



November 21, 2012

**VIA ECFS**

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street SW  
Washington, DC 20554

*RE: Petition of Telcordia Technologies, Inc. to Reform Amendment 57 and to Order a Competitive Bidding Process for Number Portability Administration, and Petition of Telcordia Technologies, Inc. to Reform or Strike Amendment 70, to Institute a Competitive Bidding for Number Portability Administration, and to End the LLC's Interim Role in Number Portability Administration Contract Management, WC Docket Nos. 07-149, 09-109*

*Telephone Number Portability, WC Docket No. 95-116*

Dear Ms. Dortch:

On November 19, 2012, the undersigned, on behalf of Telcordia Technologies, Inc. (“Telcordia”), and Colleen Boothby of Levine, Blaszak, Block & Boothby, on behalf of IBM, met with Marcus Maher, Ann Stevens, Sanford Williams and Vicki Robinson, all of the staff of the Wireline Competition Bureau, and Diane Holland, Neil Dellar, Maureen Duignan, all of the staff of the Office of the General Counsel. In addition, Louise Tucker, of Ericsson on behalf of Telcordia, and J.C. Rendeiro, III, of IBM, joined the meeting by telephone.

Ms. Boothby and I discussed the definition of “Telecommunications Carrier” in Section 4.2 of the draft RFP, particularly with respect to the portion of the definition that describes three classes of interconnected VoIP providers. The definitions for “Class 1” (“a standalone interconnected VoIP provider that obtains numbering resources direction from the North American Numbering Plan Administrator”)<sup>1</sup> and “Class 2” (“an interconnected VoIP provider that partners with a facilities-based Public Switched Telephone Network (PSTN) Telecommunications Carrier to obtain numbering resources and connectivity to the PSTN via the

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<sup>1</sup> *Wireline Competition Bureau Seeks Comment on Procurement Documents for the Local Number Portability (LNP) Administration Contract, Public Notice, DA 12-1333, WC Docket Nos. 09-109, 07-149, CC Docket No. 95-11, Attachment, 2015 LNPA RFP, §4.2 at 10 (rel. Aug. 13, 2012) (“RFP”).*

Telecommunications Carrier partner”)<sup>2</sup> are clear as written, at least if “interconnected VoIP provider” refers to entities defined by the Commission at 47 C.F.R. § 9.3.<sup>3</sup> The definition for “Class 3” (“a non-facilities-based reseller of interconnected VoIP services that utilizes the numbering resources and facilities of another interconnected VoIP provider (analogous to the ‘traditional’ PSTN reseller”)<sup>4</sup> is not as clear. The reference to traditional PSTN resellers suggests that the definition is intended to refer only to an entity that buys the complete interconnected VoIP service of a Class 1 or Class 2 interconnected VoIP provider and then resells that service to the public, as is true, for example, of resellers of a cable telephony provider’s interconnected VoIP services. This interpretation is consistent with the purpose of Section 4 and the neutrality objectives it is supposed to serve.

As drafted, however, the definition of Class 3 providers is ambiguous and thus potentially overbroad because it could be interpreted to include providers of services other than interconnected VoIP services, such as providers of data storage, data processing, or systems integration over dedicated private networks whose end users independently choose to deploy a voice application using the provider’s service in combination with numbering resources obtained from an interconnected VoIP provider or traditional carrier. Moreover, the Commission’s rules cannot resolve this ambiguity because the delineation of Class 1, Class 2, and Class 3 interconnected VoIP providers appears to come from the “North American Numbering Council (NANC) Inter-Service Provider LNP Operations Flows” and is not a taxonomy that comes from the Commission’s rules, its interconnected VoIP decisions, or the text of its local number portability orders.<sup>5</sup>

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<sup>2</sup> *Id.*

<sup>3</sup> “An interconnected Voice over Internet protocol (VoIP) service is a service that: (1) Enables real-time, two-way voice communications; (2) Requires a broadband connection from the user's location; (3) Requires Internet protocol-compatible customer premises equipment (CPE); and (4) Permits users generally to receive calls that originate on the public switched telephone network and to terminate calls to the public switched telephone network.” 47 C.F.R. §9.3.

<sup>4</sup> RFP §4.2 at 10.

<sup>5</sup> See Attachment 1A to Letter of Betty Ann Kane, Chair, North American Numbering Council to Sharon Gillett, Chief, Wireline Competition Bureau (dated November 2, 2009) *available at*: [http://hraunfoss.fcc.gov/edocs\\_public/attachmatch/DOC-296561A1.pdf](http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-296561A1.pdf). Paragraphs 8-9 of the *LNP One Day Porting Interval Order*, for example, discuss the porting obligations of interconnected VoIP providers and their carrier partners, but do not address resellers of interconnected VoIP services and also do not refer to any interconnected VoIP services as “Class 1,” “Class 2” or “Class 3.” See *Local Number Portability Porting Interval and Validation Requirements, Telephone Number Portability, Report and Order and Further Notice of Proposed Rulemaking*, FCC 09-41, 24 FCC Rcd. 6084 (2009) (“*LNP One Day Porting Interval Order*”). Paragraph 10 directed NANC to develop implementing processes, but did not specifically discuss the three classes of interconnected VoIP or their definitions. *Id.*

Ms. Marlene H. Dortch

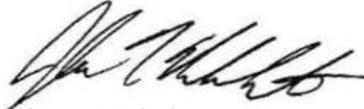
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To address this, we proposed the attached modifications to the definition of Class 3 which clarify that Class 3 refers only to providers who offer interconnected VoIP services to the public by reselling the interconnected VoIP services of Class 1 or Class 2 interconnected VoIP providers, following the model of traditional resale common carriers.

Please contact me if you have any questions. A copy of this letter is being filed in the above-captioned dockets.

Sincerely,



John T. Nakahata

*Counsel to Telcordia Technologies, Inc.*

cc: Neil Dellar  
Maureen Duignan  
Diane Holland  
Marcus Maher  
Vicki Robinson  
Ann Stevens  
Sanford Williams

Colleen Boothby  
J.C. Rendeiro III  
Louise Tucker

## Attachment

### PROPOSED CHANGE TO RFP § 4.2

For purposes of the above criteria, a Telecommunications Carrier is an entity that either

- (i) possesses the requisite authority to engage in the provision to the public of facilities-based wireline local exchange or CMRS telecommunications services in any State or Territory of the United States, or
- (ii) is one of the following three classes of interconnected Voice over Internet Protocol (VoIP) providers:
  - (I) Class 1, a standalone interconnected VoIP provider that obtains numbering resources directly from the North American Numbering Plan Administrator (NANPA) and the Pooling Administrator (PA) and connects directly to the PSTN (i.e., not through a PSTN Telecommunications Carrier partner); or
  - (II) Class 2, an interconnected VoIP provider that partners with a facilities-based Public Switched Telephone Network (PSTN) Telecommunications Carrier to obtain numbering resources and connectivity to the PSTN via the Telecommunications Carrier partner; or
  - (III) Class 3, A non-facilities-based reseller offering interconnected VoIP services to the public that utilizes the numbering resources and facilities of another interconnected VoIP provider (analogous to the “traditional” PSTN resale carrier).