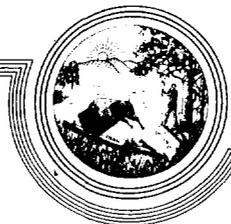


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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Ms. Donna R. Searcy
Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554

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

Dear Ms. Searcy:

Enclosed please find an original and nine copies of the Reply Comments of The Illinois Commerce Commission, the Indiana Utility Regulatory Commission, the Michigan Public Service Commission Staff, the Public Utilities Commission of Ohio, and the Public Service Commission of Wisconsin. An extra copy is also enclosed with a stamped self-addressed envelope; please date stamp and return.

Please contact me should you have any questions concerning this matter.

Sincerely,

Sandy Ibaugh
Sandy Ibaugh
Assistant Chief Engineer

Enclosures

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

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

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JUL 14 1992

REPLY COMMENTS OF
THE ILLINOIS COMMERCE COMMISSION,
THE INDIANA UTILITY REGULATORY COMMISSION,
THE MICHIGAN PUBLIC SERVICE COMMISSION STAFF,
THE PUBLIC UTILITIES COMMISSION OF OHIO,
AND THE PUBLIC SERVICE COMMISSION OF WISCONSIN

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1. Introduction

The following members of the Ameritech Regional Regulatory Committee ('ARRC' or 'ARRC Commissions'): the Illinois Commerce Commission, the Indiana Utility Regulatory Commission, the Michigan Public Service Commission Staff, the Public Utilities Commission of Ohio, and the Public Service Commission of Wisconsin, respectfully submit their joint reply comments to the Federal Communications Commission (FCC) in response to the Notice of Proposed Rulemaking ('NPRM' or 'Notice') issued in this docket on May 6, 1992.¹ The May 6, 1992 Notice set June 5, 1992 as the date for the filing of initial comments and June 22, 1992 as the date for filing reply comments to the initial comments. Subsequently, the date for reply comments by interested parties was changed to July 13, 1992.

2. Background

In the NPRM, the FCC tentatively concluded that: rules should be adopted to govern the use of certain N11 service codes; the service codes 211, 311, 511 and 711 should be available for abbreviated dialing; 611 and 811 should be available whenever an exchange carrier does not currently use those codes for the

¹ The Use of N11 Codes and Other Abbreviated Dialing Arrangements, CC Docket No. 92-105, Notice of Proposed Rulemaking, FCC 92-203 (released May 6, 1992).

purposes permitted by Bellcore; the local exchange carriers (LECs) should be permitted to select any reasonable code allocation method; and the use of N11 service codes for information services would not result in customer confusion. Comments were also invited and questions asked about a number of issues associated with the use of N11 service codes and other abbreviated dialing arrangements, including, but not limited to, the expanded use of the service code 411 for enhanced services, the possible utilization of N11 service codes as area codes, the possible take-back of the service codes 611 and 811, and the role of state regulators in the process.

The ARRC Commissions have examined the initial comments filed in this proceeding, and we concur with many of the concerns expressed about the proposed use of this limited resource. We believe the contemplated allocation of N11 service codes is an inefficient use of an exceedingly limited numbering resource that could result in an "unlevel playing field" among the providers of enhanced and information services. We are apprehensive that in the future the end-user customer will not have access to the widest array of service providers and services, because there are so few of these distinctive service codes to be assigned within a local calling area. The ARRC Commissions strongly support further inquiry into the possibility of using other abbreviated dialing arrangements, such as NXX#, in lieu of N11 service codes for enhanced and other services.²

In the following comments, we identify and address in more detail our concerns regarding the Notice and the initial comments.

² The ARRC Commissions note that BellSouth Services, in its March 4, 1992 letter to Cox Newspapers, states that an NNX# abbreviated dialing pattern appears to be technically feasible in the Atlanta local calling area. Rotary telephones, which make up less than 10% of the local Atlanta calling area, would not be able to use this dialing pattern. (Exhibit A to BellSouth's Petition.) If the NNX# dialing scheme were employed in the local Atlanta calling area, there would be potentially 640 codes available for assignment.

3. Possible Use of N11 Service Codes for Numbering Plan Area (NPA) Codes and Recall.

The FCC has proposed that N11 service codes be made available for abbreviated dialing unless and until it becomes necessary to use these codes as area codes.³ In the NPRM, the FCC also noted that there were only two remaining area codes available in the traditional format.⁴ However, Bellcore as the Administrator of the North American Numbering Plan (Bellcore) indicates in its comments that there are currently two requests for NPA assignment, but only one traditionally formatted NPA remains.⁵ Evidently, there have been three NPA code requests, since the NPRM's release on May 6, 1992. With this rapid depletion of available NPAs, we cannot agree with comments that conclude it is unlikely that N11 service codes will be needed as NPAs prior to the implementation of interchangeable NPAs in 1995. The ARRC asks the FCC to carefully weigh the projected demand for NPA codes, since it appears the implementation date for interchangeable NPAs cannot be advanced further.

The comments of Bellcore regarding the use of either N00 service access codes or N11 service codes as NPA codes prior to the implementation of interchangeable NPAs lead us to believe that there is still uncertainty and perhaps little industry agreement about the use of these codes as NPAs⁶. Although the Ameritech Operating Companies (Ameritech) state that the assignment and use of N11 service codes as NPAs would require switching and software support modifications, the possibility of using N11 service codes as NPAs is not rejected.⁷ U S WEST Communications indicates that the use of N00 as a geographic NPA could cause significant customer confusion.⁸ The ARRC urges the FCC to direct further comprehensive

³ NPRM at para. 13.

⁴ NPRM at para. 7.

⁵ Bellcore as Administrator of the North American Numbering Plan (NANP), p. 6.

⁶ Bellcore comments, pp. 6-7.

⁷ Ameritech Operating Companies comments, p. 5, fn. 7.

⁸ U S WEST Communications, Inc. comments, p. 8.

debate of this issue.

As for the possible recall of an N11 service code from an Enhanced Service Provider (ESP) and the repercussions of such action, we support the view expressed by Ameritech that the allocation, administration and reclaiming of N11 codes will lead to complaints and litigation.⁹ The ARRC asserts that full consideration must be given not only to the ESP, but also to the impact on end-user customers of recalling an N11 service code, including the costs that may be incurred for customer dialing pattern re-education. We also recognize that there may be a certain reluctance for ESPs to return an N11 service code, as there has been with the return of Carrier Identification Codes.¹⁰

4. Expanded Use of 411 Service Code

The FCC requested comment on whether the LECs should be permitted to provide enhanced services through the 411 service code, or whether there should be restrictions on its use.¹¹ The ARRC Commissions believe the public interest would best be served by restricting use of all the N11 service codes for nationwide use, such as the characteristic use of 911 for access to emergency services. In the specific case of the 411 service code, we agree with Bellcore's recommendation for 411 access to remain as it is today - local directory assistance service.¹² We also believe that the language used to restrict the use of the 411 service code needs to be clarified. It is unclear to us exactly how 'basic' and 'adjunct to basic' are defined.¹³ If these terms are not more explicitly explained, the ARRC is concerned that there may be problems with future interpretation and enforcement of 411 service code use.

⁹ Ameritech comments, pp. 2-3.

¹⁰ Ameritech comments, pp. 8-9. Pacific Bell and Nevada Bell (Pacific Telesis), p. 12. Southwestern Bell Telephone Company (SWBT), p. 10.

¹¹ NPRM at para. 11.

¹² Bellcore comments, p. 9.

¹³ NPRM at para. 11.

5. Use of 611 and 811 Service Codes

Comment was requested about the continued use of 611 and 811 service codes by the LECs.¹⁴ It is apparent from the comments that 611 and 811 service codes are currently used extensively throughout the United States by different LECs and, in a few instances, for different purposes.¹⁵ It appears that the 611 service code is used commonly for customer access to repair services and the 811 service code is used for business office purposes.¹⁶ We do not believe the recall of these codes for use by ESPs would benefit the vast numbers of end-user customers that are now familiar with the present function of the dialing pattern. Along with the customer confusion a take-back would cause, we anticipate that there may be further confusion resulting from the differing use of N11 service codes in adjacent local serving areas. We fully support the continued use of 611 and 811 service codes for the nationwide purposes described herein, and we recommend adoption of a plan that would institute 611 and 811 service codes for nationwide use as repair and business office access so that the greatest number of end-user customers would benefit.¹⁷

The ARRC Commissions regard the nationwide use of N11 codes, such as that described for 411, 611, and 811 herein, as an efficient use of limited numbering resources, and we urge the FCC to evaluate limited N11 service code resources for nationwide dialing purposes to serve the public convenience.

¹⁴ NPRM at para. 12.

¹⁵ U S WEST Communications, Inc. comments, p.18. GTE Service Corporation (GTE) comments, p. 3.

¹⁶ Bellcore comments, Appendix.

¹⁷ The Public Service Commission of Wisconsin (PSCW) has pending a tariff proposed by Wisconsin Bell that requires private payphones (COCOTs) to pass 611 calls on to the Wisconsin Bell repair center. The COCOT providers have been diverting the 611 calls to their own repair numbers for various reasons, and Wisconsin Bell would like the practice stopped. The PSCW is working to resolve this intrastate dispute over which repair office is the appropriate destination for such calls. Whether or not the tariff is placed on file, the PSCW believes the result would be consistent with the continued nationwide designation of the 611 service code for repair service access.

6. Use of N11 Service Codes - Other Than Enhanced Services

All interested parties were asked to address the issue of making three-digit dialing available for purposes other than enhanced services.¹⁸ Clearly, the ARRC cannot support the use of N11 service codes by individual providers of enhanced or any other services. We believe the use of N11 service codes for different types of services will confuse the end-user customer, especially if the same service code is assigned for a different type service in an adjacent local calling area.

We also question the proposed use of N11 service codes, which are an extremely limited numbering resource, when there are presently numbering resources available through the use of the 900 service access code and the 976 central office code.¹⁹ In the short-term, the ARRC believes that these two formats should continue to be utilized for enhanced and information services, while the possibility of using other abbreviated dialing arrangements, such as NXX#, is fully investigated. In the long-term, we propose the development of alternative abbreviated dialing plans for different types of service providers.

7. Alternative Dialing Arrangements and Proposals for N11 Use

The FCC asked for information about any new features or technologies that may be available in the near future to offer technological solutions to the scarcity of N11 codes.²⁰ The ARRC asserts that it imperative for this issue to be carefully examined, because we believe the long-term solution to abbreviated dialing arrangements lies in the development of alternatives to using N11 service codes. If BellSouth were to initiate the NNX# dialing scheme in the Atlanta local calling area, there would be potentially 640 separate codes available for assignment.²¹

¹⁸ NPRM at para. 14.

¹⁹ Ameritech comments, p. 2.

²⁰ NPRM at para. 16.

²¹ BellSouth's Petition for Expedited Declaratory Ruling on Use of "N11" Codes for Provision of Local Information Services, Appendix A.

Undoubtedly, this situation is preferable to one in which only the N11 codes are available. We do not believe the possible use of NNX# has been discussed in proper detail by the parties, and urge the FCC to investigate this solution further.

The ARRC Commissions do support the use of N11 service codes as gateways to particular services that are found to be in the public interest. We believe these gateways should be established on a nationwide, standard dial-up basis, meaning that the same N11 gateway code should be assigned uniformly across the nation. An example of this would be using 511 as the gateway access to enhanced services. Once the end-user customer dials 511, they would then dial a seven-digit number to reach a specific provider or service. BellSouth indicates in its comments that this gateway application may be expanded by employing database technologies.²² We support the use of N11 service codes for gateway purposes for enhanced services, as long as the gateways are provided on a consistent nationwide numbering/dialing basis.

8. Value of Codes

Comment was invited on the subject of the sale or transfer of N11 service codes by their holders to others.²³ The ARRC Commissions do not support trade in any numbering resources by the holders of those resources.

However, in our comments to Bellcore as the North American Numbering Plan Administrator on The North American Numbering Plan Administrator's Proposal on the Future of Numbering in World Zone 1, we have advanced the notion that there may be commercial value attached to the use of certain telephone dialing patterns like 950.²⁴ It is possible that businesses may be willing to pay a premium charge for the use of special telephone number dialing patterns like 950 and N11, and we propose this idea for further discussion within the following context: If charges were

²² BellSouth comments, pp. 2-3.

²³ NPRM at para. 15.

²⁴ Joint Comments/Concerns of the Ameritech Region Commissions, pp. 2-3 and 5.

introduced for the use of N11 service codes or other special telephone dialing patterns, we note that there would need to be a determination made about the proper distribution of revenues. As stated in our comments to Bellcore, the ARRC suggests that the revenues collected may be targeted to specific ratepayer groups or for future funding of a third party's administration of the North American Numbering Plan.

We believe the subject of the value of telephone numbers needs to be more fully investigated, with related discussion of the possible distribution of revenues.

9. Role of State Regulators

In the NPRM the FCC acknowledged that the N11 codes may be used for the provision of intrastate enhanced services, and requested comment on the role of state regulators in the N11 service code allocation process.²⁵ Although the NPRM does not define the geographic calling scope envisioned by the FCC for N11 service code assignment, many of the comments support the notion that N11 service code dialing will be used to provide services within a local calling area.²⁶ The ARRC Commissions agree that the services provided through N11 dialing will be primarily intrastate in nature, under intrastate tariff.

Because of the local nature of the services that would use the N11 dialing pattern, the ARRC Commissions believe the state commissions will become the focal points for many protests and complaints, including the 'demand exceeds supply' scenario mentioned in the Notice. In addition, many states have already determined conditions for the provision of intrastate pay-per-call services, which may apply to any proposed use of the N11 dialing pattern. Thus, our intrastate interests in the numbering plan and dialing patterns cannot be disregarded. We support the comments expressed by New York Telephone and New England Telephone and

²⁵ NPRM at para. 17.

²⁶ Puerto Rico Telephone Company (PRTC) comments, p. 2. National Telephone Cooperative Association (NCTA) comments, p. 5. Pacific Telesis comments, p. 9. BellSouth comments, p. 7.

Telegraph Company (NYNEX) and Pacific Telesis regarding the need for state and federal cooperation in developing the uses for N11 service codes.²⁷ The ARRC urges the FCC to join in a cooperative effort with the states to develop guidelines for the use of N11 service codes on a nationwide basis that will benefit the general public.

In regard to possible conditions that presently may apply for the provision of intrastate pay-per-call services, the ARRC Commissions would refer the FCC to the consumer safeguards that were proposed by the National Association of Regulatory Utility Commissioners (NARUC) in its July 1991 Resolution on 900 Pay-Per-Call Service:

- a. A preamble that discloses the name of the company, nature of the service and specific price. Information Providers collecting for charity must also disclose the name of the charity and the purpose of the fund raising. Programming directed at minors must also provide notification that parental permission is required before continuing with the call. Consideration may be given for waivers of the preamble for nominally priced services.
- b. After the preamble, a sufficient period of time to allow the caller to hang up before incurring a charge.
- c. A cap on the amount of charges for programming targeted at children.
- d. A specific complaint procedure and refund or "adjustment" policy should be in place.
- e. States should have the flexibility to promulgate terms and conditions for blocking 900/976 type services or any services that incur an additional charge on the customer.
- f. Consider where technically feasible a separate prefix and selective blocking for programs which contain sexually explicit material that would be considered "harmful" to minors.

²⁷ NYNEX comments, p. 10. Pacific Telesis comments, pp. 17-18.

- g. A customer's basic telephone service cannot be disconnected for nonpayment of 900/976 type services or any services that incur an additional charge on the customer.
- h. A local or toll free number for disputes or inquiries must be included on the customer's bill.
- i. All advertisements and promotional materials must clearly and conspicuously identify all charges for the call.
- j. Provision of the name, address, and business phone number of an information provider by the carrier/billing agent at the customer's oral or written request, in a reasonable time and at no cost.
- k. Disconnection of programs which do not comply with the State and Federal requirements or which are found to be fraudulent.

The resolution also stated that the NARUC opposed any Federal legislation or FCC rules that would preclude States from adopting additional safeguards and/or more stringent rules. If the FCC should act to authorize the use of N11 service codes for abbreviated dialing or any other type of abbreviated dialing plan, the ARRC Commissions recommend the adoption of consumer safeguards like those proposed by the NARUC.

10. Recommendations

The ARRC does not support the use of N11 service codes as proposed in the NPRM. We believe that, if used efficiently, N11 service codes could be used as gateways to particular services found to be in the public interest. However, we maintain that primary consideration should be given to the possibility of N11 codes being required as area codes prior to 1995. The ARRC Commissions, therefore, recommend that the FCC proceed with further inquiry into the use of other abbreviated dialing arrangements, such as NXX#, in lieu of the proposed use of N11 service codes for enhanced and other services.

Respectfully Submitted,

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