

***Resolution Concerning Access to Numbering Resources and Adherence to Numbering Rules by Voice over Internet Protocol and IP-Enabled Service Providers***

**WHEREAS**, The National Association of Regulatory Utility Commissioners (NARUC) has long recognized that telephone numbers are a limited resource which must be utilized in the most efficient way to accommodate new entrants and new technologies into the competitive telecommunications marketplace; *and*

**WHEREAS**, NARUC previously adopted resolutions concerning the availability of telephone numbers to Voice over Internet Protocol (VoIP) and Internet Protocol (IP)-enabled service providers at its November 2007 Annual Convention and July 2007 Summer Committee Meetings; *and*

**WHEREAS**, Poor management of numbering resources can lead to unnecessary exhaust of area codes requiring relief proceedings and development of implementation plans which are costly and can have a negative impact on consumers and commerce; *and*

**WHEREAS**, Pursuant to § 251(e) of the Communications Act of 1934, as amended by the Telecommunications Act of 1996, the Federal Communications Commission (FCC) has exclusive jurisdiction over the North American Numbering Plan (NANP) although the FCC may and has delegated some of that authority to the States; *and*

**WHEREAS**, The FCC has delegated day-to-day responsibilities for administering numbering resources to the North American Numbering Plan Administrator (NANPA) and the National Pooling Administrator (PA); *and*

**WHEREAS**, Under the FCC's Part 52 numbering rules only carriers with FCC licenses, State certifications or FCC waivers may apply to the NANPA or the PA for direct access to numbering resources; *and*

**WHEREAS**, All eligible carriers seeking numbering resources directly from the NANPA or the PA are subject to the FCC's Part 52 numbering rules, including the filing of Number Resources Utilization and Forecast (NRUF) information, as well as meeting the requisite number utilization requirements; *and*

**WHEREAS**, Consumers have increased access to VoIP and other IP-enabled services which can benefit consumers by providing more choices of competitive voice service alternatives, however this increase in the number of providers creates a greater demand for numbering resources; *and*

**WHEREAS**, Most VoIP and IP-enabled service providers do not obtain FCC licenses, seek State certification, or obtain FCC waivers to gain direct access to numbering resources, but instead partner with eligible carriers to indirectly gain access to numbering resources; *and*

**WHEREAS**, Neither the NANPA nor the PA have a mechanism to directly monitor utilization of numbers by unlicensed and non-certificated VoIP and other IP-enabled service providers which may not have an incentive to efficiently utilize numbering resources and, thereby, increases the difficulty for States monitoring numbering resources utilization; *and*

**WHEREAS**, There is currently no consistent or stated FCC rule or policy regarding the assignment of numbers to unlicensed or non-certificated service providers; *and*

**WHEREAS**, In 2005, the FCC granted a waiver of the certification requirements to SBC Internet Services Inc. (SBCIS), an affiliate of an incumbent local exchange carrier, that enabled SBCIS to gain direct access to numbering resources, even though it was not an FCC licensed or State certificated service provider; *and*

**WHEREAS**, The FCC imposed a number of conditions on SBCIS requiring it to adhere to the same requirements as FCC licensed and State certificated service providers, including requirements that SBCIS comply with: (1) all numbering utilization and optimization requirements; (2) all numbering authority delegated by the FCC to States; (3) all industry numbering guidelines and practices; (4) all numbering request requirements and timelines; and (5) all facilities readiness requirements; *and*

**WHEREAS**, Neither the 2005 SBCIS Waiver nor the 2007 NARUC Resolutions appeared to recognize the detrimental impacts of expanding number resource access to non-carrier VoIP and IP-enabled service providers, including:

- The impact on number exhaust as a myriad of VoIP and IP-enabled service providers become Code Holders to obtain local routing numbers (LRNs);
- The impact on call routing issues raised by permitting VoIP and IP-enabled service providers that are not listed in the Local Exchange Routing Guide (LERG) to obtain numbers;
- The impact on State commission consumer protection capabilities;
- The uncertainty relating to whether VoIP and IP-enabled service providers have interconnection and compensation obligations;
- The impact on area code exhaust if VoIP and IP-enabled service providers were allowed access to numbering resources in rural rate centers still designated as “Pooling Excluded” by the PA; and
- The impact on area code exhaust if VoIP and IP-enabled service providers acquire numbering resources without regard for utilization and conditions in the local telecommunications market; *and*

**WHEREAS**, In “Pooling Excluded” rate centers there are no thousands-blocks of numbers available to VoIP and IP-enabled service providers, and assignment of NXXs in ten thousands-blocks of telephone numbers would likely lead to premature area code exhaust in rural areas; *and*

**WHEREAS**, The numbering resource management authority delegated by the FCC to the States has greatly contributed to the overall success in meeting number utilization and optimization goals, reducing area code exhaust, and facilitating the efficient and timely porting of numbers between service providers; *and*

**WHEREAS**, Granting to the States the ability to determine which rate centers in the respective State are available to unlicensed and non-certificated VoIP and IP-enabled service providers will promote conservation and optimization of number utilization; *and*

**WHEREAS**, On December 27, 2011, the FCC requested Comments to refresh the record on petitions for waiver, in CC Docket No. 99-200, from unlicensed or non-certificated VoIP and IP-enabled service providers to allow them to gain direct access to numbering resources from the NANPA and PA; *now, therefore be it*

**RESOLVED**, That the Board of Directors of the National Association of Regulatory Utility Commissioners, convened at its 2012 Winter Committee Meetings in Washington, D.C., reaffirms and clarifies its positions “Concerning Availability of Numbers to Voice over Internet Protocol Providers and IP-Enabled Services” previously stated in November 2007 and “Concerning Adherence to Numbering Rules by Voice over Internet Protocol and IP-Enabled Service Providers” previously stated in July 2007; and *be it further*

**RESOLVED**, That NARUC urges the FCC to issue a Notice of Proposed Rulemaking to address the waiver requests by VoIP and IP-enabled service providers, in CC Docket No. 99-200, in order to proceed in a non-discriminatory manner and to consider:

- (1) Whether and on what conditions unlicensed or non-certificated VoIP and IP-enabled service providers should obtain numbering resources directly from the NANPA and the PA; *and*
- (2) Delegating pooling authority to all States; *and*
- (3) The broader implications of its decisions on numbering issues attributed to unlicensed and non-certificated VoIP and IP-enabled service providers, including their impact on:
  - i. Meeting number utilization and optimization goals; *and*
  - ii. Reducing area code exhaust; *and*
  - iii. Addressing critical routing issues; *and*
  - iv. Carrier and service provider interconnection and compensation obligations; *and*
  - v. Facilitating the efficient and timely porting of numbers between service providers; *and be it further*

**RESOLVED**, That should the FCC decide ultimately to permit unlicensed and non-certificated VoIP and IP-enabled service providers direct access to telephone numbers at some future point, it not do so unless it first proceeds with a Notice of Proposed Rulemaking and at least requires such service providers to comply with:

- (1) The FCC’s Part 52 numbering rules; *and*
- (2) The same conditions the FCC previously imposed on SBCIS; *and*
- (3) Any additional routing, interconnection, and compensation conditions that will mandate the seamless flow of traffic and efficient number utilization; *and be it further*

**RESOLVED**, That should the FCC decide ultimately to permit unlicensed and non-certificated VoIP and IP-enabled service providers direct access to numbering resources, it should also grant States the authority to determine which rate centers in the respective State are available for assignment to such service providers; *and be it further*

**RESOLVED**, That NARUC specifically stresses the importance of requiring all service providers (licensed and unlicensed, certificated and non-certificated, over-the-top and embedded alike) to comply with numbering utilization and optimization requirements, as well as the obligation to comply with all industry guidelines and practices approved by the FCC and all numbering authority delegated by the FCC to the States.

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*Sponsored by the Committee on Telecommunications*

*Adopted by the NARUC Board of Directors February 8, 2012*