

EX PARTE OR LATE FILED

DOCKET FILE COPY ORIGINAL



Building The
Wireless Future.

January 5, 1995

CTIA

Cellular
Telecommunications
Industry Association
1250 Connecticut
Avenue, N.W.
Suite 200
Washington, D.C. 20036
202-785-0081 Telephone
202-785-0721 Fax
202-736-3256 Direct Dial

Mr. William F. Caton
Secretary
Federal Communications Commission
1919 M Street, NW, Room 222
Washington, DC 20554

Re: Administration of the North American Numbering
Plan, CC Docket No. 92-237 and IAD File No. 94-102

Randall S. Coleman
Vice President for
Regulatory Policy and Law

Dear Mr. Caton:

RECEIVED

Pursuant to the Commission's *ex parte* rules, this letter serves as notice that Mr. Thomas E. Wheeler, President/CEO of the Cellular Telecommunications Industry Association, sent the attached letter to Chairman Reed E. Hundt with copies sent to Commissioners Quello, Barrett, Ness, and Chong. Since Mr. Wheeler's letter addresses matters before the Commission in the above referenced proceeding, it should be included in the docket.

JAN - 5 1995

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Pursuant to Section 1.1206(a)(1) of the Commission's Rules, an original and one copy of this letter are being filed with your office. If you have any questions concerning this submission, please contact the undersigned.

Sincerely,

Randall S. Coleman

Attachment

No. of Copies rec'd
List ABCDE

041



**Building The
Wireless Future.**

CTIA

Cellular
Telecommunications
Industry Association
1250 Connecticut
Avenue, N.W.
Suite 200
Washington, D.C. 20036
202-785-0081 Telephone
202-331-8112 Fax
202-736-3213 Direct Dial

Thomas E. Wheeler
President / CEO

January 5, 1995

Honorable Reed Hundt
Chairman
Federal Communications Commission
1919 M Street, N.W.
Washington, DC 20554

Re: Administration of the North American Numbering
Plan, CC Docket 92-237 and IAD File No. 94-102

RECEIVED

JAN - 5 1995

Dear Mr. Chairman:

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

On September 26, 1991, the National Association of Regulatory Utility Commissioners ("NARUC") filed a petition asking the Commission to consider certain issues related to the administration of the North American Numbering Plan. As NARUC realized in seeking the Commission's assistance, administration of the NANP is broken, and requires FCC action to insure the national interest in the fair and nondiscriminatory assignment of scarce numbering resources.

The wireless telecommunications industry is the largest consumer of new telephone numbers and, as such, has been directly affected by the Commission's inaction. Approximately two out of every three new telephone numbers are assigned to wireless providers.

Telephone numbers are as finite a resource as the spectrum. The Commission has acted commendably in its licensing and auctioning of new spectrum. That same focus must be placed on the issue of numbers since, without numbers, there can be no telecommunications service offered over the new spectrum. By acting now to establish a few basic principles, the FCC can encourage competition and avoid the uncertainty and delay resulting from complicated jurisdictional disputes with the states.

The Commission rightfully has asserted its “plenary jurisdiction over the numbering plan within the United States.” *See Administration of the North American Numbering Plan*, CC Docket No. 92-237, 7 FCC Rcd 6837 (1992) at ¶ 6. As the Commission recently stated, its jurisdiction over the national numbering plan clearly permits it to “issue orders and otherwise regulate such numbers and their administration.” *Id.*, 9 FCC Rcd 2068 (1994) at ¶ 8.

The Commission soon will act on the NARUC petition, and its progeny, including a Petition seeking relief with regard to Ameritech’s 708 Numbering Plan Area (“NPA”) Relief Plan and 630 NPA Overlay Plan. Only last month, Teleport Communications filed a Petition seeking a declaratory ruling that would prevent Pacific Bell from implementing its overlay plan for the 310 NPA covering the Los Angeles area. Similar disputes over number administration are erupting throughout the United States. Therefore, it is essential that the Commission take this opportunity to enunciate policies that will ensure the national interest in nondiscriminatory and competitively neutral assignment of numbering resources.

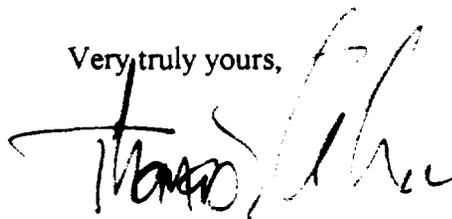
First among these principles, as CTIA previously has noted, the federal and state petitions concerning the Chicago and Los Angeles overlay code proposals, and the similar disputes in other markets, underscore the need to remove Bellcore and its LEC-designees from their role in the assignment and administration of numbering resources. Because the mere perception of LEC dominance and discrimination is enough to erode confidence in the numbering body, and generate controversy whenever difficult choices have to be made, and because, as previously noted, number assignment is critical to the development of a competitive wireless market, CTIA believes that the Commission should act now in CC Docket No. 92-237 to order the creation of a truly independent numbering organization to take over administration of the NANP. CTIA therefore supports the Commission’s tentative conclusion to assign the NANP administrative functions to a new single, non-government entity established by the FCC, and open to all industry segments.

Second, while preserving state regulatory jurisdiction over the actual line drawing, the Commission should act in IAD File No. 94-102 to establish two broad principles that would help insure that all new NPA splits and overlays, and associated central office code assignments, are competitively neutral and non-discriminatory. While CTIA does not prejudge all NPA overlay proposals as discriminatory, unlike geographic splits which must, by definition, apply to all customers of all carriers within a geographic service area, overlay codes can be discriminatory if applied to some, but not all, services. Thus, it is essential that all overlay proposals be equally applicable to all service providers, including wireless providers, LECs, and CAPs. In addition to the principle that there should be no service specific NPA overlays, all central office codes should be assigned on a first-come, first-served basis. No carrier should be permitted to “reserve” or “warehouse” codes that exceed the numbering resources made available to other carriers. Both of these principles have been broadly endorsed by CTIA and its members, and the entire Industry Numbering Committee. *See NPA Code Relief Planning Guide*, Section 5.3.

Mr. Chairman, telephone numbers are a scarce resource, and therefore of great competitive significance. There can be no new wireless service, or any other competitive local access service, without the assignment of new numbers. As long as this precious resource is controlled by the local telephone company, federal and state regulators will be called upon to monitor the corrosive combination of the LECs' incentives and ability to impede competition. A much better solution -- and one supported by both the wireless and wireline industries -- is for you and your fellow Commissioners to act now to ensure numbering resources are assigned in a manner that encourages the development of new services and new service providers.

The time has come to assign the NANP administrative functions to a new entity that is open to all industry segments, and to require that all central office codes be assigned on a first-come, first-served basis. In addition, if NPA overlays are proposed as an alternative to geographic splits, there should be no service specific NPAs. The sooner you take these actions, the sooner the mother's milk of competitive telephony -- telephone numbers -- will be openly and freely available.

Very truly yours,

A handwritten signature in black ink, appearing to read "Thomas E. Wheeler". The signature is written in a cursive style with a large, sweeping initial "T".

Thomas E. Wheeler

cc: Commissioners