



PUBLIC NOTICE

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WIRELINE COMPETITION BUREAU REMINDS INTERCONNECTED VOIP PROVIDERS OF THEIR LOCAL NUMBER PORTABILITY AND SECTION 214 DISCONTINUANCE OBLIGATIONS

WC Docket Nos. 04-36, 07-243, & 07-244, CC Docket No. 95-116

The Wireline Competition Bureau (Bureau) issues this Public Notice to remind interconnected voice over Internet protocol (VoIP) providers of two requirements intended to protect consumers who subscribe to these services. First, the Bureau reminds interconnected VoIP providers and their numbering partners (as applicable) of their obligations to comply with the Local Number Portability (LNP) rules.¹ Second, the Bureau reminds interconnected VoIP providers of their obligations under section 214 of the Communications Act of 1934 (the Act),² as amended, and section 63.71 of the Commission's rules, prior to undertaking a service discontinuance.³

Pursuant to section 52.34(a) of the Commission's rules, all interconnected VoIP providers must facilitate local number portability for end-user customers to allow those customers to keep their existing North American Numbering Plan (NANP) telephone number when switching to a new service provider, and must execute porting requests without unreasonable delay.⁴ Section 52.34(a) makes no distinction between interconnected VoIP providers that obtain numbering resources directly from the North American Numbering Plan Administrator and interconnected VoIP providers that obtain numbering resources indirectly through what are known as "numbering partners."⁵ This requirement also applies to

¹ See 47 CFR §§ 52.20-52.37 (number portability rules); 47 CFR § 52.5(h); *Telephone Number Portability et al.*, WC Docket Nos. 07-243 et al., Report and Order, Declaratory Ruling, Order on Remand, and Notice of Proposed Rulemaking, 22 FCC Rcd 19531, 19548-51, paras. 30-38 (2007) *aff'd sub nom. National Telecomms. Cooperative Ass'n v. FCC*, 563 F.3d 536 (D.C. Cir. 2009) (*VoIP LNP Order*) (extending LNP obligations to interconnected VoIP providers). For a summary of LNP orders prior to the *VoIP LNP Order*, see *VoIP LNP Order*, 22 FCC Rcd at 19534-37, paras. 6-11.

² 47 U.S.C. § 214.

³ 47 CFR § 63.71; see also *In the Matter of IP-Enabled Services*, WC Docket No. 04-36, Report and Order, 24 FCC Rcd 6039 (2009) (*VoIP Discontinuance Order*). Although the Bureau highlights two particular regulatory obligations herein, these are two of multiple Commission requirements applicable to interconnected VoIP providers.

⁴ 47 CFR § 52.34(a). (Requiring all interconnected VoIP providers to "facilitate local number portability for their end-user customers for a Registered Internet-based TRS User's valid number portability request," which entails "tak[ing] all steps necessary to initiate or allow a port-in or port-out itself or through the telecommunications carriers, if any, that it relies on to obtain numbering resources, subject to a valid port request, without unreasonable delay or unreasonable procedures that have the effect of delaying or denying porting of the NANP-based telephone number.").

⁵ See *id.* Indeed, the Commission observed when initially adopting this requirement that "when an interconnected VoIP provider obtains NANP telephone numbers and LNP capability through a numbering partner, the interconnected VoIP provider does not itself execute the port of the number from a technical perspective. In such

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interconnected VoIP providers that resell services not only of numbering partners, but also of other interconnected VoIP providers.⁶ In addition, we remind service providers functioning as numbering partners for interconnected VoIP providers, that they, too, are required to facilitate LNP requests to or from the interconnected VoIP providers for which they serve as numbering partners.⁷

Interconnected VoIP providers also have obligations under section 214 of the Act, which requires carriers to obtain authorization from the Commission before discontinuing, reducing, or impairing service to a community or part of a community.⁸ The Commission's rules in Part 63 implement section 214 of the Act and give service providers an opportunity to file an application with the Commission to potentially receive an automatic grant of authority after they comply with certain obligations under the rules. The Commission has extended to interconnected VoIP providers the same discontinuance obligations that apply to domestic non-dominant telecommunications carriers.⁹ These discontinuance obligations generally include the "requirements to provide written notice to all affected customers, notify relevant state authorities, and file an application for authorization of the planned discontinuance with the Commission."¹⁰ Pursuant to section 63.71 of the Commission's rules, interconnected VoIP providers are specifically required to notify all affected customers of the planned discontinuance, reduction, or impairment of service on or before the date of filing their application with the Commission. They are required to include in the notice, among other things, a specific statement to inform customers of their right to object to the discontinuance and to inform the Commission of "any inability to acquire reasonable substitute service."¹¹ The application may then be automatically granted 31 days after the Commission releases public notice of the filing, unless the Commission notifies the interconnected VoIP provider that its application will not be automatically granted.¹²

As the Commission reemphasized in the VoIP Discontinuance Order, the requirements under section 63.71 of the Commission's rules balance the Commission's dual objectives of permitting ease of exit from competitive markets and ensuring that the public will be given a reasonable period of time to make other service arrangements.¹³ Accordingly, we remind interconnected VoIP providers that they are subject to these obligations, that they must fully comply with the Commission's discontinuance rules whether or not they are subject to bankruptcy, and that they may be exposed to penalties for failure to comply with the Commission's rules.

situations, the interconnected VoIP provider must take any steps necessary to facilitate its numbering partner's technical execution of the port." *VoIP LNP Order*, 22 FCC Rcd at 19549, para. 32.

⁶ See 47 CFR § 52.34(a); 47 CFR § 52.5(b) (definition that does not distinguish types of interconnected VoIP providers).

⁷ *Id.* at 19548, para. 32. Under section 52.35 of the Commission's rules, telecommunications carriers must complete wireline-to-wireline or intermodal port requests typically within one business day for simple ports, and up to four business days for non-simple ports, unless a longer period is requested by the new provider or by the customer. 47 CFR § 52.35. Ports involving interconnected VoIP service are a type of intermodal port. 47 CFR § 52.35(e)(2)(iii).

⁸ 47 U.S.C. § 214(a).

⁹ See *VoIP Discontinuance Order*, 24 FCC Rcd at 6040; see also 47 CFR § 63.60(a) (stating that "[f]or the purposes of §§ 63.60 through 63.90, the term 'carrier,' when used to refer either to all telecommunications carriers or more specifically to non-dominant telecommunications carriers, shall include interconnected VoIP providers").

¹⁰ *VoIP Discontinuance Order*, 24 FCC Rcd at 6040. More information about filing section 214(a) discontinuance applications can be found at <https://www.fcc.gov/general/domestic-section-214-discontinuance-service>.

¹¹ 47 CFR § 63.71(a)(5)(i).

¹² 47 CFR § 63.71(f)(1).

¹³ *VoIP Discontinuance Order*, 24 FCC Rcd at 6048.

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