

Federal Communications Commission Releases Order Applying Local Number Portability Obligations to Interconnected Voice Over Internet Protocol Providers

On November 8, 2007, the Federal Communications Commission (“FCC”) released a Report and Order, Declaratory Ruling, Order on Remand, and Notice of Proposed Rulemaking (“Order”) requiring interconnected voice over internet protocol (“VoIP”) providers to comply with local number portability (“LNP”) requirements and to contribute to shared number administration costs. The Order imposed the following new LNP requirements, all of which become effective 30 days after the Order is published in the Federal Register unless noted otherwise below:

- ▶ All service providers must validate *simple ports* based solely upon the following four fields: (i) 10-digit telephone number; (ii) customer account number; (iii) zip code; and (iv) pass code (if applicable). Simple ports are defined as those that: (i) do not involve unbundled network elements; (ii) involve accounts for single lines; (iii) do not include complex switch translations; and (iv) do not involve resellers. Affected entities must comply with the new port validation requirement by February 6, 2008.
- ▶ Both the interconnected VoIP provider and the underlying carrier from which the provider obtains its telephone numbers have a duty to ensure that an end user is able to retain his or her telephone number when

porting to, or from, the interconnected VoIP provider.

- ▶ Interconnected VoIP providers cannot obtain numbering resources directly from the North American Numbering Plan Administrator (“NANPA”) absent an FCC waiver. Nonetheless, both the interconnected VoIP provider and the underlying carrier that obtains numbers directly from NANPA for the provider have a duty to ensure compliance with the FCC’s numbering rules, including the LNP requirements.
- ▶ The FCC declined to adopt new number porting intervals for ports to or from an interconnected VoIP provider and the underlying carrier from which the provider obtains its telephone numbers.
- ▶ Interconnected VoIP providers must contribute to shared number administration costs on a competitively neutral basis, and will be invoiced an amount based upon the revenues they report on FCC Form 499.

The FCC also released a Notice of Proposed Rulemaking seeking comment on whether additional numbering requirements should apply to interconnected VoIP providers. Specifically, the FCC sought comment on the following issues, among others:

- ▶ whether interconnected VoIP providers should be required to comply with other numbering requirements such as N11 code assignments;
- ▶ whether the FCC should require providers to identify, at one time, all errors on a Local Service Request to limit delays in the port process;
- ▶ whether the FCC should adopt rules reducing porting intervals to 48 hours for wireline-to-wireline and intermodal simple ports;
- ▶ whether the FCC should codify the wireless industry's voluntary port standard of two and one-half hours for wireless-to-wireless ports; and
- ▶ whether the FCC should establish different porting intervals for different types of simple ports, i.e., wireline-to-wireline, wireline-to-wireless, etc. and how to define the timelines in terms of operating hours.

Comments are due 30 days after publication of the *Order* in the Federal Register and reply comments are due 60 days after the publication date.

If you would like further information about the new numbering and portability requirements or if you would like to participate in the rulemaking proceeding, please contact:

Todd D. Daubert
(202) 342-8602
tdaubert@kelleydrye.com