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ATTORNEYS AT LAW

February 12, 2013

Marlene H. Dortch
445 12th Street, S.W.
Room TW-A325
Washington, D.C. 20554

Re: *Vonage's Petition for Limited Waiver, CC Docket No. 99-200*

Dear Ms. Dortch:

On February 8, 2013, on behalf of Vonage Holdings Corp., Brendan Kasper and, via teleconference, Ed Mulligan, Mike Doherty, and Craig Lennon, all of Vonage, Kristine Devine, of Wiltshire & Grannis LLP, and I met with Sean Lev, General Counsel of the FCC, Marcus Maher and Kate Dumouchel of the Office of General Counsel, Julie Veach and Rebekah Goodheart of the Wireline Competition Bureau, and Henning Schulzrinne, Steve Wildman, and Jon Chambers, of the Office of the Office of Strategic Planning and Policy Analysis, to discuss Vonage's petition for direct access to numbering resources. In the almost two years since Vonage renewed its original 2005 request for direct access to telephone numbers,¹ all issues have been comprehensively addressed on the record in the docket. Granting Vonage's direct access to telephone numbers without further delay will provide the Technology Transitions Task Force with valuable, real-world data on the transition to IP networks.²

During the meeting, Vonage discussed several specific issues. First, Vonage discussed the difficulties it faces as a result of lack of direct access to numbers. Because Vonage's numbers are not associated with its name in the Local Exchange Routing Guide or the Local Number Portability databases, carriers simply do not know that those numbers are Vonage numbers. This creates hurdles to IP interconnection. The suggestion that Vonage should depend on CLECs to obtain IP interconnection is misplaced. First, there is little reason for the CLECs to

¹ Ex Parte Letter to Marlene Dortch, Secretary, Federal Communications Commission, from Brita D. Strandberg, Counsel to Vonage Holdings Corp., CC Docket No. 99-200 (filed Mar. 8, 2011) ("Mar. 8 Ex Parte").

² See, e.g., Ex Parte Letter to Marlene Dortch, Secretary, Federal Communications Commission, from Brita D. Strandberg, Counsel to Vonage Holdings Corp., CC Docket No. 99-200 at 4 (filed Nov. 11, 2011) ("Nov. 11 Ex Parte"); Ex Parte Letter to Marlene Dortch, Secretary, Federal Communications Commission, from Brita D. Strandberg, Counsel to Vonage Holdings Corp., CC Docket No. 99-200 at 2 (filed July 31, 2012) ("July 31 Ex Parte").

pursue the end-to-end IP interconnection subject to bill and keep compensation that Vonage is seeking, given the CLECs' incentives to maintain their existing access revenue streams for traffic bound to Vonage customers. Second, indirect IP interconnection through a CLEC does not offer the same service quality and ability to introduce new products³ that direct IP interconnection arrangements offer. Finally, the eventual elimination of intercarrier compensation makes it necessary for Vonage to pursue direct IP interconnection now because as the opportunity to collect intercarrier compensation on calls to Vonage customers diminishes for the CLECs so too will the desirability of providing inbound interconnection to Vonage.

Vonage has opportunities today to exchange traffic in IP with other providers, but those providers cannot send traffic to Vonage without significant difficulty because numbering databases do not treat Vonage as the "owner" of its numbers. If Vonage can overcome that hurdle, it can immediately further significant Commission goals, including IP interconnection, the transition to bill and keep, better call quality, and greater network redundancy.

Further, the myriad objections raised by the CLECs to Vonage obtaining direct access to telephone numbers including number exhaust, routing, and intercarrier compensation have already been comprehensively addressed.⁴ Further, these objections ignore the fact that AT&T's VoIP affiliate has been successfully operating with direct access to telephone numbers since 2005 pursuant to a rule waiver.⁵

In addition, Vonage reiterated that it is fully capable of porting numbers, noting that it already complies with all number porting requirements. Indeed, granting Vonage direct access

³ Vonage has previously explained how lack of direct control over the telephone numbers used by its customers has made even relatively simple product enhancements like caller ID and text messaging extremely difficult and time consuming. *See, e.g.*, Nov. 11 Ex Parte; Comments of Vonage Holdings Corp., CC Docket No. 99-200 at 5 (filed Jan. 25, 2012) ("Jan. 25 Comments"); Ex Parte Letter to Marlene Dortch, Secretary, Federal Communications Commission, from Brita D. Strandberg, Counsel to Vonage Holdings Corp., CC Docket No. 99-200 at 1 (filed Feb. 9, 2012); July 31 Ex Parte.

⁴ Jan. 25 Comments; Ex Parte Letter to Marlene Dortch, Secretary, Federal Communications Commission, from Brita D. Strandberg, Counsel to Vonage Holdings Corp., CC Docket No. 99-200 (filed May 7, 2012); Ex Parte Letter to Marlene Dortch, Secretary, Federal Communications Commission, from Brita D. Strandberg, Counsel to Vonage Holdings Corp., CC Docket No. 99-200 (filed June 27, 2012); July 31 Ex Parte; Ex Parte Letter to Marlene Dortch, Secretary, Federal Communications Commission, from Brita D. Strandberg, Counsel to Vonage Holdings Corp., CC Docket No. 99-200 (filed Aug. 13, 2012).

⁵ *See* Ex Parte Letter to Marlene Dortch, Secretary, Federal Communications Commission, from Robert W. Quinn, Jr., AT&T Senior Vice President Federal Regulatory, CC Docket No. 99-200 (May 21, 2012) ("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.").

to numbers will simplify the porting process by allowing Vonage to port numbers out directly, rather than having to carefully coordinate the port-out process with its numbering partners.⁶

Vonage also noted that granting it direct access to numbers will not advantage it over carriers subject to Sections 251 and 252. Vonage has 2.4 million lines; thus, suggestions that it has leverage over carriers, including Tier 1 carriers, simply do not make sense. Likewise, the notion that Vonage should abandon its request for numbers, rethink its business model, and become a CLEC is misguided—Vonage is an interconnected VoIP provider, not a CLEC. For the foreseeable future, Vonage will continue to rely on CLECs for many services, even while direct access to numbers will allow it to introduce new technologies and better services to consumers. This is not a “head start,”⁷ and the suggestion that it is merely highlights the CLEC opponents’ willingness to delay innovation in order to preserve their legacy intercarrier compensation revenue.

In short, there is no reason for further delay in granting Vonage’s request to obtain direct access to telephone numbers. Finally, any grant of numbering rights should be of sufficient scope, both in terms of numbers and duration, as to ensure that other providers are willing to undertake IP interconnection with Vonage. Such certainty will ensure that Vonage’s access to numbers provides the Commission with meaningful information about the effect of numbering rights on IP interconnection, bill and keep, and other policy goals, as industry transitions to IP networks.

If you have any questions or require any additional information, please do not hesitate to contact me at (202) 730-1346.

Respectfully submitted,



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CC: Jon Chambers
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Rebekah Goodheart
Sean Lev
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Henning Schulzrinne
Julie Veach
Steve Wildman

⁶ Jan. 25 Comments.

⁷ Ex Parte Letter to Marlene Dortch, Secretary, Federal Communications Commission, from James C. Falvey and Justin L. Faulb, Counsel to CLEC Coalition, CC Docket No. 99-200 at 2 (filed Feb. 11, 2012).