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December 16, 2013

NOTICE OF *EX PARTE*

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Re: 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; Numbering Resource Optimization, CC Docket No. 99-200

Dear Ms. Dortch:

On December 12, 2013, Joe Mullin, K.C. Halm and Randy Lowe, on behalf of SmartEdgeNet, LLC (dba Edge Communications) ("SEN"), met with William Dever, Melissa Droller Kirkel (by telephone), Rhonda Lien, Eric Ralph, Timothy Stelzig, John Visclosky and Sanford Williams of the Wireline Competition Bureau to discuss the *ex parte* notice of CenturyLink dated November 15, 2013 and the *ex parte* notice response to that notice by SEN dated November 27, 2013; in particular, the requirement of CenturyLink that SEN, as an interconnected VoIP trial participant in the above-referenced matters, must purchase separate (aka direct) trunks in order to exchange interconnected VoIP calls with CenturyLink.

SEN reiterated its *ex parte* notice that the reason for the requirement given by CenturyLink, namely the need to "track and measure traffic" because it has allegedly witnessed "increased instances of robo-calling and the telecom equivalent of denial of service (TDOS) attacks associated with traffic from VoIP end points," is not only irrelevant to the trial but it is contrary to the standard approach by the industry and defeats one of the benefits of interconnected VoIP services by adding additional and unnecessary costs to an otherwise less costly service. SEN also reiterated that contrary to CenturyLink's claims, it will not facilitate a better trial nor will it remove the need to establish separate long-term arrangements. (Indeed, as stated in SEN's *ex parte* notice,

CenturyLink does not state "the manner by which it will facilitate a better trial nor the need for or relevance of separate long-term arrangements.")

During the meeting, it was asked whether it is possible to police problem traffic without use of direct trunks and whether it is possible to segregate traffic on a common trunk group? SEN pointed to its *ex parte* notice where it stated that problem traffic can be policed as it is now policed, by addressing it "with the third party carrier who interconnects with CenturyLink via a shared or common trunk. In turn, that carrier can identify which interconnected VoIP provider is transmitting such traffic and take the appropriate action. It is how such matters are handled today and how they have been traditionally handled. The trial is not an excuse for change that is both unnecessary and costly." In other words, it does not matter that the trunk is in the name of one carrier and the number is in the name of another carrier. The "trunk carrier" is able to identify the "number carrier."

The meeting also raised the question of the financial impact of the separate trunk requirement. Although CenturyLink states in its notice that "it does not cost much to establish separate trunks (around $100/month)" what CenturyLink fails to state is that the cost multiplies ten-fold (around $1,000/month) if traffic volumes require a DS3 entrance facility versus a DS1. CenturyLink also ignores the other charges associated with its requirement, such as the monthly fixed and per mile charges for direct trunked transport, which can be as high as $69.05 and $7.96, respectively, for a DS1 facility and $520.36 and $58.94, respectively, for a DS3 facility. Considering there are approximately 2,355 Century Link rate centers (which does not include rate centers that access CenturyLink's extended area services) at which interconnected VoIP providers may access CenturyLink, the cost is enormous.

Unnecessary costs, such as these costs, are the very costs that the Commission seeks to avoid in this matter. As stated by the Commission: "We expect that granting VoIP providers direct access to numbers . . . will reduce costs and inefficiencies that arise today through the mandatory use of carrier-partners."[1] Unfortunately, CenturyLink wants to reimpose what the Commission is hopeful to remove but without a justification that is irrelevant, incorrect and unproven.

The meeting raised the additional question of whether the process to obtain and maintain numbers was too burdensome? Specifically, it is worth it? SEN stated that like any new process, there is a learning curve but like most new processes, it is a learning curve that can be mastered. In the case of SEN, and as evidenced by the reports of the other trial participants, the process was not overwhelming and is worth

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[1] *In re Numbering Policies for Modern Communications, et al.,* Notice of Proposed Rulemaking, Order and Notice of Inquiry, FCC 13-51, 28 FCC Rcd 5842, 5853 ¶ 16 (2013).

the benefit of access to number resources. For instance, porting through a third party could take several days but, by doing away with the third party, porting has been reduced to a few hours. Access to number resources by interconnected VoIP providers, such as SEN, permits them to control both the numbers assigned to their customers and the process associated with those numbers instead of relying on third parties to whom it must pay a fee. And, but for CenturyLink's requirement, allows interconnected VoIP providers to reduce their costs of service. As a result, they are able to offer technologically advanced services at a reduced price.

Sincerely,

Randall B. Lowe
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Copy via email to:

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