

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

In the Matter of:

Telephone Number Requirements for  
IP-Enabled Services Providers

WC Docket No. 07-243

**REPLY COMMENTS OF VONAGE HOLDINGS CORP.**

Vonage Holdings Corp. (“Vonage”) believes that customers should control their telephone numbers. As a new entrant competing vigorously with established providers on price and features, Vonage benefits when consumers are free to take their numbers to the provider of their choice.<sup>1</sup> The Commission’s numbering policies should facilitate these choices by ensuring that providers are able (and obligated) to port numbers as quickly and smoothly as possible. Now that the Commission has extended number porting obligations to interconnected VoIP service providers (“IVSPs”), it should further streamline the porting process and address the difficulty these providers face under the current system by granting IVSPs direct access to numbering resources. Divorcing numbering responsibility from numbering rights has, thus far, created unnecessary hardships for IVSPs and their customers. Finally, the Commission should take note of

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<sup>1</sup> See *Telephone Number Requirements for IP-Enabled Services Providers; Local Number Portability Porting Interval and Validation Requirements; IP-Enabled Services; Telephone Number Portability; CTIA Petitions for Declaratory Ruling on Wireline-Wireless Porting Issues; Final Regulatory Flexibility Analysis; Numbering Resource Optimization*, Report and Order, Declaratory Ruling, Order on Remand, and Notice of Proposed Rulemaking, 22 FCC Rcd. 19531, 19532 (¶ 1) (2007) (“*VoIP LNP Report and Order*”) (extending number portability to customers of IVSPs to “facilitate greater competition among telephony providers by allowing customers to respond to price and service changes”).

IVSPs' market-driven deployment of N11 dialing and decline to adopt new N11 dialing requirements for these providers.

**I. NUMBERING RIGHTS SHOULD ACCOMPANY NUMBERING RESPONSIBILITIES.**

**A. Shared Numbering Responsibility can Cause Delay and Hardship for Consumers, IVSPs, and Numbering Partners.**

Vonage shares the Commission's commitment to "regulatory parity among providers of similar services"<sup>2</sup> and applauds its decision to "ensure that users of interconnected VoIP services have the ability to port their telephone numbers when changing service providers."<sup>3</sup> Unfortunately, the current porting mechanism for IVSPs has, in practice, presented difficulties for IVSPs, their numbering partners, and consumers. Because IVSPs do not have direct access to numbers, porting an IVSP number requires coordinated action by IVSPs and their numbering partners. This need for coordinated action can lead to a variety of difficulties in the porting process, causing unnecessary delays and otherwise frustrating the pro-consumer goals of number portability.

The requirement that IVSPs act through an intermediary to obtain numbering resources can harm providers and consumers alike. As the Commission's *Order* makes clear, communication breakdowns can hamper the local number port validation process even when only two parties are communicating.<sup>4</sup> As the Public Utilities Commission of Ohio ("Ohio PUC") correctly recognized, communication problems are compounded when additional parties are added to the mix. In particular, the Ohio PUC observed that

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<sup>2</sup> *Id.* at ¶ 1.

<sup>3</sup> *Id.* at ¶ 17.

<sup>4</sup> *See id.* at ¶ 45.

the numbering structure for IVSPs “adds inefficiency, reduces accountability and needlessly slows processing.”<sup>5</sup>

Vonage has firsthand experience with the problems incumbent in the current numbering structure for IVSPs. One area where difficulties arise is information flow between an IVSP and its numbering partner. Generally, Vonage maintains the relevant customer data for a number obtained from one of its CLEC numbering partners. When a number is ported, the port-in carrier contacts the CLEC numbering partner to initiate the port because the number is registered as being held by the CLEC. The CLEC processes the port request without having full access to the customer data held by Vonage, which can result in an incorrect port.<sup>6</sup> If an IVSP could obtain numbers directly, it would be able to verify relevant end user customer data to ensure that the correct number has been ported, avoiding customer dissatisfaction and ensuring that consumers can exercise their porting rights without unnecessary delays or frustration.

Similarly, problems occur when partnering CLECs fail to inform IVSPs that a number has been ported, as has happened to Vonage on occasion. Failures to notify create problems routing calls within Vonage’s network, as without this notice Vonage has no way of knowing that the number is no longer on its network and will not make the programming changes necessary to route Vonage callers to the former Vonage customer’s new carrier. In other words, when a CLEC fails to inform Vonage that it has

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<sup>5</sup> See Comments of the Public Utilities Commission of Ohio at 6, WC Docket No. 07-243 (filed Mar. 24, 2008) (“Ohio PUC Comments”).

<sup>6</sup> One could argue that the problem is not the IVSP/CLEC arrangement *per se* but is instead faulty coordination. However, this would overlook the fact that the CLEC may compete with the IVSP for end user customers and at least is very likely to serve other companies that compete with the IVSP for end-user customers. Thus, it is not feasible to allow the CLEC free access to sensitive customer data. Notably, other communications carriers like ILECs and wireless carriers are not forced to turn over sensitive customer data to third parties in order to enable their own porting processes.

ported out the number of a former Vonage customer and a current Vonage customer attempts to call the former customer, Vonage is unable to complete the call.

Removing the opportunity for communication breakdowns would also benefit public safety. IVSPs are required to maintain and transmit E911 information to the native 911 network, and Vonage views its accurate and timely provision of customer 911 information as a critical mission.<sup>7</sup> IVSPs, like wireless providers, use 911 integrators (either Intrado or TCS) to fulfill this obligation. If an IVSP and a port-in (*i.e.* “winning”) carrier use the same E911 integrator, the 911 record for the customer will be locked after a porting request until the IVSP releases the number. If the IVSP has not received notice of a port, it will not be aware that it must release the 911 record. And while the port-in carrier could create a new record for the customer, Intrado and TCS will not forward either record to the public safety answering point (PSAP) when the status of the customer record is uncertain. It is in all parties’ interest to minimize potential complications or delays in E911 provisioning. Allowing IVSPs to obtain numbers directly would eliminate an unnecessary complexity in the porting and 911 provisioning process, benefitting consumers, public safety, and IVSPs.

Sharing numbering responsibility has additional drawbacks. Reliance on numbering intermediaries inhibits efficient network design, and also limits the ability of IVSPs to set up redundant systems in case of failure. For example, Vonage customers have lost service when a CLEC partner’s switch went down. If Vonage were to receive numbers directly, it could (and would) implement network configurations with greater redundancy, better insulating its customers from outages in its partners’ networks.

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<sup>7</sup> See *E911 Requirements for IP-Enabled Service Providers*, First Report and Order and Notice of Proposed Rulemaking, 20 FCC Rcd. 10245, 10247 (n.6) (2005).

In addition, as the Ohio PUC has observed, using CLECs to obtain numbers wastes limited numbering resources, since CLECs generally report entire blocks of numbers as being in use upon providing them to an IVSP.<sup>8</sup> Indeed, numbering conservation was one of the primary reasons that NANC itself recommended making numbering resources directly available to IVSPs.<sup>9</sup>

**B. The Commission Should Streamline Number Porting by Granting Vonage and other IVSPs Direct Access to Numbering Resources.**

Vonage first sought direct access to numbering resources over three years ago when it filed a Petition for Limited Waiver of the Commission's rules limiting numbering access to state-certificated common carriers.<sup>10</sup> This petition closely followed the Commission's grant of a similar petition filed by SBC Internet Services.<sup>11</sup> But despite the Commission's indication that it would grant similar relief to others parties seeking numbering resources,<sup>12</sup> and despite NANC's 2005 conclusion that numbering resources should be directly available to IVSPs,<sup>13</sup> the Commission has taken no action on the Vonage Petition. Vonage applauds the Commission's decision to make number portability available to IVSP customers. The Commission can further streamline the

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<sup>8</sup> See Ohio PUC Comments at 5-6.

<sup>9</sup> See generally Letter from Robert C. Atkinson, NANC Chair, to Thomas Navin, Chief, Wireline Competition Bureau and App., NANC Report and Recommendation, 2005 FCC LEXIS 7130 (Aug. 3, 2005) ("NANC VoIP Numbering Recommendation").

<sup>10</sup> See *Vonage Holdings Corp. Petition for Limited Waiver of Section 52.15(g)(2)(i) of the Commission's Rules Regarding Access to Numbering Resources, Petition for Limited Waiver*, CC Docket No. 99-200 (filed Mar. 4, 2005). See also *Emergency Request for Expedited Approval of Vonage's Petition for Limited Waiver of Section 52.15(g)(2)(i)*, CC Docket No. 99-200 (filed May 26, 2005).

<sup>11</sup> *Administration of the North American Numbering Plan*, Order, 20 FCC Rcd. 2957 (2005) ("SBC-IS Waiver Order").

<sup>12</sup> *Id.* at ¶ 11.

<sup>13</sup> See generally NANC VoIP Numbering Recommendation.

porting process, and deliver additional benefits, by taking the logical next step and granting IVSPs direct access to numbers.

The same public interest benefits that the Commission found in granting the SBC Internet Service Petition and that led NANC to recommend that IVSPs have direct access to numbering resources are equally valid today. As the Commission explained in granting the SBC Internet Service Petition, the ability to obtain NANP numbers directly will “expedite the implementation of IP-enabled services..., enable [IVSPs] to deploy innovative new services and encourage the rapid deployment of new technologies and advanced services that benefit American consumers,” all of which are decidedly in the public interest.<sup>14</sup> Further, the Commission found that direct access would “facilitate SBCIS’ ability to efficiently interconnect to the PSTN.”<sup>15</sup> Moreover, as the Ohio PUC’s comments demonstrate, NANC’s concerns about numbering conservation have not abated.<sup>16</sup>

The Commission’s recent requirement that IVSPs port numbers makes an even more compelling case for direct access to numbering resources now. Direct numbering access would allow IVSPs to better execute their porting obligations by putting them on the same footing as other providers, and also would put IVSPs in a better position to meet any future numbering obligations the Commission may impose. More generally, because IVSPs with direct access to numbers would likely have access to numbers associated with a broader range of geographic locations, they could expand their market and rate center offerings and make their services more competitive with other communications

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<sup>14</sup> *SBC-IS Waiver Order*, 20 FCC Rcd. at 2959 (¶ 4).

<sup>15</sup> *Id.* at ¶ 6.

<sup>16</sup> Ohio PUC Comments at 6.

providers. For example, Vonage may only have Little Rock, Arkansas numbers available through its numbering partners to provide to a potential customer in Hot Springs, Arkansas. As a result, the potential customer's neighbors, served by a local exchange company, would incur long distance charges to call the potential customer. This clearly could reduce the desirability of the Vonage service for the potential customer.

In short, IVSPs should not be hamstrung by a requirement that "adds inefficiency, reduces accountability and needlessly slows processing."<sup>17</sup> Rather, the Commission should heed the Ohio PUC's call to establish a level playing field for all providers of similar services by making numbering resources directly available to IVSPs.<sup>18</sup>

## **II. THE COMMISSION SHOULD NOT REQUIRE IVSPs TO IMPLEMENT N11 DIALING.**

### **A. IVSPs Are Already Implementing N11 Dialing.**

As the VON Coalition has explained, IVSPs have made substantial progress implementing N11 dialing, and, driven by market forces, will continue to do so even without a Commission mandate.<sup>19</sup> For its part, Vonage is evaluating 611 dialing services for customer support, and already has implemented 211 (community information and referrals), 311 (non-emergency government services), 511 (traveler information), and 811 (utility information) dialing services in addition to the 911 and 711 dialing requirements.<sup>20</sup> Vonage implements these features by painstakingly gathering state and local routing information and tables, compiling that information, and routing calls appropriately based on customer-provided Registered Location.

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<sup>17</sup> *Id.*

<sup>18</sup> *See id.*

<sup>19</sup> *See* Comments of the Voice on the Net Coalition at 5-8, WC Docket No. 07-243 (filed Mar. 24, 2008) ("VON Coalition Comments").

<sup>20</sup> *See* Vonage VoIP Internet Phone Features & Benefits (available at [http://www.vonage.com/features.php?lid=nav\\_features](http://www.vonage.com/features.php?lid=nav_features)).

To the extent other IVSPs seek to provide a service that can replace traditional local telephone services, their customers will continue to demand N11 services. Indeed, a number of Vonage's IVSP fixed service competitors already offer local N11 features comparable to those offered by Vonage. For example, Time Warner in North Carolina offers local 211, 411, 511, 611, and 811 dialing services.<sup>21</sup> Similarly, Brighthouse in Central Florida provides 211, 311, 411, 511, and 811 services.<sup>22</sup> Moreover, VoIP-based N11 services (including Vonage's) often offer consumers the capability to access a far greater wealth of information than is traditionally available with N11 dialing.<sup>23</sup> Vonage's Enhanced 411, for example, offers movie listings, airline flight times, ATM locations, weather, sports scores and news, stock quotes, lottery results, accurate time of day anywhere on earth, and horoscopes.<sup>24</sup> In other words, IVSPs are rapidly achieving parity—and more—for N11 services. In this environment, regulation is unnecessary, and risks creating burdens that could delay or impede the existing deployment of N11 dialing by IVSPs and discourage entry by new and innovative service providers.<sup>25</sup>

**B. Any N11 Mandate Must Account for Telephone Numbers that Do Not Reflect Geographic Location.**

Although there is no need for Commission action in this area, if the Commission does act, it must account for situations where a customer's telephone number may not accurately reflect the customer's location, either because the customer is using a nomadic

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<sup>21</sup> See Time Warner Cable: Digital Phone Calling Features (available at [http://www.twcnc.com/dp/calling\\_features.cfm](http://www.twcnc.com/dp/calling_features.cfm)). It should be noted that because these services are fixed, N11 call routing may be less difficult for these providers. See Section II.B below.

<sup>22</sup> See BrightHouse Networks, Digital Phone FAQs (available at [http://cfl.mybighthouse.com/customer\\_care/Product\\_FAQs/Phone/default.aspx](http://cfl.mybighthouse.com/customer_care/Product_FAQs/Phone/default.aspx)).

<sup>23</sup> See VON Coalition Comments at 6.

<sup>24</sup> See Vonage 411 Enhanced Dialing (available at [http://www.vonage.com/features.php?feature=411&refer\\_id=WEBFT0706010001W1](http://www.vonage.com/features.php?feature=411&refer_id=WEBFT0706010001W1)).

<sup>25</sup> See VON Coalition Comments at 9.

IVSP service or because the caller is using a “non-geographically relevant” telephone number. The repeated waiver requests surrounding the Commission’s requirement that IVSPs transmit 711-dialed calls to the appropriate telecommunications relay services (“TRS”) center illustrate some of the challenges IVSPs face when implementing N11 dialing.<sup>26</sup> As the Commission recognized in that context, there are substantial “technical difficulties associated with identifying the geographic location of a caller using a nomadic interconnected VoIP service or a non-geographically relevant telephone number when dialing a 711 call.”<sup>27</sup> Any N11 regulations proposed by the Commission should take these challenges into account in two ways.

First, consistent with NENA’s recommendations in this proceeding, the Commission should specify that the 911 address associated with the customer determines the appropriate means of routing N11 calls, at least until better technical solutions become available.<sup>28</sup>

Second, the Commission should establish an official database of the N11 services in each local area, and provide a mechanism to keep this information up-to-date.<sup>29</sup> Because there is currently no official N11 routing table available to IVSPs that specifies which local or toll-free number should be used for a given N11 service in a given

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<sup>26</sup> See, e.g., *Implementation of Sections 255 and 251(a)(2) of the Communications Act of 1934, as Enacted by the Telecommunications Act of 1996: Access to Telecommunications Service, Telecommunications Equipment and Customer Premises Equipment by Persons with Disabilities; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Order, 2008 FCC LEXIS 3085 (CGB Apr. 4, 2008) (“April 2008 Order”); *Implementation of Sections 255 and 251(a)(2) of the Communications Act of 1934, as Enacted by the Telecommunications Act of 1996: Access to Telecommunications Service*, Order and Public Notice Seeking Comment, 22 FCC Rcd. 18319 (CGB 2007).

<sup>27</sup> *April 2008 Order* at ¶ 10.

<sup>28</sup> See Comments of National Emergency Number Association at 3-7, WC Docket No. 07-243 (filed Mar. 24, 2008).

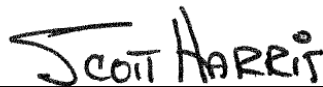
<sup>29</sup> See, e.g., *id.* at 2-3.

location, Vonage has had to assemble the routing information necessary to provide N11 services to its subscribers. In many cases, this information has been gathered on a piecemeal basis, and Vonage often must rely on feedback from its customers to ensure that it is routing to the correct number. These two simple steps would enable IVSPs to provide the best possible N11 service to their customers.

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By granting IVSPs the same direct access to numbering resources enjoyed by wireline and wireless carriers, the Commission can ensure competition on a level playing field that will benefit all consumers. The Commission should likewise recognize the existing market-driven availability of N11 dialing for IVSP customers and decline to adopt new N11 obligations for these IVSPs.

Respectfully submitted,



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