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To: Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, SW  
Room TWA325  
Washington, DC 20554

Subject: **Assessment and Collection of Regulatory Fees Notice of Proposed Rulemaking, Second Further Notice of Proposed Rulemaking, and Order, MD Docket Nos. 14-92, 13-140, and 12-201**

**Comments of Bell Canada**

Dear Ms. Dortch,

1. Bell Canada is pleased to provide the following brief comments regarding the proposed application of Federal Communications Commission (FCC) regulatory fees on toll free numbers pursuant to *Notice of Proposed Rulemaking, Second Further Notice of Proposed Rulemaking, and Order* (the NPRM), FCC 14-88, Released 13 June 2014.

2. At paragraph 51 of the NPRM, the FCC asks whether toll free numbers should be added to its regulatory fee schedule. In so doing, it indicates that toll free numbers are not currently subject to FCC regulatory fees and that, historically, such fees have not been assessed under the rationale that the entities controlling the numbers, wireline and wireless carriers, were paying regulatory fees based on either revenues or subscribers. The FCC notes that this assumption may no longer be valid, as many toll free numbers are controlled or managed by entities, known as RespOrgs, that are not carriers. The FCC seeks comments on the appropriateness of applying regulatory fees of one cent per month, or twelve cents per year, on toll free numbers. The FCC further notes that the full-time employees involved in toll free issues are primarily from the Wireline Competition Bureau and therefore, the additional fee would reduce the Telecommunication Service Provider (TSP) regulatory fee.

3. Bell Canada is a Canadian carrier that provides service exclusively in Canada under the regulatory oversight of Canada's federal telecommunications regulator, the Canadian Radio-television and Telecommunications Commission (CRTC). To offer toll free services in Canada, in accordance with the Canadian toll free guidelines approved by the CRTC, Bell Canada (acting as a RespOrg) must obtain toll free numbering resources from the toll free administrator (currently, SMS/800, Inc.) that manages the toll free number pool on behalf of the countries that participate in the North American Numbering Plan (NANP). As set out below, we respectfully

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request that the FCC reject or limit the proposed regulatory fee on toll free numbers for two main reasons. First, it should not be applied to entities, such as Bell Canada, that have no operations in the U.S. and thus impose no regulatory costs on the FCC. Second, to the extent that such a fee was to be applied, it should at a minimum, be restricted solely to toll free numbers that are accessible within the U.S. Extending the fee to toll free numbers that are accessible only outside the U.S. would be tantamount to the exercise of extraterritorial jurisdiction.

#### **FCC regulatory fees on toll free numbers should be limited to U.S.-based entities**

4. In the event the FCC determines that regulatory fees should apply on toll free numbers, Bell Canada submits that such fees should be limited to the toll free numbers managed or controlled by U.S.-based entities.

5. Canadian TSPs such as Bell Canada, are subject to CRTC regulatory fees based on their revenues from the provision of toll free services in Canada. Bell Canada's operations do not engage the jurisdiction of the FCC because we do not provide services in the U.S. It would be fundamentally unfair to apply what is tantamount to a regulatory levy against entities like Bell Canada that are not directly involved in proceedings before the FCC and therefore do not benefit from the levy.

6. For these reasons, we believe it would be more appropriate for the FCC to collect regulatory fees only from U.S.-based entities rather than from Canadian TSPs.

#### **FCC regulatory fees should be limited to toll free numbers that can be dialed from the U.S.**

7. In the event the FCC determines that regulatory fees should apply to the toll free numbers managed by RespOrgs, including those that are not U.S.-based, which we oppose, then, at a minimum, such regulatory fees should be limited to toll free numbers that are accessible to U.S. callers.

8. Depending on the needs of our toll free customers, Bell Canada (as a RespOrg) opens toll free numbers for call origination in a specific region of Canada, across Canada, or across Canada and the U.S. In Bell Canada's case, the portion of toll free numbers that cannot be dialed from outside Canada (and therefore are not accessible to U.S. callers) remains significant. For this reason, we believe that it would be improper for the FCC to apply regulatory fees on toll free numbers that are not available to callers from the U.S., as this would amount to applying extraterritorial jurisdiction on services that have no nexus to the U.S. Moreover, as noted above, Bell Canada is already subject to CRTC regulatory fees for its provision of toll free services in Canada.

9. We appreciate the opportunity to file these comments.

Yours truly,

*[ Original signed by P. Gauvin ]*

**Philippe Gauvin**

Senior Counsel - Regulatory Law & Policy