

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

In the Matter of)	
)	
Numbering Policies for Modern Communications)	WC Docket No. 13-97
)	
Telephone Number Requirements for IP- Enabled Service Providers)	WC Docket No. 07-243
)	
Implementation of TRACED Act Section 6(a) —Knowledge of Customers by Entities with Access to Numbering Resources)	WC Docket No. 20-67
)	
Process Reform for Executive Branch Review of Certain FCC Applications and Petitions Involving Foreign Ownership)	IB Docket No. 16-155

**Reply Comments of the
Alliance for Telecommunications Industry Solutions (ATIS)**

The Alliance for Telecommunications Industry Solutions (ATIS) hereby submits these reply comments in response to the *Second Further Notice of Proposed Rulemaking (Second FNPRM)* in the above-referenced dockets. In the *Second FNPRM*, the Federal Communications Commission (Commission) proposes changes to its rules regarding direct access to numbers by interconnected VoIP providers to protect consumers from potential misuse of numbering resources. ATIS’ Industry Numbering Committee (INC) agrees with the Commission that, if the Wireline Competition Bureau (Bureau) conducts an investigation into an authorization holder’s certifications, acknowledgments, and disclosures related to material changes or the disclosure of new information, the authorization holder should be precluded from obtaining new numbers until the investigation has concluded. In such cases, ATIS INC recommends that the Bureau direct the North American Numbering Plan Administration (NANPA) to deny those applications rather

than to suspend them.¹ ATIS INC also recommends that the Bureau consider developing a daily “under investigation” list, similar to that used in connection with NANPA’s enforcement of the Commission’s “Red Light” rule.² Finally, ATIS INC supports the Commission’s proposal to require all new applicants for direct access to numbers to provide in their applications a list of the states where they initially intend to request resources but notes that this list is subject to change.

I. BACKGROUND

ATIS is a global standards development and technical planning organization that develops and promotes worldwide technical and operations standards for information, entertainment, and communications technologies. ATIS’ diverse membership includes key stakeholders from the Information and Communications Technologies (ICT) industry – wireless, wireline, and VoIP service providers, equipment manufacturers, broadband providers, software developers, consumer electronics companies, public safety agencies, and internet service providers. ATIS is also a founding partner and the North American Organizational Partner of the Third Generation Partnership Project (3GPP), the global collaborative effort that has developed the 4G Long-Term Evolution (LTE) and 5G New Radio (NR) wireless specifications.

ATIS’ Industry Numbering Committee (INC) is the industry’s open forum for addressing and developing solutions for numbering issues. INC addresses and resolves industry-wide issues associated with planning, administration, allocation, assignment, and use of the North American Numbering Plan (NANP) numbering resources within the NANP area. INC guidelines and recommendations are used by service providers, the NANPA and the Canadian Radio Television and Telecommunications Commission (CRTC) in the management of numbering resources.

¹ *Second FNPRM* at ¶84.

² See <https://www.fcc.gov/licensing-databases/fees/debt-collection-improvement-act-implementation>

II. Comments

In the *Second FNPRM*, the Commission proposes to require existing interconnected VoIP direct access authorization holders to provide the certifications, acknowledgments, and disclosures required by Sections 52.15(g)(3)(ii)(B)-(F), (I), (K)-(L), and (N) of the Commission's rules.³ The Commission further proposes to delegate authority to the Wireline Competition Bureau (Bureau) to direct the Numbering Administrator via public notice to suspend all pending and future requests for numbers if the new information submitted by an existing authorization holder indicates a material change or discloses new information such that additional investigation is necessary to confirm that the authorization continues to serve the public interest.⁴ If the new information leads the Commission to refer the authorization holder to the Executive Branch agencies, the Commission proposes to authorize the Bureau to direct the Numbering Administrator via public notice to suspend all pending and future requests for numbers until the review is complete and a determination is made.⁵

ATIS INC agrees with the Commission that, if the Bureau conducts an investigation into an authorization holder's certifications, acknowledgments, and disclosures, the authorization holder should be precluded from obtaining new numbers until the investigation has concluded if the Bureau determines the authorization holder may pose a material risk to national security or is likely to originate unlawful robocalls. In the absence of specific concerns regarding national security or unlawful robocalling, an existing authorization holder should not be denied access to additional numbers because such denial would inappropriately disrupt the authorization holder's ability to expand its services to additional customers or communities – though an authorization

³ *Second FNPRM* at ¶81.

⁴ *Second FNPRM* at ¶84.

⁵ *Id.*

holder would, of course, be subject to legal and regulatory enforcement actions to the extent the underlying acts or omissions constitute violations of the Communications Act, the Commission's rules, or CALEA.⁶ Even if the Bureau decides that a referral to the Executive Branch agencies is appropriate, such disruption to the authorization holder's operations would be unwarranted in the absence of a material national security concern.

However, instead of "suspending" pending and future requests for numbers, ATIS INC recommends that in the rare case where such action would be appropriate, the Bureau should direct NANPA to deny those applications. A "denial" would be consistent with the Commission's "Red Light" Rule⁷ requirements that NANPA already follows. Denying pending and future requests for numbers would be less complicated for NANPA to implement from an operational perspective, as it eliminates the need to track suspended applications. Today, if an applicant's Federal Registration Number (FRN) appears in the Red Light Display System (RLD) at the time that NANPA processes the application, NANPA denies the application and the applicant must resubmit the application once it resolves its red light issue.⁸ Applying this same logic to direct authorization holders under investigation is most efficient. As the numbering application process is fairly easy and straightforward, ATIS INC also does not believe that requiring applicants to resubmit their applications would pose a significant burden.

ATIS INC further recommends that, while public notices of the further investigation and the outcome of the investigation would be beneficial, the Bureau should develop a process

⁶ See 47 U.S.C. sections 503 and 1007.

⁷ The red light rule requires the Commission to withhold action on applications and other requests for benefits when the entity applying for or seeking benefits is delinquent in non-tax debts owed to the Commission and to dismiss such applications or other request if the delinquency is not resolved. See 47 CFR §§1.1112, 1.1116, 1.1161, 1.1167, and 1.1910.

⁸ See ATIS-0300119, *Thousands-Block (NPA-NXX-X) & Central Office Code (NPA-NXX) Administration Guidelines*, sections 4.10 a), 7.1.10 a), 7.2.6 a), and 7.3.5 a). These guidelines are available for download at https://access.atis.org/apps/group_public/documents.php?view=.

similar to the Red Light rule process to notify the NANPA when a particular existing authorization holder's numbering resource applications should be denied.

ATIS INC also recommends that the Bureau consider developing a daily "under investigation" list, similar to the Red Light Display System. NANPA could obtain that list in the same manner as the red light list and upload it into the NANP Administration System to flag the denial of any applications for numbering resources. If the Bureau determines that the authorization continues to serve the public interest, the direct authorization holder can be removed from the daily list, and the holder can resume requesting numbering resources.

The Commission also proposes to require new interconnected VoIP applicants to provide in their direct access applications a list of the states where they initially intend to request numbering resources.⁹ ATIS INC supports the Commission proposal to require all new direct access applicants to provide in their applications a list of the states where they initially intend to request resources so long as it is understood that this list is subject to change. Such a requirement would promote fairness by ensuring parity with other providers that are required to provide such information when obtaining similar authorizations from state commissions. This requirement would also help better prepare state commissions to address interconnected VoIP provider applications while the applications are pending at the Commission. The proposed requirement would give the states and NANPA more awareness of new entrants and how those new entrants' numbering requests may impact demand and potentially accelerate the need for area code relief planning and implementation. ATIS INC also notes that the new requirement would not impose any undue burden on applicants.

⁹ *Second FNPRM* at ¶86.

III. Conclusion

ATIS INC appreciates the opportunity to provide its input to the *Second FNPRM* and urges the Commission to consider the recommendations above.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Thomas Goode".

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