

Before the
Federal Communications Commission
Washington, D.C. 20554

Request of)
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Targeted Technologies, LLC.)
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For Declaratory Ruling)
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REQUEST FOR DECLARATORY RULING

BACKGROUND

FCC Order 07-188 was issued on November 8, 2007 and went into effect on March 24th, 2008. The Order provides for LNP rules and obligations to be extended to interconnected VoIP carriers. Targeted Technologies is an interconnected VoIP carrier and not a CLEC. Upon issuance of this Order Targeted Technologies attempted to provide services in an ILEC territory where there is little competition. Targeted ordered PRI lines terminated at a leased location in the rate center from the ILEC and had 600 DID's placed on the PRI's. Targeted has signed up over 800 customers in the area, but the ILEC has refused to port the customer's numbers claiming the Order does not require such ports.

ISSUE

The disagreement is the interpretation of Section 35 of the Order:

35. We also clarify that carriers have an obligation under our rules to port-out NANP telephone numbers, upon valid request, for a user that is porting that number for use with an interconnected VoIP service.¹ For example, subject to a valid port request on behalf of the user, a wireline carrier must port-out a NANP telephone number to: (1) an interconnected VoIP provider that partners with a wireless carrier for numbering resources, where the partnering wireless carrier's

¹ To the extent that an interconnected VoIP provider is certificated or licensed as a carrier, then the Title II LNP obligations to port-in or port-out to the carrier are already determined by existing law. *See, e.g.*, 47 C.F.R. § 52.26(a).

coverage area overlaps with the geographic location of the porting-out wireline carrier's rate center; or (2) an interconnected VoIP provider that partners with a wireline carrier for numbering resources, where the partnering wireline carrier has facilities or numbering resources in the same rate center as the porting-out wireline carrier.² Similarly, subject to a valid port request on behalf of the user, a wireless carrier must port-out a NANP telephone number to: (1) an interconnected VoIP provider that partners with a wireless carrier; or (2) an interconnected VoIP provider that partners with a wireline carrier for numbering resources, where the partnering wireline carrier is within the number's originating rate center.³

Targeted Technologies' reading of this Section would apply as follows:

For example, subject to a valid port request on behalf of the user, a wireline (ILEC) carrier must port-out a NANP telephone number to: (2) an interconnected VoIP provider that partners with a wireline (ILEC) carrier for numbering resources, where the partnering wireline (ILEC) carrier has facilities or numbering resources in the same rate center as the porting-out wireline (ILEC) carrier.

The ILEC agrees it is our numbering partner in the area. But they believe for it to be a "port" they must send it to another carrier. Our position is if the FCC had meant that the wireline carrier **had** to be different, it would have so stated. Using terms like "another" or "alternate" carrier. Since the FCC did not use any such language, the legal interpretation is they meant exactly what they said; without the insertion of words not present. Further support for such a finding is found in footnote 119 of the order where it states: "¹¹⁹ *See id.* We clarify that carriers must port-out NANP telephone numbers upon valid requests from an interconnected VoIP provider (or from its associated numbering partner). The use of the word "or" is obviously important.

Targeted maintains that requiring two carriers in addition to the interconnected VoIP provider would effectively defeat the intent of Congress and the Commission's purpose with the Order. An interconnected VoIP carrier would have to wait for a CLEC that wanted to provide a competitor (the interconnected VoIP provider) with a numbering partnership to enter a territory. Additionally, in rural areas where there are no CLEC's there would be no method of expansion by interconnected VoIP service providers. Alternatively, the interconnected VoIP carrier would have to seek CLEC status in each new area of service. This would defeat the FCC Order intent which was to prevent depletion of numbering resources. If interconnected VoIP carriers become CLEC, they will apply for numbering resources through the NANPA rather than going through the ILEC or forming numbering partner relationships.

While the Order contemplates the use of CMRS providers in the area as a source of numbering partners, the practical application of this does not seem available. There is little

² *See id.*

³ *See id.* We clarify that carriers must port-out NANP telephone numbers upon valid requests from an interconnected VoIP provider (or from its associated numbering partner).

financial incentive for CMRS providers to provide such services. Targeted Technologies, contacted every CMRS provider in the territory and they had no interest in a numbering partnership. Even carriers with which Targeted shares tower space.

Targeted Technologies therefore requests a Declaratory Ruling that Section 35 of FCC Order 07-188 does not require a second carrier (other than the VoIP provider) for the LNP rules to apply. The ports are technically feasible by using RCF or DID's as has been done in the past.

Respectfully submitted

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