Public Service Commission of the District of Columbia
1333 H Street, N.W., 2nd Floor, West Tower
Washington, D.C. 20005
(202) 626-5100
www.dcpsc.org

July 29, 2013

Ex Parte
Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

RE: WC Docket No. 13-5 Technology Transitions Policy Task Force Seeks Comment on Potential Trials (Public Notice, DA 13-1016)

Dear Ms. Dortch:

On July 29, 2013, I, Cary B. Hinton, Policy Advisor to the Chairman, met with Priscilla Delgado Argeris, Legal Advisor to Commissioner Rosenworcel, met to discuss the Technology Transitions Policy Tack Force's request for comments on the role of the states in the technology trial selection process and the implementation and monitoring of any potential technology trials.

On behalf of Betty Ann Kane, Chairman, Public Service Commission of the District of Columbia, I explained the "Resolution Concerning Numbering and Technology Transition Trials for Voice over Internet Protocol and Other IP-Enabled Services" (copy attached) that she sponsored and which was adopted by the Board of Directors of the National Association of Regulatory Utility Commissioners (NARUC) at the Summer Committee Meetings on July 24, 2013. Specifically, I explained why Chairman Kane believes that it is preferable for the Federal Communications Commission (FCC) to refer any proposed TDM-to-IP or copper to fiber or wireline to wireless technology transition trials to the Federal-State Joint Board on Universal Service ("Joint Board") for collaborative review with the State regulatory commissions. Furthermore, I explained why the Joint Board is better suited to engage in a collaborative review with the FCC of technology transition trial proposals than the NARUC Task Force on Federalism or the Federal-State Joint Conference on Advanced Telecommunications Services or the FCC's Intergovernmental Advisory Committee.

I appreciate the opportunity to meet with Ms. Argeris to discuss this matter.

Sincerely,

Cary B. Hinton
Policy Advisor to the Chairman

Attachment

TC-4 Resolution Concerning Numbering and Technology Transition Trials for Voice over Internet Protocol and Other IP-Enabled Services

WHEREAS, NARUC previously adopted a resolution concerning access to numbering resources and adherence to numbering rules by Voice over Internet Protocol (VoIP) and Internet Protocol (IP)-enabled service providers at its February 2012 Winter Committee Meetings that noted that the numbering resource management authority delegated by the Federal Communications Commission (FCC) to the States has greatly contributed to the overall success in meeting number utilization and optimization goals, reducing area code exhaust, and facilitating the efficient and timely porting of numbers between service providers; *and*

WHEREAS, The 2012 resolution resolved "That NARUC specifically stresses the importance of requiring all service providers (licensed and unlicensed, certificated and non-certificated, over-the-top and embedded alike) to comply with numbering utilization and optimization requirements, as well as the obligation to comply with all industry guidelines and practices approved by the FCC and all numbering authority delegated by the FCC to the States."; *and*

WHEREAS, On April 18, 2013, the FCC released a Notice of Proposed Rulemaking, Order and Notice of Inquiry (FCC 13-51) that granted Vonage Holdings Corporation (Vonage) and other VoIP service providers a limited, conditional waiver of the FCC's rules and directed Vonage and other interested VoIP service providers to submit by May 20, 2013 to the FCC and each relevant State commission a proposal to conduct a limited technical trial to receive direct access to telephone numbers; *and*

WHEREAS, On June 17, 2013, the FCC approved the technical trial proposals for direct access to telephone numbers by Vonage and four other VoIP service providers to be conducted in nine States (Arizona, California, Colorado, Florida, Georgia, Massachusetts, New York, North Carolina and Texas) even though the State Coordination Group confirmed by a survey of these State commissions that only one State had received the VoIP service providers' proposals by the FCC-mandated May 20, 2013 submittal deadline; *and*

WHEREAS, On May 10, 2013, the FCC Technology Transitions Policy Task Force released a Public Notice (DA 13-1016; WC Docket No. 13-5) that requested comments on five types of technology trials relating to the ongoing transitions from copper to fiber, from wireline to wireless, and from time-division multiplexing (TDM) to IP infrastructure and technologies, which would among other issues address "numbering and number portability," and, potentially, a separate technology trial for assigning and porting telephone numbers in an all-IP environment; *and*
WHEREAS, The FCC Technology Transitions Policy Task Force's Public Notice sought guidance on whether the NARUC Federalism Task Force, the FCC's Intergovernmental Advisory Committee, or any other FCC advisory committee should be involved in the trials and the selection of applications or geographic areas; *and*

WHEREAS, The NARUC Federalism Task Force Report: "Cooperative Federalism Telecom in the 21st Century" (Draft, June 2013) concluded: "By returning to its earlier policy of actively seeking input from the States via the Joint Boards, the FCC can ensure that its rules positively impact the States and their communications end users. To do this, the Task Force recommends that the FCC refer matters to the Joint Boards more regularly"; *and*

WHEREAS, The Federal-State Joint Board on Universal Service has the unique experience and collaborative and technical capabilities to advise the FCC on behalf of the States regarding the design, geographic application, selection of applicants and evaluation of telecommunications technology trials and any subsequent policy recommendations necessary to maintain and advance the statutorily protected universal service concept which entails the fundamental entitlement of end-user consumers to have affordable and reliable access to advanced voice telecommunications and broadband services; *now, therefore be it*

RESOLVED, That the Board of Directors of the National Association of Regulatory Utility Commissioners, convened at its 2013 Summer Committee Meetings in Denver, Colorado, reaffirms its position that the FCC should apply numbering resource utilization and optimization rules and obligations equally to all service providers, whether they utilize copper or fiber, wireline or wireless, or TDM or IP infrastructure and technologies; *and be it further*

RESOLVED, That States and the FCC should work together to jointly examine the best way to accomplish the interconnection of next generation telecommunications network technologies in order to ensure that the public interest in the efficient and fair utilization of numbering resources will be protected; *and be it further*

RESOLVED, That States should play an integral role in the FCC's proposed technology transition trials, in the interest of ensuring a positive outcome for all State consumers who will ultimately be subject to policies, regulations and laws informed by the technology trials; *and be it further*

RESOLVED, That the FCC should refer any proposed or future technology transition trials to an adequately funded Federal-State Joint Board on Universal Service for collaborative review with the State commissions and advice regarding the design, geographic application, selection of applicants and evaluation of the trials and any subsequent policy recommendations necessary to maintain and advance the statutorily protected universal service concept.

Sponsored by the Committee on Telecommunications
Adopted by the NARUC Board of Directors, July 24, 2013