

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

In the Matter of)	
)	
2018 Biennial Review of)	WC Docket No. 18-378
Telecommunications)	
Regulations)	
)	

**REPLY COMMENTS OF
THE INDIANA UTILITY REGULATORY COMMISSION**

I. Introduction

On December 17, 2018, the Federal Communications Commission (“FCC” or “Commission”) released its Public Notice on behalf of FCC Bureaus seeking public comment in the *2018 Biennial Review of Telecommunications Regulations*. Among many rules included in the *2018 Biennial Review* are rules under Part 52 of the FCC’s rules, which are administered by the Wireline Competition Bureau. On February 8, 2019, NTCA – The Internet & Television Association (NCTA) filed comments suggesting repeal of section 52.15(g)(3)(iv)(C), which requires interconnected VoIP providers to provide state commissions a 30-day notification before applying for numbering resources from the applicable numbering administrator. NTCA also points out that 52.15(g)(i)(C), which requires acknowledgement of the 30-day notice requirement in the FCC Authorization process, would also need to be repealed.

The Indiana Utility Regulatory Commission (“Indiana Commission”) appreciates the opportunity to comment on potential changes to the FCC’s numbering administration rules and would like to offer reply comments to NTCA’s proposal. The Indiana Commission urges the FCC to maintain the status quo and not repeal the 30-day notification requirement for interconnected VoIP providers seeking direct access to numbering resources.

II. The Indiana Commission's Experience with the 30-day Notification Requirement

While this process was approved only four years ago for all interconnected VoIP providers, AT&T Internet Services (formerly known as SBCIS) has been using this process since 2005 as a condition of receiving a waiver from the FCC's rule preventing VoIP providers from receiving direct access to numbers.¹ Since 2005 the Indiana Commission's staff has received and acknowledged many of these advance notices from AT&T Internet Services. In 2016, the first interconnected VoIP provider received authorization from the FCC to seek numbering resources² pursuant to the FCC's 2015 Report and Order (*Direct Access Order*)³ and the FCC's rule in 52.15(g)(3)(iv)(C).

Since this requirement went into effect, the Indiana Commission has been reviewing the 30-day notices it receives from interconnected VoIP providers seeking numbering resources with Number Planning Areas (NPAs) that cover portions of Indiana. This notice provides the opportunity for the state commission to review the request and determine "whether the request is problematic for any reason."⁴ For example, in situations where the notice indicated the intent to use particularly large amounts of numbers, the Indiana Commission, because of the 30-day notification requirement, was able to reach out to the requesting VoIP provider and the Numbering Administrator to verify that the amount of telephone numbers requested were actually needed. In one instance which occurred in November of 2018, a VoIP provider notified Indiana Commission staff of the intent to open a full code for an LRN in every rate center in Indiana. After communication with the VoIP provider and the Numbering Administrator, the request was reduced. In addition, the Indiana Commission's staff have taken this opportunity to notify interconnected VoIP providers and the Numbering Administrator about applicable Indiana specific requirements and statutes when the VoIP provider does not appear to be in compliance with such.

¹ *Administration of the North American Numbering Plan*, CC Docket No. 99-200, Order, 20 FCC Rcd 2957 (2005) (*SBCIS Waiver Order*). SBCIS is now AT&T Internet Services.

² See Public Notice DA-16-342, Released March 31, 2016.

³ *Numbering Policies for Modern Communications*, WC Docket Nos. 13-97, 04-36, 07-243, 10-90, and CC Docket Nos. 95-116, 01-92, 99-200, Report and Order, 30 FCC Rcd 6839, 6855, ¶ 34 (2015).

⁴ *Id.*

This was one of the reasons given in the FCC's *Direct Access Order* for requiring the 30-day notice.

III. The IURC Urges Continuing the 30-day Notice Requirement for Interconnected VoIP Providers

The FCC states in paragraph 34 of the *Direct Access Order* that the 30-day notice requirement "... will allow the states to monitor number usage and raise any concerns about the request with the service provider, the [FCC], and the Numbering Administrators." It further states that "[h]aving 30-days' notice of a number request allows state commissions to advise interconnected VoIP providers as to which rate centers have excess blocks of numbers available. This notice period also gives state commissions the opportunity to determine, as they currently do with carriers, whether the request is problematic for any reason, such as the provider's failure to submit timely NRUF reports or meet the utilization threshold necessary to obtain additional numbers."

The NTCA argues that state information requests pursuant to 47 CFR 52.15(g)(6) provide states with an alternative to the 30-day notice requirement. The Indiana Commission is aware that information is available under this rule when a communications service provider submits a request for number resources to the Pooling Administrator. However, this process, as implemented by the Pooling Administrator, only allows state commissions a maximum of seven calendar days to state any concerns regarding such a request. This does not allow time for the state commission, to determine "whether the request is problematic for any reason" as is laid out in paragraph 34 of the *Direct Access Order*.

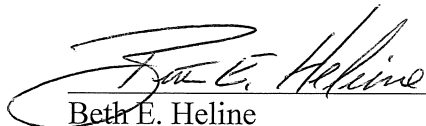
NTCA also argues that the rule is anticompetitive because it does not apply to non-VoIP providers. While it is true that the Indiana Commission does not get 30-days advanced notice from telecommunications carriers seeking number resources for Indiana customers, these carriers typically comply with state statutes and requirements and are accustomed to interacting with state commissions on a regular basis. Conversely, the 30-days advanced notice from interconnected VoIP providers has often made the Indiana Commission aware for the first time that the provider is offering communications service to Indiana customers and, as stated above, many VoIP providers are not in compliance with Indiana statutes and requirements. Thus the 30-day notice requirement is not anticompetitive as NTCA argues.

Finally, the Indiana Commission does not believe sufficient time has passed to see the full impact of the *Direct Access Order* and it is too soon to repeal a thoughtfully considered rule resulting from the order. While the order was approved in 2015, the Indiana Commission did not actually begin receiving 30-day notices until mid-2016, after the Wireline Competition Bureau implemented an authorization process and the first few interconnected VoIP providers had completed the FCC authorization process. New VoIP providers are still undergoing the FCC process to get direct access to telephone numbers each year and the Indiana Commission anticipates that many of them will seek numbering resources with Indiana NPA's.

IV. Conclusion

The Indiana Commission appreciates the existing numbering administration procedures and communications which provide state commissions with the opportunity for input regarding numbering resource use which affects our state. The Indiana Commission urges the FCC to maintain the status quo and not to repeal the 30-day notice requirement pursuant to 52.15(g)(3)(iv)(C). The Indiana Commission looks forward to continuing the coordinated state-federal partnership with the FCC.

Respectfully submitted March 8, 2019



Beth E. Heline
General Counsel
Indiana Utility Regulatory Commission
101 West Washington Street, Suite 1500 East
Indianapolis, Indiana 46204
Phone: (317) 232-2092
Fax: (317) 232-6758
Email: bheline@urc.in.gov