

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

In the Matter of

Number Resources Optimization

CC Docket No. 99-200

COMMENTS OF THE VOICE ON THE NET COALITION

The Voice on the Net Coalition (“VON”)¹ continues to support a policy that would allow Voice over Internet Protocol (“VoIP”) providers to have direct access to numbering resources, and encourages the Commission to grant the pending waivers seeking such access, including Vonage Holding Corp.’s (“Vonage”) petition for a limited waiver of Section 52.15(g)(2)(i) of the Commission’s rules, 47 C.F.R. § 52.15(g)(2)(i).² The waivers would allow VoIP providers to obtain numbering resources directly from the North American Numbering Plan Administrator (“NANPA”) and/or the Pooling Administrator (“PA”). Grant of the waivers would result in a more efficient market for VoIP services, allow for the development of innovative services and lower prices for consumers.

Allowing VoIP providers the right to access numbers directly from NANPA and the PA promotes innovation and competition consistent with the Commission’s objectives and the public

¹ The VON Coalition works to advance regulatory policies that enable Americans to take advantage of the promise and potential of IP enabled communications. VON Coalition members are developing and delivering voice and other communications applications that may be used over the Internet.

² See Vonage Holdings Corp., Petition for Limited Waiver, CC Docket No. 99-200 (Mar. 4, 2005) (“Vonage Petition”). The Commission has asked interested parties to refresh the record in this proceeding. Public Notice, DA 11-2074 (December 27, 2011).

interest. Granting the petitions for a limited waiver of Section 52.15(g)(2)(i) is the appropriate procedure for achieving these goals. Opponents - mainly competitive local exchange carriers - are simply serving their self-interest and hoping to maintain the revenue stream from the acquisition and provision of phone numbers to their VoIP provider customers.³

Allowing VoIP providers to obtain numbering resources directly from NANPA and/or the PA will streamline development of IP enabled services interconnected to the public switched telephone network (“PSTN”). It will encourage the deployment of broadband infrastructure, stimulate competition in the market for voice communications, and ultimately create more meaningful and varied choices for consumers. Each of these results furthers the Commission’s goals and benefits the American public.⁴

Moreover, the Commission should grant Vonage’s petition for a limited waiver rather than initiating a rulemaking proceeding. Evaluating individual waiver applications allows the Commission to further its competitive and public interest objectives while ensuring that numbering resources are administered in an efficient and effective manner. The waiver process should also be more expeditious than a rulemaking proceeding, enabling consumers to benefit sooner from new VoIP services and applications. Indeed, the record currently before the Commission demonstrates that Vonage has satisfied the Commission’s waiver standard, and

³ See, e.g., Ex Parte of RNK Communications, CC Docket No. 99-200, filed December 22, 2011 (“RNK is not aware of any gaps in coverage that cannot be filled upon reasonable terms by Interconnected VoIP Providers by using wholesale partners ...”).

⁴ See *SBCIS Order* at ¶¶ 4, 6, 8; Vonage Petition at 5; Vonage Holdings Corp., Ex Parte Letter, CC Docket No. 99-200 (July 13, 2011) (“Vonage Letter”). Furthermore strict adherence to Section 52.15(g)(2)(i) in this case is not necessary to “ensure that the numbers are used efficiently and ... avoid number exhaust.” In the Matter of Telephone Number Requirements for IP-Enabled Service Providers et al., *Report and Order, Declaratory Rulemaking, Order on Remand, and Notice of Proposed Rulemaking*, FCC 07-188 at ¶ 20 (rel. Nov. 8, 2007) (“*VoIP LNP Order*”). Vonage readily agrees to comply with all of the conditions imposed upon SBCIS, conditions that have already been found to protect these interests. See Vonage Petition at 6; *SBCIS Order* at ¶¶ 9-10.

there is no need to further delay Vonage's requested relief. Finally, while VoIP services providers are not and should not be required to obtain numbers directly from NANPA and/or the PA, keeping that option available will serve the Commission's competitive goals and the public interest.

Allowing VoIP providers direct access to numbers will also facilitate interconnection between IP networks.⁵ The Commission has stated its preference that the marketplace deliver IP interconnection.⁶ Indeed, a requirement to negotiate in good faith in response to requests for IP interconnection can be a condition for grant of any waiver request from a premises-based VoIP provider, as well as any other conditions previously imposed on other waiver recipients.

Moreover, although Level 3 expresses concern over the routing capability of VoIP providers,⁷ the VON Coalition anticipates that industry standards and arrangements will allow VoIP providers and carrier partners to route calls should VoIP providers be granted direct access to numbers. For example, the Local Exchange Routing Guide ("LERG") may reference the switch of a carrier partner even when a number is assigned to a different CLEC. Such arrangements allow providers that obtain numbering resources in areas where they are not interconnected with all local carriers to successfully route their calls. VoIP providers should be able to work with carriers and other transport providers to address the challenges of IP interconnection and better inform the Commission as it moves forward in the Further NPRM.

⁵ *Connect America Fund; A National Broadband Plan for Our Future; Establishing Just and reasonable Rates for Local Exchange Carriers; High-Cost Universal Service Support; Developing a Unified Intercarrier Compensation Regime; Federal-State Joint Board on Universal Service; Lifeline and Link-Up; Universal Service Reform--Mobility Fund*; WC Docket Nos. 10-90, 07-135, 05-337, 03-109, CC Docket Nos. 01-92, 96-45, GN Docket No. 09-51, WT Docket No. 10-208, Report and Order and Further Notice of Proposed Rulemaking, FCC 11-161, ¶ 1377 (rel. Nov. 18, 2011) ("*CAF Order*") at 1011.

⁶ *Id.*

⁷ Letter from Erin Boone, Level 3 Communications, LLC, to Marlene H. Dortch, Secretary, FCC, CC Docket No. 99-200 (Dec. 20, 2011).

CONCLUSION

The VON Coalition urges the Commission to allow VoIP providers to obtain numbering resources directly from the North American Numbering Plan Administrator and/or the Pooling Administrator and expeditiously grant Vonage's pending petition for limited waiver of Section 52.1(g)(2)(i).

Respectfully submitted,

VOICE ON THE NET COALITION
Glenn S. Richards
Executive Director
2300 N Street, NW
Washington, D.C. 20037
(202) 663-8215
glenn.richards@pillsburylaw.com

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