

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

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| In the Matter of   | ) |                      |
|  | ) |                      |
| Telephone Number Requirements for<br>IP-Enabled Services Providers       | ) | WC Docket No. 07-243 |
|  | ) |                      |
| Local Number Portability Porting<br>Interval and Validation Requirements | ) | WC Docket No. 07-244 |
|  | ) |                      |
| IP-Enabled Services  | ) | WC Docket No. 04-36  |
|  | ) |                      |
| Telephone Number Portability   | ) | CC Docket No. 95-116 |
|  | ) |                      |
| Numbering Resource Optimization  | ) | CC Docket No. 99-200 |

**VOICE ON THE NET COALITION OPPOSITION TO THE PETITION FOR  
RECONSIDERATION OF THE SOUTH DAKOTA TELECOMMUNICATIONS  
ASSOCIATION**

The Voice on the Net Coalition (“VON Coalition”)<sup>1</sup> respectfully submits these comments in opposition to South Dakota Telecommunications Association (SDTA) request for clarification and/or reconsideration of the Commission’s Order concerning local number portability (LNP) and interconnected Voice over Internet

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<sup>1</sup> The Voice on the Net or VON Coalition consists of leading VoIP companies, on the cutting edge of developing and delivering voice innovations over Internet. The coalition, which includes AT&T, BT Americas, CallSmart, Cisco, CommPartners, Covad, EarthLink, Google, iBasis, i3 Voice and Data, Intel, Microsoft, New Global Telecom, PointOne, Pulver.com, Skype, T-Mobile USA, USA Datanet, and Yahoo! works to advance regulatory policies that enable Americans to take advantage of the full promise and potential of VoIP. The Coalition believes that with the right public policies, Internet based voice advances can make talking more affordable, businesses more productive, jobs more plentiful, the Internet more valuable, and Americans more safe and secure. Since its inception, the VON Coalition has promoted pragmatic policy choices for unleashing VoIP’s potential. <http://www.von.org>.

Protocol (VoIP) providers.<sup>2</sup> Specifically, the Petitioners request clarification and/or reconsideration with respect to the Commission's statements concerning a VoIP provider's "numbering partner" and the scope of porting obligations.

In its reconsideration petition, SDTA asks the Commission to clarify its Order by removing the "partnering" language and making it clear that an interconnected VoIP provider obtains telephone numbers from a wireline or wireless carrier in association with the telecommunications services purchased from that wireline or wireless carrier, respectively.<sup>3</sup>

SDTA argues that the Commission's LNP Order "could be interpreted as disassociating the provision of telephone numbers from the provision of telecommunications service."<sup>4</sup> To the extent that LNP Order disassociated the provision of telephone numbers from the provision of telecommunications service, and we aren't convinced that it does, we would agree that the order could be clarified on that point.

However, we disagree with the SDTA's claim that "*the characterization of a telecommunications carrier as a 'numbering partner' and the description of VoIP providers 'partnering' with telecommunications carriers for numbering resources is inaccurate, misleading, and appears to conflict with the Commission's rules and prior orders.*"<sup>5</sup> Indeed, a VoIP provider, who may not itself be a telecommunications carrier, must rely upon a relationship with a telecommunications carrier in order to obtain NANP telephone numbers for

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<sup>2</sup> See *Telephone Number Requirements for IP-Enabled Services Providers*, Report And Order, Declaratory Ruling, Order On Remand, And Notice Of Proposed Rulemaking, WC Docket No. 07-243, FCC 07-188 (rel. Nov. 8, 2007) ("*VoIP LNP Order*").

<sup>3</sup> SDTA Petition at 3.

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

assignment to its customers. If SDTA is suggesting that use of the term “partner” is misleading because there is no legal partnership relationship between the VoIP provider and the telecommunications carrier, and the VoIP provider must obtain its own numbers directly from the North American Numbering Plan Administrator (NANPA) or the Pooling Administrator (PA) where the Commission has not granted such authority, then such a clarification would make the Commission’s LNP rules unworkable. If however SDTA is merely suggesting that the term “partner” does not adequately describe the relationship between the VoIP provider and the telecommunication carrier from which it obtains numbering resources, then there is no disagreement. NANC correctly describe the relationship between the VoIP provider and telecommunications carrier this way:

*Presently VoIP providers that are not state-certificated local exchange carriers (LEC) or otherwise federally licensed telecommunication providers cannot qualify to obtain numbering resources directly from the North American Numbering Plan Administrator (NANPA) or the Pooling Administrator (PA). This means VoIP carriers must obtain numbering resources through the purchase of local exchange service from other carriers. Most commonly this involves purchase of retail Direct Inward Dialing DID service that connects to the VoIP carrier gateway as though the gateway were a PBX. The serving LEC assigns numbers from its existing inventory as it would to any other end user customer and the numbers are shown in the Telcordia® LERG™ Routing Guide and/or the Number Portability Administration Center (NPAC) as associated with the LEC switch rather than the VoIP provider gateway. The VoIP provider cannot directly control the corresponding LERG Routing Guide or NPAC entries and, should numbers need to be ported in to or away from the VoIP carrier, this must be done through the LEC as the Network Service Provider.<sup>6</sup>*

Petitioners also ask the Commission to clarify that a VoIP provider cannot obtain numbers from a wireless carrier and thereby obtain a different porting scope

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<sup>6</sup> VoIP Service Providers’ Access Requirements for NANP Resource Assignments NANC Report and Recommendation by the Future of Numbering Working Group, July 19, 2005, Section 3.0 description of “Current Situation,” [http://fjallfoss.fcc.gov/edocs\\_public/attachmatch/DOC-260891A2.pdf](http://fjallfoss.fcc.gov/edocs_public/attachmatch/DOC-260891A2.pdf)

than that which would be available to a wireline carrier or a VoIP provider that obtained numbers from a wireline carrier.<sup>7</sup> Specifying the type of telecommunication carrier that a VoIP provider can obtain numbers from is unnecessary, inappropriate, and illogical. There is no reason to limit an innovative technology to one specific view of what it should look like, or type of telecommunication carrier it can contract with.

It is inappropriate to link the vast array of different types of VoIP services to a certain breed of wireline carriers when VoIP does not inherently have characteristics of wireline services. As the Commission noted in its IP-Enabled Services NPRM, IP enabled services like VoIP can be provided over a variety of broadband networks which “have been deployed across multiple platforms, including those of local exchange carriers (LECs), cable operators, direct broadcast satellite (DBS), video programming providers and, increasingly, wireless (including WiFi) providers and electric companies using power lines.”<sup>8</sup> In addition to being provided on a standalone basis, VoIP services are also now being converged with ILEC, RLEC,<sup>9</sup> CLEC,<sup>10</sup> CMRS,<sup>11</sup> satellite,<sup>12</sup> and a variety of other type of carrier platform offerings. Limiting VoIP providers to a single model, or a single type of carrier is counter to the Commission’s stated number portability goal to “facilitate

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<sup>7</sup> SDTA Petition at 4-5.

<sup>8</sup> IP Enabled Services NPRM at 9.

<sup>9</sup> *See, e.g.*, Coleman County Telephone Cooperative (CCTC) in rural Texas was able to use VoIP together with other technologies to deliver cutting edge services to its rural subscribers and put the company on a more profitable footing. <http://www.tmcnet.com/voip/1104/CaseStudy.htm>

<sup>10</sup> *See, e.g.*, <http://www.covad.com/services/voip/index.html>.

<sup>11</sup> *See, e.g.*, T-Mobile’s hotspot @Home at <http://www.t-mobile.com/promotions/hotspotathomelearnmore.aspx>.

<sup>12</sup> *See, e.g.*, <http://www.highspeedsat.com/satellite-voip.htm>.

greater competition among telephony providers."<sup>13</sup> It simply should not matter what type of telecommunications carrier that a VoIP provider utilizes in order to obtain numbering resources.

**Conclusion:**

For the foregoing reasons, the Commission should reject SDTA's petition for Reconsideration and/or clarification.

Respectfully submitted,

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/s/

**THE VON COALITION**

Dated: April 29, 2008

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<sup>13</sup> See *VoIP LNP Order* ¶ 2, "Consumers will now be able to take advantage of new telephone services without losing their telephone numbers, which should in turn facilitate greater competition among telephony providers by allowing customers to respond to price and service changes." See also *id.* at ¶ 16, "In this Order, we undertake several steps to help ensure that consumers and competition benefit from LNP as intended by the Act and Commission precedent." See also *id.* at ¶ 17, "Allowing customers to respond to price and service changes without changing their telephone numbers will enhance competition, a fundamental goal of section 251 of the Act, while helping to fulfill the Act's goal of facilitating "a rapid, efficient, Nationwide, and world-wide wire and radio communication service."