

August 16, 2012

BY ELECTRONIC FILING

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

**Re: *In the Matter of Petitions for Waiver of the Commission's Rules Regarding
Access to Numbering Resources, CC Docket No. 99-200***

Dear Ms. Dortch:

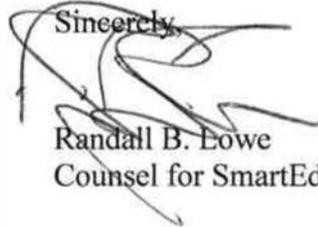
On August 15, 2012, my law partner, John C. Dodge, and I, on behalf of SmartEdgeNet, LLC ("SEN"), met with Angela Kronenberg, Wireline Legal Advisor to Commissioner Mignon Clyburn, to discuss SEN's Petition for Waiver of Section 52.15(g)(2)(i) of the Commission's Rules, which requires state certification prior to gaining access to number resources. If the Commission grants the Petition, it will allow SEN to obtain access to number resources as an IP-enabled enhanced service provider without the inefficient and costly need to operate through a state certificated carrier and also without the need for a time consuming rulemaking process that the Commission can nevertheless initiate to adopt a more permanent solution.

Mr. Dodge and I described SEN's IP-enabled services, stating that SEN has moved control of the network onto the customer's premise. We then explained that the state certification requirement of Section 52.15(g)(2)(i) was adopted before VoIP was a retail offering and that in today's world, it is an anachronism. We stated that the requirement prohibits companies like SEN from gaining access to number resources because SEN provides IP-enabled services, which are ineligible for state certification. We discussed claims that telecommunications carriers have no legal duty to port numbers to non-certificated carriers, noting that they have such an obligation under Section 201(a) to furnish telecommunications service upon reasonable request therefor, under Section 201(b) to act in a just and reasonable manner and under Section 202(a) to not unjustly and unreasonably discriminate in any practice or subject anyone to any undue or unjust prejudice or disadvantage.

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We also stated that in any event the state certification requirement is irrelevant to such access because the same issues besetting IP-enabled companies beset traditional carriers. We pointed out, therefore, that the arguments opposing SEN's Petition are equally irrelevant and that no opponent has addressed this fundamental point. Lastly, we described how the states' certification processes do not address access to number resources but that SEN has agreed to subject itself to state commission oversight of number administration, along with all of the other conditions imposed by the Commission on potential waiver candidates.

Any questions regarding this matter should be directed to the undersigned.

Sincerely,

Randall B. Lowe
Counsel for SmartEdgeNet, LLC