



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

News Media Information 202 / 418-0500
Internet: <http://www.fcc.gov>
TTY: 1-888-835-5322

DA 16-129

Released: February 4, 2016

WIRELINE COMPETITION BUREAU ANNOUNCES COMMENCEMENT DATE AND PROCESS FOR INTERCONNECTED VOIP PROVIDERS TO FILE APPLICATIONS FOR AUTHORIZATION TO OBTAIN TELEPHONE NUMBERS

CC Docket Nos. 95-116, 99-200, 01-92
WC Docket Nos. 04-36, 07-243, 10-90, 13-97

By this Public Notice, the Wireline Competition Bureau (Bureau) announces that on February 18, 2016, the Federal Communications Commission will begin accepting applications from interconnected VoIP providers for authorization to obtain telephone numbers directly from the North American Numbering Plan Administrator and the Pooling Administrator (referred to herein as Numbering Administrators). Filing procedures and information that must be included in an applicant's filing are detailed below.

Background. On June 22, 2015, the Commission released the *Direct Access Report and Order* establishing a process by which the Commission will authorize interconnected VoIP providers to obtain telephone numbers directly from the Numbering Administrators, rather than through intermediaries.¹ To streamline the processing of interconnected VoIP providers' applications to obtain numbers—called "Numbering Authorization Applications"—the Commission established an electronic filing mechanism for these applications. The Office of Management and Budget (OMB) approved the rules establishing that mechanism on January 5, 2016.² The rules became effective today upon publication of a notice of OMB's approval in the Federal Register.³

Applicant Filing Procedures. To obtain numbering authorization under the new Commission process, interested interconnected VoIP providers must file Numbering Authorization Applications through the Commission's Electronic Comment Filing System (ECFS).⁴ When e-filing a new Numbering Authorization Application, a filer must select "VoIP Numbering Authorization Application" from the Inbox list of the "Submit a Non-Docketed Filing" module of ECFS. Applicants are not required to use a particular form or format in filing their Numbering Authorization Application; however, new section

¹ See *Numbering Policies for Modern Communications et al.*, Report and Order, 30 FCC Rcd 6839 (2015) (*Direct Access Report and Order*).

² See Notice of Office of Management and Budget Action for OMB Control No. 3060-1214 (approved Jan. 5, 2016), <http://www.reginfo.gov/public/do/DownloadNOA?requestID=269857>.

³ Federal Communications Commission, *Numbering Policies for Modern Communications et al.*, 81 Fed. Reg. 5920 (Feb. 4, 2016).

⁴ 47 CFR § 52.15(g)(3).

52.15(g)(3)(i) of the Commission's rules⁵ requires a Numbering Authorization Application to contain the following:

- The applicant's name, address, and telephone number, and contact information for personnel qualified to address issues relating to regulatory requirements, compliance with Commission rules, 911, and law enforcement;
- An acknowledgment that the authorization granted in this section of the rules is subject to compliance with applicable Commission numbering rules, numbering authority delegated to the states, and, industry guidelines and practices regarding numbering as applicable to telecommunications carriers;
- An acknowledgement that the applicant must file requests for numbers with the relevant state commission(s) at least thirty (30) days before requesting numbers from the Numbering Administrators;
- Proof that the applicant is or will be capable of providing service within sixty (60) days of the numbering resources activation date in accordance with 47 CFR § 52.15(g)(2);
- Certification that the applicant complies with its Universal Service Fund contribution obligations under 47 CFR part 54, subpart H, its Telecommunications Relay Service contribution obligations under 47 CFR § 64.604(c)(5)(iii), its North American Numbering Plan and Local Number Portability Administration contribution obligations under 47 CFR §§ 52.17, 52.32, its obligations to pay regulatory fees under 47 CFR § 1.1154, and its 911 obligations under 47 CFR part 9;
- Certification that the applicant possesses the financial, managerial, and technical expertise to provide reliable service. This certification must include the name of the applicant's key management and technical personnel, such as the Chief Operating Officer and the Chief Technology Officer, or equivalent, and state that none of the identified personnel are being or have been investigated by the Federal Communications Commission or any law enforcement or regulatory agency for failure to comply with any law, rule, or order; and,
- Certification pursuant to 47 CFR §§ 1.2001-1.2002 that no party to the application is subject to a denial of Federal benefits pursuant to section 5301 of the Anti-Drug Abuse Act of 1988. *See* 21 U.S.C. § 862.

FCC Review Process. As noted in the *Direct Access Report and Order*, Bureau staff will first review Numbering Authorization Applications for conformance with procedural rules. Assuming that the applicant satisfies this initial procedural review, Bureau staff will assign the application its own case-specific docket number and will release an "Accepted for Filing Public Notice" seeking comment on the application. The public notice will be associated with the docket established for the application. All subsequent filings by the applicant and interested parties related to the application must be submitted via ECFS in the docket established for the application. Parties filing comments addressing the application should do so no later than fifteen (15) days after the Commission releases the "Accepted for Filing Public Notice," unless the public notice sets a different deadline.⁶

⁵ 47 CFR § 52.15(g)(3)(i).

⁶ *Direct Access Report and Order*, 30 FCC Rcd at 6858, para. 39.

On the thirty-first (31st) day after the “Accepted for Filing Public Notice” is released, the application will be deemed granted unless the Bureau notifies the applicant that the grant will not be automatically effective. Once an interconnected VoIP provider’s Numbering Authorization Application is deemed granted, the applicant can immediately provide states from which it intends to request numbers the required thirty (30)-days’ notice. The Bureau will release a “Grant Public Notice” announcing auto-granted applications, but the applicant need not wait for that announcement.

The Bureau may halt the auto-grant process if (1) the applicant fails to respond promptly to Commission inquiries, (2) an application is associated with a non-routine request for waiver of the Commission’s rules, (3) timely-filed comments on the application raise public interest concerns that require further Commission review, or (4) the Bureau determines that the request requires further analysis to determine whether the authorization for direct access to numbers would serve the public interest. If the Bureau decides to halt the auto-grant process, it will release a public notice to announce that decision. To enable this process, the Commission delegated to the Bureau authority to make inquiries and compel responses from an applicant regarding the applicant and its principals’ past compliance with applicable Commission rules.⁷ The Bureau will issue a separate public notice granting or denying applications removed from the auto-grant process. Once the Bureau releases a public notice granting an application removed from the auto-grant process, the applicant can immediately give the required thirty (30)-days’ notice to those states from which it will request numbers.

Filing Confidential Information. Consistent with existing Commission electronic filing guidelines, if an application includes confidential information, the party must file a redacted version of the pleading via ECFS and must also file two paper copies of the confidential version with the Commission’s Office of the Secretary.⁸ Parties should file the redacted and confidential versions of pleadings on the same day. Anything submitted to ECFS will become public. Contact ECFS Help immediately at ecfshelp@fcc.gov, or 202-418-0193, if there is a filing error.

For further information regarding the Commission’s electronic filing process, please contact ECFS Help at ecfshelp@fcc.gov or 202-418-0193; for further information regarding other aspects of the Commission’s Numbering Authorization Application process, please contact Margoux Brown, Competition Policy Division, Wireline Competition Bureau, at Margoux.Brown@fcc.gov or (202) 418-1584.

- FCC -

⁷ *Id.* at 6858, para. 40.

⁸ *See* 47 CFR § 0.459(a)(2).