

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

In the Matter of	)	
	)	
Time Warner Cable's Petition for	)	WC Docket No. 06-55
Declaratory Ruling that Competitive	)	
Local Exchange Carriers May	)	
Obtain Interconnection to Provide	)	
Wholesale Telecommunications Services	)	
to VoIP Providers	)	

COMMENTS OF JOHN STAURULAKIS, INC.

April 10, 2006

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## SUMMARY

The relief sought by Time Warner in its petition for declaratory ruling is contrary to Federal Communications Commission (“FCC”) rules as well as longstanding FCC policy regarding interconnection duties imposed by Section 251 of the Communications Act of 1934, as amended. Accordingly, JSI strongly recommends the Commission deny Time Warner’s Petition.

In support of its Petition, Time Warner cites decisions in two arbitration proceedings in South Carolina involving MCImetro Access Transmission Services, LLC (“MCI”) and a collection of rural telephone companies (“RLECs”). Time Warner is not a telecommunications carrier in the areas served by the RLECs and is not offering a telecommunications service. Consequently, the Section 251 and Section 252 rights afforded telecommunications carriers that offer telecommunications services to end-users do not apply to Time Warner. In addition to the rights given to telecommunications carriers, there are responsibilities; such as those described above relating to reciprocal compensation and LNP. Time Warner is attempting to shirk these responsibilities while at the same time is seeking telecommunications carrier benefits under the Act. JSI encourages the Commission to deny Time Warner’s Petition and address these matters more fully in the ongoing proceeding addressing IP Enabled Services.

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COMMENTS OF JOHN STAURULAKIS, INC.

John Staurulakis, Inc. (“JSI”) hereby files these comments in the above captioned docket. On March 6, 2006, the Federal Communications Commission (“FCC” or “Commission”) released a Public Notice for comments on a petition filed by Time Warner Cable (“Time Warner”) seeking a declaratory ruling that competitive local exchange carriers (“CLECs”) may obtain interconnection to provide wholesale telecommunications service to VoIP providers (“Petition”).<sup>1</sup> The Wireline Competition Bureau extended the initial and reply comment cycle on March 21, 2006.<sup>2</sup>

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<sup>1</sup> See *Pleading Cycle Established for Comments on Time Warner Cable’s Petition for Declaratory Ruling that Competitive Local Exchange Carriers May Obtain Interconnection to Provide Wholesale Telecommunications Services to VoIP Providers*, Docket No. 06-55, DA 06-534 (rel. Mar. 6, 2006).

<sup>2</sup> See *Wireline Competition Bureau Grants Request for Extension of Time to File Comments on Time Warner Cable’s Petition for Declaratory Ruling that Competitive Local Exchange Carriers May Obtain Interconnection to Provide Wholesale Telecommunications Service to VoIP Providers*, Docket No. 06-55, DA 06-639) (rel. Mar. 21, 2006) (comments were extended until April 10, 2006; reply comments were extended until April 25, 2006).

JSI is a consulting firm offering regulatory, financial and business development services to more than two hundred rate-of-return incumbent local exchange carriers (“LECs”) throughout the United States. The issues raised in the Petition have significant implications for JSI clients. In addition, JSI is particularly interested in this matter as JSI provided testimony on behalf of rural telephone companies that are members of the South Carolina Telephone Coalition when the initial matter covered in this proceeding was addressed by the South Carolina Public Service Commission (“South Carolina PSC”).

JSI strongly recommends the Commission deny Time Warner’s Petition. The relief sought by Time Warner is contrary to FCC rules as well as longstanding FCC policy regarding interconnection duties imposed by Section 251 of the Communications Act of 1934, as amended (the “Act”).<sup>3</sup>

## **BACKGROUND**

In support of its Petition, Time Warner cites decisions in two arbitration proceedings in South Carolina involving MCImetro Access Transmission Services, LLC (“MCI”) and a collection of rural telephone companies.<sup>4</sup> Time Warner sought to intervene in the South

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<sup>3</sup> 47 U.S.C. §251 *et seq.*

<sup>4</sup> See Petition at 5, n. 6 & 7, n. 14 (citing *Petition of MCImetro Access Transmission Services, LLC for Arbitration with Farmers Telephone Cooperative, Inc., Hargray Telephone Company, Home Telephone Co., Inc. and PBT Telecom, Inc. Concerning Interconnection and Resale Under the Telecommunications Act of 1996*, Order Denying and Dismissing Petition to Intervene, Docket No. 2005-67-C; *Petition of MCImetro Access Transmission Services, LLC for Arbitration of Certain Terms and Conditions of Proposed Agreement with Farmers Telephone Cooperative, Inc., Home Telephone Co., PBT Telecom, Inc., and Hargray Telephone Company, Concerning Interconnection and Resale under the Telecommunications Act of 1996*, Order Ruling on Arbitration, Docket No. 2005-67-C (South Carolina PSC Oct. 7, 2005) (“South Carolina PSC Arbitration Proceeding”); and *Petition of MCImetro Access Transmission Services, LLC for Arbitration of Certain Terms and Conditions of Proposed Agreement with Horry Telephone Cooperative, Inc. Concerning Interconnection and Resale under the Telecommunications Act of 1996*, Order Ruling on Arbitration, Docket No. 2005-188-C (South Carolina PSC Jan. 11, 2006). The carriers

Carolina arbitration process and was denied participation inasmuch as it was a third party to the agreement being arbitrated.

The record in the South Carolina proceedings show that the largest dispute in the proceedings is about the rights and obligations to exchange traffic between a rural incumbent LEC and a VoIP provider who is not a CLEC and who is not providing local exchange telecommunications services. On this matter, the Commission should deny Time Warner's Petition and reaffirm that for the exchange of traffic, the two networks originating and terminating the call need to make necessary arrangements for the proper exchange of traffic.

Contrary to Time Warner's assertions, the dispute is not related to the physical interconnection between two networks because a physical connection of the networks already exists. Time Warner admits to pre-existing physical interconnection when it states that its VoIP service, Digital Phone, is an interconnected VoIP service that has over one million customers nationally.<sup>5</sup> If a rural LEC customer in South Carolina calls one of Time Warner's existing VoIP customers, the call is completed. There is no dispute regarding the rural LEC fulfilling its duty under Section 251(a) of the Act.<sup>6</sup>

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involved in these proceedings are: Farmers Telephone Cooperative, Inc., Home Telephone Co., Inc., PBT Telecom, Inc., Hargray Telephone Company and Horry Telephone Cooperative, Inc. (hereinafter referred to as "RLECs")

<sup>5</sup> See Petition at 1.

<sup>6</sup> As discussed below, Time Warner incorrectly seeks to place added responsibilities on Section 251(a). The Commission has already made clear that interconnection is substantively different than exchange of traffic and that a telecom carrier may not dictate how another carrier interconnects to the public switched telephone network ("PSTN") under Section 251(a). See *In the Matter of Implementation of the Local Competition Provisions in the Telecommunications Act of 1996; Interconnection Between*

Time Warner also seeks to expand the obligations of telecommunications carriers and the rights of non-telecommunications carriers regarding local number portability (“LNP”). Time Warner has not received CLEC designation in the areas served by the RLECs in South Carolina. In its capacity solely as a VoIP service provider, it seeks to have the RLECs port telephone numbers to Time Warner acting as a VoIP service provider for end-user customers. This request expands the current LNP duties and is beyond current Commission rule. In this respect, Time Warner’s Petition is inappropriate inasmuch as it seeks to create new rules rather than seek reaffirmation of existing rules.

Although in the South Carolina arbitration, MCI sought interconnection with the RLECs in South Carolina, in Time Warner’s declaratory ruling petition before the FCC, MCI is actually a third party to a dispute between the RLECs and Time Warner. It is clear from the record in South Carolina that the RLECs do not have issues exchanging traffic between the end-user customers of MCI and the rural LECs’ end-user customers.<sup>7</sup> However, it is also clear that MCI’s role in this matter is to exclusively transmit traffic for Time Warner – the self-acknowledged service provider of VoIP. MCI’s role in as an intermediary is to be largely hands-off and remote. MCI would not guarantee that traffic data received Time Warner would be accurate or complete – thereby making accurate

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*Local Exchange Carriers and Commercial Mobile Radio Service Providers*, 11 FCC Rcd 15499, FCC 96-325 (1996) at para. 997. (“Regarding the issue of interconnecting ‘directly or indirectly’ with the facilities of other telecommunications carriers, we conclude that telecommunications carriers should be permitted to provide interconnection pursuant to section 251(a) either directly or indirectly, based upon their most efficient technical and economic choices”).

<sup>7</sup> See South Carolina PSC Arbitration Proceeding, Hearing Transcript, Docket No 2005-67-C, at 254 (during questioning, RLEC witness Mr. Meredith stated the following regarding the exchange of traffic: “Q: Is it the position of the RLECs that if MCI had end users that would be a problem or not a problem? A: Not a problem”).

reciprocal arrangements nearly impossible . JSI submits that Time Warner's use of MCI for this exchange of traffic is a disguise used to escape legitimate responsibilities required by all local exchange carriers.

## **DISCUSSION**

The following supports JSI's recommendation to the Commission that it deny Time Warner's Petition:

- 1. To properly consider Time Warner's Petition, it is necessary to understand the role each carrier plays and the types of traffic that are involved.**

As a threshold matter, one must clearly understand the role of the various parties and the service involved in the South Carolina dispute. The RLECs are rural incumbent local exchange carriers. MCI is a telecommunications carrier authorized to operate in South Carolina. Time Warner is a CLEC and has CLEC certification in areas of South Carolina served by non-rural telephone companies. In geographic areas served by the RLECs, however, Time Warner has not received CLEC designation. For these geographic areas, Time Warner is solely a VoIP service provider.

The RLECs offer local exchange telecommunications service to end-user customers. RLEC customers may send and receive calls on their traditional wireline phone connections. MCI currently operates as a long distance carrier in areas served by the RLECs. Some RLEC end-user customers have MCI designated as their presubscribed interexchange carrier. For these customers, toll calls are transmitted to MCI at a

designated network point. JSI understands that MCI does not have local exchange end-user customers in the areas served by the rural LECs. MCI seeks to provide telecommunications services to Time Warner via a wholesale arrangement. However, in this arrangement, MCI does not propose to have Time Warner resell MCI local exchange services. Time Warner offers its cable service to its customers in areas served by the RLECs. Time Warner seeks to provide VoIP service exclusively to these customers using cable service plant. To the greatest extent possible Time Warner will use its network to deliver VoIP calls. Only when a Time Warner cable VoIP call needs to terminate on the PSTN will Time Warner deliver VoIP traffic to MCI for termination.

**a. Time Warner's VoIP service is not telecommunications service.**

JSI understands that Time Warner's Digital Phone service is a VoIP service that uses a cable modem and cable network. Accordingly, all transmissions to or from Time Warner's Digital Phone VoIP service use a computer or a VoIP interface device at the customer's location to connect to the cable network. This device connects the end-user customer to a broadband network. Time Warner is the service provider for its Digital Phone service. Time Warner does not resell a telecom provider's services to its end-user customers in order to provision Digital Phone. Time Warner bundles Digital Phone service with its cable service offerings.

The Time Warner VoIP service is best described as an “interconnected VoIP service.”<sup>8</sup> This Commission stated last summer that it had not yet “decided whether interconnected VoIP services are telecommunications services or information services.”<sup>9</sup> Accordingly, at present, Time Warner has been able to avoid certain obligations imposed on telecommunications carriers because its VoIP service is not classified as a telecommunications service. While the treatment of interconnected VoIP service is unresolved and the rights and obligations of interconnected VoIP service providers remains unclear, Time Warner seeks to have the Commission make declarations that would greatly favor VoIP service providers by granting them certain rights without attendant obligations. Foremost among these obligations is the duty to directly establish terms and conditions related to the exchange of traffic with the RLECs.<sup>10</sup>

## **2. Interconnection and the exchange of traffic are substantively different.**

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<sup>8</sup> The Petition can be viewed as a request to have the Commission address a major issue that the FCC is addressing in its comprehensive Notice of Proposed Rulemaking regarding VoIP service and that the Commission rule on that issue as Time Warner requests. As stated in the E911 Order, interconnected VoIP service providers are not offering telecommunications service. *See IP-Enabled Services; E911 Requirements for IP-Enabled Service Providers*, 20 FCC Rcd 10245 (2005) (“E911 Order”) at para. 24 (defining interconnected VoIP service as: “(1) the service enables real-time, two-way voice communications; (2) the service requires a broadband connection from the user’s location; (3) the service requires IP-compatible CPE; and (4) the service offering permits users generally to receive calls that originate on the PSTN and to terminate calls to the PSTN” and stating, “[w]e make no findings today regarding whether a VoIP service that is interconnected with the PSTN should be classified as a telecommunications service or an information service under the Act”).

<sup>9</sup> *Id.* at para. 22.

<sup>10</sup> Depending upon the ultimate classification of service offered by Time Warner, Time Warner may seek negotiation for telecommunications through the established Section 251 and 252 processes. In the event VoIP service is classified as an information service, Time Warner would be able to seek an agreement with the RLECs outside the realm of Section 251 and 252.

One important distinction apparently glossed over by Time Warner is the Commission's distinction between physical interconnection and the exchange of traffic.<sup>11</sup> Time Warner argues that Section 251(a) of the Act requires the RLECs to transport and terminate third-party traffic. This claim is erroneous. Section 251(a) requires that:

Each telecommunications carrier has the duty---  
(1) to interconnect directly or indirectly with the facilities and equipment of other telecommunications carriers.<sup>12</sup>

The duty to interconnect under Section 251(a) of the Act relates to "the physical linking of two networks for the mutual exchange of traffic."<sup>13</sup> It does *not* require a carrier to transport and terminate another carrier's traffic.<sup>14</sup> Transport and termination obligations extend from Section 251(b) of the Act and apply only directly between local exchange carriers.<sup>15</sup> Nothing in the Act supports Time Warner's contention that delivering traffic indirectly to end user customers was contemplated, much less permitted, by the Act. In fact, the Commission's rules implementing exchange of traffic uniformly address the exchange of traffic as a bilateral agreement between two carriers, each serving end user customers within the same local calling area. Section 251(b) describes duties for each

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<sup>11</sup> Petition at 12.

<sup>12</sup> 47 U.S.C. § 251(a)

<sup>13</sup> *Implementation of the Local Competition Provisions of the Telecommunications Act of 1996*, CC Docket No. 96-98, *First Report and Order*, 11 FCC Rcd 15499 (1996), aff'd in part and vacated in part sub nom. *Competitive Telecommunications Ass'n v. FCC*, 117 F.3d 1068 (8th Cir. 1997) and *Iowa Utils. Bd. v. FCC*, 120 F.3d 753 (8th Cir. 1997), aff'd in part and remanded, *AT&T Corp. v. Iowa Utils. Bd.*, 525 U.S. 366, 119 S. Ct. 721, 142 L. Ed. 2d 835 (1999); Order on Reconsideration, 11 FCC Rcd 13042 (1996), Second Order on Reconsideration, 11 FCC Rcd 19738 (1996), Third Order on Reconsideration and Further Notice of Proposed Rulemaking, FCC 97-295 (rel. Aug. 18, 1997) ("Local Competition Order"), at para 11.

<sup>14</sup> *See Total Telecommunications Services, Inc., and Atlas Telephone Company, Inc. v. AT&T Corporation*, File No. E-97-003, FCC 01-84, Memorandum Opinion and Order (rel. Mar. 13, 2001), ("Total Order") at para. 23 ("In the Local Competition Order, we specifically drew a distinction between 'interconnection' and 'transport and termination,' and concluded that the term 'interconnection,' as used in section 251(c)(2), does not include the duty to transport and terminate traffic").

<sup>15</sup> See 47 U.S.C. § 251(b)(5); Local Competition Order at para. 1034.

“local exchange carrier” with respect to other “local exchange carriers.”<sup>16</sup> The Commission’s Local Competition Order discusses the exchange of traffic for local interconnection purposes in which two carriers collaborate “to complete a local call.”<sup>17</sup> Given this understanding, the 251(a) obligation to interconnect cannot be linked to a duty to exchange traffic.

Another key distinction missed by Time Warner is the relationship between Section 251(a) and Section 251(c) interconnection duties.<sup>18</sup> Time Warner attempts to place additional and more burdensome duties on Section 251(a) interconnection by referencing Section 251(c) interconnection rules and policy. This effort is misplaced inasmuch as the Commission has clearly defined the hierarchical nature of Section 251 with an escalation of duties throughout the statute.<sup>19</sup> Time Warner’s attempt to attach additional duties to Section 251(a) interconnection should be rejected.

**3. Time Warner’s claim that “Interconnection rights under Section 251 of the Act are not based on the identity of the requesting carrier’s customer”<sup>20</sup> is wrong.**

Time Warner’s claim that the carrier and customer identification are not important fails to recognize the construction of Section 251 and Commission policy in at least two key areas. Reciprocal compensation and LNP are clear examples where the carrier and its

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<sup>16</sup> 47 U.S.C. § 251(b).

<sup>17</sup> Local Competition Order at para. 1034.

<sup>18</sup> Petition at 13.

<sup>19</sup> See Total Order at para. 25.

<sup>20</sup> Petition at 11.

customers are clearly defined and play an important role in developing sound competitive policy.

- a. Reciprocal compensation duties require originating and terminating carriers to make arrangements for traffic exchange, measurement, billing, payment and dispute resolution issues via Section 251 252 processes.**

To exchange traffic under Section 251 of the Act, both the originating and terminating carriers must address the terms and conditions for the exchange of their traffic. The Commission defined the nature of reciprocal compensation as:

For purposes of this subpart, a reciprocal compensation arrangement between two carriers is one in which each of the two carriers receives compensation from the other carrier for the transport and termination on each carrier's network facilities of telecommunications traffic that originates on the network facilities of the other carrier.<sup>21</sup>

Under this rule, exchange of traffic (reciprocal compensation) duties apply: (1) only to telecommunications traffic; and, (2) only between the two networks originating and terminating the traffic. Inasmuch as interconnected VoIP service is not classified as telecommunications service, the duty for a rural LEC to exchange traffic with a VoIP provider seeking to avoid telecommunications carrier responsibilities is nonexistent.<sup>22</sup> Additionally, in implementing Section 251 duties, the Commission does not force a rural LEC to negotiate terms and conditions for the exchange of traffic with a third party or intermediary carrier; especially when the intermediary does not vouch for the availability

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<sup>21</sup> 47 CFR § 51.701(e) (Emphasis Supplied).

<sup>22</sup> This doesn't preclude an agreement to exchange this type of traffic. However, it isn't a duty and negotiations for this type of traffic exchange appear to fall outside the ambit of the established Section 251/252 process.

nor the accuracy of calling information necessary for the proper application of reciprocal compensation between the parties.<sup>23</sup>

JSI disputes Time Warner's statement: "So long as traffic is correctly metered and identified – as is all Digital Phone traffic originated and terminated on Time Warner Cable's network – incumbent LECs should be indifferent as to whether traffic is delivered via a third-party provider."<sup>24</sup> During the South Carolina PSC Arbitration Proceeding, MCI did not guarantee the accuracy of Time Warner's claim because it sought to merely pass the calling information it receives from the originating carrier to the RLECs. With respect to Time Warner, no party can guarantee the Time Warner claim other than Time Warner itself. If Time Warner wants to exchange telecommunications traffic with the RLECs, it should request to be a CLEC and interconnect with responsibilities attending to this designation. Alternatively, if Time Warner wants to exchange non-telecommunications traffic with the RLECs, it should request a business arrangement agreeable to the involved parties.<sup>25</sup> Otherwise, it is poor public policy and bad precedent to place a thumb on the scales in favor of yet-to-be-regulated VoIP providers.<sup>26</sup>

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<sup>23</sup> It is permitted under the Act to establish interconnection relationships for activities conducted outside the ambit of Section 251; these business relationships are not a duty of either party and are not subject to the standards of Section 251 or Section 252 rules.

<sup>24</sup> Petition at 22.

<sup>25</sup> Given the cantankerous nature of Time Warner as evidenced by its Petition filed before this Commission, JSI does not believe it will seek to establish a business arrangement with the RLECs. JSI notes that the RLECs wrote a letter expressing their availability to such a business relationship with Time Warner in 2005. These efforts were ignored by Time Warner.

<sup>26</sup> The Commission has a pending proceeding addressing IP enabled services which address this and similar issues. See *IP-Enabled Services*, WC Docket No. 04-36, Notice of Proposed Rulemaking (rel. Mar.

Lastly, under the current FCC rule cited above, MCI, the third party intermediary, could argue that it does not need to pay any reciprocal compensation to the RLECs for traffic it delivers because the traffic it passes along does not originate on its network. This possibility underscores the fallacy of Time Warner's attempt to avoid direct negotiation with the RLECs for the exchange of traffic and the appropriateness of the RLECs attempting to limit its MCI agreement to traffic originated on each others network.

**b. LNP duties require two carriers that provide telecommunications service to end-users. Time Warner's avoidance of these responsibilities is not in the public interest.**

Another example where Time Warner misapplies the need to identify the end-user customer involves LNP. Current rules require that two carriers participate to perform LNP for their end-user customers. As a non-carrier in areas served by rural LECs in South Carolina, Time Warner is seeking to claim specific carrier rights without accepting attendant obligations.

There are no rules governing the porting to a non-telecommunications carrier. Current Commission rules on LNP require only service provider portability. The definition of service provider portability states:

[S]ervice provider portability means the ability of users of telecommunications services to retain, at the same location, existing telecommunications numbers without impairment of quality, reliability, or convenience when switching from one telecommunications carrier to another.<sup>27</sup>

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10, 2004) ("VoIP NPRM"). The Petition attempts to circumvent the Commission's current proceeding and should be denied.

<sup>27</sup> 47 C.F.R. § 52.21(q).

Service provider portability is the only type of portability currently required by Commission rule.<sup>28</sup> At some point in the future, consideration may be given to other types of portability, but there are no rules or standards today providing for or governing porting of numbers to non-telecommunications carriers.

The definition of service provider portability makes clear that the port must be between *two telecommunications carriers*.<sup>29</sup> In the South Carolina PSC Arbitration Proceeding, MCI may be a telecommunications carrier but it is not serving the end-user. MCI delivers the traffic to Time Warner who ultimately “switches” or routes the traffic to its end-user customer using its cable network. The end-user is not served by a telecommunications carrier after porting a number. The definition also requires the end users to have *telecommunications service* before and after the port.<sup>30</sup> In this case, the end-user is receiving VoIP service from Time Warner, a service not currently designated as a telecommunications service, when the port has been completed. There are no Commission rules requiring ports between a non-telecommunications carrier and a telecommunications carrier or when the end-user is switching to a non-telecommunications service.

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<sup>28</sup> See *Third Report and Order, Telephone Number Portability*, 13 FCC Rcd, 11701 (1998), at para. 3 (“[i]n light of the statutory definition, Section 251(b)(2) requires service portability, but not location or service portability”).

<sup>29</sup> See 47 C.F.R. § 52.21(q).

<sup>30</sup> *Id.*

There are two public policy concerns in this situation. The first is whether it is beneficial for telecommunication numbers to be ported to an undesignated VoIP service. This public interest issue is already under review with this commission under the VoIP NPRM. Addressing the issue of porting between telecommunications service and non-telecommunications service in this proceeding is inappropriate since it would be setting a new policy rather than clarifying existing policy. The second concern is whether it is beneficial for numbers to be ported from individual end-users to a non-regulated provider that has no defined responsibilities for the treatment of those numbers. When a number is ported from a telecommunications end-user to a VoIP service via an intermediary, the port seemingly takes place between an ILEC and the CLEC intermediary. The CLEC's customer is the VoIP provider, not the end user. There is no evidence that the CLEC retains any records of the end user who ported the number initially. If the CLEC does not retain this information, the end-user has now lost its link to its own telephone number. Since the VoIP provider does not fall under any of the number administration or telecommunications rules, there is no requirement for it to allow the number to be ported to a different carrier if the end user decides to change her service.

Time Warner's one-way approach to apply LNP to non-telecommunications traffic isn't acceptable under Section 251 of the Act or Commission rules.<sup>31</sup> Time Warner is seeking to create a one-way approach to porting and the Commission should reject the Petition.

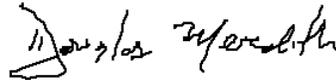
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<sup>31</sup> Any attempt to suggest that MCI handles LNP and has the duty to port is unavailing because the provider offering service to the end-user customer is not MCI – it is Time Warner.

## CONCLUSION

JSI recommends the Commission deny Time Warner's Petition. Time Warner is not a telecommunications carrier in the areas served by the RLECs and is not offering a telecommunications service. Consequently, the Section 251 and Section 252 rights afforded telecommunications carriers that offer telecommunications services to end-users do not apply to Time Warner. There are sound public policy reasons for this outcome. In addition to the rights given to telecommunications carriers, there are responsibilities, such as those described above relating to reciprocal compensation and LNP. Time Warner is attempting to shirk these responsibilities while at the same time is seeking telecommunications carrier benefits under the Act. Many of these issues are already before the Commission in an ongoing proceeding. JSI encourages the Commission to deny the Time Warner Petition and address these matters more fully in the ongoing proceeding addressing IP Enabled Services.

By:



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April 10, 2006

## CERTIFICATE OF SERVICE

I hereby certify that the foregoing Comments were served this 10th day of April, 2006, by e-mailing true and correct copies thereof to the following persons:

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I hereby certify that the foregoing Comments served this 10th day of April, 2006, by mailing true and correct copies thereof, postage prepaid, to the following persons:

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