

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

In the Matter of)	
)	
Numbering Policies for Modern Communications)	WC Docket No. 13-97
)	
Telephone Number Requirements for IP-Enabled Service Providers)	WC Docket No. 07-243
)	
Implementation of TRACED Act Section 6(a) – Knowledge of Customers by Entities with Access to Numbering Resources)	WC Docket No. 20-67
)	
Process Reform for Executive Branch Review of Certain FCC Applications and Petitions Involving Foreign Ownership)	IB Docket No. 16-155
)	
Universal Service Contribution Methodology)	WC Docket No. 06-122

**REPLY COMMENTS OF
NTCA–THE RURAL BROADBAND ASSOCIATION**

NTCA–The Rural Broadband Association (“NTCA”) hereby submits these Reply Comments in response to the Further Notice of Proposed Rulemaking¹ in several of the above-captioned proceedings. Like many commenters here, NTCA has long expressed concern about making sure that those obtaining direct access to telephone numbers without taking the steps necessary to become telecommunications carriers will still adhere to reasonable rules and policies that provide for accountability, promote the seamless delivery of calls, and otherwise ensure responsible and effective use of numbering resources.² As the comments highlight, NTCA’s prior

¹ *Numbering Policies for Modern Communications, et al.*, WC Docket No. 13-97, *et al.*, Further Notice of Proposed Rulemaking (rel. May 21, 2021) (“*Further NPRM*”).

² *See, e.g.*, Comments of NTCA, WC Docket No. 13-97, *et al.* (filed July 19, 2013), at 4-6 (urging the Commission to “put a process into place that ensures the continued monitoring of operations that ensure quality of service and operations consistent with the public interest” and to apply obligations including “NRUF requirements[], call completion rules and metrics, cramming and slamming rules, Enhanced 911 (“E911”) requirements and, to the extent they are not required

concerns with respect to traffic exchange and potential mismatches in regulatory obligations were apparently warranted, and NTCA supports a fresh look now at how to address “gaps” in rules and otherwise ensure a level playing field between and among various classes of entities that access telephone numbers directly.

As an initial matter, NTCA concurs generally with the perspective of Bandwidth, which urges the Federal Communications Commission (the “Commission”) to adopt “more robust review procedures before it grants valuable numbering resources to Applicants.” Bandwidth rightly observes that “obtaining the benefits of direct access to numbering resources should be tied to clear and reasonable obligations to manage those resources.”³ Taking certain of the measures suggested by Bandwidth – such as defining more specifically eligibility qualifications for direct number assignment, reviewing more detailed technical and corporate information from applicants, and reaffirming state authority with respect to their own number assignment rules⁴ – would help ensure that carriers and providers of all kinds operate on more equal footing when accessing and using telephone numbers.

Similarly, echoing NTCA’s cautionary comments from many years ago, Bandwidth and a number of other entities raise concerns about how direct number assignment has affected the seamless exchange of traffic between operators. Bandwidth, for example, notes that “increasing the availability of direct number access . . . has added effective means to create a web of entities

already, contributions to the universal service fund;” *see also id.* at 2 (noting “[n]umbers have also played and continue to play an importing role in facilitating the seamless interconnection of networks”).

³ Comments of Bandwidth Inc. and Bandwidth.com CLEC, LLC (“Bandwidth”), WC Docket No. 13-97, *et al.* (filed Oct. 14, 2021), at 4.

⁴ *Id.* at 5.

that route traffic unnecessarily through multiple hops”⁵ USTelecom, AT&T, and Lumen likewise raise concerns that ambiguity in existing interconnection and intercarrier compensation rules may lead to claims that those rules do not apply to non-carrier operators that hold their own telephone numbers.⁶ Given the significance of telephone numbers in routing voice calls – whether via IP or TDM – the Commission must pay greater attention to interconnection and intercarrier compensation issues as it opens the doors for non-carriers to participate in such routing so that calls will be authenticated and completed, particularly given that the SHAKEN/STIR framework designed to combat robocalling is dependent upon effective routing of traffic in IP format between providers.

Stepping back, this entire debate highlights the very problem of – and the degrees of hair-splitting inanity that ensue from – arbitrarily differential classification and treatment of various services that are competitive in the marketplace and perceived as effective substitutes by consumers based upon nothing more than a sprinkling of IP pixie dust. Lumen even goes so far as to assert that all those directly assigned telephone numbers should be subject to the same Commission filing requirements as carriers.⁷ Certainly, the Commission can (and should at this point) ensure a “level playing field” as AT&T puts it⁸ by attaching to non-carrier providers, one by one, each of the obligations needed to ensure networks interconnect, calls complete, public safety can be reached, and numbers are used efficiently. But as this very debate demonstrates, a piecemeal “reconstructing” of rules almost always leads to gaps and loopholes that parties then

⁵ *Id.* at 9.

⁶ *See* Comments of USTelecom, WC Docket No. 13-97, *et al.* (filed Oct. 14, 2021), at 6; Comments of AT&T, WC Docket No. 13-97, *et al.* (filed Oct. 14, 2021), at 5; Comments of Lumen, WC Docket No. 13-97, *et al.* (filed Oct. 14, 2021), at 3.

⁷ Comments of Lumen at 13.

⁸ Comments of AT&T at 9.

utilize to further their own business plans in ways that put other parts of the system at risk – which the Commission or other regulators then try to plug later by playing “catch up” through the imposition of additional requirements on a one-off basis. A more holistic and thoughtful framework would apply a common set of existing rules equally to all participants in this marketplace and then forbear from those common rules as deemed appropriate due to competitive or technological developments in the market.

Nonetheless, to the extent that the Commission will for whatever reason maintain distinct and artificial regulatory classifications for providers that offer similar services, it should still seek to apply the same rules to all such providers to the greatest extent possible. In this regard, NTCA supports generally the call from USTelecom to address many concerns identified by the Commission directly in the underlying rules, rather than adopting new one-off rules that would apply uniquely to subsets of providers.⁹ And, to this end, NTCA raises one more concern related to the Commission’s consideration of extension of direct number access “to one-way VoIP providers and other entities that use numbers.”¹⁰ As the Commission considers such matters, it is worth noting that one-way VoIP providers are *not* subject to many requirements that other providers of voice services – whether traditional carriers or even interconnected VoIP providers – are today. One such obligation that stands out is the requirement to contribute to universal service. The Commission has repeatedly sought comment on whether such providers should contribute to universal service, but it has never determined that they should.¹¹ It would hardly represent “a level playing field” or a model of regulatory parity if this group of voice providers were able to secure

⁹ Comments of USTelecom at 4.

¹⁰ *Further NPRM*, at ¶¶ 38-39.

¹¹ *See, e.g., Comments Sought to Refresh the Record in the 2012 Contribution Methodology Reform Proceeding with Regard to One-Way VoIP Service Providers*, WC Docket No. 06-122, Public Notice (rel. June 11, 2020).

direct access to telephone numbers but stood alone as the only group of voice providers that need not support the statutory mission of universal service.

Indeed, if anything universal service would be *harm*ed if direct access were granted to one-way VoIP operators without a corresponding obligation to contribute, as presumably these entities have been paying other providers before for access to telephone numbers and *those* providers were in turn contributing to universal service based upon the revenues (whether traditional telecommunications services or interconnected VoIP in nature) realized from those transactions. Thus, for the reasons described above, good public policy warrants – and the public interest dictates – that if the Commission were to provide direct access to telephone numbers to any entities that do not contribute to universal service today, it must require as a condition of such number assignment that those entities contribute to universal service based upon their provision of voice service using those telephone numbering resources just as other voice providers do.

Respectfully submitted,

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November 15, 2021