

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

In the Matter of)
2018 Biennial Review of)
Telecommunications)
Regulations)
)

WC Docket No. 18-378

Reply Comments of the Michigan Public Service Commission

On December 17, 2018 the Federal Communications Commission (FCC) released a Public Notice regarding the 2018 Biennial Review on current telecommunications rules.¹ The Public Notice requests comment from interested parties to assess whether any of the agency’s rules should be modified or eliminated due to them no longer being necessary or in the public interest. The Michigan Public Service Commission (MPSC) respectfully submits the following comments in response to the feedback submitted during the round of initial comments.

There are many issues covered in the FCC Notice, however, the MPSC is focusing its comments on the issue of most concern to the MPSC—the comments submitted by the NCTA—Internet & Television Association (formerly known as the National Cable & Telecommunications Association, commonly known as NCTA) urging the FCC to repeal section 52.15(g)(3)(iv)(C) of its rules. That section requires interconnected Voice over Internet Protocol (VoIP) providers to provide state commissions a 30-day notification outlining the VoIP providers’ intentions and

¹ *FCC Bureaus and Offices Seek Public Comment in 2018 Biennial Review of Telecommunications Regulations*, CG Docket No. 18-375 *et al.*,

pertinent contact information prior to applying for numbering resources from applicable numbering administrators.² In its comments, the NCTA argues that the requirement to provide state commissions a 30-day notice should be repealed because the requirement does not apply to other voice service providers that request numbers, and that the notice requirement is not necessary to prevent area code exhaust.³ The MPSC opposes a repeal of the rules requiring interconnected VoIP providers to provide a 30-day notification to state commissions prior to making the actual request from the numbering administrators should be repealed.

While it is true that the 30-day notification rule does not apply to voice providers other than interconnected VoIP service providers, traditional voice providers are subject to more substantial state regulatory requirements than interconnected VoIP providers. For example, state licensing requirements are much more thorough than the 30-day notice responsibilities that interconnected VoIP providers must currently adhere to. Interconnected VoIP providers originally petitioned the FCC for direct access to numbers on the basis that it would help VoIP providers meet their growth goals while providing the necessary information to stakeholders in the affected region in a timely manner. The 30-day notifications were crafted to allow state commissions to perform their delegated statutory duties, recognizing that interconnected VoIP is mostly unregulated, which limits the

² 47 C.F.R. § 52.15(g)(3)(iv)(C).

³ NCTA Comments page 1 -

<https://ecfsapi.fcc.gov/file/1020810609160/020819%2018-378%20NCTA%20WCB%20Biennial%20Review%20Comments-Final.pdf>

information that the states can request from interconnected VoIP providers. Repealing the rules requiring interconnected VoIP providers to supply state commissions with 30-day notifications would restrict the states' ability to perform these functions and to properly monitor numbering resources. The NCTA's argument that the rule is anticompetitive to interconnected VoIP providers is not substantiated by the current nature of the communications marketplace.

The NCTA also states that there have been no new numbering exhaust issues related to interconnected VoIP providers' numbering requests.⁴ These filings "allow the states to monitor number usage and raise any concerns about the request with the service provider, the FCC, and the Numbering Administrators."⁵ The notice period also gives state commissions the opportunity to determine whether the request is problematic "for any reason."⁶ The MPSC has utilized the information in the 30-day notifications a number of times over the past four years to combat excessive numbering requests submitted by interconnected VoIP providers. Some of these requests were submitted in error while others were submitted with the intent to obtain more numbers than the provider could justify demand for. Based on the MPSC's direct experience working with interconnected VoIP providers' 30-day notifications over the last four years, the MPSC believes the FCC's rules requiring interconnected VoIP providers to submit 30-day notifications to state commissions

⁴ Comments pg 2

⁵ *Numbering Order*, 30 FCC Rcd 6839, 6855, para 34.

⁶ *Id.*

prior to requesting the resources from the numbering administrators continues to be necessary and in the public interest.

Interconnected VoIP providers were granted direct access to numbering resources in 2015. The rules requiring interconnected VoIP providers to provide 30-day notifications to state commissions that accompanied the grant of direct access to numbering resources continue to be necessary for states to perform their delegated statutory duties. The rules have been instrumental in ensuring the continued optimization of numbering resources. Therefore, the MPSC believes that the rules remain necessary, serve the public interest, and should not be repealed at this time.

Respectfully submitted,

MICHIGAN PUBLIC SERVICE COMMISSION

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