

***Resolution to Assure States a Meaningful Opportunity to Comment on Interconnected
VoIP Providers' Applications for Telephone Numbers***

WHEREAS, State public utilities commissions have been delegated limited authority by the Federal Communications Commission (“FCC”) regarding the administration of numbering resources (47 U.S.C. § 251(e)(1); 47 C.F.R. § 52.3); *and*

WHEREAS, On June 22, 2015, the FCC released the *Direct Access Report and Order* (Docket Nos. WC 13-97, WC 04-36, WC 07-243, CC 95-116, CC 01-92, WC 10-90, and CC 99-200) to establish a process for interconnected voiceover Internet protocol (VoIP) providers to obtain telephone numbers directly from the Numbering Administrator, rather than through intermediaries; *and*

WHEREAS, FCC rules (47 C.F.R. § 52.15(g)(2)) require that “[a]n applicant for initial numbering resources must include in its application evidence that the applicant is authorized to provide service in the area for which the numbering resources are requested”; *and*

WHEREAS, FCC rules (47 C.F.R. § 52.15(g)(3)(iv)) require that interconnected VoIP numbering authorization applications include an acknowledgment that: (a) the applicant must file requests for numbers with the relevant State commission(s) at least thirty (30) days before requesting numbers from the Numbering Administrator; and (b) the authorization granted in this section of the rules is subject to compliance with applicable FCC numbering rules, numbering authority delegated to the States, and industry guidelines and practices regarding numbering as applicable to telecommunications carriers; *and*

WHEREAS, The FCC has granted authorization for interconnected VoIP providers to obtain telephone numbers directly from the Numbering Administrator based on applications filed with confidential information and, therefore, are not available for review by the relevant State commission since the FCC has not set forth a process for States to access such confidential information (*See MetTel*, Granted: July 18, 2016; *Telnyx LLC*, Granted: July 18, 2016); *and*

WHEREAS, The FCC has granted several interconnected VoIP providers authorization and has received requests for authorization from other interconnected VoIP providers to obtain telephone numbers directly from the Numbering Administrator based on applications that have not identified the States or areas that the interconnected VoIP provider is authorized to provide service in and is or will be capable of providing service in (*See Vonage Holdings Corp.*, Granted: March 31, 2016; *Telebrand, LLC*, Received: May 18, 2016 and June 3, 2016; *Mix Networks, Inc.*; Granted: June 6, 2016; *AT&T Corp.*, Granted: June 13, 2016; *Local Access LLC*, Received: June 16, 2016; *MetTel*, Granted: July 18, 2016; *Telnyx LLC*, Granted: July 18, 2016; *Commio, LLC*, Granted: August 1, 2016; *AireSpring, Inc.*, Received: July 27, 2016; August 1, 2016; and August 17, 2016; *Backbone Communications Inc.*, Received: October 11, 2016; and *VoIPStreet, Inc.*; Received: October 31, 2016); *and*

WHEREAS, The FCC’s Public Notices allowing for comment on interconnected VoIP providers’ numbering authorization applications do not identify the impacted States; *and*

WHEREAS, Once an interconnected VoIP provider obtains FCC authorization, the VoIP provider is not required by the FCC to subsequently notify the FCC of requests to the Numbering Administrator for number blocks in new States or service areas, thereby, impeding the ability of State commissions with delegated numbering administration responsibilities to review and comment on the VoIP providers' original application for authorization to obtain numbers or a subsequent expansion of service to new States; *and*

WHEREAS, The Alliance for Telecommunications Industry Solutions, through its Industry Numbering Committee, developed a thirty-day State notification numbering request form for interconnected VoIP providers which would provide States with the information required by the FCC; *and*

WHEREAS, Certain States have created their own processes and developed numbering request forms that may seek more or different information from carriers, including interconnected VoIP providers, than what is requested in the ATIS State numbering request form; *and*

WHEREAS, Some interconnected VoIP providers may be unaware that certain States have their own processes for requesting numbers or that they are exempt from State requirements to either register or complete a State-specific form; *now, therefore be it*

RESOLVED, That the National Association of Regulatory Utility Commissioners, convened at its 128th Annual Meeting in La Quinta, California, urges the FCC to require interconnected VoIP providers requesting numbering authorization to file numbering authorization applications on a non-confidential basis that identify the States and areas they will be seeking numbering resources to enable State commissions the opportunity to provide relevant comment; *and be it further*

RESOLVED, That the FCC should require that an interconnected VoIP provider's "nationwide" application for numbering authorization demonstrate that it is authorized by each State to provide service; *and be it further*

RESOLVED, That the FCC require interconnected VoIP providers to follow State numbering procedures applied to other telecommunications service providers, where such procedures exist and are not inconsistent with federal regulations.

Sponsored by the Committee on Telecommunications

Recommended by the NARUC Board of Directors on November 15, 2016

Adopted by the NARUC Committee of the Whole on November 16, 2016