

**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
)	

REPLY COMMENTS OF THE MICHIGAN PUBLIC SERVICE COMMISSION

On August 6, 2021, the Federal Communications Commission (FCC or Commission) released a Further Notice of Proposed Rulemaking (FNPRM) in the docket numbers referenced above seeking comment on proposals that seek to reduce illegal robocalls by proposing to update their rules regarding direct access to numbers by providers of interconnected Voice over Internet Protocol (VoIP) services.¹ The Michigan Public Service Commission (MPSC) filed its initial comments on October 14, 2021² and respectfully offers the following reply comments for consideration.

¹ [FNPRM](#) rel. Aug. 6, 2021

² [MPSC Initial Comments – October 14, 2021](#)

The MPSC will first respond to comments that were filed by providers and associated organizations in opposition to the FCC's request for comment.³ The MPSC believes that VoIP providers have long enjoyed fewer regulations than their wireline counterparts. As the Pennsylvania Public Utility Commission (PaPUC) states in their comments, "The overarching issue at the heart of the FNPRM is that interconnected VoIP service providers, in many instances, are not subject to traditional state-based "telephone company" entry regulations, but yet, have been permitted to obtain direct access to numbering resources pursuant to the Commission's current procedures."⁴ The MPSC agrees with the PaPUC in this regard. The MPSC also expressed this view in its reply comments which were filed in the FCC's 2018 Biennial Review of Telecommunications Regulations WC 18-378 docket regarding the NCTA's request to repeal the requirement that interconnected VoIP providers provide a 30 day notice to the states.⁵ The MPSC also supports the comments of Bandwidth Inc. and Bandwidth.com CLEC, LLC (Bandwidth) which expressed that the Commission's rules should clarify that holders of VoIP numbering authority be required to comply with applicable and appropriate state oversight of the application for and use of numbering resources.⁶

The arguments by some commenters that imposing any additional or parallel state requirements on interconnected VoIP providers would be unfair and lead to

³ [VON Comments](#) Pg. 4
[Ring Central, Telnyx, Vonage Comments](#) Pg. 13

⁴ [PaPUC Comments](#) pg. 2

⁵ [MPSC Comments in 2018 Biennial Review](#)

⁶ [Bandwidth comments](#) pg. 17

less equitable market forces is not substantiated by the current nature and trends of the communications marketplace, as the list of VoIP providers granted authorization by the FCC to obtain numbering resources and the requests for numbers to state commissions by these providers has continued to grow since the FCC first allowed VoIP providers direct access to numbers. The MPSC believes clarifying that VoIP providers must adhere to state requirements is reasonable and helps to ensure a competitive market while imposing safeguards on limited numbering resources.

The FCC also sought comment in the FNPRM on whether it is necessary to clarify that the Bureau may direct the Numbering Administrator to deny requests for numbers from an interconnected VoIP provider that has failed to comply with state requirements.⁷ The MPSC agrees with the comments of Bandwidth and several other states that the Numbering Administrator should be given authority to deny requests for numbers from a grantee that has failed to adequately demonstrate compliance with state numbering requirements. As Bandwidth further notes, “each of these clarifications will help ensure that an appropriate state role exists for voice service providers and will preserve competitive neutrality in the marketplace as well.”⁸

In their initial comments, the California Public Utility Commission and the PaPUC opined that states should have the tools necessary to ensure that numbers

⁷ [FNPRM](#) pg. 17.

⁸ [Bandwidth Comments](#) pgs. 17-18, [Louisiana Comments](#) pg. 5, [Pennsylvania Comments](#), Pg. 4, [Nebraska Comments](#), Pg. 3, [California Comments](#), Pg. 3.

assigned in a state are used by customers in that state, and that if an entity is not granted authority to operate in a state and has no customers within that state, the entity has no reason to hold numbers in that state.⁹ As stated in our initial comments, the MPSC agrees with this comment.¹⁰ Providers should not be allowed access to numbering resources simply to make calls to end users that appear to come from their local calling area to make consumers more likely to answer the call. As USTelecom noted in their initial comments, “It currently is too easy for bad actors to get their hands on high quantities of numbers, including from a broad set of area codes. As the Commission moves forward with this proceeding, it should ensure that the policies it adopts targets the ease with which bad actors have access to numbers. In parallel, it should explore any gaps in its existing frameworks and address those gaps directly to ensure that providers are held accountable”.¹¹

The MPSC also believes FCC clarification that VoIP providers are required to comply with state requirements to obtain numbering resources will provide some of the tools necessary for the states to spot and proactively address area code exhaust . The Nebraska Public Service Commission as well as the PaPUC’s comments noted that the NANPA’s area code exhaust projections have been impacted by VoIP providers’ direct access to numbering resources.¹² The State of Michigan has also

⁹ [PaPUC Comments](#) pg. 9.
[CPUC Comments](#) pg. 3.

¹⁰ [MPSC Comments](#) Pg. 2.

¹¹ [USTelecom Comments](#) Pg. 3.

¹² [Nebraska PSC Comments](#) pgs 2-3.
[PaPUC Comments](#) pg. 3.

experienced accelerated area code exhaust projections since VoIP providers have had direct access to numbers. Consequently, the MPSC believes that continuation of the current requirements that VoIP providers tender state commissions with 30-day notices outlining their intent to request numbering resources within the jurisdiction is a valuable tool that states utilize when analyzing the effects VoIP numbering applications have on area code exhaust. Therefore, the MPSC disagrees with ATIS' comments suggesting that VoIP providers need not provide 30-day notices for growth blocks going forward.¹³ Implementing and maintaining some of the safeguards in the FNPRM allows states to analyze the effects of VoIP providers' access to numbers and to better address issues that may arise as a result.

The MPSC appreciates the opportunity to submit reply comments on the proposals outlined in the FNPRM. States should have the tools necessary to work with the North American Numbering Plan Administrator and the FCC to deter bad actors from accessing finite numbering resources and VoIP providers should be required to comply with state requirements to obtain numbers in their states. The additional requirements and clarifications proposed in the FNPRM are not onerous and will assist state commissions in their efforts to prolong area code exhaust and protect valuable numbering resources.

¹³ [ATIS Comments](#) pg. 5.

Respectfully Submitted,

MICHIGAN PUBLIC
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