

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON D.C. 20554**

In the Matter of:)
)
RNK, Inc. d/b/a RNK Telecom, Nuvio) CC Docket No. **99-200**
Corporation, Unipoint Enhanced Services)
d/b/a PointOne, Dialpad Communications,)
Inc., Vonage Holdings Corporation, and)
VoEX, Inc. Petitions for Limited Waiver of)
Section 52.15(g)(2)(i))
_____)

**COMMENTS OF THE
MICHIGAN PUBLIC SERVICE COMMISSION**

Pursuant to the Federal Communications Commission (“FCC”) procedural

schedule established in the above docket, the Michigan Public Service Commission

(“MPSC”) hereby submits its comments.

INTRODUCTION

On March 11, 2005, the FCC requested comments on 6 petitions for limited waivers of Section 52.15(g)(2)(i) of the FCC’s rules regarding access to numbering resources.¹ RNK, Inc. d/b/a RNK Telecom (“RNK”), Nuvio

¹ RNK Inc. Petition for Limited Waiver of Section 52.15(g)(2)(i) of the Commission’s Rules Regarding Numbering Resources, CC Docket No. 99-200, February 7, 2005

Nuvio Corporation Petition for Limited Waiver of Section 52.15(g)(2)(i) of the Commission’s Rules Regarding Numbering Resources, CC Docket No. 99-200, February 14, 2005.

Corporation (“Nuvio”), UniPoint Enhanced Services d/b/a PointOne (“PointOne”), Dialpad Communications, Inc. (“Dialpad”), Vonage Holdings Corporations (“Vonage”), and VoEX, Inc. (“VoEX”) petitioned to receive telephone numbering resources without federal or state certification. Each petitioner states that their situation is either “identical” or “comparable” to SBCIS and, accordingly, they should be granted the waiver.²

DISCUSSION

Waiver of Section 52.15 (g)(2)(i)

In light of the difficulty already encountered with SBCIS in the allocation of numbering resources, the MPSC requests that the FCC set a licensure procedure to address nationwide, interstate telecommunications service providers such as Voice over Internet Protocol (“VoIP”). To allow any company to request and receive telephone numbering resources without meeting specific criteria, will only encourage additional requests for waivers.

UniPoint Enhanced Services d/b/a PointOne Petition for Limited Waiver of Section 52.15(g)(2)(i) of the Commission’s Rules Regarding Numbering Resources, CC Docket No. 99-200, March 2, 2005.

Dialpad Communications, Inc. Petition for Limited Waiver of Section 52.15(g)(2)(i) of the Commission’s Rules Regarding Access to Numbering Resources, CC Docket No. 99-200, March 1, 2005.

Vonage Holdings Corp. Petition for Limited Waiver of Section 52.15(g)(2)(i) of the Commission’s Rules Regarding Access to Numbering Resources, CC Docket No. 99-200, March 4, 2005.

VoEX, Inc. Petition for Limited Waiver of Section 52.15(g)(2)(i) of the Commission’s Rules Regarding Access to Numbering Resources, CC Docket No. 99-200, March 4, 2005.

² In the Matter of Administration of the North American Numbering Plan, *Order*, CC Docket 99-200, January 28, 2005, ¶4, “To the extent other entities seek similar relief we would grant such relief to an extent comparable to what we set forth in this Order.”

The MPSC reiterates its previous comments that, in Michigan, the licensing process is not onerous³ and nearly every MPSC commission meeting includes the licensure of additional companies. The process allows service providers to provide state commissions with technical, geographic and business information, as well as contact representatives. There must be a standard, a burden of responsibility, to ensure that providers of emerging technology are cognizant of the magnitude of their request.

The FCC licenses commercial wireless carriers that provide interstate telecommunication services and, since the FCC determined that VoIP telephone service is interstate, it may be in consumers' best interest to license VoIP service providers and providers of other emerging interstate technologies, similar to wireless carriers. The FCC discusses the SBCIS's VoIP situation, in the SBCIS order, as being similar to commercial wireless carriers in respect to interconnection with the Public Switched Telephone Network ("PSTN") and tariff issues.⁴

The MPSC believes that licensure is an essential step in the acquisition of numbering resources and, in lieu of state licensure, recommends that the FCC develop a process for federal licensure for providers of emerging interstate technologies.

³ Reply Comments, MPSC, In the Matter of SBC IP Communications, Inc. Petition for Limited Waiver of Section 52.15(g)(2)(i) of the Commission's Rules Regarding Access to Numbering Resources, CC Docket 99-200, August 31, 2004.

⁴ SBCIS *Order*, ¶¶6 and 8.

Finite Numbering Resource

In reviewing the petitions, it is significant to note that each petitioner failed to acknowledge that the current NANP system is a finite national resource and that specific rules were implemented to ensure that this resource would be available for years to come.

The petitioners also failed to recognize the privilege afforded to parties that receive numbering resources, as well as the responsibilities. Although numbering resources may be the most beneficial mechanism for VoIP providers to serve customers, the reclamation of those same resources will be very difficult, if not impossible.

The MPSC, as the party responsible for area code relief in Michigan, is concerned that NANP resources are considered a “convenient mechanism with which users are familiar to identify the user’s IP address.”⁵ NANP numbering resources are finite and their use must be limited to ensure future usage.

Location Routing Numbers

It is essential that the petitioners and the FCC understand the gravity of these requests. Not just a few telephone numbers are being requested. Michigan is currently in receipt of documentation from SBCIS for their initial

⁵ In the Matter of Vonage Holdings Corporation Petition for Declaratory Ruling Concerning an Order of the Minnesota Public Utilities Commission, *Memorandum Opinion and Order*, WC Docket No. 03-211 (FCC 04-267), November 12, 2004, ¶9.

numbering resources requests, including Location Routing Number (“LRN”) needs.

Historically, LRN needs have been addressed by issuing CO Codes to carriers. In thousand-block number pooling areas, nine thousands-blocks were subsequently donated back to the rate center pool, many times stranding 9,000 telephone numbers. Current industry numbering guidelines allow carriers to request “an initial Location Routing Number (LRN) per POI or switching entity for each LATA”⁶ and States understand the need for LRN resources; however, area code relief is triggered by available CO Codes, not unused, or even stranded, thousands-blocks.

Information provided by the Pooling Administrator (“PA”), in the 2004 Annual Report, shows an increase in LRN requests by 597% from 2002 to 2004 and the expectation is that LRN needs with VoIP are expected to be immense, in light of the evolution of technology from copper to softswitch technology. A carrier’s ability to have an LRN for both their copper and their softswitch is duplication⁷ and must be curtailed.

The Nebraska Public Service Commission provided both the NANC and the Industry Numbering Committee (“INC”) with a possible solution to the allocation of entire CO Codes for LRNs, however, the process is

⁶ Industry Numbering Committee, Central Office Code (NXX) Assignment Guidelines, INC 95-0407-008, 4.1.3, February 4, 2005.

⁷ In the Matter of Numbering Resource Optimization, *Third Report and Order and Second Order on Reconsideration in CC Docket No. 99-200*, CC Docket 99-200, 96-98, 95-116, December 28, 2001 (released), ¶65.

considered voluntary and States are seeing very little effort by carriers to use this conservation effort.⁸ The MPSC requests that the FCC review the INC Guidelines and implement a mandatory LRN administrative process either by delegating authority to the States or by appointing an LRN administrator.

Punitive Action for Non-Compliance

There is the expectation of all entities that receive numbering resources that they will comply with numbering resource requirements including reclamation, numbering porting, number pooling, and safety valve requests. However, recent FCC Orders regarding such violations provided very small punitive forfeitures.⁹ Forfeitures of \$6,000 are seen as the “cost of doing business” not as a price to pay for not providing documentation on a vital finite resource. The MPSC requests that the Enforcement Bureau of the FCC realign, strengthen and publish fines and forfeitures to reflect the importance of the carrier responsibilities toward NANP resources.

Future of Numbering Issues Management Group

On September 14, 2005, the North American Numbering Council (“NANC”) established the Future of Numbering Issues Management Group (“FON IMG”) to discuss the long range implications of emerging technologies

⁸ Industry Numbering Committee, Authorizing NPA-NXX Assignment Transfer to Facilitate Establishment of New LRN, Issue 462, Final Closure January 21, 2005.

⁹ Example: In the Matter of Winsome Paging, Inc. OCN#6918, *Forfeiture Order*, File No. EB-01—IH-0017u, NAL/Acct. No. 200132080052, FRN 0002-8626-21 and 0003-3006-21, May 10, 2002.

and services on the NANP. Due to another pending issue, VoIP has not received in-depth investigation or discussion by the FON IMG.

The use of numbering resources by VoIP service providers is an issue that will benefit from frank discussion between industry members, NANPA and PA representatives, and state and federal regulators. It is not an issue that can be rushed into, to be re-investigated after decisions are made. The MPSC believes that the FON IMG must be allowed to more fully explore the issues, and be able to provide input prior to a final decision by the FCC.

CONCLUSION

A standard must be set and a burden must be placed for VoIP service providers to be able to acquire numbering resources. The MPSC requests that the FCC take the following actions prior to approving additional petition waivers for numbering resources without a license:

1. review and develop a process for the FCC to license providers of interstate emerging technologies
2. review the INC Guidelines regarding Location Routing Numbers and
implement a mandatory administrative process to ensure numbering resources are not being stranded
3. realign, strengthen and publish fines and forfeitures to reflect the importance of responsibilities toward numbering resources

4. allow the Future of Numbering Issues Management Group to
continue

their discussion related to VoIP and numbering resources.

Respectfully submitted,

MICHIGAN PUBLIC SERVICE COMMISSION

By its attorneys:

Michael A. Cox
Attorney General

David A. Voges
Steven D. Hughey
Assistant Attorneys General
Public Service Division
6545 Mercantile Way, Suite 15
Lansing, MI 48911
Telephone: (517) 241-6680

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99-200 Comments