

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

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FEDERAL COMMUNICATIONS COMMISSION
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In the Matter of

Administration of the North
American Numbering Plan
Carrier Identification Codes (CICs)

CC Docket 92-237

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REPLY COMMENTS OF BELL ATLANTIC

Bell Atlantic¹ participated in and supported the consensus report of the North American Numbering Council on Carrier Identification Code issues. The NANC report reflects broad agreement within the telecommunications industry on almost all the issues raised in the Commission's Notice in this proceeding.

As to one issue, however, the consensus process did not produce a completely satisfactory result — that is, whether there should be any limitation on the number of CICs that can be assigned to an entity (and, if so, how an entity is defined) and whether CICs acquired through mergers should be counted toward that limit. In order to reach consensus, the NANC recommended that entities initially be limited to six CICs, with the NANC to review the situation and possibly to recommend “an increase in the allowable limit” after six months or a year.² At the

¹ Bell Atlantic refers to the Bell Atlantic telephone companies (Bell Atlantic-Delaware, Bell Atlantic-Maryland, Bell Atlantic-New Jersey, Bell Atlantic-Pennsylvania, Bell Atlantic-Virginia, Bell Atlantic-Washington, D.C., Bell Atlantic-West Virginia, New York Telephone Company and New England Telephone and Telegraph Company) and Bell Atlantic Communications.

² Report and Recommendations of the CIC Ad Hoc Working Group to the North American Numbering Council (NANC) Regarding Use and Assignment of Carrier Identification Codes (CICs) ¶¶ 24-25.

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same time, the NANC recommended that CICs acquired through mergers not count towards the initial (or presumably any modified) limitation.³

The consensus process came up with a proposal that offends no one, but which is fundamentally internally inconsistent. The continued restriction on the number of CICs assigned — whether the limit is six codes or twelve⁴ — is premised on the belief that CICs are a scarce resource which must be conserved. However, at the same time, the NANC recommends that the Commission perpetuate a huge loophole in this regime — the fact that CICs acquired by mergers do not count towards the limit. This loophole gives an artificial advantage to firms that expand by merger rather than by internal growth, an advantage for which there can be no conceivable justification.

This is not just a hypothetical concern. This loophole has allowed one carrier (WorldCom) to accumulate some 80 CICs in spite of the existing two-CICs-per-entity rule, and that figure will rise to more than 100 after WorldCom's proposed merger to MCI. WorldCom and other

³ *Id.* ¶ 28.

⁴ The proposed initial limit of six CICs is too low, especially if there is to be no exception for affiliated carriers. As the Commission recognizes, an entity that provides a variety of telecommunications services needs a variety of CICs — CICs for use by it cellular, local exchange, long distance and PCS operations. In addition, any one of these providers might have legitimate needs for more than one CIC.

Bell Atlantic agrees with GTE that the Commission should limit to ten the number of CICs assigned to an entity. GTE at 7-8. If a CIC is not used for a period of nine months, it automatically reverts to the NANPA, unless the code holder can demonstrate to the NANPA that there were good reasons for its not being used. The NANPA should also be allowed to assign codes in excess of this limit if the applicant demonstrates a service need for a CIC that cannot readily be satisfied by its assigned codes.

carriers that have accumulated large numbers of CICs through mergers apparently find them valuable, as they have not voluntarily returned them to the NANPA.⁵

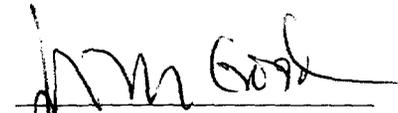
The rules cannot rationally restrict some carriers to six CICs while allowing another to have more than 15 times as many. Logically, the Commission should either reject any limit on the number of CICs an entity may have or reject the blanket exception for CICs acquired by merger.⁶ Bell Atlantic proposes that, unless a carrier can justify why it needs CICs in excess of the normal limit, these extra CICs should be returned to the NANPA for reassignment. Bell Atlantic understands that carriers cannot be required to return these CICs immediately — that they and other carriers will need to make network and systems changes to remove them. Therefore, Bell Atlantic proposes that all such CICs be returned within 18 months after the Commission adopts the rules requiring their return. In the future, carriers must return extra codes within 180 days of the completion of the transaction in which they are acquired. The carrier returning codes should compensate other carriers for their costs in making these changes.

⁵ In this regard, MCI notes that “CICs are used by carriers to provide special, differentiated and efficient telecommunications services to their customers.” MCI at 8.

⁶ GTE proposes a higher limit for merger-acquired CICs. GTE at 8-9.

Bell Atlantic, therefore, urges the Commission to adopt the recommendations of the NANC, modified as suggested above.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John M. Goodman", written over a horizontal line.

John M. Goodman

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