

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

In the Matter of	
Numbering Policies for Modern Communications;	WC Docket No. 13-97
IP-Enabled Services;	WC Docket No. 04-36
Telephone Number Requirements for IP-Enabled Services Providers;	WC Docket No. 07-243
Telephone Number Portability;	CC Docket No. 95-116
Developing a Unified Intercarrier Compensation Regime;	CC Docket No. 01-92
Connect America Fund;	WC Docket No. 10-90
Number Resource Optimization;	CC Docket No. 99-200
Petition of Vonage Holdings Corp. for Limited Waiver of Section 52.15(g)(2)(i) of the Commission's Rules Regarding Access to Numbering Resources; and	
Petition of TeleCommunications Systems, Inc. and HBF Group, Inc. for Waiver of Part 52 of the Commission's Rules	

**REPLY COMMENTS OF AT&T**

AT&T Services, Inc., on behalf of its affiliated companies, (AT&T) files these reply comments in response to the Commission's Notice of Proposed Rulemaking and Notice of Inquiry released on April 18, 2013.<sup>1</sup>

**I. Discussion**

The Commission's *Notice* has spurred a vigorous debate over both expanding the pool of providers with direct access to numbering resources and the future of telephony itself. This

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<sup>1</sup> *Numbering Policies for Modern Communications; etc., Notice of Proposed Rulemaking, Order and Notice of Inquiry*, WC Docket Nos. 13-97, 04-36, 07-243, and 10-90; CC Docket Nos. 95-116, 01-92, and 99-200; FCC 13-51 (rel. April 18, 2013) (*Notice/NOI*).

debate is a healthy and necessary exercise if regulators and industry are going to reach the much ballyhooed future of an all-IP world.

In our comments, we stressed the big picture. That is, we sought to underscore how opening direct access to numbering resources to interconnected VoIP providers—and possibly others—should be viewed in the larger context of transitioning from the TDM-world to the all-IP world. And we focused on issues pertaining to the near-term question of how interconnected VoIP providers might be given access to numbering resources without unduly disturbing the TDM infrastructure still needed to provide reliable communications to most Americans and issues pertaining to the long-term process of migrating from TDM to IP, ultimately terminating in the sunset of the TDM interconnection as the default interconnection paradigm.

Viewed in its entirety, the migration from TDM to IP can appear daunting. But failing to act to bring about and systematically manage this change is not an option because the market is moving communications to IP networks whether regulators or some industry players are ready. So we need to take manageable steps now to facilitate this migration. For its part, the Commission can oversee and evaluate technical trials, including AT&T's proposed comprehensive geographic trials, trials of database capabilities, and the limited technical trial of direct access to numbers; request that consultative bodies, like the NANC, prepare reports on addressing issues relevant to the use of non-geographic TNs; and work with numbering database providers to retool databases to make access to numbering resources more efficient. State commissions can use their delegated authority to address their concerns about TN exhaust by instituting state-wide ten-digit dialing and conducting investigations into rate center consolidation. And industry groups can work cooperatively to develop processes for the exchange of both TDM-based and IP-based traffic using new and creative marketplace solutions.

In addition to these preliminary steps, however, the Commission can best motivate all concerned by announcing the date by which the default setting for interconnection will move from TDM to IP. This one step will give all involved a clear goal to work toward and provide appropriate incentives to work cooperatively to the all-IP world we claim to want.

**1. The Commission should not address concerns about TN exhaust by imposing requirements on interconnected VoIP providers not generally imposed on others.**

One fear raised in response to the request to allow interconnected VoIP providers with direct access to numbering resources was that it would accelerate telephone number (TN) exhaust.<sup>2</sup> AT&T was among those commenters who opined that this fear is overstated.<sup>3</sup> Just as importantly, however, commenters agreed with AT&T's assertion that, if TN exhaust is a real concern, the Commission should address it head on as a problem for all providers with direct access to numbering resources and should avoid singling out interconnected VoIP providers when fashioning a remedy.<sup>4</sup>

Along these lines, we note that TN exhaust is often raised by state commission commenters.<sup>5</sup> Yet, state commissions are not powerless to stem the tide of TN exhaust and they are free to act now to address their own concerns. Among the arrows in their quivers, the state commissions can undertake to institute state-wide ten-digit dialing and they can petition the Commission for authority require thousands-block number pooling in all their rate centers.<sup>6</sup> In addition, these same state commissions can institute proceedings on rate center consolidation or implement broader NPA overlays within their state.<sup>7</sup>

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<sup>2</sup> Notice para. 24 (“Several commenters are concerned that allowing interconnected VoIP providers direct access to numbers will accelerate telephone number exhaust and promote waste of this valuable resource. They are concerned, in particular, that interconnected VoIP providers will request Location Routing Numbers (LRNs) in rural rate centers, which will strand many unused numbers.”)

<sup>3</sup> Comments of AT&T at 7 (filed July 19, 2013) (AT&T Comments).

<sup>4</sup> Comments of Voice on the Net Coalition at 7-8 (VON Comments); Comments of Vonage Holdings Corp. at 15-16 (Vonage Comments).

<sup>5</sup> Comments of New Jersey Division of Rate Counsel at 10 (NJ Rate Counsel Comments); Comments of Pennsylvania Public Utility Commission at 9 (Pennsylvania PUC); Comments of Pennsylvania Public Utility Commission, New York Public Service Commission, and the Indiana Utility Regulatory Commission at 6-7 (collectively “State Commissions”).

<sup>6</sup> Comments of Richard Shockley at 7; *see also* Comments of Pennsylvania Public Utility Commission at 11-12 (Pennsylvania PUC).

<sup>7</sup> Pennsylvania PUC at 14-15.

All this aside, however, we still believe that the time is past due to make number assignment more efficient generally. One way would be to retool the Number Portability Administration Center (NPAC) database to allow for individual telephone number (INT) pooling; that is, assignment of TNs on an as-needed basis. Other commenters agree that this would go along way to alleviate fears of TN exhaust, especially as it would apply to interconnected VoIP providers.<sup>8</sup> Whether the Commission agrees with any specific plan to improve TN assignment efficiency—such as the just-in-time plan previously outlined by AT&T<sup>9</sup>—the Commission should not lay the burden of remedying any alleged TN exhaust problem on the backs of a select group of providers.

**2. The Commission’s alternative documentation process to allow interconnected VoIP providers obtain numbers should not unnecessarily expand state commission authority over interconnected VoIP providers or create unnecessary barriers to market entry.**

In response to the Commission’s invitation to comment on a documentation process for qualifying interconnected VoIP providers for direct access to numbering resources, AT&T recommended that the Commission provide its own centralized certification process that included certain minimum elements. These elements included: (1) a certification of *universal connectivity* (*i.e.*, that the TNs would be in support of a wholesale or retail commercial service whereby all persons with North American Numbering Plan (NANP) TNs (or other E.164 numbers internationally) can reach the applicant’s customers and conversely all its customers can reach all other persons with NANP TNs); (2) an equivalent of the *facilities readiness* requirement (*i.e.*, providing a brief description of how the provider intended to meet its universal connectivity obligation and proof of follow-through); (3) an agreement to submit to the authority of the Commission, including with respect to any obligations assumed in the documentation

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<sup>8</sup> Comments of Interisle Consulting Group LLC, Terra Nova Telecom Inc., and Aero Communications LLC at 5-6; Neustar, Inc. at 8-9.

<sup>9</sup> AT&T Comments at 18-19.

process and to any Commission rules governing the use of TNs; and (4) an agreement to maintain necessary entries in relevant industry databases, such as the LERG and NPAC.<sup>10</sup>

For their part, state commissions have recommended some degree of notification at the state level and some review process. For example, apart from its purported befuddlement over how interconnected VoIP providers would be able to show authority to provide service absent an authorizing agency, the California PUC suggests documentation could be obtained in its state by showing “evidence of compliance with P.U. Code § 285, pursuant to which VoIP providers are required to collect and remit to the CPUC universal service program surcharges.”<sup>11</sup>

Additionally, the California PUC proposes that it be given a formal opportunity to object to the assignment of numbers to a provider using the Commission’s documentation process.<sup>12</sup> The Michigan Public Service Commission makes a similar proposal.<sup>13</sup> Other state commissions, however, merely seek that the documentation filed at the federal level also be filed at the state level.<sup>14</sup>

For our part, we envisioned that the Commission’s documentation process would be largely clerical in nature; that is, it would amount to little more than filing a form with appropriate attachments and certifications. But we also saw the value in making the documentation immediately available to the state regulatory agencies for the jurisdictions in which the applicant intends to do business, which would keep the state apprised of “current, corporate contact information for personnel qualified to address issues relating to regulatory requirements, compliance, 911, and law enforcement.”<sup>15</sup>

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<sup>10</sup> AT&T Comments at 3-4. Similarly, other commenters proposed using the FCC’s existing Form 499-A; *see* Comments of Comcast Corp. at 5; Comments of Vonage Holdings Corp. at 12-13 (Comments of Vonage).

<sup>11</sup> Comments of the California Public Utilities Commission and the People of the State of California at 9-10 (California PUC Comments).

<sup>12</sup> *Id.* at 10.

<sup>13</sup> Comments of Michigan Public Service at 2 (Michigan PSC).

<sup>14</sup> Comments of State Commissions at 8.

<sup>15</sup> *Notice* para. 33.

Apart from these technical details, however, the Commission should craft the documentation process in such a manner as to avoid creating barriers to market entry or giving state commissions unbridled veto power over a provider's ability to access numbering resources. As pointed out in our comments, sharing this information with state commissions is akin to the present numbering resource request process used today whereby state commissions are granted access to numbering resource application materials submitted to the national numbering administrator. Under that process, sharing the numbering resource application materials is *not* intended "to give state commissions a veto over approval of applications, nor is it to introduce an additional layer of review for applications."<sup>16</sup> That said, if the Commission were interested in allowing challenges to applications for numbering resources, including challenges by state commissions, then the process should involve adequate notice and hearing and the outcome should be determined based on published criteria approved by the Commission. And the criteria the Commission uses to judge the application should be the type of criteria that could be applied equally to all providers seeking numbering resources from the North American Numbering Plan Administrator (NANPA) or the Pooling Administrator (PA) and not just those who are not "authorized to provide service in the area for which the numbering resources are being requested" within the present meaning of Commission Rule 52.15(g). But all in all, the documentation process should make direct access to numbering resources work efficiently, not bog it down, and facilitate entry into markets, not delay it.

**3. The Commission should clarify how telephone numbering resources are reported in the NRUF to make that numbering resource optimization tool more effective.**

In the *Notice*, the Commission raised the issue of the definitions of "intermediate numbers" and "assigned numbers" for the purpose of the Numbering Resource Utilization

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<sup>16</sup> AT&T Comments at 11. *See also Numbering Resource Optimization; Petition for Declaratory Ruling and Request for Expedited Action on the July 15, 1997 Order of the Pennsylvania Public Utility Commission Regarding Area Codes 412, 60, 215, and 717, Second Report and Order, Order on Reconsideration in CC Docket No. 96-98 and CC Docket No. 99-200, and Second Further Notice of Proposed Rulemaking in CC Docket No. 99-200*, 16 FCC Rcd 306 para. 123 (2000)

Forecast (NRUF) report. Briefly, carriers are not reporting the use of TNs under the “intermediate number” category consistently. In our comments, we asked the Commission to consider the clarification proposed by the NANC IMG.<sup>17</sup> For its part, however, the California PUC took a different approach and recommended that the Commission eliminate this category or, in the alternative, it recommended that the Commission “modify its rules so that the service provider to which numbers are dispensed would be responsible for their number use and reporting to the NANPA.”<sup>18</sup> Other state commissions proposed keeping the intermediate number category but not allowing interconnected VoIP providers with their own OCN and direct access to numbering resources to maintain a numbering partner relationship with another carrier. This way numbers formerly categorized as “intermediate” could be transferred to the interconnected VoIP provider with the OCN and made accountable for its use of its own numbering resources.<sup>19</sup>

AT&T supports a close re-examination of the “intermediate numbers” category because the aim of any re-examination should be to make the NRUF report a more useful tool in assessing numbering resource utilization. Any revision of that category and the instructions for reporting TNs should eliminate confusion over how to report numbering resources, should produce consistent and uniform reporting results, should not restrict providers from entering into creative marketplace solutions for IP-to-TDM interconnection, and should not require carriers providing TNs on a wholesale basis to account for how their numbering partners are using their TNs on a retail basis.

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<sup>17</sup> AT&T Comments at 6 (“Intermediate numbers are included in numbers assigned by the national administrator (NANPA or PA) to a carrier (Party A) that in turn establishes a secondary inventory of numbers dedicated for use by another entity (Party B) responsible for the assignment of the numbers to end-user customers. Therefore, the numbers are not available to Party A for assignment to its end-user customers.”)

<sup>18</sup> California PUC Comments at 11.

<sup>19</sup> Joint Comments of the Public Service Commission of Wisconsin, The Oregon Public Utility Commission, The Idaho Public Utilities Commission, The Nebraska Public Service Commission, and The Minnesota Department of Commerce (collectively “Joint Commenters”) at 8. *See also* Pennsylvania PUC Comments at 15.

## **II. Conclusion**

AT&T respectfully requests that the Commission consider these comments in its deliberations on this matter.

### **AT&T**

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