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May 29, 2012

VIA ELECTRONIC SUBMISSION

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

Re: *Petitions of Vonage, et al, for Limited Waivers of Section 52.15(g)(2)(i) of the Commission's Rules Regarding Access to Numbering Resources, CC Docket No. 99-200*

Dear Ms. Dortch:

On May 21, 2012, AT&T filed the attached ex parte letter with the Commission. Due to a clerical error, the letter was not filed in the above-captioned docket. Accordingly, AT&T is hereby filing the letter in that docket.

If you have any questions or need additional information, please do not hesitate to contact me. Pursuant to section 1.1206 of the Commission's rules, this letter is being filed electronically with the Commission.

Sincerely,

/s/
Jack Zinman

Attachment



Robert W. Quinn, Jr.
Senior Vice President
Federal Regulatory

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May 21, 2012

VIA ELECTRONIC SUBMISSION

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

Re: *Petitions of Vonage, et al, for Limited Waivers of Section 52.15(g)(2)(i) of the Commission's Rules Regarding Access to Numbering Resources*, CC Docket No. 99-200; *Connect America Fund, et al*, Further Notice of Proposed Rulemaking on IP-to-IP Interconnection Issues, WC Docket No. 10-90; GN Docket No. 09-51; WC Docket No. 07-135; WC Docket No. 05-337; CC Docket No. 01-92; CC Docket No. 96-45; WC Docket No. 03-109; WT Docket No. 10-208.

Dear Ms. Dortch:

On behalf of AT&T, I am writing in response to a letter filed in the above-referenced numbering docket on April 13, 2012, by Level 3, HyperCube Telecomm, Bandwidth.com, and COMPTTEL (collectively, the CLECs), who oppose petitions filed by Vonage and thirteen other voice over Internet Protocol providers (collectively, the VoIP Petitioners) seeking waivers of Commission rules in order to obtain direct access to numbering resources.¹ As described in our prior comments, AT&T supports the relief sought by the VoIP Petitioners.² Indeed, one of AT&T's affiliates has operated under a similar waiver since 2005. In this letter, however, AT&T wants to draw the Commission's attention to an important but largely overlooked issue that has recently come to light in this docket: the critical role that numbering resources play in enabling commercial IP-to-IP interconnection arrangements and, perhaps more importantly, the CLECs' efforts to maintain their gatekeeper control over such resources and thus thwart those arrangements.

As the Commission is aware, the communications industry is in the midst of an historic transition from traditional, circuit-switched TDM networks to more efficient, broadband IP networks.³ The underlying interconnection arrangements that enable IP-based services to work across multiple networks – primarily Internet peering and transit agreements – have for decades

¹ Letter from James Falvey, Counsel for CLECs, to Marlene Dortch, FCC, WC Docket No. 99-200 (April 13, 2012).

² AT&T Comments, CC Docket No. 99-200 (Jan. 25, 2012); SBC Comments, CC Docket No. 99-200 (April 11, 2005).

³ See *Connect America Fund*, WC Docket No. 10-90, et al, Report and Order and Further Notice of Proposed Rulemaking, FCC 11-161, ¶ 1335 (Nov. 18, 2011) (*ICC-USF Order*).

come about through voluntary, commercial negotiations among a diverse collection of Internet service providers, without government intervention. Nonetheless, to further encourage the ongoing transition, the Commission has vowed to “facilitat[e] industry progression to all-IP networks” by “eliminat[ing] barriers to IP-to-IP interconnection.”⁴

In this proceeding, Vonage has identified the very type of barrier that warrants Commission attention. Today, Vonage obtains numbering resources (as well as connectivity to other voice service providers) through arrangements with various CLECs that are state-certificated common carriers and are thus eligible to obtain those resources directly from the North American Numbering Plan Administrator or the Number Pooling Administrator under existing Commission rules.⁵ But according to Vonage, having to rely on these CLEC middlemen raises Vonage’s costs, reduces service quality due to multiple call hand-offs and protocol conversions, and complicates the number porting process.⁶ Thus, Vonage is seeking to enter into more efficient IP-to-IP interconnection arrangements directly with a variety of different voice service providers. In fact, Vonage “has *already* negotiated technical and commercial terms for such agreements with several tier 1 carriers.”⁷

But Vonage has run into a problem: it is not permitted under current rules to obtain numbering resources directly from the number administrator. This lack of direct access to numbering resources poses a considerable “obstacle to the implementation of IP-to-IP interconnection.”⁸ As Vonage explains:

Vonage is already pursuing IP interconnection with other providers, but has found that its lack of direct access to numbers is a roadblock to implementing these arrangements. This is because some providers are reluctant to route traffic directly to Vonage over an IP-to-IP interconnection arrangement, rather than through Vonage’s numbering partners using PSTN trunks, because industry routing databases indicate that a given Vonage customer’s number is “owned” by CLEC X and traffic to this number should be routed to CLEC X’s switch. Further, without a waiver and direct access to numbers, Vonage and its IP interconnection partners would need to develop routing databases outside of existing industry databases to separate, on one hand, telephone numbers owned by CLEC X and used by Vonage that should be routed over the IP interconnection and, on the other hand, numbers owned by CLEC X and not used by Vonage that should be routed as specified in the industry routing databases. Creating these databases would increase the cost and difficulty of implementing IP-to-IP interconnection for potential partners and introduce additional opportunity for routing errors. Vonage’s requested waiver will remove these unnecessary obstacles.⁹

⁴ *ICC-USF Order* ¶ 1340.

⁵ Vonage Comments at 5.

⁶ Vonage Comments at 6.

⁷ Vonage Comments at 6 (emphasis added).

⁸ Vonage Comments at 6.

⁹ Vonage Comments at 6-7.

As Vonage’s comments make clear, granting it and other interconnected VoIP providers direct access to numbering resources would greatly facilitate their ability to engage in just the sort of “good faith negotiations” for commercial IP-to-IP interconnection arrangements that the Commission sought to encourage in the *ICC/USF Order*.¹⁰ Indeed, the fact that Vonage has already been able to negotiate several voluntary commercial arrangements for IP-to-IP interconnection offers an instructive example of how giving market forces an opportunity to work can serve the public interest more efficiently than the hasty imposition of legacy regulations.¹¹

And with some additional targeted assistance from the Commission, these types of bi-lateral commercial arrangements could help catalyze an even broader market-driven movement toward IP-to-IP interconnection. Beyond addressing the instant waiver requests, the Commission could truly unleash the market forces driving these commercial arrangements by modernizing the way numbering resources and associated routing information are administered. Specifically, by encouraging industry efforts to find efficient ENUM-type¹² mechanisms for associating IP addresses with NANP telephone numbers – which would avoid wasteful detours into PSTN facilities simply to perform number look-up functions – the Commission could address immediate, real-world impediments to IP-to-IP interconnection, while simultaneously expediting the sunset of the PSTN.¹³ At the same time, the Commission could continue to monitor the market and, if necessary, take further action in the unlikely event that more prescriptive measures are ever needed.¹⁴

¹⁰ *ICC-USF Order* ¶ 1011. The waivers also would bring greater transparency to the manner in which VoIP providers are actually using numbering resources. As direct recipients of numbering resources, the Petitioners would each be required to file Numbering Resource Utilization and Forecast (NRUF) reports, see FCC Form 502, which would provide the Commission with numbering data that is far more granular than the aggregate data contained in NRUF reports from CLECs serving multiple VoIP providers.

¹¹ See *ICC-USF Order* ¶¶ 1375-77. As Verizon has explained, “[t]he efficient way to allow IP interconnection arrangements to develop would be to follow . . . the tremendously successful example of the Internet, which relies upon voluntarily negotiated commercial agreements developed over time and fueled by providers’ strong incentives to interconnect their networks.” *ICC-USF Order* ¶ 1377 (quoting Verizon *ICC-USF Comments* at 16).

¹² See *ENUM Primer*, Tom McGarry, Neustar, FCC Future of Numbering Symposium (Nov. 4, 2004) (“ENUM is an IETF Standard that defines a process for representing an E.164 telephone number as an Internet address, using the e164.arpa domain in the Internet’s domain name system.”), available at <http://www.fcc.gov/realaudio/presentations/2004/110404/McGarryTom.ppt>.

¹³ See *An Evolution Path for Numbering and Interconnection*, Penn Pfautz, AT&T, FCC Future of Numbering Symposium (Nov. 4, 2004) (discussing the linkage between numbering and interconnection), available at <http://transition.fcc.gov/realaudio/presentations/2004/110404/PfautzPenn.ppt>. Members of the Commission’s Technical Advisory Council have recommended that PSTN sunset occur by 2018. See Technical Advisory Council, Status of Recommendations, at 11 (June 29, 2011) (“The FCC should take steps to prepare for the inevitable transition from the PSTN . . . [and] should take steps to expedite the transition, with a target date of 2018.”). By helping VoIP providers reduce their reliance on the PSTN for call routing purposes, the Commission can take a significant step toward achieving that goal.

¹⁴ See *ICC-USF Order* ¶¶ 1375-77.

Of course, removing the numbering-related impediments to IP-to-IP interconnection discussed above would also significantly diminish the CLECs' gatekeeper control over VoIP providers. Thus, it is hardly surprising that these CLECs have objected so vigorously to the VoIP Petitioners' requests. But in hypothesizing a variety of potential technical and operational issues that could arise if the petitions were granted, the CLECs largely ignore the fact that AT&T's VoIP affiliate has operated under a similar waiver since 2005 without the calamitous results that the CLECs predict for the VoIP Petitioners. Moreover, that waiver required AT&T's VoIP affiliate to abide by all of the Commission's technical and operational numbering rules, and the Commission could require the same for the VoIP Petitioners here.¹⁵ In fact, Vonage has already committed to comply with the same requirements imposed on AT&T's VoIP affiliate and has offered additional commitments to address specific concerns raised in response to its Petition.¹⁶

Nonetheless, if the Commission believes that any of the technical or operational issues raised by the CLECs or other parties have potential merit, it should initiate an expedited rulemaking proceeding to address those issues as quickly as possible. In the meantime, it should grant the requested waivers with appropriate conditions, including the requirement that the recipients abide by any numbering rules ultimately adopted as a result of the rulemaking.¹⁷ Indeed, in 2005 the Commission promised that it would grant waivers to VoIP providers seeking the same relief as AT&T.¹⁸ But more than seven years later, the Commission has yet to do so.

The Commission's continued inaction is not only enabling CLECs to hold their VoIP provider customers captive, but it is also impeding industry efforts to achieve the very type of voluntary, commercial IP-to-IP interconnection arrangements that the Commission is seeking to encourage in the *ICC-USF Order*. Thus, to fulfill its pledge to "eliminate barriers to IP-to-IP interconnection" the Commission should grant the Petitioners' requests for direct access to numbering resources without further delay.

¹⁵ *Administration of the North American Numbering Plan*, Order, 20 FCC Rcd 2957 (2005) (*AT&TIS Waiver Order*). See also AT&T Comments at 4 (suggesting that the Commission should consider eliminating the 30-day advance notice condition in the *AT&TIS Waiver Order*).

¹⁶ See Vonage Comments at 7; Letter from Brita Strandberg, Counsel for Vonage, to Marlene Dortch, FCC, CC Docket No. 99-200 (May 7, 2012) (Vonage May 7 Letter). AT&T does not object to Vonage (or other Petitioners) undertaking the additional commitments requested by various state commissions, on an interim basis pending the outcome of any Commission rulemaking. See Vonage May 7 Letter at 2-5. We note, however, that some of these commitments may not be appropriate for VoIP providers other than the parties offering them here and, thus, they should not be imposed more broadly. For example, Vonage's commitment to allow state commissions to decide which rate centers are available for use by waiver recipients may be appropriate for some nomadic VoIP providers, but it would likely cause significant operational, marketing and customer service issues for non-nomadic VoIP providers that offer (or plan to offer) service at fixed locations in a given rate center.

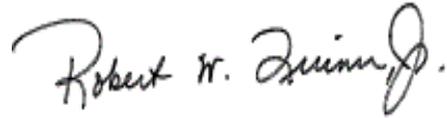
¹⁷ We note that some commenters have raised concerns about the fitness of a certain petitioner to obtain a numbering waiver due to the petitioner's alleged involvement in prison payphone "call diversion schemes." See Securus Comments at 2 (May 8, 2012). AT&T expresses no opinion about the accuracy of these allegations or whether the appropriate response to the allegations (assuming they are accurate) would be to deny the petitioner's waiver request.

¹⁸ *AT&TIS Waiver Order* ¶ 4.

* * *

If you have any questions or need additional information, please do not hesitate to contact me. Pursuant to section 1.1206 of the Commission's rules, this letter is being filed electronically with the Commission.

Sincerely,

A handwritten signature in black ink that reads "Robert W. Quinn, Jr." The signature is written in a cursive style with a large, looping initial 'R' and a distinct 'Jr.' at the end.

Robert W. Quinn, Jr,