



# PUBLIC NOTICE

Federal Communications Commission  
45 L St., N.E.  
Washington, D.C. 20554

News Media Information 202 / 418-0500  
Internet: <https://www.fcc.gov>

DA 23-854

Released: September 15, 2023

**INTERCONNECTED VOIP NUMBERING AUTHORIZATION APPLICATION FILED BY  
PAETEC iTEL, L.L.C. PURSUANT TO SECTION 52.15(g)(3) OF THE COMMISSION'S RULES**

**NON-STREAMLINED PLEADING CYCLE ESTABLISHED**

**WC Docket No. 20-416<sup>1</sup>**

**Comments Due: October 16, 2023**

PAETEC iTEL, L.L.C., (PAETEC iTEL) is an interconnected Voice over Internet Protocol (VoIP) provider with 10% or greater foreign ownership.<sup>2</sup> PAETEC iTEL has filed a Numbering Authorization Application (Application), pursuant to section 52.15(g)(3) of the Commission's rules, seeking authorization to obtain North American Numbering Plan telephone numbers directly from the Numbering Administrator.<sup>3</sup> In its Application, PAETEC iTEL indicates that it intends to initially request numbers in Florida, Georgia, Indiana, North Carolina, South Carolina, Washington, and Wisconsin.<sup>4</sup> We find that PAETEC iTEL's application for authorization for direct access to telephone numbers requires further analysis to determine whether granting the Application will serve the public interest, and we

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<sup>1</sup> We assign WC Docket No. 20-416 for this application and all related filings by the Applicant and interested parties. *See Wireline Competition Bureau Announces Commencement Date and Process for Interconnected VoIP Providers to File Applications for Authorization to Obtain Telephone Numbers*, CC Docket Nos. 95-116 et al., Public Notice, 31 FCC Rcd 949, 950 (WCB 2016).

<sup>2</sup> *See* Application of PAETEC iTEL for Authorization to Obtain Numbering Resources, WC Docket No. 20-416 (filed Sept. 30, 2020), <https://www.fcc.gov/ecfs/filing/10012513629638> (Application); *see also* Application at 4 (PAETEC iTEL is a wholly-owned subsidiary of Windstream Holdings II, LLC.); Windstream Holdings II, LLC Files a Petition for Declaratory Ruling, Public Notice, DA-22-295 at 5-8 (IB 2022), <https://www.fcc.gov/document/windstream-holdings-ii-llc-files-petition-declaratory-ruling> (Petition) (outlining that Windstream Holdings II, PAETEC iTEL's parent company, has substantial foreign ownership).

<sup>3</sup> *See* Application at 1; Supplement to PAETEC iTEL Application, WC Docket No. 20-416 (filed Mar. 9, 2021), <https://www.fcc.gov/ecfs/filing/103090563523161> (Supplement 1); Restated Application of PAETEC iTEL for Authorization to Obtain Numbering Resources, WC Docket No. 20-416 (filed July 28, 2022), <https://www.fcc.gov/ecfs/search/search-filings/filing/10728734929901> (Restated Application); Supplement to PAETEC iTEL Restated Application, WC Docket No. 20-416 (filed July 26, 2023), <https://www.fcc.gov/ecfs/document/1072676851085/1> (Supplement 2); *see also* 47 CFR § 52.15(g)(3).

<sup>4</sup> *See* Restated Application at 3; *see also* *Numbering Policies for Modern Communications et al.*, WC Docket Nos. 13-97 et al., Report and Order, 30 FCC Rcd 6839, 6850, para. 24 & n.74 (2015) (*VoIP Direct Access to Numbers Order*).

hereby notify PAETEC iTel that the Application is being accepted on a non-streamlined basis and will not be granted automatically.<sup>5</sup>

In its Application, PAETEC iTel includes the contact information and acknowledgments required by section 52.15(g)(3)(i) of the Commission's rules.<sup>6</sup> PAETEC iTel provides evidence that it will be capable of providing service within 60 days of the numbering resources activation date.<sup>7</sup> PAETEC iTel also certifies that it complies with the contribution, regulatory fee, and 911 obligations set forth in section 52.15(g)(3)(i)(E).<sup>8</sup> In addition, PAETEC iTel certifies that it has the financial, managerial, and technical expertise to provide reliable service.<sup>9</sup> PAETEC iTel further certifies that none of its key management and technical personnel are being or have been investigated by the Federal Communications Commission, or any law enforcement or regulatory agency, for failure to comply with any law, rule, or order.<sup>10</sup> Finally, PAETEC iTel certifies that no party to the application is subject to a denial of Federal benefits pursuant to section 5301 of the Anti-Drug Abuse Act of 1988.<sup>11</sup>

The Commission has discretion to refer applications to the relevant Executive Branch agencies for their views on any national security, law enforcement, foreign policy, or trade policy concerns related to the foreign ownership of the Applicant.<sup>12</sup> On June 2, 2023, the Office of International Affairs granted a petition for declaratory ruling filed by Windstream Holdings II, LLC, its members, and its common carrier licensee subsidiaries to permit foreign ownership of the controlling U.S. parent, Windstream,<sup>13</sup> to exceed the 25% benchmark specified in section 310(b)(4) of the Telecommunications Act of 1996.<sup>14</sup> The Commission conditioned its approval on compliance with a Letter of Agreement entered into with the Executive Branch agencies.<sup>15</sup> In light of the existing agreement with the Executive Branch agencies

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<sup>5</sup> 47 CFR § 52.15(g)(3)(iii)(D).

<sup>6</sup> Restated Application at 1-5; *see* 47 CFR § 52.15(g)(3)(i)(A)-(C), (F).

<sup>7</sup> Restated Application at 3-4, Exh. A; *see* 47 CFR § 52.15(g)(3)(i)(D).

<sup>8</sup> Restated Application at 4-5; *see* 47 CFR § 52.15(g)(3)(i)(E); *see also id.* §§ 1.1154, 52.17, 52.32, 64.604(c)(5)(iii); *id.* pts. 9 and 54, subpt. H.

<sup>9</sup> Restated Application at 4-5; *see* 47 CFR § 52.15(g)(3)(i)(F).

<sup>10</sup> Restated Application at 5; *see* 47 CFR § 52.15(g)(3)(i)(F).

<sup>11</sup> Restated Application at 5; *see* 47 CFR § 52.15(g)(3)(i)(G); *see also* 21 U.S.C. § 862.

<sup>12</sup> 47 CFR § 1.40001; *Process Reform for Executive Branch Review of Certain FCC Applications and Petitions Involving Foreign Ownership*, IB Docket No. 16-155, Report and Order, 35 FCC Rcd 10927, 10935-38, paras. 24-28 (2020) (*Executive Branch Review Process Order*) (setting out which types of applications will generally be referred to the Executive Branch, but noting the Commission has the discretion to refer additional types of applications if it finds that the specific circumstances of an application require the input of the Executive Branch as part of the Commission's public interest determination); *see also Rules and Policies on Foreign Participation in the U.S. Telecommunications Market; Market Entry and Regulation of Foreign-Affiliated Entities*, IB Docket Nos. 97-142 and 95-22, Report and Order and Order on Reconsideration, 12 FCC Rcd 23891, 23918-19, paras. 61-63 (1997), *recon. denied*, 15 FCC Rcd 18158 (2000).

<sup>13</sup> Windstream Holdings II, LLC holds its interest in PAETEC iTel through a vertical chain of several wholly-owned subsidiary companies that are U.S. domestic entities. *See* Restated Application at 1-2; *see* Petition at 5-8; *see also* Supplement 2 at 2-3.

<sup>14</sup> *See Grant of Windstream Holdings II, LLC Petition for Declaratory Ruling*, IB Docket No. 22-129; Public Notice, DA 23-475 (OIA 2023), <https://www.fcc.gov/document/grant-windstream-holdings-ii-llc-petition-declaratory-ruling>.

<sup>15</sup> *See id.* at 2-3.

described by the Applicants, we are exercising our discretion and are not referring the Application to the Executive Branch.<sup>16</sup> Although we are not formally referring this Application, we will provide a courtesy copy of this public notice to the Executive Branch agencies.<sup>17</sup>

### **GENERAL INFORMATION**

The Application identified herein has been found, upon initial review, to be acceptable for filing as a non-streamlined application. The Commission reserves the right to return any interconnected VoIP Numbering Authorization Application if, upon further examination, it is determined to be defective and not in conformance with the Commission's rules and policies. Pursuant to section 52.15(g)(3)(ii) of the Commission's rules,<sup>18</sup> interested parties may file comments in WC Docket No. 20-416 **on or before October 16, 2023**. Commenters must serve a copy of comments on PAETEC iTEL no later than the above comment filing date.

- *Electronic Filers:* Comments may be filed electronically by accessing ECFS at <https://apps.fcc.gov/ecfs>.<sup>19</sup>
- *Paper Filers:* Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.
  - Filings can be sent by commercial overnight courier or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.
  - Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701. U.S. Postal Service first-class, Express, and Priority mail must be addressed to 45 L Street NE, Washington, DC 20554.
  - Effective March 19, 2020, and until further notice, the Commission no longer accepts any hand or messenger delivered filings. This is a temporary measure taken to help protect the health and safety of individuals, and to mitigate the transmission of COVID-19. See FCC Announces Closure of FCC Headquarters Open Window and Change in Hand-Delivery Policy, Public Notice, DA 20-304 (March 19, 2020).  
<https://www.fcc.gov/document/fcc-closes-headquarters-open-window-and-changes-hand-delivery-policy>

People with Disabilities: We ask that requests for accommodations be made as soon as possible in order to allow the agency to satisfy such requests whenever possible. Send an email to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer and Governmental Affairs Bureau at (202) 418-0530.

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<sup>16</sup> See Supplement at 2-3.

<sup>17</sup> See *Executive Branch Review Process Order*, 35 FCC Rcd at 10941, para. 36, n.99; see also *id.* at 10939, para 30, n.81.

<sup>18</sup> 47 CFR § 52.15(g)(3)(ii).

<sup>19</sup> See *VoIP Direct Access to Numbers Order*, 30 FCC Rcd at 6858, para. 39; see also 47 CFR § 52.15(g)(3)(ii).

**In addition, e-mail one copy of each pleading to each of the following:**

- 1) [DAA@fcc.gov](mailto:DAA@fcc.gov);
- 2) Margoux Newman, Competition Policy Division, Wireline Competition Bureau, [Margoux.Newman@fcc.gov](mailto:Margoux.Newman@fcc.gov);
- 3) Michelle Sclater, Competition Policy Division, Wireline Competition Bureau, [Michelle.Sclater@fcc.gov](mailto:Michelle.Sclater@fcc.gov).

The proceeding in this Notice will be treated as a “permit-but-disclose” proceeding in accordance with the Commission’s *ex parte* rules. Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter’s written comments, memoranda, or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b).<sup>20</sup> Participants in this proceeding should familiarize themselves with the Commission’s *ex parte* rules.

Please contact [DAA@fcc.gov](mailto:DAA@fcc.gov), Margoux Newman at [Margoux.Newman@fcc.gov](mailto:Margoux.Newman@fcc.gov), or Michelle Sclater at [Michelle.Sclater@fcc.gov](mailto:Michelle.Sclater@fcc.gov) for further information.

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<sup>20</sup> 47 CFR § 1.1206(b).