the various petitions (Petitions) filed by VoIP providers seeking direct access to numbering resources (VoIP Petitioners).² AT&T supports allowing VoIP providers direct access to numbering resources from the North American Numbering Plan Administrator (NANPA) and/or the Pooling Administrator (PA) either on an interim basis pursuant to a waiver of the applicable Commission rule or on a permanent basis pursuant to a rule change.³ AT&T's support, however, is contingent

¹ *Wireline Competition Bureau Seeks to Refresh Record on Petitions for Waiver of Commission's Rules Regarding Access to Numbering Resources, Public Notice*, DA 11-2074 (rel. Dec. 27, 2011) (Notice).

² See Comments of SBC Internet Services, Inc., CC Docket 99-200 (filed April 11, 2005) (Original Comments). AT&T incorporates those comments herein by reference.

³ See *IP-Enable Services, Notice of Proposed Rulemaking*, 19 FCC Rcd 4863, 4888 para. 37 (2005) (IP-Enabled Services NPRM).

upon *all interconnected VoIP providers*’ obtaining numbering resources directly from the NANPA/PA on a level regulatory playing field.

In the Order granting AT&TIS a waiver of section 52.15(g)(2)(i), the Commission imposed two basic conditions on AT&TIS.⁴ *First*, it required AT&TIS to “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)”—*i.e.*, Part 52 of the Commission’s rules.⁵ This obligation included the “facilities readiness” requirement contained in Commission rule 52.15(g)(2)(ii), but with an adjustment for AT&TIS, which, as a VoIP provider, did not have access to state-sanctioned interconnection agreements.⁶ *Second*, the Order required AT&TIS “to file any requests for numbers with the Commission and the relevant state commission at least thirty days before requesting numbers from the NANPA or the PA.”⁷

AT&TIS operates under these conditions today. AT&T asks the Commission either to grant the Petitions subject to these same conditions or, in the alternative, to modify these conditions as discussed below and apply them to both Petitioners and AT&TIS alike.

1. The Commission should grant the Petitions subject to the VoIP Petitioners’ being subject to the same numbering rules and regulations as those imposed on AT&TIS.

In its Original Comments, AT&T noted that Petitioners had expressed a willingness to abide by the Commission’s numbering rules, including local number portability, number pooling, facilities readiness, and NRUF reporting.⁸ We presume that this willingness has not changed in

⁴ See *Administration of the North American Numbering Plan, Order*, 20 FCC Rcd 2957 (2005) (AT&TIS Waiver Order).

⁵ AT&TIS Waiver Order, 20 FCC Rcd at 2959.

⁶ *Id.* at 2962.

⁷ *Id.* at 2959.

⁸ Original Comments, pp. 4-5. The VoIP Petitioners are currently required to abide by the Commission’s LNP rules. See *Telephone Number Requirements for IP-Enabled Services Providers; etc., Report and Order, Declaratory Ruling, Order on Remand, and Notice of Proposed Rulemaking*, 22 FCC Rcd 19531 (2007).

the intervening years. Thus, the Commission should grant the Petitions subject to the VoIP Petitioners' compliance with these numbering rules and requirements—just like AT&TIS is obligated to do today—with the possible exception of the facilities-readiness requirement, which ought to be kept but modernized for all waiver recipients to allow more flexibility.

Although the Petitioners have acknowledged a general willingness to abide by the same facilities-readiness obligations imposed on AT&TIS,⁹ some have asked the Commission to consider alternatives to the mechanism for compliance set out in the AT&TIS Waiver Order. That mechanism requires evidence of PSTN connectivity in the form of either a state-approved interconnection arrangement (which would likely be unavailable to an interconnected VoIP provider, as such providers are typically not LECs) or the purchase of a tariffed interconnection service (which would require the interconnected VoIP provider to deal with entities offering such services through tariffs). These providers may instead prefer to acquire PSTN connectivity by purchasing it through alternative means, such as “traffic exchange agreements with any LEC serving the relevant geographic area,”¹⁰ which the interconnected VoIP provider could then use to satisfy the facilities readiness obligation.

AT&T is not opposed to these sorts of adjustments to the facilities-readiness showing for Petitioners as long as AT&TIS is afforded the same opportunities. As AT&T noted in its Original Comments, it would be unfortunate if the Commission “unwittingly restricted competition in the market for IP-PSTN connectivity by forcing VoIP providers to deal only with carriers that offer these services through state-approved interconnection agreements or federal/state tariffs.”¹¹

Accordingly, if the Commission modifies the facilities readiness showing to provide more flexibility for providers seeking PSTN connectivity, both the VoIP Petitioners *and*

⁹ AT&TIS Waiver Order, 20 FCC Rcd at 2962 para. 10.

¹⁰ See Original Comments, p. 8, footnotes 27 and 28.

¹¹ *Id.* at p. 9.

AT&TIS should be allowed to demonstrate facilities readiness through any of the methods approved by the Commission (and NANPA).¹²

2. The Commission should grant the Petitions subject to the VoIP Petitioners having the same 30-day filing obligation presently imposed on AT&TIS unless that filing obligation is eliminated for AT&TIS as well.

In addition to requiring compliance with its existing numbering rules, the Commission also imposed a unique 30-day advance filing requirement on AT&TIS. Under this obligation, AT&TIS is required “to file any requests for numbers with the Commission and the relevant state commission at least thirty days prior to requesting numbers from the NANPA or the PA.”¹³ The Commission never explained why this 30-day filing obligation was imposed, and AT&T contends that, if it ever served any purpose, it no longer does. Indeed, during the nearly seven years since AT&TIS received its numbering waiver, this 30-day advance filing requirement has served only to burden AT&TIS with additional paperwork and prevent it from obtaining access to numbering resources in the same timely manner as its competitors.

Nonetheless, if the Commission still believes this 30-day advance filing requirement is necessary, AT&TIS would ask that it be imposed on the VoIP Petitioners to ensure a level regulatory playing field among waiver recipients. The better regulatory policy, however, would be for the Commission not to impose this requirement on any interconnected VoIP provider. Thus, AT&TIS recommends that the Petitions be granted without this requirement, subject to the Commission also lifting the 30-day advance notice requirement from AT&TIS, which will ensure that all interconnected VoIP providers obtaining numbering resources from the NANPA and/or PA are treated in a competitively neutral manner.¹⁴

¹² For a more detail discussion of this issue, please refer to pages 7 though 9 of the Original Comments.

¹³ AT&TIS Waiver Order, 20 FCC Rcd at 2959.

¹⁴ Although the Commission has yet to classify interconnected VoIP service as either an information service or a telecommunications service, the Commission still has a general duty under Section 251(e)(1) of the Act “to make [telecommunications] numbers available *on an equitable basis*.” 47 U.S.C. § 251(e)(1) (emphasis supplied). Allowing interconnected VoIP providers, who have obtained a waiver giving them direct access to numbering resources from

II. CONCLUSION

AT&T Inc. respectfully asks the Commission to consider these comments in its deliberations on this matter.

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the NANPA and/or PA, to do so in the same manner as licensed/certificated carriers would be consistent with this statutory obligation.