



PUBLIC NOTICE

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1919 M STREET, N.W.
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DA 98-743

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CONNECTICUT DEPARTMENT OF PUBLIC UTILITY CONTROL FILES PETITION FOR RULEMAKING, PUBLIC COMMENT INVITED

(RM No. 9258)

On March 31, 1998, the Connecticut Department of Public Utility Control (Connecticut Department) filed a Petition for Rulemaking (Petition).¹ The Connecticut Department requests that the Commission amend its rule prohibiting technology-specific or service-specific area code overlays. The Connecticut Department states that the Federal Communications Commission (Commission) should revisit the rule because of: (1) the level of telecommunications competition currently experienced within the wireline industry; (2) the level of competition experienced within the wireless industry; and (3) the lack of competition experienced between the two industries in Connecticut. The Department states that competition is present within the wireline telecommunications industry in Connecticut, and within the wireless market. The Department asserts, however, that no competition exists between the wireline and wireless industries, and that it appears that competition between the two industries will not exist in the near future. Until competition between the wireline and wireless industries exist, the Department argues, concerns regarding the anticompetitive effects of service-specific area code overlays are unwarranted.

The Commission first prohibited a technology-specific overlay in Proposed 708 Relief Plan and 630 Numbering Plan Area Code by Ameritech - Illinois, *Declaratory Ruling and Order*, IAD File No. 94-102, 10 FCC Record 4596 (1995) (*Ameritech Order*). The Commission rejected a proposed area code relief plan that included a technology-specific overlay because the plan would have excluded certain carriers or services from the existing area code and segregated them in a new code. The Commission held that each of these

¹ The Connecticut Department actually called its Petition a Petition for "Amendment to Rulemaking."

elements of the proposed plan violated the Communications Act of 1934. In Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, CC Docket No. 96-98, *Second Report and Order and Memorandum Opinion and Order*, 11 FCC Rcd 19392 (1996) (*Local Competition Second Report and Order*), *petitions for reconsiderations pending, vacated in part, People of the State of California v. FCC*, 124 F.3d 934 (8th Cir. Aug. 22, 1997), *cert. granted, sub nom. AT&T Corp. v. Iowa Util. Bd.*, 118 S.Ct 879 (Jan. 26, 1998), the Commission concluded that any overlay that would segregate only particular types of telecommunications services or particular types of telecommunications technologies in discrete area codes would be unreasonably discriminatory and would unduly inhibit competition.

We seek comment on whether the Commission should initiate a rulemaking on the issues raised in the Petition. In particular, we seek comment on what circumstances, if any, have changed since the Commission originally prohibited technology-specific or service-specific area code overlays that would warrant a change in the rule. We seek comment on how service-specific overlays would affect number conservation, local number portability for both wireless and wireline carriers, number pooling, and any other relevant initiatives pertaining to telecommunications numbering resources.

We seek comment on the issues raised in the Petition by May 7, 1998 and reply comments by May 18, 1998. *Ex parte* presentations in this proceeding will be governed by the procedures set forth in Section 1.1206 of the Commission's rules, that are applicable to non-restricted proceedings. Interested parties should file an original and four copies of their comments with the Office of the Secretary, Federal Communications Commission, 1919 M Street, N.W., Washington, D.C. 20554. In addition, parties should send two copies to Jeannie Grimes, Common Carrier Bureau, FCC, Suite 235, 2000 M Street, N.W., Washington, D.C. 20554, and one copy to ITS, at 1231 20th Street, N.W., Washington, D.C. 20036. Comments and reply comments will be available for public inspection and copying during regular business hours in the Commission's Public Reference Center, Room 239, 1919 M Street, N.W., Washington, D.C. 20554. Copies of comments and reply comments will also be available from ITS, at 1231 20th Street, N.W., Washington, D.C. 20036, or by calling (202) 857-3800.

FOR FURTHER INFORMATION CONTACT: Erin Duffy at (202) 418-2320. The address is: Network Services Division, Common Carrier Bureau, Federal Communications Commission, 2000 M Street, NW, Suite 235, Washington, D.C. 20054. The fax number is: (202) 418-2345. The TTY number is: (202) 418-0484.