

**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

**COMMENTS OF THE NEBRASKA PUBLIC SERVICE COMMISSION**

The Nebraska Public Service Commission (“NPSC”) respectfully submits these comments in response to the Further Notice of Proposed Rulemaking (“FNPRM”) adopted by the Federal Communications Commission (“FCC”) on August 5, 2021, and released on August 6, 2021.<sup>1</sup> The NPSC wishes to provide some information regarding the status of numbering in Nebraska, and the rate at which numbering resources for Nebraska are being exhausted. Additionally, the NPSC has certain requirements for the registration of communications providers operating in Nebraska, including VoIP providers, which are set forth below.

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<sup>1</sup> *In the Matter of Numbering Policies for Modern Communications*, WC Docket No. 13-97; *In the Matter of Telephone Number Requirements for IP-Enabled Service Providers*, WC Docket No. 07-243; *In the Matter of Implementation of TRACED Act Section 6(a) — Knowledge of Customers by Entities with Access to Numbering Resources*, WC Docket No. 20-67; and *In the Matter of Process Reform for Executive Branch Review of Certain FCC Applications and Petitions Involving Foreign Ownership*, IB Docket No. 16-155, FCC 21-94, Further Notice of Proposed Rulemaking (released August 6, 2021) (“FNPRM”).

The NPSC supports the FCC’s proposal set forth in the FNPRM that interconnected VoIP providers holding an FCC numbering authorization must comply with state numbering requirements and other applicable requirements for businesses operating in the state. This proposal is in line with Nebraska’s current practices. In Nebraska, VoIP providers are required to submit a Communications Provider Registry Form, listing the provider’s legal name as registered with the Secretary of State, contact information, services provided in Nebraska, and a regulatory contact.<sup>2</sup> The provider is then notified of regulatory compliance obligations in Nebraska, including obligations to remit to the Nebraska Universal Service Fund (“NUSF”), Wireless 911 Fund (“911”), and the Telephone Relay System Fund (“TRS”).

In Nebraska, three Numbering Plan Areas (“NPA”), otherwise known as area codes, are in use today: 402, 308, and 531. The NPSC has seen a sharp increase in use of numbering resources in Nebraska beginning in 2015, when the FCC began to allow interconnected VoIP providers to obtain numbers for customers directly from the North American Numbering Plan Administrator (“NANPA”) in 2015. While NANPA does not forecast exhaust for area codes if that exhaust date is more than thirty years in the future, the NPSC has received notice in the last several biannual reports that the projected exhaust date for each of these area codes has moved significantly closer. For example, in the most recent NANPA exhaust projection report from April 2021, the exhaust date for the 308 NPA had moved up twenty-three years from the previous report, and the exhaust date for the 402 and 531 NPAs had moved up just under nineteen years.

It is the belief of the NPSC that these radical changes in exhaust projections are driven almost exclusively by demand for numbers by VoIP providers. The NPSC has noted that many of these numbering requests often occur in rate centers for which there would be no logical demand.

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<sup>2</sup> See Neb. Rev. Stat. § 86-125. A copy of the Communications Provider Registration Application form is available on the NPSC website at <https://psc.nebraska.gov/telecommunications/telecommunications-forms>.

For example, the village of Howells, Nebraska has a population of approximately 600, but the NANPA indicates that at least 20,000 numbers for that region have been assigned to VoIP providers, or providers who we presume to provide numbering resources to third parties. Similarly, the rural area of North Julesburg has no town or village center in Nebraska, but approximately 38,000 telephone numbers have been assigned to VoIP providers and providers who we presume to provide numbering resources to third parties.

Even though large numbers of Nebraska numbers have been assigned to providers, the NPSC has not seen a corresponding increase in remittances received for the NUSF, TRS, and Wireless 911 funds. If these numbers were being used for VoIP purposes, the providers would be required to remit to each of those funds. The NPSC therefore believes that the increase in resource usage is not for voice purposes. Because of this, the NPSC believes it is important for the FCC to improve accountability for providers that seek direct access to numbering resources. Compliance with state requirements should be a baseline requirement for being granted numbering resources.

As a final note, the NPSC receives a large volume of customer complaints regarding robocalling and/or illegal spoofing. Many of these reports describe spoofed calls that appear to be coming from local, Nebraska numbers. The NPSC therefore supports the requirements proposed by the Commission in the FNPRM for certification regarding illegal robocalls and/or illegal spoofing.<sup>3</sup> The NPSC believes it would be helpful to require direct access applicants to certify that they will use numbering resources lawfully, that they will not encourage nor assist and facilitate illegal robocalls, illegal spoofing, or fraud, and that they will take reasonable steps to cease origination, termination, and/or transmission of illegal robocalls once discovered. We further

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<sup>3</sup> FNPRM at paragraph 13.

believe that the Numbering Administrator should have the authority to deny numbering requests when VoIP providers have not met state requirements.

Thank you for your attention to this matter. We applaud the Commission's efforts to further examine the process by which VoIP providers access numbering resources. We encourage you to reach out to the NPSC if you have any questions or wish to discuss this matter further.

Respectfully submitted,

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