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Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matters of	)	
	)	
Administration of the North American Numbering Plan	)	**CC Docket No. 92-237**
	)	
Toll Free Service Access Codes	)	**CC Docket No. 95-155**
	)	

ERRATA

By the Chief, Network Services Division:

Released: October 24, 1997

On October 9, 1997, the commission adopted the Third Report and Order and Third Report and Order, FCC 97-372, in the above captioned proceedings. These errata amend the Order, and the rules contained in Appendix A to the Order, as indicated below, primarily to correct rule numbers and certain terminology. A copy of the corrected rules is included with this errata.

1. Paragraph 4 of Appendix A is amended by changing "these rules" to "this section" in the first sentence of section 52.12.

2. Paragraph 4 of Appendix A is amended by renumbering section 52.12 (a) as section 52.12 (a)(1). The second sentence of new section 52.12 (a)(1) is amended by changing "these rules" to "this section."

3. Paragraph 4 of Appendix A is amended by renumbering former section 52.12 (a)(1) as section 52.12 (a)(1)(i) and by renumbering former subparagraphs (a)(1)(i), (ii) and (iii) as section 52.12 (a)(1)(i)(A), (B) and (C).

4. Paragraph 4 of Appendix A is amended by renumbering former section 52.12 (a)(2) as section 52.12 (a)(1)(ii).

5. Paragraph 4 of Appendix A is amended by renumbering former section 52.12 (a)(3) as section 52.12 (a)(1)(iii). The first sentence of new section 52.12 (a)(1)(iii) is amended by replacing "(1) and (2) above" with "paragraphs (a)(1)(i) and (ii) of this section."

6. Paragraph 4 of Appendix A is amended by numbering the final sentence of section 52.12 (a) as section 52.12 (a)(2); by renumbering sections (1) and (2) of that sentence as section 52.12 (a)(2)(i) and (ii); and by replacing "above" with "in this section" in that sentence.

7. Paragraph 4 of Appendix A is amended by changing the first sentence of section 52.12 (e) to read, "If the Commission determines at any time that the NANPA or the B&C Agent fails to comply with the neutrality criteria set forth in paragraph (a) of this section or substantially or materially defaults in the performance of its obligations, the Commission shall advise immediately the NANPA or the B&C Agent of said failure or default, request immediate corrective action, and permit the NANPA or B&C Agent reasonable time to correct such failure or default."

8. Paragraph 4 of Appendix A is amended by changing section 52.12 (f)(2) by replacing "these Rules" with "this section."

9. Paragraph 5 of Appendix A is amended by changing the first sentence of section 52.13 (b) by replacing "§ 52.13 (d)" with "paragraph (d) of this section."

10. Paragraph 5 of Appendix A is amended by changing the first sentence of section 52.13 (c) by replacing "§ 52.13 (b)" with "paragraph (b) of this section."

11. Paragraph 5 of Appendix A is amended by changing the final sentence of section 52.13 (g) by replacing "foregoing" with "provisions of this paragraph."

12. Paragraph 6 of Appendix A is amended by changing the first two sentences of section 52.15 (d) to read: "The NANPA shall manage the United States CO code numbering resource, including CO code request processing, NPA code relief and jeopardy planning, and industry notification functions. The NANPA shall perform its CO Code Administration functions in accordance with the published industry numbering resource administration guidelines, Commission orders, and regulations at 47 C.F.R. chapter 1.

13. Paragraph 7 of Appendix A is amended by renumbering sections 52.16 (1), (2), (3), (4), (5), and (6) as sections 52.16 (A), (B), (C), (D), (E), and (F).

14. The second sentence of Paragraph 78 of the Order is amended by replacing "Section 52.12 (a)(1)" with "Section 52.12 (a)(1)(i)."

15. Footnote 259 of the Order is amended by replacing "47 C.F.R. § 52.12 (a)(1)" with "47 C.F.R. § 52.12 (a)(1)(i)."

16. The first sentence of Paragraph 79 of the Order is amended by replacing "section 52.12 (a)(1)" with "section 52.12 (a)(1)(i)."

17. The first sentence of Paragraph 80 of the Order is amended by replacing "section 52.12 (a)(2)" with "section 52.12 (a)(1)(ii)."

18. Footnote 261 of the Order is amended by replacing "47 C.F.R. § 52.12 (a)(2)" with "47 C.F.R. § 52.12 (a)(1)(ii)."

19. The first sentence of Paragraph 81 of the Order is amended by replacing "section 52.12 (a)(3)" with "section 52.12 (a)(1)(iii)," and to replace "sections 52.12 (a)(1) and (2)" with "sections 52.12 (a)(1)(i) and (ii)."

20. Footnote 265 of the Order is amended by replacing "47 C.F.R. § 52.12 (a)(3)" with "47 C.F.R. § 52.12 (a)(1)(iii)."

FEDERAL COMMUNICATIONS COMMISSION

Geraldine A. Matise

Geraldine A. Matise
Chief, Network Services Division
Common Carrier Bureau

Appendix A

Part 52 of Title 47 of the Code of Federal Regulations is amended to read as follows:

PART 52 - NUMBERING

1. The authority citation for part 52 continues to read as follows:

AUTHORITY: Sections 1, 2, 4, 5, 48 Stat. 1066, as amended; 47 U.S.C. §§ 151, 152, 154, 155 unless otherwise noted. Interpret or apply secs. 3, 4, 201-05, 207-09, 218, 225-7, 251-2, 271 and 332, 48 Stat. 1070, as amended, 1077; 47 U.S.C. §§ 153, 154, 201-05, 207-09, 218, 225-7, 271 and 332 unless otherwise noted.

2. Amend § 52.7 to revise paragraph (b) and adding paragraph (f) to read as follows:

§ 52.7 Definitions

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(b) *Area code relief.* The term "area code relief" refers to the process by which central office codes are made available when there are few or no unassigned central office codes remaining in an existing area code and a new area code is introduced. Area code relief includes planning for area code "jeopardy," which is a situation where central office codes may become exhausted before an area code relief plan can be implemented.

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(f) *Billing and Collection Agent.* The term *"Billing & Collection Agent" ("B&C Agent")* refers to the entity responsible for the collection of funds to support numbering administration for telecommunications services from the United States telecommunications industry and NANP member countries.

3. Amend § 52.11 to revise paragraphs (c) and (g) and to add paragraphs (h) and (i) to read as follows:

§ 52.11 North American Numbering Council

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(c) Initially resolving disputes, through consensus, that foster efficient and impartial number administration in the United States by adopting and utilizing dispute resolution procedures that provide disputants, regulators, and the public notice of the matters at issue, a reasonable opportunity to make oral and written presentations, a reasoned recommended solution, and a written report summarizing the recommendation and the reasons therefore;

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(g) Carrying out this part as directed by the Commission;

(h) Monitoring the performance of the NANPA and the B&C Agent on at least an annual basis; and

(i) Implementing, at the direction of the Commission, any action necessary to correct identified problems with the performance of the NANPA and the B&C Agent, as deemed necessary.

4. Add § 52.12 to Subpart B to read as follows:

§ 52.12 North American Numbering Plan Administrator and B&C Agent.

The North American Numbering Plan Administrator ("NANPA") and the associated "B&C Agent" will conduct their respective operations in accordance with this section. The NANPA and the B&C Agent will conduct their respective operations with oversight from the Federal Communications Commission (the "Commission") and with recommendations from the North American Numbering Council ("NANC").

(a)(1) *Neutrality.* The NANPA and the B&C Agent shall be non-governmental entities that are impartial and not aligned with any particular telecommunication industry segment. Accordingly, while conducting their respective operations under this section, the NANPA and B&C Agent shall ensure that they comply with the following neutrality criteria:

(i) the NANPA and B&C Agent may not be an affiliate of any telecommunications service provider(s) as defined in the Telecommunications Act of 1996. "Affiliate" is a person who controls, is controlled by, or is under the direct or indirect common control with another person. A person shall be deemed to control another if such person possesses, directly or indirectly, (A) an equity interest by stock, partnership (general or limited) interest, joint venture participation, or member interest in the other person ten (10%) percent or more of the total outstanding equity interests in the other person, or (B) the power to vote ten (10%) percent or more of the securities (by stock, partnership (general or limited) interest, joint venture participation, or member interest) having ordinary voting power for the election of directors, general partner, or management of such other person, or (C) the power to direct or cause the direction of the management and policies of such other person, whether through the ownership of or right to vote voting rights attributable to the stock, partnership (general or limited) interest, joint venture participation, or member interest) of such other person, by contract (including but not limited to stockholder agreement, partnership (general or limited) agreement, joint venture agreement, or operating agreement), or otherwise;

(ii) the NANPA and B&C Agent, and any affiliate thereof, may not issue a majority of its debt to, nor may it derive a majority of its revenues from, any telecommunications service provider. "Majority" shall mean greater than 50 percent, and "debt" shall mean stocks, bonds, securities, notes, loans or any other instrument of indebtedness; and

(iii) notwithstanding the neutrality criteria set forth in paragraphs (a)(1)(i)and (ii) of this section, the NANPA and B&C Agent may be determined to be or not to be subject to undue influence by parties with a vested interest in the outcome of numbering administration and activities. NANC may conduct an evaluation to determine whether the NANPA and B&C Agent meet the undue influence criterion.

(2) Any subcontractor that performs (i) NANP administration and central office code administration, or (ii) Billing and Collection functions, for the NANPA or for the B&C Agent must also meet the neutrality criteria described in this section.

(b) *Term of Administration.* The NANPA shall provide numbering administration, including central office code administration, for the United States portion of the North American Numbering Plan ("NANP") for an initial period of five (5) years. At any time prior to the termination of the initial or subsequent term of administration, such term may be renewed for up to five (5) years with the approval of the Commission and the agreement of the NANPA. The B&C Agent shall provide billing and collection functions for an initial period of five (5) years. At any time prior to the termination of the initial or subsequent term of administration, such term may be renewed for up to five (5) years with the approval of the Commission and the agreement of the B&C Agent.

(c) *Changes to Regulations, Rules, Guidelines or Directives.* In the event that regulatory authorities or industry groups (including, for example, the Industry Numbering Committee - INC, or its successor) issue rules, requirements, guidelines or policy directives which may affect the functions performed by the NANPA and the B&C Agent, the NANPA and the B&C Agent shall, within 10 business days from the date of official notice of such rules, requirements, guidelines or policy directives, assess the impact on its operations and advise the Commission of any changes required. NANPA and the B&C Agent shall provide written explanation why such changes are required. To the extent the Commission deems such changes are necessary, the Commission will recommend to the NANP member countries appropriate cost recovery adjustments, if necessary.

(d) *Performance Review Process.* NANPA and the B&C Agent shall develop and implement an internal, documented performance monitoring mechanism and shall provide such performance review on request of the Commission on at least an annual basis. The annual assessment process will not preclude telecommunications industry participants from identifying performance problems to the NANPA, the B&C Agent and the NANC as they occur, and from seeking expeditious resolution. If performance problems are identified by a telecommunications industry participant, the NANC, B&C Agent or NANPA shall investigate and report within 10 business days of notice to the participant of corrective action, if any, taken or to be taken. The NANPA, B&C Agent or NANC (as appropriate) shall be permitted reasonable time to take corrective action, including the necessity of obtaining the required consent of the Commission.

(e) *Termination.* If the Commission determines at any time that the NANPA or the B&C Agent fails to comply with the neutrality criteria set forth in paragraph (a) of this section or

substantially or materially defaults in the performance of its obligations, the Commission shall advise immediately the NANPA or the B&C Agent of said failure or default, request immediate corrective action, and permit the NANPA or B&C Agent reasonable time to correct such failure or default. If the NANPA or B&C Agent is unwilling or unable to take corrective action, the Commission may, in a manner consistent with the requirements of the Administrative Procedure Act and the Communications Act of 1934, as amended, take any action that it deems appropriate, including termination of the NANPA's or B&C Agent's term of administration.

(f) *Required and Optional Enterprise Services.* Enterprise Services, which are services beyond those described in § 52.13 that may be provided by the new NANPA for specified fees, may be offered with prior approval of the Commission.

(1) *Required Enterprise Services.* At the request of a code holder, the NANPA shall, in accordance with industry standards and for reasonable fees, enter certain routing and rating information, into the industry-approved database(s) for dissemination of such information. This task shall include reviewing the information and assisting in its preparation.

(2) *Optional Enterprise Services.* The NANPA may, subject to prior approval and for reasonable fees, offer "Optional Enterprise Services" which are any services not described elsewhere in this section.

(3) *Annual Report.* NANPA shall identify and record all direct costs associated with providing Enterprise Services separately from the costs associated with the non-enterprise NANPA functions. The NANPA shall submit an annual report to the NANC summarizing the revenues and costs for providing each Enterprise Service. NANPA shall be audited by an independent auditor after the first year of operations and every two years thereafter, and submit the report to the Commission for appropriate review and action.

5. Amend § 52.13 to revise paragraph (b) and to add paragraphs (c), (d), (e) (f) and (g) to read as follows:

§ 52.13 North American Numbering Plan Administrator

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(b) The NANPA shall administer the numbering resources identified in paragraph (d) of this section. It shall assign and administer NANP resources in an efficient, effective, fair, unbiased, and non-discriminatory manner consistent with industry-developed guidelines and Commission regulations. It shall support the industry's efforts to accommodate current and future numbering needs. It shall perform additional functions, including but not limited to:

(1) ensuring the efficient and effective administration and assignment of numbering resources by performing day-to-day number resource assignment and administrative activities;

(2) planning for the long-term need for NANP resources to ensure the continued viability of the NANP by implementing a plan for number resource administration that uses effective forecasting and management skills in order to make the industry aware of the availability of numbering resources and to meet the current and future needs of the industry;

(3) complying with guidelines of the North American Industry Numbering Committee (INC) or its successor, related industry documentation, Commission regulations and orders, and the guidelines of other appropriate policy-making authorities, all of which may be modified by industry fora or other appropriate authority;

(4) providing management supervision for all of the services it provides, including responsibility for achieving performance measures established by the NANC and the INC in industry guidelines;

(5) participating in the NANC annual performance review as described in § 52.11 and 52.12;

(6) establishing and maintaining relationships with current governmental and regulatory bodies, and their successors, including the United States Federal Communications Commission, Industry Canada, the Canadian Radio-television and Telecommunications Commission, and other United States, Canadian, and Caribbean numbering authorities and regulatory agencies, and addressing policy directives from these bodies;

(7) cooperating with and actively participating in numbering standards bodies and industry fora, such as INC and, upon request, the Canadian Steering Committee on Numbering (CSCN);

(8) representing the NANP to national and international numbering bodies;

(9) developing and maintaining communications channels with other countries who also participate in the NANP to ensure that numbering needs of all countries served by the NANP are met;

(10) attending United States Study Group A meetings and maintaining a working knowledge of Study Group 2 International Telecommunications Union activities on behalf of the United States telecommunications industry;

(11) reviewing requests for all numbering resources to implement new applications and services and making assignments in accordance with industry-developed resource planning and assignment guidelines;

(12) referring requests for particular numbering resources to the appropriate industry body where guidelines do not exist for those resources;

(13) participating in industry activities to determine whether, when new

telecommunications services requiring numbers are proposed, NANP numbers are appropriate and what level of resource is required (e.g. line numbers, central office codes, NPA codes);

(14) maintaining necessary administrative staff to handle the legal, financial, technical, staffing, industry, and regulatory issues relevant to the management of all numbering resources, as well as maintaining the necessary equipment, facilities, and proper billing arrangements associated with day-to-day management of all numbering resources;

(15) managing the NANP in accordance with published guidelines adopted in conjunction with the industry and the appropriate NANP member countries' governing agencies, and referring issues to the appropriate industry body for resolution when they have not been addressed by the industry;

(16) responding to requests from the industry and from regulators for information about the NANP and its administration, as the primary repository for numbering information in the industry;

(17) providing upon request information regarding how to obtain current documents related to NANP administration;

(18) providing assistance to users of numbering resources and suggesting numbering administration options, when possible, that will optimize number resource utilization;

(19) coordinating its numbering resource activities with the Canadian Number Administrator and other NANP member countries' administrators to ensure efficient and effective management of NANP numbering resources; and

(20) determining the final allocation methodology for sharing costs between NANP countries.

(c) In performing the functions outlined in paragraph (b) of this section, the NANPA shall:

(1) ensure that the interests of all NANP member countries are considered;

(2) assess fairly requests for assignments of NANP numbering resources and ensure the assignment of numbering resources to appropriate service providers;

(3) develop, operate and maintain the computer hardware, software (database) and mechanized systems required to perform the NANPA and central office (CO) Code Administration functions;

(4) manage projects such as Numbering Plan Area (NPA) relief (area code relief) planning and the Central Office Code Utilization Survey (COCUS);

(5) facilitate NPA relief planning meetings;

(6) participate in appropriate industry activities;

(7) manage proprietary data and competitively sensitive information and maintain the confidentiality thereof;

(8) act as an information resource for the industry concerning all aspects of numbering (i.e., knowledge and experience in numbering resource issues, International Telecommunications Union (ITU) Recommendation E.164, the North American Numbering Plan (NANP), NANP Administration, INC, NANP area country regulatory issues affecting numbering, number resource assignment guidelines, central office code administration, relief planning, international numbering issues, etc.); and

(9) ensure that any action taken with respect to number administration is consistent with this part.

(d) The NANPA and, to the extent applicable, the B&C Agent, shall administer numbering resources in an efficient and non-discriminatory manner, in accordance with Commission rules and regulations and the guidelines developed by the INC and other industry groups pertaining to administration and assignment of numbering resources, including, but not limited to:

(1) Numbering Plan Area (NPA) codes,
(2) Central Office codes for the 809 area,
(3) International Inbound NPA 456 NXX codes,
(4) (NPA) 500 NXX codes,
(5) (NPA) 900 NXX codes,
(6) N11 Service codes,
(7) 855-XXXX line numbers,
(8) 555-XXXX line numbers,
(9) Carrier Identification Codes,
(10) Vertical Service Codes,
(11) ANI Information Integer (II) Digit Pairs,
(12) Non Dialable Toll Points, and
(13) New numbering resources as may be defined

(e) *Relationships with Other NANP Member Countries' Administrators and Authorities.* The NANPA shall address policy directives from other NANP member countries' governmental and regulatory authorities and coordinate its activities with other NANP member countries' administrators, if any, to ensure efficient and effective management of NANP resources.

(f) *Transition Plan.* The NANPA shall implement a transition plan, subject to

Commission approval, leading to its assumption of NANPA functions within 90 days of the effective date of a Commission order announcing the selection of the NANPA.

(g) *Transfer of Intellectual Property.* The new NANPA must make available any and all intellectual property and associated hardware resulting from its activities as numbering administrator including, but not limited to, systems and the data contained therein, software, interface specifications and supporting documentation and make such property available to whomever NANC directs free of charge. The new NANPA must specify any intellectual property it proposes to exclude from the provisions of this paragraph based on the existence of such property prior to its selection as NANPA.

6. Amend § 52.15 to add paragraphs (d) and (e) to read as follows:

§ 52.15 Central office code administration

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(d) *Central Office (CO) Code Administration Functional Requirements.* The NANPA shall manage the United States CO code numbering resource, including CO code request processing, NPA code relief and jeopardy planning, and industry notification functions. The NANPA shall perform its CO Code Administration functions in accordance with the published industry numbering resource administration guidelines, Commission orders, and regulations at 47 C.F.R. chapter 1. Subject to the approval of the Commission, the NANPA shall develop a transition plan to transfer CO code assignment from the current administrators to itself and shall submit this plan to the Commission within 90 days of the effective date of a Commission order announcing the selection of the NANPA. The NANPA shall complete the transfer of CO code assignment functions from existing administrators to itself no more than 18 months after the NANPA has assumed all of said administrators' current NANPA function.

(e) The new NANPA shall perform the numbering administration functions currently performed by Bellcore, and the CO code administration functions currently performed by the eleven CO code administrators, at the price agreed to at the time of its selection. The new NANPA may request from NANC, with subsequent approval by the Commission, an adjustment in this price if the actual number of CO Code assignments made per year, the number of NPAs requiring relief per year or the number of NPA relief meetings per NPA exceeds 120% of the NANPA's stated assumptions for the tasks at the time of its selection.

7. Add § 52.16 to Subpart B to read as follows:

52.16 Billing and Collection Agent.

The B&C Agent shall:

(A) Calculate, assess, bill and collect payments for numbering administration functions

and distribute funds to NANPA on a monthly basis;

(B) Design a standard Reporting Worksheet to collect information for assessment calculations from carriers and distribute it to carriers and other NANP nations; this worksheet must be submitted to the Commission for its review and approved by OMB prior to its use by the B&C Agent.

(C) Keep confidential all data obtained from carriers and not disclose such data in company-specific form unless authorized by the Commission. The B&C Agent shall use such data only for calculating, collecting and verifying payments;

(D) Develop procedures to monitor industry compliance with reporting requirements and propose specific procedures to address reporting failures and late payments;

(E) File annual reports with the appropriate regulatory authorities of the NANP member countries as requested; and

(F) Obtain an audit from an independent auditor after the first year of operations and annually thereafter, which shall evaluate the validity of calculated payments. The B&C Agent shall submit the audit report to the Commission for appropriate review and action.