Before the
Federal Communications Commission
WASHINGTON, D.C. 20554

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

REPLY COMMENTS OF THE
NATIONAL ASSOCIATION OF REGULATORY UTILITY COMMISSIONERS

The National Association of Regulatory Utility Commissioners (NARUC) respectfully submits these reply comments on the Federal Communications Commission (FCC) May 10, 2013 Notice of Proposed Rulemaking (*NPRM*) in the above-captioned proceeding.[1] NARUC, a nonprofit organization founded in 1889, has members that include the government agencies in the fifty States, the District of Columbia, Puerto Rico, and the Virgin Islands charged with regulating the activities of telecommunications,[2] energy, and water utilities. Congress and the courts[3] have consistently recognized NARUC as a proper entity to represents the

[1] See, *Technology Transitions Policy Task Force Seeks Comment on Potential Trials*, GN Docket No. 13-5, Public Notice, DA 13-1016 (Technology Transitions Policy Task Force, May 10, 2012) (*Trials Notice*), online at: http://transition.fcc.gov/Daily_Releases/Daily_Digest/2013/dd130513.html.

[2] NARUC's member commissions have oversight over intrastate telecommunications services and particularly the local service supplied by incumbent and competing local exchange carriers (LECs). These commissions are obligated to ensure that local phone service supplied by the incumbent LECs is provided universally at just and reasonable rates. They have a further interest to encourage unfettered competition in the intrastate telecommunications market as part of their responsibilities in implementing: (1) State law and (2) federal statutory provisions specifying LEC obligations to interconnect and provide nondiscriminatory access to competitors. See, e.g., 47 U.S.C. § 252 (1996).

[3] See *United States v. Southern Motor Carrier Rate Conference, Inc.*, 467 F. Supp. 471 (N.D. Ga. 1979), aff'd 672 F.2d 469 (5th Cir. 1982), aff'd en banc on reh'g, 702 F.2d 532 (5th Cir. 1983), rev'd on other grounds, 471 U.S. 48 (1985). See also *Indianapolis Power and Light Co. v. ICC*, 587 F.2d 1098 (7th Cir. 1982); *Washington Utilities and Transportation Commission v. FCC*, 513 F.2d 1142 (9th Cir. 1976).

collective interests of the State public utility commissions. In the Federal Telecommunications Act,[4] Congress references NARUC as "the national organization of the State commissions" responsible for economic and safety regulation of the intrastate operation of carriers and utilities.[5]

The May 10, 2013 *Trials Notice* seeks 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 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.

Laudably, the 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.

In partial response to this latest notice, NARUC passed a resolution last month at its meetings in Denver, Colorado. A copy of that resolution is appended to these comments. Consistent with that resolution, NARUC respectfully submits

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[4] *Communications Act of 1934*, as amended by the *Telecommunications Act of 1996*, 47 U.S.C. §151 *et seq*., Pub.L.No. 101-104, 110 Stat. 56 (1996) (West Supp. 1998) ("Act" or "1996 Act").

[5] See 47 U.S.C. § 410(c) (1971) (NARUC nominates members to FCC Joint Federal-State Boards which consider universal service, separations, and related concerns and provide formal recommendations that the FCC must act upon; Cf. 47 U.S.C. § 254 (1996) (describing functions of the Joint Federal-State Board on Universal Service). Cf. *NARUC, et al. v. ICC*, 41 F.3d 721 (D.C. Cir 1994) (where the Court explains "…Carriers, to get the cards, applied to…(NARUC), an interstate umbrella organization that, as envisioned by Congress, played a role in drafting the regulations that the ICC issued to create the "bingo card" system.)

these reply comments endorsing generally key points raised by comments filed by member State commissions in Minnesota, Massachusetts, Indiana, New York, Nebraska, California, Michigan, Wisconsin, and the District of Columbia.[6]

Partnership not Preemption - Trial Specific Joint Board Referrals

All the State Commission comments reference the importance of protecting the Federal-State partnership evident in the provisions of the Telecommunications Act.[7] What Congress intended is obvious on the face of the 1996 legislation. It expected States and the FCC to work together to facilitate competition, broadband deployment, and universal service.[8] It is no accident that the definition of "telecommunications services" is technologically neutral.[9] Congress did not

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[6] See *July 3, 2013 Comments of the Minnesota Public Utilities Commission and Department of Commerce*, available online at: http://apps.fcc.gov/ecfs/document/view?id=7520927790; *July 7, 2013 Comments of the Massachusetts Department of Telecommunications and Cable*, available online at: http://apps.fcc.gov/ecfs/document/view?id=7520927790; *July 7, 2013 Comments of the Indiana Utility Regulatory Commission*, available online at: http://apps.fcc.gov/ecfs/document/view?id=7520928843; *July 8, 2013 Comments of the New York Public Service Commission*, available online at: http://apps.fcc.gov/ecfs/document/view?id=7520928826; *July 8, 2013 Comments of the Nebraska Public Service Commission*, available online at: http://apps.fcc.gov/ecfs/document/view?id=7520928862; *July 8, 2013 Comments of the California Public Utilities Commission and the People of the State of California*, available online at: http://apps.fcc.gov/ecfs/document/view?id=7520929098; *July 9, 2013 Comments of the Michigan Public Service Commission*, at: http://apps.fcc.gov/ecfs/document/view?id=7520933867; *July 26, 2013 Reply Comments of the Public Service Commission of Wisconsin, (Wisconsin Comments) available online at:* http://apps.fcc.gov/ecfs/document/view?id=7520933867; *August 5, 2013 Ex Parte Letter from Carey B. Hinton, on behalf of the DC Public Service Commission, to Marlene H. Dortch, FCC Secretary, available online at:* http://apps.fcc.gov/ecfs/document/view?id=7520936135.

[7] See, e.g., *Wisconsin Comments* at 3, (The PSCW supports the joint comments of the Minnesota Public Utilities Commission and the Minnesota Department of Commerce, the comments of the California Public Utilities Commission . . . the Michigan Public Service Commission . . . the Massachusetts Department of Telecommunications and Cable . . . the New York Department for Public Service . . .(and others) with respect to the importance of involving the States in the trials.")

[8] See, e.g., 47 U.S.C. §§251-2, 254 (1996).

[9] According to Congress,"[t]he term "telecommunications service" means the offering of telecommunications for a fee directly to the public…regardless of the facilities used."47 U.S.C. §153 (46). {emphasis added} "The term "telecommunications" means the transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received." 47 U.S.C. §153 (43).

expect either federal or State regulators to intervene in the market to protect competitors based on the technology they use to provide service. Congress also specified that States, which have both the experience and the resources, should handle interconnection negotiations.[10] Indeed, in the single most preemptive provision in the 1996 legislation, Congress specifically reserved State authority over both universal service and service quality.[11] Moreover, the Joint Board provision increased in importance, as Congress required a specific type of Joint Board to address universal service issues. Congress recognized the FCC's limited resources along with State commissions proximity and long experience in oversight.[12] Indeed, the FCC to, in several contexts has also "recognize[d] . . . that

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[10] See, 47 U.S.C. §251-2 (1996).

[11] 47 U.S.C. Section 253, which is unquestionably the broadest grant of preemptive authority provided to the FCC in the entire statute – allowing the FCC to preempt ANY state or local law that has the effect of prohibiting ANY telecommunications service provider from entering a market - still explicitly reserves State authority over *inter alia*, service quality and universal service. ("Nothing in this section shall affect the ability of a State to impose on a competitively neutral basis and consistent with Section 254…requirements necessary to preserve and advanced universal service, protect the public safety and welfare, ensure the continued quality of telecommunications services and safeguard the rights of consumers.")

[12] Many of the referenced State Commission filings quote from, and endorse, views outlined in a Draft *NARUC Federalism Task Force Report: Cooperative Federalism and Telecom in the 21st Century*, available at: http://www.naruc.org/Publications/Draft%20Federalism%20Task%20Force%20Report.pdf. That June 2013 report, at 4, accurately describes the federal state collaboration expected by Congress:

> The idea of the States and the FCC working jointly to identify and resolve end user and carrier issues and ensure competition is a central part of TA96. The Act envisions collaboration between the FCC and the States in determining end-user needs, promoting on-going competition between providers and technologies, providing universal service, ensuring public safety and privacy, and protecting consumers from illegal and unfair practices. The Act shares regulatory jurisdiction over communications between the States and the federal government. It divides responsibilities along the traditional lines of inter and intrastate communications but looks to the States to provide insight into the needs of their residents, to ensure that comparable service is available to all users regardless of location, and to encourage competition and the universal availability of service by ensuring that providers interconnect their networks, regardless of the technology those networks use. The Act also recognizes that the States have specific expertise in many areas, particularly those requiring investigation and adjudication. The Act also creates specific mandates for the States and the FCC to work together through . . . Joint Boards to evaluate issues and recommend solutions to problems.

[S]tates play a vital role in protecting end users from fraud, enforcing fair business practices, and responding to consumer inquiries and complaints."[13] It is only logical that that partnership form the foundation for any technology trials.

NARUC commends the FCC for asking the right question. The *Trials Notice*, *mimeo* at 12, specifically seeks comment on the right procedural vehicle to assure proper State input.

We agree with *Comments of the California Public Utilities Commission*, at page 11, that any trial that affects service offered by a State franchised or certificated carrier must respect State law. Obviously, the relevant commission must retain authority to approve any withdrawal of service contemplated.[14]

We also agree generally with Massachusetts and New York's comments[15] that the FCC must assure that any proposed "trials" do not interfere with ongoing

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[13] *In the Matter of Preserving the Open Internet Broadband Industry Practices*, GN Docket No. 09-191, WC Docket No. 07-52, FCC 10-201 Report and Order, (rel December 23, 2010) mimeo at 66, note 274 available online at http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-10-201A1.pdf.

[14] See also, *Comments of the Massachusetts Department of Telecommunications and Cable*, at 10, specifying that the FCC should require service providers to comply with all federal and State requirements concerning the discontinuance of service.

[15] See, e.g., *Comments of the New York Public Service Commission*, at 3: "The NYPSC's temporary approval of Voice Link is not a trial; the NYPSC has not approved the abandonment of copper facilities or wireline service; and the NYPSC has not reached a final decision on these issues. As part of the proceeding to evaluate the performance of Voice Link, the NYPSC is seeking comments from interested parties and stakeholders on Verizon's technology, service plans and delivery." See also, *Comments of the Massachusetts Department of Telecommunications and Cable*, at 10: "[T]he MDTC has an open proceeding reviewing an IP agreement to determine whether the agreement is constitutes a "section 251 interconnection agreement" subject to the requirements of 47 U.S.C. § 252. The FCC should ensure the IP Interconnection trials do not interfere with MDTC or any other State commission's ability to conduct such a proceeding."

"State proceedings" and that "trials" are in-fact "trials" and not efforts to indirectly bypass open State dockets or override existing State service obligations.

This is not a minor consideration. One of the requests that sparked this notice was the AT&T request for "wire center deregulation" trials. AT&T started rolling out its U-verse services in 2006. According to "Wikipedia",[16] it added U-verse Voice in January of 2008. It already has 7.1 million broadband and 2.7 VoIP customers utilizing the service. It also announced in 2012 plans to expand and enhance its wireline IP network to 75% of all customer locations by the end of 2015. The AT&T request does raise the question of why a trial is needed now – 6 years after the U-verse product hit the market and almost 4 years after the VoIP service was rolled out to almost 3 million customers. Apparently, the company has had no significant problems rolling out the service to date. As AT&T points out in its February 25, 2012 Reply Comments in GN Docket No. 12-353, at 21, only 21 percent of the residential housing units in the States where AT&T is an ILEC will still subscribe to ILEC POTS services by the end of this year. Indeed, on Page 4, of the Reply Comments of Shockey Consulting, available online at http://apps.fcc.gov/ecfs/document/view?id=7520931878, he notes that "[t]he Commission's own 477 data indicates that perhaps as high as 30% of all US Voice traffic is being switched using IP based SIP/IMS systems now, often over highly managed IP networks in order to maintain effective Quality of Service and Quality of Experience guarantees."

The "trial" appears on its face, an effort to influence legal conclusions rather than derive technical data that would speed deployment and enhance policy

[16] AT&T U-Verse (from Wikipedia, the free encyclopedia): http://en.wikipedia.org/wiki/U-verse (Accessed August 2, 2013).

determinations. Indeed, AT&T is still working on "an executable blueprint" for wire center trials *more than eight months* after proposing such trials.[17]

The FCC must also assure, to the extent a trial is approved, that trial participants cooperate with the impacted jurisdictions. This too is not a hypothetical concern. States have been a crucial partner in preserving NPA codes. NARUC argued, unsuccessfully, that granting the IP numbering trials was an unnecessary paper exercise that would garner no useful data, but would simply prejudge crucial policy determinations in the pending NPRM. The FCC disagreed, but was careful to include States in the process of the rollout on these "trials." The FCC indicated that the carriers would remain subject to the same conditions that apply to currently certificated carriers. However, the nomadic VoIP providers' compliance with FCC instructions to-date is less than stellar. The April 18, 2013, *Notice of Proposed Rulemaking, Order and Notice of Inquiry* (FCC 13-51) that granted VoIP service providers limited, conditional access to numbering resources directed those providers to submit by May 20, 2013 to the FCC <u>and each relevant State commission</u> their proposals. The FCC got its notifications timely and on June 17, 2013, approved the technical trial numbering proposals from five VoIP service providers to be conducted in nine States (Arizona, California, Colorado, Florida, Georgia, Massachusetts, New York, North Carolina and Texas). However, as the attached resolution specifies, those proposals were approved, even

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[17] *See* AT&T Comments, GN Dkt. No. 13-5, at 15 (filed July 8, 2013). <u>See also,</u> *January 28, 2013 Comments of the National Association of Regulatory Utility Commissioners*, in WC Docket No. 12-353, specifically addressing the myriad of flaws in AT&T proposal, available online at: http://apps.fcc.gov/ecfs/document/view?id=7022113735. Rather than regurgitating those arguments herein, we respectfully request those January 28 comments be incorporated by reference into the record of this proceeding. Compare, *Cbeyond et al. Comments*, GN Dkt. No. 12-353, at 19-27 (filed Jan. 28, 2013).

though only one State had received the VoIP service providers' proposals by the FCC-mandated May 20, 2013 submittal deadline.

The Comments of the Nebraska Public Service Commission, at 1, and those filed by Minnesota point out accurately that affected State commissions must be given the opportunity to assist in the selection of the geographic trial areas, evaluate the trial-related data, and offer assistance to residential and business consumers. The best vehicle to address all these concerns while identifying the preconditions and required State interactions needed for any particular type of technology transition trial, is a referral to an adequately funded Federal-State Joint Board on Universal Service. This was the recommendation of the resolution that passed NARUC without opposition in July. Unquestionably, the universal service Joint Board is well suited to engage in the needed collaborative review 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.

Preliminary Matters – The FCC Should Classify Managed VoIP as a Telecommunications Service subject to Section 251-2 Interconnection Obligations

The *Trials Notice* suggests the FCC may allow participants to negotiate "without a backstop of regulations or specific parameters and provide updates, reports, and data to the Commission regarding any technical issues as well as any other issues of dispute."[18] This statement highlights the need for the FCC to provide several very long overdue clarifications.

[18] *Trials Notice, mimeo* at 5.

The FCC's inability to provide needed certainty by classifying VoIP services as either a "telecommunications service" or an "information service" is at least one key driver for of the trials suggested. NARUC, the States, and the industry stakeholders continue to waste significant resources, all at the ultimate expense of the taxpayer and ratepayers, on proceedings that would be unnecessary if the FCC acted. In the context of the *Trials Notice*, a "real-world VoIP interconnection trial" will not help the Commission clarify the statutory basis for incumbent LECs' duty to provide VoIP interconnection. That clarification begins and ends with an interpretation of the statute. The only evidence available strongly suggests that the biggest obstacle to establishing VoIP interconnection agreements is incumbent LECs' unwillingness to do so—*not* any technical issues related to VoIP interconnection. AT&T's "real-world wire center deregulation trial" raises the same issue. An FCC ruling on the classification of VoIP services will resolve all the "issues" that this "trial" is apparently designed to "test" – the applicability of State COLR/disconnection policies, etc.

Congress has already established the framework for negotiating interconnection agreements. As Commissioner Rosenworcel recently testified: "Congress, in laying out the definitions at the front of the Communications Act, speaks to telecommunication services *regardless of the technology used*."[19] A change in technology to provide the very same service cannot allow carriers to escape State and federal universal service, service quality and interconnection obligations. If the FCC is truly interested in facilitating rollout of IP services, and saving taxpayers/ratepayers money, the best thing it can do is provide legal certainty – not open-ended trials. The FCC should immediately, and certainly

[19] Transcript, July 10, 2012 House Committee on Energy and Commerce, Subcommittee on Communications and Technology, Hearing on FCC Oversight.

before any trial moves forward, clarify the legal status of managed IP-based voice services as well as the applicability of the interconnection duties imposed on carriers in the statute.

IV. CONCLUSION

NARUC applauds the FCC's recognition of the crucial partnership Congress created in the Telecommunications Act. We request the FCC immediately clarify the regulatory status and interconnection obligations of carriers providing managed VoIP communications. Every one of these trials unquestionably impacts both federal and State universal service policy. Before proceeding to the details of any specific trial, the FCC should provide sufficient funding to, and refer to, the Universal Service Joint Board any trial proposal. The Joint Board is the proper procedural vehicle for a joint FCC-State collaborative review of the design, geographic application, selection of applicants and proper evaluation of the trials, as well as related policy recommendations necessary to maintain and advance the statutorily protected universal service concept.

Respectfully Submitted,

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August 7, 2013

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

Resolution Regarding the Interconnection of New Voice Telecommunications Services Networks

WHEREAS, The benefits of competition can be measured by the continuous delivery of voice and advanced services to market from numerous types of telecommunications carriers as defined by the Telecommunications Act of 1996 (the Act) 47 U.S.C. 153 (44). These benefits are largely being realized across the United States due to innovations in technology guided by the principles set forth in the Act; *and*

WHEREAS, NARUC applauds the numerous advances in technology achieved by the telecommunications industry to enable the efficient transmission of voice telecommunications traffic and the continued successes in developing innovative means to deliver voice telecommunications services to consumers across the nation; *and*

WHEREAS, Interconnection of telecommunications carriers' networks for the exchange of voice traffic is essential to ensure that consumers continue to enjoy the benefits of robust competition and to receive voice services that are universally connected, reliable, secure, and of high quality; *and*

WHEREAS, Section 251 of the Act requires all telecommunications carriers to interconnect with the facilities and equipment of other telecommunications carriers; *and*

WHEREAS, The Act, in its imposition of interconnection requirements is technologically neutral and does not distinguish between circuit switched facilities and other network facilities that may be used to exchange voice telecommunications traffic; *and*

WHEREAS, Telecommunications carriers are substituting Next Generation Network technology in their networks in place of circuit switched technology in order to reduce the costs of providing voice telecommunications services and for other network management purposes; *and*

WHEREAS, The Federal Communications Commission (FCC) has determined that the exchange of voice telecommunications traffic between telecommunications carriers is subject to the interconnection obligations under Section 251 irrespective of the regulatory classification of the retail service provided to the ultimate end user; *and*

WHEREAS, NARUC recognizes that this resolution does not address the regulatory classification of telecommunications carriers, nor is it intended to influence any proposals to change said classification; *and*

WHEREAS, Section 252 of the Act provides State commissions with the primary responsibility to mediate, arbitrate and approve interconnection agreements between incumbent local exchange carriers and other telecommunications carriers; *and*

WHEREAS, NARUC recognizes that State commissions and the FCC will continue to work together to evaluate what rules, guidelines or performance standards are needed to ensure that telecommunications carriers are able to compete fairly with incumbent local exchange carriers; *and*

WHEREAS, NARUC recognizes that in emerging and competitive markets, incumbent and competitive telecommunications carriers each benefit from appropriate technologically neutral policies; *and*

WHEREAS, NARUC supports technical standards that allow all telecommunications carriers to
interconnect with each other as the "network of networks" develops and that do not mandate the use of a particular technology or a specific network configuration; *and*

WHEREAS, Congress has clearly intended and NARUC has consistently advocated that the State commissions have a clear role to exercise their explicit authority under Sections 251 and 252; *and*

WHEREAS, NARUC recognizes that it is in the public interest for telecommunications carriers to interconnect their networks to exchange traffic in a technologically neutral manner, as provided for under Sections 251 and 252; *and*

WHEREAS, Insofar as State commissions have been at the forefront of implementing and enforcing the open market requirements of the Act and in working with the incumbent local exchange carriers and competitive telecommunications carriers alike to advance local exchange competition; *now, therefore, be it*

RESOLVED, That the Board of Directors of the National Association of Regulatory Utility Commissioners (NARUC), convened at its 2008 Summer Meetings in Portland, Oregon, recognizes that State commissions should continue their active role in ensuring that consumers enjoy the full and unconstrained benefits of local competition for voice telecommunications services; *and be it further*

RESOLVED, That the NARUC General Counsel be directed to take any appropriate actions which protects the authority, under Sections 251 and 252, of State commissions and the preservation of telecommunications carriers' interconnection rights and traffic exchange obligations, under Sections 251 and 252, in a technologically neutral manner.

Sponsored by the Committee on Telecommunications
Adopted by the Board of Directors July 23, 2008