

ORIGINAL

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

RECEIVED
MAY 21 1996
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of)
Administration of the)
North American Numbering Plan)
_____)

CC Docket No. 92-237
Phases One and Two

COMMENTS OF AT&T

DOCKET FILE COPY ORIGINAL

AT&T Corp. ("AT&T") submits these comments pursuant to Public Notice, DA 96-678, released April 30, 1996, which asks parties to refresh the record on the Commission's Notice of Proposed Rulemaking in CC Docket 92-237, released April 4, 1994.¹

The Commission opened this docket in October 1992 with a Notice of Inquiry to explore issues pertaining to the future administration of the North American Numbering Plan ("NANP").² Comments on both the NOI and the NPRM confirm

¹ In the Matter of Administration of the North American Numbering Plan, 9 FCC Rcd. 2068 (1994) ("NPRM").

² Administration of the North American Numbering Plan, 7 FCC Rcd. 6837 (1992) ("NOI"). Since 1984, Bell Communications Research Corporation ("Bellcore") has served as the NANP Administrator ("NANPA"). In this capacity, Bellcore administers the integrated numbering plan for World Zone 1 ("WZ1"), that covers the United States and seventeen other countries. The functions of the administrator include: assignment of numbering resources; monitoring the availability of these resources; and participation in industry, national and international standard bodies.

No. of Copies rec'd 029
List ABCDE

that, increasingly, customer and carrier access to, use of, and control over numbering resources and numbering or dialing plans will significantly affect the availability of competitive services to customers and the ability of service providers to compete. Now more than ever, it is thus critical that the administration of numbering resources, and decisions as to their use, be accomplished in as fair and procompetitive a manner as possible.

In the NPRM the Commission recognized this and, among other matters, to satisfy marketplace demand, it proposed to expand Carrier Identification Codes ("CIC") used for Feature Group D ("FGD") access from three to four digits during the first half of 1995.³ The Commission also recognized that a sufficient transition period would be appropriate to "reduce -- even to the point of virtually eliminating -- the hardships imposed on pay phone providers, manufacturers, and PBX users."⁴ The Commission tentatively concluded that a six-year transition period would be appropriate.⁵

³ NPRM, ¶ 50. The three digit CIC is part of a five digit carrier access code (10XXX), whereas the four digit CIC is part of a seven digit carrier access code (101XXXX).

⁴ Id. at ¶ 54. During the transition period, both three digit and four digit CICs could be utilized. Once the transition period is over, all customers would be required to use the four digit CIC (thus, AT&T's carrier access code would then become 1010288).

⁵ Id.

The Commission now asks that commenters "refresh the record" specifically on one issue -- the length of the transition period -- in light of recent developments. As the Public Notice notes: "(1) the assignment of exclusively four digit FGD CICs has begun, and in turn the transition period has begun; (2) there has been an unexpected increase in the demand for CICs, due to new uses for codes recently discovered by the industry; (3) [the Commission] now expect[s] an even greater demand for CICs, with the anticipated increase in carriers entering the market as a result of the Telecommunications Act of 1996, Pub. L. 104-104, 110 Stat. 56 (1996) (1996 Act); and (4) local exchange carriers are now required to provide dialing parity under Section 251 of the 1996 Act, see 47 U.S.C. 251 (b) (3)."

None of these factors should cause the Commission to deviate from the planned six-year transition period, which is still necessary to accommodate equipment modifications required to use the four digit codes. At the same time, the Commission should eliminate the current moratorium, under which the NANPA is prohibited from assigning a CIC to any entity that holds one or more codes except if that entity represents that a CIC is necessary expressly to accommodate intraLATA presubscription.⁶

⁶ See Letter, dated September 26, 1995, from K. H. Wallman, Chief, Common Carrier Bureau, FCC to R. R. Conners, Director of NANPA. To conserve codes, the Commission required carriers to use the same CIC in all states for

Lifting the moratorium is appropriate because the unique problem that triggered its imposition has been resolved, and carriers do, in fact, need additional CIC codes.⁷

First and foremost, the Commission must reaffirm -- as it has recognized -- that dialing parity for intraLATA calling is critical to the development of competition, and thus should be implemented quickly. In the Local Competition NPRM, the Commission has correctly tentatively concluded that Section 251(b)(3) of the 1996 Act imposes a duty on all LECs to provide dialing parity with respect to all telecommunications services -- intrastate and interstate, local and toll, and that dialing parity for

(footnote continued from previous page)

intraLATA presubscription, and allowed carriers without any CICs to obtain two CICs, one for routine use and the other for intraLATA presubscription.

⁷ The precipitous consumption of CIC codes occurred because of a Southwestern Bell tariff in Texas, under which Southwestern's operator transferred a caller making a 0- interLATA call to an interexchange carrier ("IXC") selected from a list prepared for this purpose (if the caller did not identify a preferred IXC). To maximize its traffic, a carrier would want to appear on the list as frequently as possible. And, the tariff required each list entry to have a separate CIC. Thus, some entities formed companies separate in name, but common in ownership, each of which applied for a separate CIC. See Letter, dated March 6, 1995, from R. R. Connors, Director, NANP Administration, Bellcore to K. Levitz, Deputy Bureau Chief (Policy), Common Carrier Bureau, FCC.

intraLATA toll calls can best be achieved through presubscription.⁸

Once implemented, such a presubscription approach should make the importance of the number of digits in a CIC diminish, because there should be less need for "dial around" or other calling outside the "1+" format. Rather, with the extension of equal access presubscription to intraLATA toll traffic, all callers will be able to complete all toll calls using the carrier of their choice by dialing the same number of digits, *i.e.*, seven (NXX-XXXX) or ten (1-NPA-NXX-XXXX) digits, without the need for any carrier access codes. Thus, the coexistence of three and four digit codes (and their respective five and seven digit dialing patterns) should become much less significant because callers would only have to dial the codes for a particular call if they wanted to use a carrier other than the one to which they have presubscribed.

In these circumstances, the Commission should, at least for now, retain the six-year permissive dialing transition period, to accommodate the concerns reiterated in response to the NPRM by customer and equipment manufacturers

⁸ Implementation of the Local Competition Provisions in the Telecommunications Act of 1996, CC Docket No. 96-98, Notice of Proposed Rulemaking, FCC 96-182, released April 19, 1996, ¶¶ 206-207 ("Local Competition NPRM"). Presubscription is the process by which a customer preselects a carrier, to which all calls of a particular category of service are routed.

regarding the costly equipment modifications that will be necessary to permit use of the expanded carrier access codes.⁹ For example, conversion to 101XXXX carrier access code dialing would be particularly complicated for private pay phone manufacturers and operators, requiring an extensive modification effort at significant cost. As AT&T showed, many customers will have similar concerns regarding their customer premises equipment ("CPE").¹⁰ Customers with PBXs would have to purchase and implement modifications (software and hardware) to permit them to dial expanded CICs. AT&T estimates that the cost to Lucent's PBX customers would range up to \$15,000 for each PBX to add the necessary modifications, depending on the type and age of the equipment. Based on previous customer buying behavior, AT&T anticipated that it will take more than six years before all these PBX users have CPE in place that will work with expanded CICs.¹¹ Given these facts, and the concerns expressed by customers, it would appear that a six-year

⁹ See, e.g., Comments, filed June 7, 1994, CC Docket No. 92-237, Phases 1 and 2, by National Communications System at 7, and North American Telecommunications Association at 9.

¹⁰ AT&T Reply Comments on the NOI, CC Docket No. 92-237, Phase 2, filed January 27, 1993 at 4.

¹¹ As AT&T explained in its reply comments on the NOI (*id.* at 4), unless there is extensive customer education about the need for CPE upgrades to accommodate CIC expansion, it could take longer to implement the necessary modifications.

transition period is necessary, and the marketplace demand for additional CICs should ultimately determine the length of the appropriate transition period.¹²

At the same time, the Commission should lift immediately the current moratorium on assignment of new CIC codes. As Bellcore recently indicated:

"NANPA shares the Commission's concern that the supply of CICs might be unnecessarily depleted, but we also recognize that a failure to make assignments could adversely affect development of new services. We would recommend that the one-per-entity limit be revisited if the extraordinary CIC demand has ceased. IntraLATA presubscription is not the only potential use of CICs, and we anticipate other requests for CIC assignments in the future by current assignees."¹³

Because the Southwestern Bell Texas tariffs which created the extraordinary CIC code consumption problem by some unscrupulous carriers have been revised, and codes are no longer being consumed at record levels, the Commission should lift the current moratorium, so as to allow carriers which need codes for purposes other than intraLATA presubscription to obtain them. AT&T, for example, has

¹² The current industry plan, which recognizes the need for a transition period, allows the assignment of 2,000 four digit codes, while still permitting the use of existing 10XXX dialing for the users of networks assigned three digit CICs. Thus, until all of the initial 2,000 four digit codes have been assigned, it would not be necessary to require 101XXXX dialing for callers who use carriers that have three digit codes.

¹³ Letter, dated October 2, 1995, from R. R. Conners, Director, NANP Administration, Bellcore to Kathleen M. H. Wallman, Chief, Common Carrier Bureau, FCC.

several new applications that require separate CICs before customers can benefit from their deployment. The use of a separately identifiable CIC allows the network to recognize easily calls that require special routing and processing.

Lifting the moratorium would allow carriers to obtain CICs to serve new applications, without creating premature code exhaust problems. According to the NANPA, as of April 1, 1996, 306 four digit codes have been assigned, leaving 1,694 of the 2,000 codes available to support permissive dialing during the transition. Over the last six months, CIC assignments have averaged 16 per month. Even if average CIC deployments increased to 20 per month, the 1,694 codes would last seven more years, providing a total permissive dialing period of eight years, assuming that one year of the transition period has already elapsed. The "extra" two years of permissive dialing affords a cushion to accommodate the pent up demand for CICs that will no doubt need to be satisfied if the moratorium is lifted.

Moreover, the Commission should not be concerned that demand for codes will be exacerbated by the need to use CICs for identification of local service providers. Recently, the Industry Numbering Committee reached agreement not to assign CICs for this purpose.¹⁴ To the extent that a

¹⁴ Industry Numbering Committee (INC) Issue Identification Form, Issue No. 72, Service Provider Identification for Local Network Interconnection (December 15, 1995).

numeric code is needed to identify local service providers (as it may be for implementation of local number portability) that code will be assigned from a separate resource. Therefore, AT&T does not believe that lifting the moratorium would result in premature exhaustion of the codes necessary to support permissive dialing.

CONCLUSION

The Commission should implement promptly dialing parity and equal access presubscription for all calls, in accordance with the requirements of the 1996 Act. Further, the Commission should confirm that the transition period for the conversion from three to four digit CIC codes will be six years, and possibly longer if market forces allow. The Commission should also lift the current moratorium on CIC assignment and allow marketplace demand to govern.

Respectfully submitted,

AT&T CORP.

By Judy Sello
Mark E. Rosenblum
Roy E. Hoffinger
Judy Sello

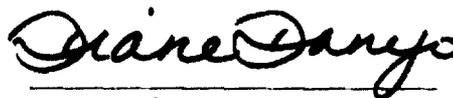
Room 3244J1
295 North Maple Avenue
Basking Ridge, New Jersey 07920
(908) 221-8984

Its Attorneys

May 21, 1996

CERTIFICATE OF SERVICE

I, Diane Danyo, do hereby certify that a true copy of the foregoing Comments of AT&T Corp. was served this 21st day of May, 1994, by United States mail, first class, postage prepaid, upon the parties listed on the attached Service List.

A handwritten signature in cursive script that reads "Diane Danyo". The signature is written in black ink and is positioned above a horizontal line.

Diane Danyo

SERVICE LIST

James S. Blaszak
Francis E. Fletcher, Jr.
Gardner, Carton & Douglas
Suite 900 - East Tower
1301 K Street, N.W.
Washington, DC 20005
Attorneys for Ad Hoc
Telecommunications Users
Committee

Dr. Lee L. Selwyn
Economics and Technology, Inc.
One Washington Mall
Boston, MA 02108

David A. Gross
AirTouch Communications
1818 N Street, N.W.
Washington, DC 20036

Pamela J. Riley
AirTouch Communications
425 Market Street
San Francisco, CA 94105

Susan M. Miller
Alliance for Telecommunications
Industry Solutions
1200 G Street, N.W., Suite 500
Washington, DC 20005

Roy L. Morris
Allnet Communication
Services, Inc.
1990 M Street, N.W., Suite 500
Washington, DC 20036

Alan R. Shark
American Mobile
Telecommunications
Association, Inc.
1150 18th Street, N.W., Suite 250
Washington, DC 20036

Elizabeth R. Sachs
Lukas, McGowan, Nace & Gutierrez
1819 H Street, N.W., Suite 700
Washington, DC 20006
Attorney for American
Mobile Telecommunications
Association, Inc.

Anne V. Phillips
American Personal Communications
1025 Connecticut Avenue, N.W.
Washington, DC 20036

Wayne V. Black
C. Douglas Jarrett
Joseph M. Sandri, Jr.
Keller and Heckman
Suite 500 West
1001 G Street, N.W.
Washington, DC 20001
Attorneys for American
Petroleum Institute

Larry A. Peck
Frank M. Panek
Ameritech Operating Companies
2000 W. Ameritech Center Drive
Hoffman Estates, IL 60196-1025

W. Theodore Pierson, Jr.
Richard J. Metzger
Pierson & Tuttle
1200 19th Street, N.W., Suite 607
Washington, DC 20036
Attorneys for Association for
Local Telecommunications Services

John M. Goodman
Karen Zacharia
Edward D. Young, III
Bell Atlantic Telephone Companies
1710 H Street, N.W.
Washington, DC 20006

Michael S. Slomin
Bell Communications Research, Inc.
LCC-2B336
290 W. Mount Pleasant Avenue
Livingston, NJ 07039

M. Robert Sutherland
Shirley A. Ransom
BellSouth Corporation
4300 Southern Bell Center
675 W. Peachtree Street, N.E.
Atlanta, GA 30375

A. Lewis
Canadian Steering
Committee on Numbering
Station D, Floor 8
410 Laurier Avenue West, Box 2410
Ottawa, Ontario, K1P 6H5, Canada

Lawrence P. Keller
Cathey, Hutton & Associates, Inc.
3300 Holcomb Bridge Road
Norcross, GA 30092

Michael F. Altschul
Cellular Telecommunications
Industry Association
Suite 200
1250 Connecticut Avenue, N.W.
Washington, DC 20036

Thomas E. Taylor
Christopher J. Wilson
Frost & Jacobs
2500 PNC Center
201 E. Fifth Street
Cincinnati, OH 45202
Attorneys for Cincinnati Bell
Telephone Company

Alvin Bieber
Andrew Stratford
Communications Managers Association
1201 Mt. Kemble Avenue
Morristown, NJ 07960-6628

Genevieve Morelli
Competitive Telecommunications
Association
Suite 220
1140 Connecticut Avenue, N.W.
Washington, DC 20036

Danny E. Adams
Jeffrey S. Linder
Wiley, Rein & Fielding
1776 K Street, N.W.
Washington, DC 20006
Attorneys for Competitive
Telecommunications Association

Robert H. Schwaninger, Jr.
Brown and Schwaninger
Suite 650
1835 K Street, N.W.
Washington, DC 20006
Attorney for Dean Brothers
Publishing Company

David J. Gudino
GTE Service Corporation
Suite 1200
1850 M Street, N.W.
Washington, DC 20036

Robert C. Schoonmaker
GNVW Inc./Management
P.O. Box 25969
Colorado Springs, CO 80936

Douglas W. Kinkoph
LCI International Telecom Corp.
8180 Greensboro Drive
McLean, VA 20165

Gregory Intoccia
Loretta J. Garcia
Donald J. Elardo
MCI Telecommunications Corporation
1801 Pennsylvania Avenue, N.W.
Washington, DC 20006

Peter P. Guggina
Robert W. Traylor, Jr.
MCI Telecommunications Corporation
2400 N. Glenville Drive
Richardson, TX 75082

Cindy Z. Schonhaut
MFS Communications Company, Inc.
Suite 300
3000 K Street, N.W.
Washington, DC 20007

Andrew D. Lipman
Swidler & Berlin, Chartered
Suite 300
3000 K Street, N.W.
Washington, DC 20007
Attorney for MFS Communications
Company, Inc.

Colleen M. Dale
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65102

Paul Rodgers
Charles D. Gray
James Bradford Ramsay
National Association of
Regulatory Utility
Commissioners
1102 ICC Building
P.O. Box 684
Washington, DC 20044

Carl Wayne Smith
Paul R. Schwedler
Code AR
Defense Information Systems Agency
701 S. Courthouse Road
Arlington, VA 22204

Richard A. Askoff
Michael O. Pedersen
National Exchange Carrier
Association, Inc.
100 S. Jefferson Road
Whippany, NJ 07981

Robert S. Foosaner
Lawrence R. Krevor
Nextel Communications, Inc.
Suite 1110-5
601 13th Street, N.W.
Washington, DC 20005

Leonard J. Kennedy
Laura Kennedy
Richard J. Denning
Dow, Lohnes & Albertson
1255 23rd Street, N.W.
Washington, DC 20037
Attorneys for Nextel
Communications, Inc.

Albert H. Kramer
Robert F. Aldrich
Keck, Mahin & Cate
Penthouse Suite
1201 New York Avenue, N.W.
Washington, DC 20005

Edward R. Wholl
Campbell L. Ayling
NYNEX Corporation
120 Bloomingdale Road
White Plains, NY 10605

Lisa M. Zaina
Matthew L. Dosch
OPASTCO
Suite 700
21 DuPont Circle, N.W.
Washington, DC 20036

James L. Wurtz
Pacific Telesis
4th Floor
1275 Pennsylvania Avenue, N.W.
Washington, DC 20004

James P. Tuthill
Nancy C. Woolf
Pacific Bell and Nevada Bell
Room 1523
140 New Montgomery Street
San Francisco, CA 94105

Mark J. Goldon
Personal Communications
Industry Association
1019 Nineteenth Street, N.W.
Washington, DC 20036

E. L. Barnes
Rock Hill, Fort Mill, and
Lancaster Telephone Companies
P.O. Box 470
Rock Hill, SC 29731

James D. Ellis
Paula J. Fulks
Southwestern Bell Corporation
Room 1218
175 E. Houston
San Antonio, TX 78205

Robert M. Lynch
Richard C. Hartgrove
J. Paul Walters, Jr.
Southwestern Bell Telephone Company
One Bell Center, Room 3520
St. Louis, MO 63101

Leon M. Kestenbaum
Jay C. Keithley
Norina T. Moy
Sprint Corporation
Suite 1110
1850 M Street, N.W.
Washington, DC 20036

B. L. Schurr
Stentor Resource Centre Inc.
160 Elgin Street, Floor 22
Ottawa, Ontario, K1G 3J4, Canada

Jan Masek
Telaccess
302 N. La Brea Avenue, #1000
Los Angeles, CA 90036

D. Kelly Daniels
Karen Miller
Telco Planning, Inc.
808 The Pittcock Block
921 S.W. Washington, Suite 808
Portland, OR 97205

Charles C. Hunter
Kelly, Hunter, Mow & Povich, P.C.
Seventh Floor
1133 Connecticut Avenue, N.W.
Washington, DC 20036

Paul Kouroupas
Teleport Communications Group
One Teleport Drive, Suite 301
Staten Island, NY 10311

Mary McDermott
United States Telephone Association
Suite 600
1401 H Street, N.W.
Washington, DC 20005

Jeffrey S. Bork
U S WEST, Inc.
Suite 700
1020 19th Street, N.W.
Washington, DC 20036

Raymond G. Bender, Jr.
J. G. Harrington
Dow, Lohnes & Albertson
Suite 500
1255 23rd Street, N.W.
Washington, DC 20037
Attorneys for Vanguard Cellular
Systems, Inc.

Michael G. Hoffman
VarTec Telecom, Inc.
3200 W. Pleasant Run Road
Lancaster, TX 75146