

**REGULATORY ADVISORY: FCC ISSUES NPRM, ORDER, AND NOI REGARDING  
DIRECT ACCESS TO NUMBERING RESOURCES BY VOIP PROVIDERS  
AND OTHERS**

On April 18, the Federal Communications Commission (“FCC”) released a Notice of Proposed Rulemaking (“NPRM”), Order, and Notice of Inquiry (“NOI”) relating to direct access to numbering resources by Voice over Internet Protocol (“VoIP”) providers and others. The item represents the culmination of a lengthy consideration of numbering issues that began with a waiver granted in 2005 to SBCIS, a VoIP subsidiary of Southwestern Bell (now AT&T).

The NPRM proposes new rules that would permit interconnected VoIP providers to obtain telephone numbers directly, as well as changes to other rules related to numbering resources. The Order establishes a limited trial of direct access to numbers by Vonage, to run concurrently with the rulemaking. The Order also grants a limited waiver to TeleCommunications Systems, Inc. (“TCS”) of rules related to use of numbers for emergency call routing. Finally, the NOI seeks initial comment on a broad range of numbering issues resulting from the ongoing transition from fixed telephony to the increasing use of mobile services.

Interconnected VoIP providers often cannot meet the requirements under the FCC’s rules—certification by states, or FCC licenses—for direct access to numbering resources. Instead, VoIP providers generally purchase wholesale services from competitive local exchange carrier (“CLEC”) partners. The telephone numbers they obtain from these partners may be assigned to VoIP subscribers, but remain associated with the originating CLEC in various numbering and porting databases, increasing cost and complexity for VoIP providers. Thus, after the FCC granted SBCIS a waiver in 2005, a number of other VoIP providers, including Vonage, filed similar waivers. In 2011, Vonage renewed its waiver, which the Commission addressed with last week’s NPRM, Order, and NOI.

The NPRM proposes to promote innovation and efficiency by allowing interconnected VoIP providers to obtain telephone numbers directly. The NPRM seeks comment on that goal, as well as on the administrative, technical, and legal concerns raised by the proposal, including:

**Documentation required to obtain numbers.** Applicants for numbers must provide the number administrator with evidence of their authority to provide service, such as an FCC license or a certificate of public convenience and necessity issued by a state regulatory commission. VoIP providers have neither, and the NPRM seeks comment on alternative documentation that should be required.

**Numbering utilization.** Because of concerns regarding number exhaust and utilization expressed by commenters in the record proceeding the release of the NPRM, it proposes

to require interconnected VoIP providers to meet the same number utilization and optimization requirements, and industry guidelines and standards, that are applied to carriers.

**Enforcement.** The FCC's forfeiture authority requires the wrongdoer have an FCC authorization, which VoIP providers are not currently required to have. The NPRM therefore seeks comment on how it can enforce compliance by VoIP providers who obtain numbers directly and who might violate the FCC's rules regarding number use.

**Call routing and termination.** Because VoIP provider switches do not appear in certain numbering databases, the NPRM seeks comment on how its rules should handle call routing and termination by VoIP providers.

**Intercarrier compensation.** Commenters have expressed concern about how implementation of intercarrier compensation obligations may change as a result of granting VoIP providers direct access to numbers. The NPRM therefore seeks comment on the impact on intercarrier compensation, including whether that impact would be temporary, in light of the ongoing transition to a bill-and-keep framework.

**VoIP interconnection.** The NPRM seeks comment on the effect that direct access to numbers will have on IP interconnection, as well as on the current status of IP interconnection for VoIP providers and how the FCC might encourage VoIP interconnection.

**Local number portability.** The NPRM proposes to modify the FCC's rules to clarify that VoIP providers should enjoy the benefits of local number portability regardless of whether they obtain numbers directly or through a carrier partner.

**Transitioning to direct access.** The NPRM seeks comment on how it should transition to direct access in order to minimize the negative effect on CLECs.

**Numbering cost allocation.** Numbering costs are allocated by statute among all telecommunications carriers. The NPRM seeks comment on whether the FCC should treat interconnected VoIP providers as telecommunications carriers for the purpose of numbering cost allocation.

**Direct access to numbers for other purposes.** The NPRM also seeks comment on whether the FCC should allow direct access to numbers for other, innovative uses, including home security systems, programmable appliances, and telematics. It also seeks comment on direct access to numbers by VoIP Positioning Center ("VPC") providers who work with VoIP providers to provide E911 access to VoIP subscribers.

**W&G REGULATORY ADVISORY**  
**22 APRIL 2013**

**Legal authority.** Finally, the NPRM seeks comment on the FCC's authority to impose requirements on VoIP providers as a condition of direct access to numbering resources.

The Order, as noted above, establishes a limited trial of direct access to numbers to Vonage and other interconnected VoIP providers. The trial limits the amount of numbers available to VoIP providers and imposes rigorous reporting requirements. The trial is limited both in duration—it will last only six months—and in geographic scope. At the end of the trial, the Wireline Competition Bureau will submit a comprehensive report to the FCC on the results of the trial. The Order also grants a limited waiver to TCS, a VPC provider, to allow it to access p-ANI codes directly in states where it cannot obtain certification. That waiver will last only until the FCC decides whether or not to modify its rules regarding p-ANI access by VPC providers.

Finally, the NOI seeks initial comment on a broad range of numbering issues that result from the ongoing transition away from fixed telephony services. In particular, the NOI seeks comment on whether telephone numbers should continue to be tied to geography given the decoupling of end-user telephone numbers from routing. It also seeks comment on whether removing geographic boundaries from number administration could have detrimental effects on public safety, disability access (particularly Video Relay Service and IP Relay Service), and routing and interconnection.

Initial comments on the NPRM and NOI are due 30 days after publication in the Federal Register, and reply comments are due 60 days after publication.

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