

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

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Public Notice)	
)	
Connecticut Department of Public)	RM No. 9258
Utility Control Files Petition for Rulemaking)	DA 98-743
Public Comment Invited)	
)	

**COMMENTS OF THE PERSONAL
COMMUNICATIONS INDUSTRY ASSOCIATION**

The Personal Communications Industry Association ("PCIA"),¹ by its attorneys, hereby submits its comments on the Commission's *Public Notice* in the above-captioned proceeding.²

As described below, whatever action it takes on the Connecticut Petition, the Commission should ensure that both wireless and wireline carriers are afforded rapid and nondiscriminatory access to numbering resources.

¹ PCIA is the international trade association created to represent the interests of both the commercial and the private mobile radio service communications industries. PCIA's Federation of Councils includes: the Paging and Narrowband PCS Alliance, the Broadband PCS Alliance, the Site Owners and Managers Association, the Association of Wireless Communications Engineers and Technicians, the Private Systems Users Alliance, and the Mobile Wireless Communications Alliance. In addition, as the FCC-appointed frequency coordinator for the 450-512 MHz bands in the Business Radio Service, the 800 and 900 MHz Business Pools, the 800 MHz General Category frequencies for Business Eligibles and conventional SMR systems, and the 929 MHz paging frequencies, PCIA represents and serves the interests of tens of thousands of licensees.

² *FCC Public Notice*, "Connecticut Department of Public Utility Control Files Petition for Rulemaking, Public Comment Invited," DA 98-743 (April 17, 1998) ("*Notice*").

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I. INTRODUCTION AND SUMMARY

In its *Notice*, the Commission seeks comment on a proposal by the Connecticut Department of Public Utility Control suggesting that the FCC should repeal its long-standing policies forbidding technology-specific or service-specific overlays. In particular, the Commission asks whether circumstances have changed sufficiently to merit a reconsideration of these policies. Further, the FCC requests input on the effect of service-specific overlays on number conservation, number pooling, number portability, and any other numbering resource allocation issues.

Regardless of whether the Commission ultimately permits technology-specific overlays, PCIA stresses that the single most important aspect of the FCC's numbering policy should be ensuring that all telecommunications carriers have access to the types of numbering resources they need, when they need them. No other policy—such as constraining access to numbering resources, thus depriving the telecommunications industry of one of its most basic raw materials—will serve the public interest. When making numbering decisions, however, it should be permissible for the FCC and the states to consider *bona fide* differences between different types of services. Such *bona fide* differences include, for example, wireless carriers' ability to provide telephone numbers to their customers with little regard for the rate center association of a particular number. By taking these legitimate inter-service differences into account while still ensuring that all types of telecommunications service providers are well-supplied with numbers, the Commission's numbering policies can be crafted to best serve the telecommunications industry and the American public.

II. ANY ACTION TAKEN BY THE COMMISSION MUST ENSURE THAT ALL TELECOMMUNICATIONS CARRIERS ARE SUPPLIED WITH ADEQUATE NUMBERING RESOURCES

Telephone numbers are one of the essential “raw materials” of the telecommunications industry, without which no carrier can remain in business. As such, full and fair access to numbering resources is vital to the economic viability of all telecommunications carriers. This is particularly true for wireless service providers, which are often competing against incumbent wireline providers that already have a large and well-established customer base. Without non-discriminatory access to telephone numbers, wireless carriers will be placed at a competitive disadvantage in contracting with new subscribers and servicing the needs of existing subscribers, and will quickly feel the economic effects of the substandard customer service that results from inadequate access to numbering resources. This non-discriminatory access must include fair and non-discriminatory treatment of existing customers as well, including no take back of existing numbers and dialing parity.

The Commission recognized the competitive importance of the unfettered availability of telephone numbers in its two most important numbering orders. Specifically, the *Ameritech Order* states that, “[t]he ready availability, and use, of numbering resources by communications services providers is essential if the public is to receive the communications services it wants and needs.”³ Similarly, the *Local Competition Second Report and Order* states that “federal

³ *Proposed 708 Relief Plan and 630 Numbering Plan Area Code by Ameritech-Illinois*, 10 FCC Rcd 4596, ¶ 19 (1995) (“*Ameritech Order*”).

numbering guidelines [are] designed to ensure the fair and timely availability of numbering resources to all telecommunications carriers.”⁴

PCIA agrees with the Commission that the availability of numbering resources must be at the heart of any federal numbering policy. Thus, whatever action the Commission takes on the Connecticut request, it must ensure that all segments of the telecommunications industry have timely access to telephone numbers. In ensuring such equal access to numbering resources by providers using different technologies, the Commission should also, however, be aware that different segments of the telecommunications industry utilize numbers somewhat differently.

For example, wireless providers, because their customers are not tied to specific rate centers, can use blocks of 10,000 numbers more efficiently and over a broader geographic area than wireline providers, which require a minimum of 10,000 numbers *per rate center*. In fact, many wireless providers achieve “fill” rates as high as 80 percent. Therefore, the Commission and state public utility commissions should be confident that wireless providers are technically capable of making efficient use of virtually all of the numbers assigned to them.

The Commission should also be aware that the wireless industry is participating in a number of industry efforts addressing this subject, and is dedicated to the efficient utilization of numbering resources in order to mitigate the exhaust of existing NPAs whenever possible. First, as noted above, most wireless providers achieve extremely high fill rates. Therefore, the need for NXX codes is directly related to customer demand, not artificial “rate center” requirements, and may result in the need for fewer codes. Second, when utilizing numbers within an NXX code,

⁴ *Implementation of the Local Competition Provisions of the Telecommunications Act of 1996* (Second Report and Order and Memorandum Opinion and Order), 11 FCC Rcd 19392, ¶ 291 (1996) (“*Local Competition Second Report and Order*”).

wireless providers turn over their telephone numbers as quickly as is practicable—once an old customer leaves, his or her telephone number is rapidly offered to a new customer. This practice also limits the need for new NXX codes. Finally, the wireless industry has long encouraged the consolidation of rate centers. Such consolidation will allow wireline carriers to approach the high fill rates achieved by wireless providers, thereby conserving numbers to the greatest extent possible.

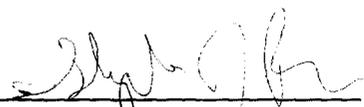
III. CONCLUSION

Whatever action the Commission takes on the Connecticut proposal, it should ensure that all segments of the telecommunications industry have an adequate supply of telephone numbers. This forward-looking action will allow the telecommunications industry to continue to expand its customer base and offer new and innovative services to the American public.

Respectfully submitted,

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