COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17105-3265

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REFER TO OUR FILE

June 25, 1998

Erin Duffy
Federal Communications Commission
Common Carrier Bureau
Network Services Division
Room 235E, 2000 M Street, N.W.
Washington, D.C. 20554

Dear Ms. Duffy:

As we discussed, enclosed for filing in this matter are the Comments of the Pennsylvania Public Utility Commission in support of the Petition for Amendment to Rulemaking filed by the Connecticut Department of Public Utility Control.

Thank you for your forbearance.

Sincerely,

Amy L. Putnam
Assistant Counsel

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**BEFORE THE**
**FEDERAL COMMUNICATIONS COMMISSION**
**WASHINGTON, D.C. 20554**

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| IN THE MATTER OF: | : | |
| | : | |
| Petition of the Connecticut | : | Rulemaking Docket No.9258 |
| Department of Public Utility Control | : | |
| for Amendment to Rulemaking | : | |

**COMMENTS OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION ON CTDPUC REQUEST REGARDING SERVICE SPECIFIC OVERLAYS**

1. Pursuant to the above-captioned FCC Rulemaking, the Pennsylvania Public Utility Commission (PaPUC) submits these Comments in support of the Petition of the Connecticut Department of Public Utility Control (CTDPUC) for an amendment to the rulemaking embodied in the FCC's Second Report and Order, Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, FCC 96-333 (August 8, 1996) relative to area code relief, specifically service specific overlays. The PaPUC incorporates the comments of the other parties to this proceeding to the extent that they are consistent with the Comment and position of the PaPUC.

2. In the Ameritech Order, the FCC declared that the presence of any one of several identified elements would impair the viability of a service specific

overlay. Recognizing the federal policy objective of competition in the telecommunications industry, the FCC precluded the operation of any order which engenders (1) exclusion, (2) segregation, or (3) a telephone number takeback. Such provisions would purportedly be anti-competitive, in that they would provide incumbents and their customers with an unfair advantage, and/or would place a disproportionate burden on the customers of that portion of the industry

3. Prior to the issuance of two recent Orders, preceded by Tentative Orders, the PaPUC requested comments relative to proposed area code relief. One Tentative Order proposed a geographic split of the 717 NPA. One Tentative Order proposed a single all-service overlay over the 215 and 610 NPAs. Significant numbers of commenters urged the Commission to adopt a technology-specific overlay rather than direct either a split or an all-service overlay.

4. In its final Order concerning the 215 and 610 NPAs, the PaPUC ultimately directed a separate overlay over each NPA. However, the Opinion and Order included the following language:

> The record also contains suggestions that the Commission implement a technology-specific overlay for some combination of wireless telephones, pagers, modems, faxes and the like. Although we are aware that such an area code exists in Manhattan, the Commission is precluded by existing law from

> implementing such an overlay. The Federal Communications Commission (FCC) has specifically rejected such a solution as being competitively discriminatory to the wireless companies. Although there is a petition to revisit that issue pending before the FCC, it is unlikely that it will be acted upon in the very near future, and the Commission simply cannot wait for such an eventuality in the 215 and 610 area codes. However, the Commission will continue to monitor the progress of the technology-specific eventuality, particularly on a going-forward basis, since so many commenters urged this action. A technology-specific overlay crafted in a non-jeopardy situation that would enable the affected entities to keep their presently-assigned numbers would not necessarily be unreasonably discriminatory, as the FCC has described that condition in the Ameritech opinion.

5. PaPUC records indicate that at least seventy-six carriers who would be affected by a technology-specific overlay operate within Pennsylvania, and together they hold at least 485 NXX codes.

6. As a state that has more than doubled the number of its area codes in the past five years, Pennsylvania is acutely conscious of the need to conserve numbers and optimize their use. To that end, the PaPUC strongly supports the Petition for relief filed by Connecticut, and urges that the FCC take action to permit the imposition of technology-specific overlays while it pursues all other

avenues of number resource optimization through the efforts of existing task forces and working groups.

Respectfully submitted,

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