



NATIONAL TELECOMMUNICATIONS COOPERATIVE ASSOCIATION

The Voice of Rural Telecommunications

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May 31, 2012

Ex Parte Notice

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

Connect America Fund, WC Docket No. 10-90; A National Broadband Plan for Our Future, GN Docket No. 09-51; Establishing Just and Reasonable Rates for Local Exchange Carriers, WC Docket No. 07-135; High-Cost Universal Service Support, WC Docket No. 05-337; Developing a Unified Intercarrier Compensation Regime, CC Docket No. 01-92; Federal-State Joint Board on Universal Service, CC Docket No. 96-45; Lifeline and Link-Up, WC Docket No. 03-109; Universal Service Reform – Mobility Fund, WT Docket No. 10-208; Vonage Holdings Corp. Petition for Limited Waiver 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 Tuesday, May 29, 2012, the undersigned met on behalf of the National Telecommunications Cooperative Association (“NTCA”) with Lisa Gelb, Bill Dever, Ann Stevens, and Sanford Williams of the Wireline Competition Bureau to identify questions relating to VoIP service providers becoming direct holders of public telephone numbering resources.

Specifically, NTCA identified the following outstanding questions with respect to any potential grant of the numerous waivers presently pending:

- Are the VoIP providers in question planning to seek “trunk-side” interconnection instead of using carrier partners to obtain interconnection and exchange traffic with other carriers?
 - If a VoIP provider intends to seek “trunk-side” interconnection, what interconnection regime applies? Specifically, are such interconnection arrangements subject to sections 251 and 252 of the Communications Act of 1934, as amended (the “Act”)?
 - If those interconnection arrangements are subject to sections 251 and 252 of the Act, what is the legal basis therefor? Would the VoIP provider be required to pay intercarrier compensation also? If so, at what rates and pursuant to what vehicles (tariffs vs. agreements)? Would a state arbitrate such a dispute, and if so, what is the state’s jurisdiction for such purposes?
 - If those interconnection arrangements are not subject to sections 251 and 252 of the Act, what regulatory regime, if any, applies to such interconnection instead, and what is the legal basis therefor? What compensation applies or could be sought for the exchange of traffic in an “unregulated” direct interconnection arrangement? Where would any disputes regarding such arrangements be considered and resolved?

- Could a VoIP provider and/or any given local exchange carrier (“LEC”) refuse to interconnect with each other on a “trunk-side” basis if there is no legal construct requiring interconnection?
 - If so, how would calls then route between the VoIP provider and the LEC (in either direction)?
 - If not, what is the legal basis for compelling interconnection, and what terms and conditions would be required in the case of such interconnection? Where would any disputes regarding such arrangements be considered and resolved?
- Are the VoIP providers planning to use “line-side” interconnection instead, such that they will use carrier partners to obtain interconnection?
 - If the VoIP providers will use “line-side” interconnection – for example, using “commercial tandem partners” to route and/or receive calls – who is responsible for intercarrier compensation? Is it the tandem provider or the VoIP provider?
- Could a VoIP provider that obtains direct access to public numbering resources choose to block calls to any given carrier or other provider since the VoIP provider itself is not a regulated carrier?

NTCA noted that many of these same or similar questions are still being examined, answered, and implemented as part of broader universal service and intercarrier compensation reform efforts. As just one example, AT&T recently opined that the petitions should be granted because the waivers “could help catalyze an even broader market-driven movement toward IP-to-IP interconnection.” *Ex Parte* Letter from Robert W. Quinn, Jr., Senior Vice President – Federal Regulatory, AT&T Services, Inc., to Marlene H. Dortch, Secretary, Federal Communications Commission (the “Commission”), WC Docket No. 10-90, *et al* (filed May 21, 2012), at 3. Of course, as the Commission is well aware, the very questions of what regulatory structure, if any, should apply to IP-based interconnection and what policy measures could promote such interconnection are now being examined pursuant to the Further Notice of Proposed Rulemaking released by the Commission in October 2011 in several of the above-referenced proceedings. Thus, if anything, AT&T’s letter highlights the significant policy questions implicated by the pending waiver requests.

Pursuant to Section 1.1206 of the Commission’s rules, a copy of this letter is being filed via ECFS. If you have any questions, please do not hesitate to contact the undersigned.

Sincerely,

/s/ Michael R. Romano
Michael R. Romano
Senior Vice President – Policy

cc: Lisa Gelb
Bill Dever
Ann Stevens
Sanford Williams