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December 28, 1992

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

Re: Paging Network, Inc., Comments
CC Docket No. 92-237

Dear Ms. Searcy:

Transmitted herewith on behalf of Paging Network, Inc. are an original and four (4) copies of its Comments in the above referenced proceeding.

Should any questions arise in connection with this filing, kindly contact the undersigned counsel directly. Thank you for your attention to this matter.

Sincerely yours,

Judith St. Ledger-Roty

Judith St. Ledger-Roty

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

BEFORE THE

Federal Communications Commission

WASHINGTON, D. C.

In the Matter of	)	
	)	
ADMINISTRATION OF THE NORTH AMERICAN NUMBERING PLAN	)	CC Docket No. 92-237
	)	
	)	
	)	

COMMENTS OF PAGING NETWORK, INC.

Paging Network, Inc., ("PageNet"), through its attorneys, hereby submits its comments in the above captioned proceeding. As more fully explained below, PageNet believes it imperative that the North American Numbering Plan policies and implementation be guided by all those telecommunications industry segments which utilize numbers in their provision of services, and not by entrenched telephone company incumbents with more narrow interests. To that end, PageNet supports Telocator's proposal, filed simultaneously herewith, to establish a new, open, singular industry forum in which all numbering plan issues would reside. This forum would be required to operate similarly to U.S. standards organizations with all the due process rights, and consensus voting requirements attendant thereto.

Statement of Interest

PageNet is the largest and fastest growing paging company in the United States, providing paging services in 22 states and the District of Columbia. PageNet now provides service to over 2 million pagers, substantially more than any other paging company. PageNet believes its rapid growth in subscribers attributable to its emphasis on, and dedication to, being the lowest cost provider of high quality paging services in the nation.

PageNet's future growth, as well as the growth of all other paging companies, is dependent on the availability of telephone numbers, both geographic and non-geographic. Moreover, PageNet believes the costs of telephone numbers key to its continued provision of low cost service. PageNet's interest in this proceeding therefore, is in assuring that telephone numbers are readily available at low cost, and on a nondiscriminatory basis.

I. AN IMMEDIATE TRANSITION OF THE NANP TO A BODY COMPRISED OF THE TELE-COMMUNICATION INDUSTRY AT LARGE IS IN THE PUBLIC INTEREST.

A. No Special Interest Groups Should Control NANP Policy or Implementation.

Telocator proposes, in comments filed simultaneously herewith, to transition the overall responsibility for NANP policy to a Policy Council comprised of industry representatives. Telocator also proposes that the responsibility for administration of the NANP be transitioned to a neutral entity, reporting to the Policy Council. PageNet supports this approach. This approach

recognizes that the telecommunications industry at large, not any one segment thereof, must shape the policies and guidelines for implementation of number allocations. Secondly, it implicitly recognizes that implementation of the numbering plan itself may raise policy concerns, and thus creates direct oversight by the Policy Council of the organization responsible for implementation.

As the Commission appropriately recognized, BellCore and its predecessors adequately developed and implemented the policies governing the NANP for many years. For most of those years, the Bell Operating Companies ("BOCs") which own BellCore had the predominant interest in both the allocation and preservation of numbers. That time is past. The present and future of the U.S. and global telecommunications infrastructure is dependent on the successful deployment of a vast array of telecommunications services dependent the availability of numbers. [1/]

It is thus critically important that NANP policies and implementation reflect the new reality; that is, the NANP policies and implementation must be shaped and guided by the forward looking vision of a sea of services offered by multiple providers, each contributing to the U.S. infrastructure and no one necessarily receiving greater priority than any other one. BellCore is not the appropriate entity to guide the NANP to this

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1/ Many of these services, such as paging and cellular, were originally only complementary to traditional wireline services. Now, and increasingly so, however, services, like cellular and PCS, have the potential to be substitutable for those traditionally provided by wireline local telephone companies, raising substantial questions about BOC incentives to disfavor service providers offering substitutable services or services which otherwise compete with BOC services.

new reality. Nor is any other single interest group. Rather, the responsibilities for the NANP should lie with the telecommunications industry at large, with oversight by the Federal Communications Commission.

This approach requires consideration of several related issues: (a) what is the composition of the Policy Council; how is it funded, and how are its decisions reached; and (b) how is the entity implementing the policies and guidelines established, and how is it funded. The following sections attempt preliminarily to address these issues.

B. The Policy Council's Role Should Be Analogous To Those of Standards Setting Organizations

PageNet believes that the Policy Council's role in the formulation of policy guidelines is analogous to that of standards setting bodies in their formulation of standards. The Policy Council will be charged with devising guidelines which assure the ready availability of numbers at reasonable costs, for their incorporation into services which promote the public welfare. Likewise, standards organizations seek to develop standards in order to promote the ready availability of products and services for the ultimate consumer.

PageNet believes adoption of the standards analogy will assure that the NANP policies and implementation scheme will be devised in an open forum, with the appropriate due process rights, such as sufficient notice of issues under consideration to allow

meaningful participation, accorded each participant. As PageNet envisions it, each participating representative would have one vote on the Policy Council. Nonetheless, no industry segment should achieve dominance if standards analogies are strictly adhered to, as standards are not generally promulgated, nor should they be, in the absence of consensus by all participating interest groups.

As with organizations responsible for the implementation of industry standards, decisions by the Policy Council thus must be only by consensus. See e.g., American National Standards Institute, Procedures for the Development and Coordination of American National Standards, Adopted Sept. 1987, at § 1.3. Consensus would be achieved only when "substantial agreement has been reached by directly and materially affected interest categories." Id. (Emphasis added) Further, consensus should "require[ ] that all views and objectives be considered and that a concerted effort be made towards their resolution." Id. However, consensus should not mean that unanimity must be achieved. Rather, it should be required that much more than a simple majority be in favor of any action (or inaction) but not necessarily unanimity.

Again using standards organizations as an appropriate model, there should be an appeals process for those entities who will be directly affected by any procedural or substantive action or inaction of the Policy Council. PageNet believes that appeals of decisions of the Policy Council should be directly to the FCC, and

governed by expedited procedures which assure their prompt resolution. See ANSI Procedures at § 5.3.

Implementation of policies and guidelines promulgated by the Policy Council should be by an entity selected through the RFP process to administer the NANP ("NANP Administrator"). The NANP Administrator must report to the Policy Council, but otherwise be independent of all industry segments utilizing numbers to reduce the possibility of bias in implementation of the policies and guidelines promulgated by the Policy Council. Appeals of any actions taken by the NANP Administrator should be to the Policy Council, and thereafter to the FCC, as set forth above.

C. Funding

As with U.S. Standards organizations, each entity should fund its own participation on the Policy Council. Self-funding will assure that each entity represented participates to the degree its interests dictate.

Funding of the NANP Administrator, on the other hand, should be accomplished through charges assessed users of numbers. The exact funding mechanism should be established by the Policy Council, with review as necessary by the FCC through the appeals process discussed above. However, one principle which the FCC should adopt in effecting the transfer of responsibility from BellCore to the NANP Administrator is that charges for numbers shall be no greater than necessary to efficiently fund the NANP Administration.

Maintaining downward pressure on the costs of numbers is particularly important to those segments of the industry which offer low priced ubiquitous services to consumers. For example, paging services have become available to a far broader consumer market because of a decline in price, of which the costs of telephone numbers is a significant element. [2/] Increases in the costs of numbers could adversely affect the prices at which paging services are offered, and thus adversely affect consumers' ability to subscribe.

D. Scope

The Policy Council and the NANP Administrator should be given jurisdiction over all issues which pertain to the NANP. The present system, in which in addition to BellCore a multitude of standards organizations typically dominated by local exchange companies, promulgate standards affecting the numbering plan and its implementation is simply unworkable. It both dilutes the quality and impartiality of decisionmaking, and makes participation prohibitively expensive.

As Telocator's comments filed simultaneously herewith point out, numerous standards and other organizations currently have standing committees considering issues pertaining to number assignment or deployment. Each such committee has a relatively narrow interest, and therefore has developed a narrow expertise as

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2/ Digital display paging services are offered in the range of $10 to $15/month, with even lower rates for large volume usage, with the costs of numbers, depending on the jurisdiction, often comprising upwards of 5 to 10% of that.

compared to that expertise and understanding which could be achieved were one forum to consider all such issues.

Furthermore, participation in this amalgam of organizations can be unwieldy and ultimately cost prohibitive. Merely understanding which organization is considering which issues is difficult, and requires a substantial commitment of resources. PageNet believes that the creation of one forum for consideration of these issues would help maximize the potential expertise, as well as make possible full participation in the decision making process by affected entities. No other solution of which PageNet is aware will achieve this important result.

II. Other Issues

A. Non-Geographic Codes Should Be Available To Paging Companies.

As the Commission is no doubt aware, the availability of non-geographic codes is even more limited than geographic codes. This phenomena, in turn, has resulted in certain providers attempting to pressure the availability of non-geographic codes for their exclusive use, regardless of the needs of other industry segments. See e.g., Telocator Comments at 12, citing ICCF actions which would exclude paging and cellular companies from eligibility for using non-geographic numbers.

PageNet believes the exclusion of paging companies from eligibility highly inappropriate, and disserving of the public interest. Paging customers, too, have need for non-geographic

numbers, particularly for nationwide paging services for which there is an exploding market. Certainly paging carriers have an equal right to these numbers on behalf of their customers, and to that end, an allocation method must be devised which permits a fair and reasonable, non-biased allocation scheme. This issue, and others affecting the deployment of PCS is appropriate for the FCC to exercise its jurisdiction, and refer it to the Policy Council immediately upon its formation. In the alternative, the FCC will need to exercise its plenary jurisdiction to make a determination as to the appropriate allocation of non-geographic codes.

B. Local Number Portability Issues Need Substantial Study Prior to A Decision Affecting Their Desirability

The concept of local number portability is an interesting one. If technically feasible, cost effective, and demanded by consumers, local number portability could provide significant benefit. However, at the present time, neither its economic or technical feasibility, nor the extent of its desirability has been demonstrated sufficiently. PageNet therefore suggests the Commission take no actions until substantially more investigation has been done by the Commission and the industry.

In considering the concept of local number portability, the Commission also must be cognizant of costs as a percentage or component of the service provided. Consumers subscribing to paging services, for example, could be disserved by the addition

of costs, which in turned required increases in rates. Consumers use paging services to obtain high information content services, ease of use, and low prices. There may be other services too, which the costs of local number portability must be a critical factor in determining the reasonableness of its deployment. PageNet therefore urges the Commission to treat each industry segment as unique when considering the feasibility of local number portability.

Conclusion

As set forth above, PageNet believes that the NANP must be transitioned from BellCore to one organization, known as the NANP Policy Council, which represents the collective industry, not any one industry segment. That organization's processes should be similar to those of standards organizations, assuring open participation of all interested parties, and consideration of all views. Decision making should be by consensus of the industry at large, not any one segment as is arguably the case today. Implementation of the NANP policy should be by an independent entity which is responsible to the NANP Policy Council.

These steps should be taken as soon as an appropriate structure can be set up in order to foster the immediate, unbiased

allocation of numbers at reasonable costs, which cover only the administration and allocation of numbers.

Respectfully submitted,

PAGING NETWORK, INC.

By Judith St. Ledger-Roty

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December 24, 1992