

**BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554**

In the Matter of:

Petitions for Waiver of Commission's  
Rules Regarding Access to Numbering  
Resources

**CC Docket No. 99-200**

**COMMENTS OF THE CALIFORNIA PUBLIC UTILITIES COMMISSION AND THE  
PEOPLE OF THE STATE OF CALIFORNIA**

**FRANK R. LINDH  
HELEN M. MICKIEWICZ**

505 Van Ness Avenue  
San Francisco, CA 94102  
Phone: (415) 703-1210  
Fax: (415) 703-4592

Attorney for the California  
Public Utilities Commission and  
The People of the State of  
California

August 23, 2012

The California Public Utilities Commission and the People of the State of California and (CPUC or California) respectfully submit these comments in response to Bandwidth.com, Inc.'s Petition for Limited Waiver of Section 52.15(g)(2)(i) of the Commission's rules.<sup>1</sup>

## **I. SUMMARY**

California reiterates its comments made on January 25, 2012 and on May 8, 2012, that inserting a new technology service into a structure that is designed for older communications technology will exacerbate the inefficiencies of the current numbering structure.<sup>2</sup> Further, the CPUC commented that granting a waiver without thoroughly examining the rules for all service providers would be short-sighted. California also supports the petition of NARUC for the FCC to open a rulemaking to address numbering rules, and to tackle what California believes is an inefficient numbering administration structure. In that rulemaking, the Commission could develop new rules that would both benefit consumers and promote more efficient use of numbers.

## **II. BACKGROUND**

Vonage Communications, LLC (Vonage), SmartEdgeNet, LLC and Millicorp, LLC, and other voice over internet (VoIP) providers have petitioned the Commission for a waiver of the rules to allow VoIP providers direct access to numbering resources. On June 13, 2012, Bandwidth.com, Inc. filed its own Petition for Limited Waiver of the numbering rules.

---

<sup>1</sup> Wireline Competition Bureau Seeks Comment on Bandwidth.com, Inc. Petition for Limited Waiver of Commission's Rules Regarding Access to Telephone Numbers, FCC DA 12-1288, August 9, 2012.

<sup>2</sup> *In the Matter of Petitions for Waiver of the Commission's Rules Regarding Access to Numbering Rules*, FCC CC Docket 99-200, Comments of the California Public Utilities Commission and the People of the State of California, filed January 25, 2012 and May 8, 2012.

### III. DISCUSSION

While California believes Bandwidth's position to be understandable, in that granting one service provider permission to bypass the rules while withholding that permission from other service providers is inherently unfair, the CPUC cannot support Bandwidth's petition for relief. California's sympathy for Bandwidth's position does not extend to support for any service provider to obtain numbering resources without being subject to the same numbering rules as all service providers.

California also is mystified as to why the Commission would seriously consider Vonage's petition when Vonage, since its inception, has declared that the Commission's rules – rules designed to give consumers minimal expectations of a telecommunications service provider – do not and should not apply to Vonage.<sup>3</sup> The Commission's and California's established rules are intended to ensure that the provision of dial tone by all service providers meets minimum standards, such as access to 911 and prohibitions against billing for unordered services. The rules also are intended to protect the public interest, which is the Commission's mission. In light of that mission, it would be imprudent for the FCC to facilitate the business plan or goal of one company or a class of companies, when that plan or goal will have the effect of circumventing rules created to protect the public.

Access to numbering resources is one of the few areas of telecommunications regulation that has a direct and immediate affect on a communications service provider. Numbering

---

<sup>3</sup> For example, in a statement presented at the December 2003 FCC Voice Over IP Forum, Vonage CEO Jeffrey Citron said the following: "VoIP is yet another Internet application and, as such, the mere specter of common carrier regulation opens up a Pandora's box that has the potential to not only devalue and slow the growth of VoIP, but also detrimentally impact future innovation of new Internet communications applications. By advocating that common carrier regulations apply to Internet applications, the proponents unwittingly threaten to commence a cycle that could lead to the decline or perhaps the destruction of the delicate ecosystem of the Internet itself." Vonage Statement, p. 1.

resources are the lingua franca of connection between communication devices and access to numbers, whether directly from the NANPA or indirectly through a licensed service provider is absolutely necessary for any communications service provider. Therefore, one of the most immediate reasons for service providers to subject themselves to state and Federal jurisdiction is to gain direct access to numbering resources. In turn, states play a key role in ensuring that numbering resources are assigned appropriately. In the absence of state jurisdiction, much of the monitoring of service providers' number utilization would disappear.

California would also like to note that the subtext of Bandwidth's comments is that its business and its demand for numbers have grown exponentially within the limits inherent in the rules of the State of California and of the Commission itself. California routinely examines Bandwidth's growth, as it does with every service provider in California, and is able to corroborate Bandwidth's claim to success while being subject to regulation both at the state and Federal level.

#### **IV. CONCLUSION**

California agrees with Bandwidth's contention that singling out one service provider or a few service providers for relaxation of the rules is inherently discriminatory. California does not support Bandwidth's Petition of Limited Waiver, just as it opposes all other petitions for limited waiver of Section 52.15(g)(2)(i).

Respectfully submitted,

FRANK R. LINDH  
HELEN M. MICKIEWICZ

/s/ HELEN M. MICKIEWICZ

---

Helen M. Mickiewicz

Attorneys for the People of the  
State of California and the  
California Public Utilities  
Commission  
505 Van Ness Avenue  
San Francisco, California 94102  
Phone: (415) 703-1319  
Fax: (415) 703-4562  
Email: [hmm@cpuc.ca.gov](mailto:hmm@cpuc.ca.gov)

August 23, 2012