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

In the Matter of:	)	
	)	
The Use of N11 Codes and Other Abbreviated Dialing Arrangements	)	CC Docket No. 92-105

REPLY COMMENTS
OF THE
UNITED STATES TELEPHONE ASSOCIATION

The United States Telephone Association (USTA) respectfully submits these Reply Comments on the issues contained in the Commission's Notice of Proposed Rulemaking (NPRM), released May 6, 1992. USTA filed Comments on June 5, 1992, along with more than 30 other interested persons.

The key issue in the NPRM is that the Commission is forcing carriers to newly dedicate a core functionality in their networks away from its internal performance and quality of service role to a use for which it was not designed. And in doing so, the Commission will not only place at risk a key vehicle for customer service and satisfaction, it will do so in a way that promotes an imbalanced competitive market position.[1]

USTA finds that its Comments fully and fairly addressed the

[1] These characteristics clearly distinguish this issue from the attempt that Cox makes to draw an analogy to early Commission decisions on CPE. Comments of Cox Enterprises at 22.

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issues raised by the NPRM. Those Comments provided necessary background to the Commission on the numbering environment and the impacts of the NPRM proposal, and comprehensively covered the issues implicated by the NPRM. These Reply Comments focus on a small group of issues raised by the comments of others.

I. THE CONCERNS IDENTIFIED BY USTA ARE REFLECTED IN THE MAJORITY OF THE COMMENTS.

USTA was careful in its Comments to make clear to the Commission the range of positive and negative aspects of the NPRM proposal, so that the Commission would be fully-informed regardless of the action it takes. The body of exchange carrier customers depends upon this Commission to assure that the public interest is served, and an accountable agency must carefully assess all of the perceived ramifications of its actions.

The comments reflected uniformly that the N11 codes at issue remain critical and scarce numbering resources.[2] Because of other numbers that already are available for use in information services, however, these N11 codes are not needed to provide any particular service.[3]

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[2] Comments of AT&T at 2; Sprint at 3; Canadian Steering Committee on Numbering at 1; British Telecom, N.A., at 4; Information Industry Association at 2; MTEL at 6; GTE at 1.

[3] Comments of AT&T at 4; Canadian Steering Committee on Numbering at 2; U S West at 10.

The comments also reflected that because of the unique status proposed for N11 codes, the Commission's NPRM has induced demand that already has outstripped the supply in many places.[4] In turn, this has confirmed problems involving anticompetitive motivation that were described in comments.[5]

The comments reflect that once the Commission takes a step here, it is likely to be irreversible. Some commenters anticipate that recipients of N11 codes would not return those codes voluntarily.[6] Other commenters tend to validate that perception. In fact, two commenters signal directly that they would not return codes voluntarily.[7] The Commission will find any framework that calls for the recall of N11 codes difficult to enforce and must anticipate that likelihood in any action it takes.[8] In this respect, the NPRM issues an invitation to endless litigation without a national mechanism to meet emerging public interest needs.[9]

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[4] Comments of Sprint at 4; Bell Atlantic at 2; Ameritech at 2, 7; U S West at 21; Rochester at 3.

[5] Comments of Ad Hoc Telecommunications Users at 8.

[6] Comments of British Telecom, N.A. at 4, Comments of Datatrex at 2 and MTEL at 7. See also Comments of Southwestern Bell at 9; Ameritech at 8; Rochester at 5.

[7] Comments of Datatrex at 2 and Information Industry Association at 4.

[8] Comments of Canadian Steering Committee on Numbering at 2.

[9] Comments of Rochester at 3-4.

Finally, like USTA, comments touch upon a peripheral, but significant issue that will be impacted by any action that simply widens the use of N11 codes for interstate origination or termination of service. That is, absent effective protective measures, Commission action here will undermine its universal service policies by promoting arbitrage opportunities that cannot be monitored, and that will be able to grow to be effectively uncontrollable.[10]

II. THE COMMENTS FAVOR LOCAL USE OVER NATIONAL USE IF THE COMMISSION ACTS.

If the Commission elects to act in some way here, it should elect an option that presents the least public interest risk and the greatest insurance against numbering turmoil for carriers and their customers.

As USTA suggested in its Comments, use of existing arrangements now provides effective access for up to 16 million information providers on both a local and national basis. With these options now available, there is no dearth of alternatives for information service access, regardless of the intended customer user. A policy that promotes use of these other options by all interested information service providers would not pose the same risk as this NPRM, and would resolve the possibility of having a few N11 holders gain market advantage.

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[10] Comments of Sprint at 7.

Given such a robust alternative framework, the balancing of public cost and benefit suggests no need for compulsory donation of N11 codes to new profit making uses. Further, if there is action taken, local uses should be favored. Only a few commenters encourage the Commission to facilitate national use of an N11 code by one entity.[11] A few other commenters suggest there should be some national uniformity of function for individual N11 codes, but they do not explain how it would be possible to share such functions among many N11 applicants.[12] The comments of Metropolitan Fiber Systems (MFS) raise a number of questions that describe why N11 codes operate better when they are internal to one's network and why they would present problems in sharing and coordination once they are forced into dedication to broader use as a unique service.[13] Exchange carriers expressed concern about the possibility of inconsistent schemes for N11 use.[14]

On balance, the record reflects that if there is any action taken here, it should be limited to the development of a workable scheme to facilitate local uses for information services on an

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[11] Comments of MCI at 1; Sprint at 4; Masek at 4 and MTEL at 6.

[12] Comments of Ad Hoc Telecommunications Users at 8 and Datatrex at 3. The suggestion has also been made that an N11 code could serve an important public purpose in standardizing local access to relay services.

[13] Comments of MFS at 5-7.

[14] Comments of Rochester at 6.

elective basis, subject to applicable nondiscrimination requirements. Cox itself supports assignment only for local uses.[15]

III. THE COMMISSION SHOULD ASSESS THE JURISDICTIONAL TREATMENT OF DIALING AND AVOID CONFLICT WITH THE STATES OVER ESTABLISHED LOCAL USES.

USTA pointed out in its Comments that the product of Commission action here cannot be two numbering schemes, and that the matter of number assignment as described in the NPRM has previously been an exclusively local matter.[16] Others also express these concerns.

The comments provide further record support for the view that N11 codes are inherently local in nature. Various commenters explain how N11 codes serve uniquely local purposes. There are state regulations that require all calls using particular N11 codes for improving local service to be routed to the local carrier.[17] Uses of certain codes like 411 and 911 are often mandated by local statute or regulation, and when operational, they operate in an exclusively local framework.[18] In other words, they are dialable only on an intrastate basis,

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[15] Comments of Cox at 30.

[16] Comments of USTA at 32.

[17] Comments of American Public Communications Council (APCC) at 2.

[18] Id. at 4. See also Comments of Ameritech at 11.

and they must originate in a switch in the same NPA where the N11 code is assigned.[19] By definition, this is in the same state. The same holds for codes such as 611 and 811.[20]

Individual exchange carriers explain how they are using other N11 codes, why those uses serve the public, and in a number of cases, they list the service benefits involved.[21] All these uses are local in nature. There is no interstate service component in them.[22]

The Administrator of the North American Numbering Plan confirms that all N11 codes are in use somewhere for public interest uses by carriers.[23]

IV. CONCLUSION.

The record developed here does not support the piecemeal dismantling of the North American Numbering Plan, or any other action that would lead to permanent risk for the American ratepayer. In addition, the proposed rule suffers from a number

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[19] Comments of Ameritech at 11.

[20] Comments of Pacific and Nevada Bell at 17-18.

[21] Comments of Rochester at 1-2; Puerto Rico Telephone at 1; GTE at 30.

[22] Comments of NTCA at 5-8; Anchorage at 3.

[23] Comments of Bellcore as Administrator of the North American Numbering Plan at 5.

of flaws. The Commission is requested to take action consistent with USTA's Comments filed June 5, 1991.

Respectfully submitted,

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July 13, 1992

CERTIFICATE OF SERVICE

I, Robyn L.J. Davis, do certify that on July 13, 1992 copies of the foregoing Reply Comments of the United States Telephone Association were either hand-delivered, or deposited in the U.S. Mail, first-class, postage prepaid to the persons on the attached service list.

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