Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	
	)	
Technology Transitions Task Force Seeks	)	GN Docket No. 13-5
Comment on Potential Trials	)	
	)	

REPLY COMMENTS OF INTELIQUENT

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SUMMARY

Inteliquent enthusiastically volunteers to participate in appropriate trials that are designed to facilitate, demonstrate and test both indirect and direct IP interconnection methods and procedures, including TDM to IP conversions, and explore other practical issues such as next generation 911 requirements, feasible points of interconnection, number portability, and other technology and business process issues that will arise in the mixed TDM/IP environment which will persist for an extended period of time. In fact, Inteliquent is uniquely positioned to facilitate the transition to IP networks as it has an extensive on-net footprint and offers a variety of cutting-edge gateway services on a nationwide scale that can be used to implement direct or indirect interconnection between IP and TDM networks.

To facilitate the transition to IP networks, the Commission should reaffirm that section 251(a) requires that all carriers provide for direct or indirect IP interconnection, regardless of the underlying network technologies and communications protocols involved. If an ILEC (or its affiliate) that has an obligation to provide direct TDM interconnection, elects not to provide direct IP interconnection under section 251(a), then the Commission should require the refusing ILEC to pay for the increased costs of any needed IP-TDM conversions and any other increased costs that arise due to that provider's election of indirect interconnection.

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I. INTRODUCTION

Neutral Tandem, Inc. d/b/a Inteliquent submits these Reply Comments in response to the Public Notice issued by the Commission and its Technology Transitions Policy Task Force ("Task Force") in this proceeding regarding proposed IP interconnection trials, including "a trial for VoIP interconnection to ensure that technical and process issues are understood and resolved," and to understand the "need and scope for technical or industry standards for the exchange of voice traffic in Internet protocol formats."[1]

II. ALL CARRIERS HAVE A DUTY TO NEGOTIATE REQUESTS FOR IP INTERCONNECTION

Inteliquent agrees with the recent comment by Sean Lev, the Acting Director of the Commission's Technology Transitions Policy Task Force, that "[w]e should not assume that an 'all-IP network' or any other technical change will necessarily bring robust competition."[2] As Mr. Lev explained, competitive "choices exist today because of massive private investment, and because of government policies that created and maintain the conditions necessary for competition to flourish, *including rules to ensure interconnection*."[3] As the Commission has long under-

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1 *Technology Transitions Policy Task Force Seeks Comment on Potential Trials*, GN Docket No. 13-5, DA 13-1016, Public Notice, at 3 (rel. May 10, 2013) ("Public Notice").

2 Sean Lev, Acting Director of the Technology Transitions Policy Task Force, Remarks at TIA Network Transition Event, at 3 (June 21, 2013) ("Lev TIA Remarks").

3 Lev TIA Remarks, at 2 (emphasis added).

scored, "Interconnection among communications networks is critical given the role of network effect."[4] "Historically, interconnection among voice communications networks has enabled competition and the associated consumer benefits that brings through innovation and reduced prices."[5] As many commenters have emphasized, the transition underway from TDM communications protocols and copper-based networks to all-IP networks and fiber facilities does not alter these realities.[6]

Accordingly, the obligation of all service providers to negotiate direct or indirect interconnection in good faith will serve as a critical pre-condition for maintaining competition both during and after the transition to all-IP networks.[7] The Commission underscored these obligations in its recent *USF/ICC Transformation Order*, noting that "even while our FNPRM is pending, *we expect all carriers to negotiate in good faith in response to requests for IP-to-IP interconnection* for the exchange of voice traffic."[8] The Commission concluded that the "duty to negotiate in good faith has been a longstanding element of interconnection requirements under the Communications Act and *does not depend upon the network technology underlying the*

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4 *Connect America Fund, Establishing Just and Reasonable Rates for Local Exchange Carriers, Developing an Unified Intercarrier Compensation Regime, et al.*, WC Docket Nos. 10-90, 07-135, 05-337, 03-109, CC Docket Nos. 01-32, 96-45, GN Docket No. 09-51, WT Docket No. 10-208, Report and FNPRM, 26 FCC Rcd 17663, at ¶¶ 1009-1010 (Nov. 18, 2011) ("*USF/ICC Transformation Order*"), *petitions for review pending sub nom. In re: FCC 11-161*, No. 11-9900 (10th Cir. filed Dec. 8, 2011). *See, Petition of CRC Communications of Maine, Inc. and Time Warner Cable, Inc. for Preemption Pursuant to Section 253 of the Act*, FCC 11-83, WC Docket No. 10-143, GN Docket No. 09-51, CC Docket No. 01-92, 26 FCC Rcd. 8259, at ¶¶ 12-13 (May 26, 2011) ("*Interconnection Clarification Order*").

5 *USF/ICC Transformation Order*, at ¶ 1009.

6 *See, e.g., Technology Transition Task Force*, GN Docket No. 13-5, Comments of COMPTEL, at 5, n.14, at 13-14, n. 37-42 (July 8, 2013) (collecting similar comments by NARUC and others).

7 "Section 251(a) sets forth general duties applicable to all telecommunications carriers, including the duty 'to interconnect directly or indirectly with the facilities and equipment of other telecommunications carriers.'" *Interconnection Clarification Order*, at ¶ 2 (*quoting* 47 U.S.C. § 251(a)).

8 *USF/ICC Transformation Order*, at ¶ 1011 (emphasis added).

interconnection, whether TDM, IP, or otherwise."[9] The Commission should reaffirm that duty, and assure the industry of its intention to enforce it, in the context of this proceeding.

III. INDIRECT INTERCONNECTION WILL PLAY A CRUCIAL ROLE IN THE TRANSITION OF COMMUNICATIONS PROTOCOLS FROM TDM TO IP

As Cox Communications and others noted in their initial Comments, the transition from TDM to All-IP communications protocols will take considerable time to implement such that mixed TDM and IP environments "are likely to persist for many years."[10] Likewise, Sean Lev recently observed: "while providers are actively taking significant steps to modernize their networks, transitions are not happening overnight …. *Economic necessity alone*, not regulation, *will require providers to support both existing legacy technologies and new ones* for a significant time."[11] Similarly, the Technology Advisory Council ("TAC") examined the state of IP Interconnection and in 2012 concluded that "implementation in the United States has been 'delayed' aside from the efforts of some cable companies and [CLECs]," and implied implementation is likely to take considerable time.[12]

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9 *Id.* (emphasis added).

10 *Technology Transitions Policy Task Force Seeks Comment on Potential Trials*, GN Docket No. 13-5, Comments of Cox Communications, Inc., at 3 (July 8, 2013) ("Cox Comments") (at 2, "Cox does not generally distinguish between its TDM and IP retail voice services, offering them both under the brand name "Cox Digital Telephone," under the same terms and conditions with the same commitments to service quality."); *Technology Transitions Policy Task Force Public Notice Regarding Potential Trails*, Comments of T-Mobile USA, GN Docket No. 13-5 at 5 (July 8, 2013) ("it will likely take some time to move all voice traffic to IP networks"); *AT&T Petition to Launch a Proceeding Concerning the TDM-to-IP Transition*, GN Docket No. 12-353, Comments of COMPTEL, at 4 (Jan. 28, 2013) ("according to the Commission 2011 Local Competition Report, eight years later, 95% of the ILEC end user customers were still being served via TDM," *citing*, Local Telephone Competition, Status as of Dec. 31, 2011, WCB, Jan. 2013, at Tables 4 and 5.) (emphasis in original).

11 Lev TIA Remarks, at 4 (emphasis added).

12 Public Notice, at 4 (referring to FCC TAC Memo - VoIP Interconnection, at 1-2 (Sept. 24, 2012) ("delays in VoIP Interconnection are largely due to policy and commercial issues, not technology issues.").

Inteliquent agrees that the migration of communications protocols from TDM to IP and other network changes that are underway will not happen overnight. TDM (*i.e.*, circuit-switched) networks and IP networks will necessarily continue to coexist for a long time as service providers gradually upgrade their networks when it is economically practical.[13] In fact, TIA recently estimated that in 2016 spending on circuit-switched telephone services, while declining, will still exceed $100 billion, down from $123 billion in 2012.[14] Thus, although some RBOCs with vast resources are rapidly replacing copper networks with fiber and migrating to from TDM to IP protocols in many but not all wire centers,[15] many other providers, especially small and rural ones, lack the resources to match the pace of those RBOC transitions.

Neither the Commission through regulatory fiat, nor ILECs through their market power, should effectively mandate a flash cut to all-IP Interconnection either during specific geographic trials or in any rules that result from the proposed trials or the Commission's open proceedings. A flash cut would frustrate competition and would unreasonably force smaller carriers to make capital investments in the short term that they may not be in a financial position to make or for which the business case remains weak. Such carriers, particularly small rural LECs, CLECs and other providers, should retain the option of continuing with a mixed TDM-IP network and to proceed with indirect IP interconnection to other providers. Thus, the Commission should not conduct an "all-IP trial" in the manner proposed by AT&T where, within the trial wire center, "the Commission would preclude carriers (including carrier customers) from demanding service

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13 Cox Comments, at 3 ("In the foreseeable future, legacy TDM technology will coexist with IP technology both in connections between networks and within the networks themselves.").

14 Lev TIA Remarks, at 2.

15 *See, e.g., AT&T Petition to Launch a Proceeding Concerning the TDM-to-IP Transition*, WC Docket No. 12-353, Petition of AT&T, at 9 (Nov. 7, 2012) ("AT&T Petition") (AT&T is planning a $6 billion wireline investment that includes providing higher-speed, IP-based wireline broadband to 57 million customer locations (consumer and small business), representing more than 75 percent of AT&T's wireline footprint.").

or interconnection in TDM format" and SS7-based signaling.[16] Such an "all-IP" trial would not explore the issues associated with indirect IP interconnection through third party interconnection service providers, which is sure to be a critical issue during the transition to IP networks.

IV. INTELIQUENT FULLY SUPPORTS THE PROPOSED FOCUSED TRIALS AND ENTHUSIASTICALLY VOLUNTEERS TO PARTICIPATE IN TRIALS OF INDIRECT INTERCONNECTION METHODS AND RELATED TECHNICAL AND BUSINESS PROCESSES

Given the reality that TDM and IP networks will need to be interconnected for a significant period of time, often through indirect interconnection, Inteliquent strongly supports the focused, voluntary trials proposed by the Task Force that are designed to identify emerging issues in both direct and indirect IP interconnection, including trials where third party services are used to implement TDM-IP conversions and address other related issues. As Comcast Corporation notes, many providers "have found it preferable (and satisfactory) to rely on indirect interconnection via a transit provider"[17] to implement IP-to-IP interconnection. The Commission should ensure that the indirect interconnection option remains available to providers because mixed TDM and IP networks will continue to be a reality during the extended transition to all IP networks.

Inteliquent enthusiastically volunteers to participate in focused, voluntary trials that are designed to facilitate, demonstrate and test both indirect and direct IP interconnection methods and procedures, including TDM to IP conversions. These voluntary trials should explore other practical issues such as next generation 911 requirements, feasible points of interconnection, capacity of interconnection facilities, number portability, and other technology and business process issues that will arise in the mixed TDM/IP environment that will exist for an extended

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16 AT&T Petition, at 21.

17 *Technology Transitions Policy Task Force Seeks Comment on Potential Trials*, GN Docket No. 13-5, Comments of Comcast Corporation, at 5 (July 8, 2013) ("Comcast Comments")

period of time. In fact, Inteliquent is uniquely positioned to facilitate the transition to IP networks as it has an extensive on-net footprint and offers a variety of cutting-edge gateway services on a nationwide scale that can be used to implement either direct or indirect interconnec- interconnection between IP and TDM networks as discussed more fully in the following section of these Reply Comments.

The Commission seeks comment on "conducting the trial in a few geographic markets, including at least one major metropolitan area and one rural area."[18] The Commission should conduct trials in at least one urban, suburban, and rural wire center in order to ensure coverage of a wide range of interconnection methods, procedures, service providers, and technical issues. These trials should realistically examine the interoperability of multiple networks during the extended transition period, rather than an unrealistic flash-cut to an all-new network. Proposals by some for "all-IP" wire center trials,[19] standing alone, will not suffice as they may not test and address TDM to IP conversion and indirect interconnection issues that will be (and are already) encountered on a large scale as service providers gradually transition to IP networks.

V. INTELIQUENT HAS AN EXTENSIVE NETWORK AND CAPABILITIES TO FACILITATE THE TRANSITION TO IP NETWORKS THROUGH INDIRECT INTERCONNECTION

Inteliquent's capabilities and those of similar providers will be crucial during the transition to IP networks and should be demonstrated and explored in any contemplated IP Interconnection trials. Inteliquent offers a variety of cutting-edge gateway services on a nationwide scale that can be used to implement indirect or direct interconnection between TDM and IP networks. For example, Inteliquent offers Access Homing Tandem services that support SIP interfaces, and

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[18] Public Notice, at 5.

[19] Lev TIA Remarks, at 4-5 ("Another approach is to take a particular geographic area - perhaps a wire center - and permit an incumbent carrier serving that area to simultaneously transition its entire network, and all the services utilizing that network, to IP - what some refer to as an all-IP center trial."); AT&T Petition, at 6, 21.

HD Interconnection service that provides improved quality, low latency voice termination across Inteliquent's entire private SIP-based network. If a rural carrier or other provider is unable to accept or send traffic in IP format with its existing network, Inteliquent and similar providers can assist that carrier in achieving IP interconnection in a timely manner and with minimal capital costs by providing its nationwide interconnection facilities, gateway services, protocol conversion, signaling, database queries and other services.

Inteliquent is uniquely situated to facilitate the transition to IP networks through indirect interconnection as it has an extensive MPLS network and has made substantial investments to establish direct connections with all three RBOCs, almost all facilities-based CLECs, all but one of the major cable companies, every major CMRS provider, and other terminating service providers.[20] Inteliquent's extensive on-net footprint includes 44 points of presence that reach 189 markets in the United States and *over half a billion "on-net" terminating numbers*. Inteliquent exchanges traffic for over 110 major cable, wireless, CLEC and IXC service providers. Inteliquent hosts one of the largest tandem and ISP routing networks in the United States, with the ability to directly route traffic to over 5,400 competitive carrier switches in the United States and over 350 incumbent LEC tandems. Thus, if a carrier elects to interconnect indirectly to meet its IP interconnection obligations, Inteliquent has the on-net presence to provide the needed connections and protocol conversions.

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[20] As several commenters have noted many rural LECs refuse to establish direct connections. Charter Communications, for example, reports that its "experience, in providing competitive VoIP service across 23 different states, is that no ILECs have offered or permitted IP interconnection under the Act, taking the position … that no legal obligation to interconnect in IP exists." *See, e.g.*, *AT&T Petition to Launch a Proceeding Concerning the TDM-to-IP Transition*, GN Docket No. 12-353, Reply Comments of Charter Communications, Inc., at 4-5 (Feb. 25, 2013), Comments of Sprint Nextel Corporation, at 28 (Jan. 28, 2013) ("ILECs have refused to interconnect IP networks to exchange voice calls"); *Rural Call Completion*, WC Docket No. 13-39, Comments of IntelePeer, Inc., at 8 (May 13, 2013) ("[m]any RLECs seem reluctant to discard business practices permitting only connections in TDM in every wire center throughout their rural market").

VI. THE COMMISSION SHOULD AFFIRM THE OBLIGATION TO PROVIDE DIRECT OR INDIRECT INTERCONNECT PURSUANT TO SECTION 251(A) TO FACILITATE THE TRANSITION

The Commission is considering a trial in which participating providers negotiate IP interconnection "in good faith without a backstop of regulations or specific parameters" in which they provide reports to the Commission "regarding any technical issues as well as any other issues of dispute."[21] The Commission is also considering whether to "conduct another trial where parties agree to negotiate pursuant to the existing section 251/252 framework."[22] Inteliquent's view is that, at a minimum, some of the trials should be conducted under the section 251(a) / 252 frame work as this process applies to all telecommunications carriers under existing Commission precedent including rural carriers and providers of wholesale services to VoIP providers.

Inteliquent is reluctant to delve into the hotly contested issue as to whether or not IP Interconnection should be subject to the Section 251(c)(2) statutory requirements and processes. However, Inteliquent underscores that the transition to IP interconnection and all-IP networks will take considerable time and that the mixed TDM/IP environment encountered today will be the norm for some time. If the Commission is to encourage the shift to IP-to-IP interconnection, as recommended in the National Broadband Plan,[23] it should reaffirm that section 251(a) requires that all carriers provide for direct or indirect IP interconnection, regardless of the underlying network technologies and communications protocols involved. In light of the widespread availability of competitive network bridging, protocol conversion services, tandem, and other services from Inteliquent and similar providers there is no technical reason why providers without the present

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21 Public Notice, at 5.

22 Public Notice, at 5. Providers that voluntarily participate in such a trial would not be required to concede as a matter of law that sections 251/252 apply to IP interconnection in order to participate in the trial. *Id.*

23 Omnibus Broadband Initiative, Connecting America: The National Broadband Plan, GN Docket No. 09-51, at 49 (Recommendation 4.10), 59, 153 (2010) ("the FCC should clarify interconnection rights and obligations and encourage the shift to IP-to-IP interconnection").

capability to convert calls from TDM to IP (or the reverse) would not be able to implement direct or indirect IP interconnection under section 251(a) should the Commission require it. Thus, the Commission should affirm existing obligations and require *all* providers to interconnect either directly or indirectly with other providers to exchange traffic in IP format.

If an ILEC (or its affiliate) that has an obligation to provide direct TDM interconnection, elects not to provide direct IP interconnection under section 251(a), then the Commission's rules should require the refusing ILEC to pay for the increased costs of any needed IP-TDM conversions and any other increased costs that arise due to that provider's election of indirect interconnection.[24] The Commission and the industry recognize that "the transition to IP can result in substantial cost savings, including reductions in circuit costs, switch costs, space needs, and utility costs, as well as the elimination of other signaling overhead."[25] Thus, it is appropriate that any ILEC that elects indirect IP interconnection in response to a section 251(a) request, that requires conversions between TDM and IP protocols, should bear the increased costs of foregoing direct IP-to-IP Interconnection.[26]

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[24] *See, e.g., In the Matter of Connect America Fund, Developing a Unified Intercarrier Compensation Regime, et al.*, WC Docket Nos. 10-90, 07-135, 05-337, GN Docket No. 09-51, CC Docket No. 01-92, Comments of Leap Wireless Int'l, Inc. and Cricket Communications, Inc., at 13 (Feb. 24, 2011) ("Comments of Leap & Cricket") ("Third, all carriers should be required to interconnect on an IP-basis if so requested. If the terminating carrier is still unable to interconnect on an IP-basis, the Commission should require the terminating carrier to assume the costs of converting the call to TDM.").

[25] *See, e.g., Connect America Fund, et al.*, WC Docket Nos. 10-90, 07-135, 05-337, 03-109, GN Docket No. 09-51, CC Dockets No. 01-92, 96-45, 26 FCC Rcd. 4554, NPRM and FNPRM, FCC 11-13, at ¶ 506 (rel. Feb. 9, 2011); Petition of AT&T, at 4 ("As the Commission understands, converged IP networks are more dynamic, versatile, resilient, and cost-efficient than legacy TDM networks."); *TW Telecom Inc. Petition for Declaratory Ruling Regarding Direct IP-to-IP Interconnection Pursuant to Section 251(c)(2)*, WC Docket No. 11-119, Comments of Google, Inc., at 2, 4 (Aug. 15, 2011) ("IP networks decrease provisioning and circuit costs, switch costs, space needs, energy costs, signaling costs, and associated overhead . . . .").

[26] *See, e.g., Connect America Fund, et al.*, WC Docket Nos. 10-90, 07-135, 05-337, GN Docket No. 09-51, CC Docket No. 01-92, Comments of Leap Wireless and Cricket, at 13 (Feb. 24, 2011) (proposing a similar shifting of costs).

As proposed by other carriers, to facilitate the transition, the Commission should reaffirm that Section 251(a)(1) mandates that all carriers, including rural carriers, interconnect directly or indirectly with IP networks in IP protocol.[27] Section 251(a)(1) provides that "[e]ach *telecommunications carrier* has the duty -- to interconnect directly or indirectly with the facilities and equipment of other telecommunications carriers."[28] A "telecommunications carrier" is defined as a provider of "telecommunications services,"[29] which are defined as "telecommunications" that are offered "for a fee directly to the public, or to such classes of users as to be effectively available directly to the public."[30] Nothing in Section 251(a) indicates that it was intended to be limited to a particular form of transmission technology or communications protocol (*e.g.*, TDM instead of IP).

In the *Time Warner Order*, the Commission emphasized that "the statutory classification of a third-party provider's VoIP service as an information service is irrelevant to the issue of whether a wholesale provider of telecommunications may seek interconnection under Section 251(a) and (b)."[31] The FCC recognized that information service providers "use" telecommunications services as inputs in their information services. Accordingly, the FCC found that a LEC providing connectivity to a VoIP provider on a wholesale basis is entitled to interconnection

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27 *See, e.g.*, Comments of Leap & Cricket, at 13 (Feb. 24, 2011) ("First, the Commission should clarify that consistent with section 251(a)(1) of the Act, telecommunications carriers, including packetized voice providers, have a right to request IP-to-IP interconnection with the terminating carrier if the terminating carrier offers wholesale or retail IP-voice services to their customers. If parties cannot negotiate terms, they should be able to avail themselves of arbitration rights similar to those in section 252.").

28 47 U.S.C. § 251(a)(1) (emphasis added).

29 47 U.S.C. § 153(44).

30 47 U.S.C. § 153(46).

31 *Time Warner Cable Request for Declaratory Ruling that CLECs May Obtain interconnection Under Section 251 to Provide Wholesale Telecommunications Services to VoIP Providers*, DA 07-709, Memorandum Opinion and Order, 22 FCC Rcd 3513, at ¶ 15 (March 1, 2007) ("*Time Warner Order*").

under Section 251(a)(1) and 251(b)(5).[32] Likewise, in 2011, the Commission issued a declaratory ruling regarding the scope of section 251(a), stating:

> We clarify that LECs are obligated to fulfill all of the duties set forth in sections 251(a) and (b) of the Act, *including the duty to interconnect and exchange traffic, even if the LEC has a rural exemption* from the obligations set forth in section 251(c). We also clarify that the rural incumbent LECs' obligations under sections 251(a) and (b) can be implemented through the state commission arbitration and mediation provisions in section 252 of the Act.[33]

Thus, the Commission has already held that rural LECs are subject to the obligation to interconnect directly or indirectly under section 251(a); however, Inteliquent does not oppose the continued reliance of rural LECs on any exemptions, suspensions or modifications of section 251 requirements available to such LECs under section 251(f). Additionally, the Commission has also determined that section 251(a) interconnection obligation can be subject to state commission mediation and may be arbitrated before a state commission under section 252.[34] In sum, all telecommunications carriers come within the scope of section 251(a), regardless of the technology they employ, making this section a firm foundation on which to implement the transition to IP interconnection.

VII. THE COMMISSION NEED NOT DECIDE THE DIVISIVE ISSUE OF THE APPLICATION OF SECTION 251(C)(2) TO IP INTERCONNECTION IN ORDER TO CONDUCT THE FOCUSED, VOLUNTARY TRIALS PROPOSED BY THE TASK FORCE

The Commission need not determine the hotly contested issue as to whether or not IP-to-IP Interconnection should be subject to the Section 251(c)(2) requirements and processes before conducting the type of focused, voluntary technical and process trials proposed by the Task

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32 *Time Warner Order*, at ¶¶ 15, 17.

33 Interconnection Clarification Order, at ¶¶ 2, 7.

34 Interconnection Clarification Order, at ¶ 3.

Force.[35] As suggested in the Public Notice, the Commission could conduct focused trails "where the parties agree to negotiate pursuant to the existing section 251/252 framework," without requiring "any party to concede that sections 251/252 [and in particular direct interconnection requirements under 251(c)(2)] apply as a legal matter."[36] The Commission need only reaffirm that the Section 251(a) obligation for all carriers to "interconnect directly or indirectly" is technology neutral and thus applies to IP-to-IP interconnection.[37]

VIII. CONCLUSION

Inteliquent enthusiastically volunteers to participate in appropriate, focused trials that are designed to facilitate, demonstrate and test both indirect and direct IP interconnection methods and procedures, including TDM to IP conversions. To facilitate the transition to IP networks, the Commission should reaffirm that section 251(a) requires that all carriers provide for direct or indirect IP interconnection, regardless of the underlying network technologies and communications protocols involved. If an ILEC (or its affiliate) that has an obligation to provide direct TDM

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35 *See, e.g.,* Public Notice, at 5 ("In moving from TDM to VoIP interconnection, issues such as the number and physical points of interconnection, pricing, transit, numbering, number portability, service level agreements, quality of service, and other terms, will need to be resolved."); TAC VoIP Interconnection White Paper, at 2.

36 Public Notice, at 5, n.23.

37 47 U.S.C. 251(a). *See, e.g., Time Warner Order*, at ¶¶ 15, 17 ("The regulatory classification of the service provided to the ultimate end user has no bearing on the wholesale provider's rights as a telecommunications carrier to interconnect under section 251. As such, we clarify that the statutory classification of a third-party provider's VoIP service as an information service or a telecommunications service is irrelevant to the issue of whether a wholesale provider of telecommunications may seek interconnection under section 251(a) and (b)."); Interconnection Clarification Order, at ¶¶ 2-3, 7; *Technology Transitions Policy Task Force Seeks Comment on Potential Trials*, GN Docket No. 13-5, Comments of T-Mobile USA, Inc., at 10 ("As the Commission pointed out in the *USF/ICC Transformation Order*, with respect to Section 251, "its interconnection requirements are technology neutral – they do not vary based on whether one or both of the interconnecting providers is using TDM, IP or another technology in their underlying networks."); *USF/ICC Transformation Order*, 26 FCC Rcd 18126, at ¶ 1342. Under the Commission's existing rules, "[a] telecommunications carrier that has interconnected or gained access under section 251(a) . . . of the Act, may offer information services through the same arrangement, so long as it is offering telecommunications services through the same arrangement as well." 47 C.F.R. § 51.100(b).

interconnection, elects not to provide direct IP interconnection under section 251(a), then the Commission should require the refusing ILEC to pay for the increased costs of any needed IP-TDM conversions and any other increased costs that arise due to that provider's election of indirect interconnection.

Respectfully submitted,

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