

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

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Federal Communications Commission
Office of the Secretary

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

REPLY OF
AMERICAN TELEPHONE AND TELEGRAPH COMPANY

ORIGINAL
FILE

American Telephone and Telegraph Company ("AT&T")

hereby submits its reply comments on the Notice of
Proposed Rulemaking in CC Docket No. 92-105.*

In response to a request from BellSouth
Telecommunications, Inc. ("BellSouth"), the Notice
tentatively concludes that the Commission should adopt
rules to govern the assignment of certain N11 codes to
specific customers for their individual use in providing
local pay-per-call type information services.** The
Notice proposes to permit local exchange companies
("LECs") to make certain N11 codes available so long as
they are not already assigned for other uses, and provided
that these codes may be "assigned for other uses by the
Administrators of the North American Numbering Plan"

* In The Matter of The Use of N11 Codes and Other
Abbreviated Dialing Arrangements, 7 FCC Rcd. 3004
(1992) ("Notice").

** Id. at 3005. See BellSouth Petition for Declaratory
Ruling, filed March 6, 1992.

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("NANPA") and their use for local purposes may be discontinued, after adequate notice, by the NANPA at any time.* The comments confirm, however, that scarce numbering resources such as N11 codes should not be allocated as proposed, and certainly not before the Commission has adopted comprehensive policies and rules to assure the fair and efficient use of all such resources.**

Nearly all commenters agree with the Commission's observation that N11 codes are an extremely scarce resource.*** A majority of the commenters believe, however, that use of N11 codes as proposed would not stimulate competition among information service providers, but would inhibit or, in some cases, eliminate altogether competition in this business. As a number of commenters explain (see, e.g., GTE, p. 7; Ad Hoc, pp. 6-8; NYNEX, p. 5; Rochester, p. 4; ITAA, p. 3), for example, assignment of an N11 code to a particular information provider could give that provider a "significant competitive advantage and would diminish the overall

* Notice, 7 FCC Rcd. at Appendix A.

** A list of other parties submitting comments in this proceeding, and the abbreviated designations used herein, is attached as Appendix A.

*** Notice, 7 FCC Rcd. at 3004.

competitiveness of the enhanced services market."* Use of these codes for commercial applications would "rapidly exhaust" their availability and would result in an "undue preference" for those few favored providers who were fortunate enough to be allocated a code.** Further, customers assert that "ownership of one of those limited N11 codes would create windfall profits for the provider without offering any competitive benefit to the consumer."***

* Ad Hoc, p. 6. Indeed, the scarcity of these codes, and the competitive advantage that would be conferred on the chosen few if N11 codes were used as proposed is unquestionably substantiated by the fact that requests for N11 codes already exceed the number available (see Ameritech, p. 7; USTA, p. 7; U S West, p. 21). And this fact, combined with the lack of information provided with the requests as to how these codes would actually be used, strongly suggests that speculation in the future value of these codes has already begun (GTE, p. 7; see also AT&T, p. 7; Sprint, p. 5).

** CSCN, p. 2. In this regard, if, despite the conclusive showing that the public interest would not be served by use of N11 codes as proposed, the Commission should decide to permit their allocation, a date certain should be established by which requests for allocation can be made or must be received (see, e.g., Mtel, p. 5; NYNEX, p. 10). The Commission should not adopt the self-serving pleas by those who have already made requests that the first-come, first-served clock has already begun (see, e.g., Cox, p. 11-14; MCI, p. 2, Appendix A (proposing a rule that would allocate codes "taking into account written requests predating the adoption of this rule").

*** Ad Hoc, pp. 7-8. USTA observes (p. 12) that there is no public interest need at all to use N11 codes as proposed, and that such use will only serve the private, "profit-maximizing" interests of the service providers who obtain a competitive advantage due solely to a numbering code assignment. Indeed, many commenters observe (see Ad Hoc, p. 2; Ameritech, p. 8; Centel, p. 4; GTE, p. 5; NYNEX, p. 7; Pacific

In addition, some commenters show that not only would use of the N11 codes as proposed provide a competitive advantage to a few selected providers vis-a-vis existing competitors, but the unavailability of equally competitive dialing arrangements would also present a significant disincentive to the entry of new competitors.* Thus, the proposed use of N11 codes would result in reduced choice for consumers, which is contrary to the Commission's long-standing and successful policies to encourage the growth of competitive communications markets.** As NYNEX points out, "the very notion that a

(footnote continued from previous page)

Companies, p. 13; SNET, p. 4; Sprint, p. 6; USTA, p. 16; U S West, p. 22), as did AT&T, that the use of N11 codes for local information services would likely lead to needless customer confusion, and the foreseeable problems associated with the likely recall of these codes far outweigh any potential benefits to the fortunate few information providers who might be assigned one of these codes (see Ameritech, p. 10; Bell Atlantic, p. 1; Bellcore, p. 5; CSCN, p. 2; NYNEX, p. 9; Pacific Companies, p. 10; Rochester, pp. 4-5; SWBT, pp. 9-10.).

* See Pacific Companies, p. 8.

** See generally In the Matter of Competition in the Interstate Interexchange Marketplace, 6 FCC Rcd. 5880 (1991); Policy and Rules Concerning Rates and Facilities Authorizations for Competitive Carrier Services, CC Docket No. 79-252 ("Competitive Carrier Proceeding"), Notice of Inquiry and Proposed Rulemaking, 77 F.C.C.2d 308 (1979); First Report and Order, 85 F.C.C.2d 1 (1980); Further Notice of Proposed Rulemaking, 84 F.C.C.2d 445 (1981); Second Report and Order, 91 F.C.C.2d 59 (1982); recon., 93 F.C.C.2d 54 (1983); Second Further Notice of Proposed Rulemaking, FCC 82-187, released April 21, 1982; Third Further Notice of Proposed Rulemaking, Mimeo No. 3347, released June 14, 1983, 48 Fed. Reg. 28,292 (June 21, 1983); Third Report and Order,

(footnote continued on following page)

small number of lucky information providers . . . will be assigned N11 codes to support their competitive services conflicts with the FCC's policy of non-discriminatory treatment for enhanced service providers and raises a fundamental question of competitive equity among enhanced service providers."*

Moreover, as other commenters point out, numerous alternatives to the use of N11 codes exist today that would permit all information providers to compete equally using easily-recognizable dialing sequences. U S West, for example, describes (pp. 11-15) a number of currently available (business lines, 976 or 960-XXXX, 950-XXXX, 900 service) or possible future (555-XXXX, N11-XXXX,*- or #-XXXX) dialing arrangements that would provide more than enough capacity to meet the needs of all interested providers. Many other commenters likewise confirm the existence of more appropriate and viable alternatives.**

(footnote continued from previous page)

Mimeo No. 012, released October 6, 1983, 48 Fed. Reg. 46,791 (October 15, 1983); Fourth Further Notice of Proposed Rulemaking, 96 F.C.C.2d 922 (1984); Fifth Report and Order, 96 F.C.C.2d 922 (1984); Fifth Report and Order, 98 F.C.C.2d 1191 (1984); Sixth Report and Order, 99 F.C.C.2d 1020 (1985), rev'd, MCI v. FCC, 765 F.2d 1186 (D.C. Cir. 1985).

* NYNEX, p. 5 (footnote omitted); see also Pacific Companies, p. 8 (citing In the Matter of Computer III Remand Proceedings, 6 FCC Rcd. 174 (1990)).

** See, e.g., Ameritech, p. 6; Pacific Companies, p. 18; SWBT, p. 12; USTA, p. 6.

Finally, the commenters identify a number of inaccuracies in the assumptions underlying the proposed rules. The Notice assumes (7 FCC Rcd. at 3004), for example, that four of the N11 codes are not currently being used. This is not the case.* GTE also states that the majority of its offices are not equipped to record end user-dialed N11 numbers, and all of its end offices "would have to be equipped with local measured service capability in order to provide recording and billing functions to enhanced and other service providers,"** contrary to the assumption in the Notice (7 FCC Rcd. at 3005).

CONCLUSION

The Commission's Notice has produced comment and data, which confirm that it would not be in the public interest to adopt rules that would mandate the use of N11 codes as proposed. The comments also confirm that the issues raised by the proposed use of N11 codes should be addressed by the Commission in the context of overall

* See NYNEX, p. 6 n.7 (all but 811 currently in use); Bellcore, p. 5 ("all N11 codes are in use for some local applications across the nation"); see also Pacific Companies, p. 6.

** GTE, pp. 4-5. Similarly, NYNEX explains (p. 4 n.4) that using N11 codes as proposed would require "significant changes in existing routing guides and number translations and further requires the development of a compatible transport service." See also PRTC, p. 4; USTA, pp. 24-25; U S West, p. 16.

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numbering plan administration issues. The Commission is currently considering a separate proceeding to address such broader issues, and AT&T strongly supports such an inquiry.* For all these reasons, it is neither necessary nor in the public interest to allow the local use of the N11 codes as proposed.

Respectfully submitted,

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* AT&T, p. 5.

APPENDIX A

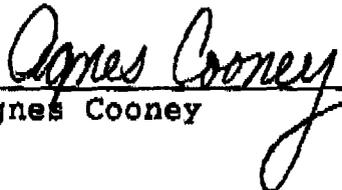
OTHER PARTIES SUBMITTING COMMENTS IN CC DOCKET No. 92-105

1. Ad Hoc Telecommunications Users Committee ("Ad Hoc")
2. New Times, Inc.; Sasquatch Publishing; City Pages; and Tucson Weekly ("Alternative Newspapers")
3. American Public Communications Council ("APCC")
4. Ameritech Operating Companies ("Ameritech")
5. Anchorage Telephone Utility ("ATU")
6. Bell Atlantic Telephone Companies ("Bell Atlantic")
7. Bell Communications Research Inc. ("Bellcore")
8. BellSouth Telecommunications, Inc. ("BellSouth")
9. BT North America Inc. ("BTNA")
10. Canadian Steering Committee on Numbering ("CSCN")
11. Central Telephone Company ("Centel")
12. Cox Enterprises, Inc. ("Cox")
13. Datatrex
14. GTE Service Corporation ("GTE")
15. Infocom International Incorporated ("Infocom")
16. Information Industry Association ("IIA")
17. Information Technology Association of America ("ITAA")
18. LO/AD Communications ("LO/AD")
19. MCI Telecommunications Corporation ("MCI")
20. Metropolitan Fiber Systems, Inc. ("MFS")
21. Mobile Telecommunication Technologies Corporation ("Mtel")
22. National Telephone Cooperative Association ("NTCA")

23. Newspaper Association of America ("NAA")
24. NYNEX Telephone Companies ("NYNEX")
25. Pacific Bell and Nevada Bell ("Pacific Companies")
26. Professional Business Systems ("PBS")
27. Puerto Rico Telephone Company ("PRTC")
28. Rochester Telephone Company ("Rochester")
29. Southern New England Telephone Company ("SNET")
30. Southwestern Bell Telephone Company ("SWBT")
31. Sprint Corporation ("Sprint")
32. United States Telephone Association ("USTA")
33. U S West Communications, Inc. ("U S West")

CERTIFICATE OF SERVICE

I, Agnes Cooney, do hereby certify that on this 13th day of July, 1992, a copy of the foregoing Reply of American Telephone and Telegraph Company was mailed by U.S. first class mail, postage prepaid, to the parties listed on the attached service list.



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Dated: July 13, 1992

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